



Appeal Decisions

Hearing held on 4 March 2025

Site visit made on 5 March 2025

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 28 March 2025

Appeal A Ref: APP/P0240/C/23/3316029

Appeal B Ref: APP/P0240/C/23/3316095

Land Known as Chiltern Meadows (Rear of Kingswood Nursery), Dunstable Road, Tilsworth, Leighton Buzzard, LU7 9PU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Mr Brian Gammell and Appeal B by Mr Denis Stokes against an enforcement notice issued by Central Bedfordshire Council.
- The notice was issued on 6 January 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, unauthorised operational development, moving a large quantity of soil and the creation of a large earth bund and pouring of concrete on the Land, laying hardstanding for caravans, creation of access road and installation/ laying electrical cabling.
- The requirements of the notice are to:
 - a) Remove soil and earth bund shown on the map AD50
 - b) Remove hardstanding for caravans, access road, electrical cabling and all other associated development, including concreted base for a building showing on map AD50 and restore of the Land to its former condition.
- The period for compliance with the requirements is 6 (six) months.
- Appeal A is proceeding on the grounds set out in section 174(2) (a) and (g) and Appeal B on grounds (a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since appeals have been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeals are allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the formal Decision.

Appeal C Ref: APP/P0240/C/23/3316030

Appeal D Ref: APP/P0240/C/23/3316089

Land Known as Chiltern Meadows (Rear of Kingswood Nursery), Dunstable Road, Tilsworth, Leighton Buzzard, LU7 9PU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal C is made by Mr Brian Gammell and Appeal D by Mr Denis Stokes against an enforcement notice issued by Central Bedfordshire Council.
- The notice was issued on 6 January 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, the change of use of the Land comprising unauthorised siting of caravans for residential use as a Gypsy and Traveller Caravan Site and associated development.
- The requirements of the notice are to:
 - a) Cease using the Land as a Residential Gypsy and Traveller Caravan Site.
 - b) Remove from the Land all caravans associated with the residential use.
 - c) Remove all items associated with the unlawful use of the Land,
 - d) Restore the Land to its previous use as agricultural land.
- The period for compliance with the requirements is 4 (four) months.
- Appeal C is proceeding on the grounds set out in section 174(2) (a), (f), and (g) and Appeal D on grounds (a) and (g) of the Town and Country Planning Act 1990 (as amended). Since appeals have

been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeals are allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the formal Decision.

Appeal E Ref: APP/P0240/W/23/3316343

Land rear of Kingswood Nursery, Dunstable Road, Tilsworth, Leighton Buzzard, Central Bedfordshire, LU7 9PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Denis Stokes against the decision of Central Bedfordshire Council.
- The application Ref is CB/22/04057/FULL.
The development proposed is change of use of land to residential caravan site for one Traveller family. The development to comprise one static caravan, one touring caravan, parking for two cars, a water treatment plant, hardstanding and associated development.

Summary Decision: The appeal is allowed

Appeals Refs: APP/P0240/C/23/3316090, APP/P0240/C/23/3316091, APP/P0240/C/23/3316096 & APP/P0240/C/23/3316097

Marie Stokes and Willie Stokes also made appeals against the enforcement notices, as set out in Appendix 1 to this decision. These appeals were made on the grounds set out in section 174(2) (f) and (g) of the Act in respect of the operational development enforcement notice and ground (g) in respect of the material change of use enforcement notice.

Summary Decision: The enforcement notices are quashed, and no further action is taken.

Preliminary Matters

1. At the hearing I also heard evidence in relation to appeal ref: APP/P0240/W/23/3336017, Plot 6 The Evergreens, which adjoins the appeal site. That appeal is the subject of a separate decision.
2. The Council issued two enforcement notices on 6 January 2023, in relation to Land known as Chiltern Meadows. One was in relation to unauthorised operational development and the other an unauthorised material change of use to a residential use as a Gypsy and Travellers Caravan Site. The enforcement notices encompass two plots, each occupied by different family groups and separated by a close boarded fence. Mr Stokes' family occupy the northeastern half of the Land which lies to the rear of Kingswood Nursery Traveller site and shares a vehicular access with it. The southwestern plot is occupied by Brian Gammell along with his brothers and their families. It is situated to the rear of and shares an access with The Evergreens Traveller site. From the evidence before me, including observations on my site visit, each plot is a separate planning unit.
3. At the hearing, the appellants made it clear that they wished their deemed planning applications to relate only to the development of their own parcel of Land (plot). To that end, plans showing their respective plots, and for which deemed planning permission is sought, have been provided. The Council stated at the hearing that, having regard to the two separate planning units identified and different landowners, they supported that approach. Section 177(1)(a) of the Town and Country Planning Act 1990, as amended (the Act) provides that on the determination of an appeal under section 174, the Secretary of State may grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any

part of those matters or in relation to the whole or any part of the land to which the notice relates. I have therefore determined the appeals on that basis.

4. Appeal E results from the Council's decision to refuse to grant planning permission for a residential caravan site for one Traveller family (the Stokes family). The development is for a slightly smaller site than that which forms their Land the subject of the deemed planning permission and enforced against, and would comprise one static caravan, one touring caravan, parking for two cars, a water treatment plant, hardstanding and associated development. The development which has been carried out on Mr Stokes' land to date is different to that which is the subject of the planning application. Differences include the amount of hardstanding laid, site layout and number of caravans stationed. Consequently, I have dealt with Appeal E on the basis that the planning application seeks approval for proposed development (partially retrospective) and does not seek to regularise the development which has taken place on site.
5. The National Planning Policy Framework, December 2024 (NPPF) and the Planning Policy for Traveller Sites, December 2024 (PPTS) have been issued since the appeal was made and initial statements of case submitted. The main parties have had an opportunity to comment on them, and those comments and discussions at the hearing have been taken into account in my decision.
6. A number of versions of a Statement of Common Ground were prepared by the main parties. However, none were finally agreed nor signed. Nevertheless, it was established at the hearing that it was common ground between the parties that: the site occupants fit the PPTS definition of Gypsies and travellers; the Council cannot demonstrate a five-year supply of Gypsy and traveller sites and there is an immediate unmet need for Gypsy and traveller pitches in the district; there are no available, suitable, and affordable alternative Gypsy and traveller pitches for all of the appellants within the district; and subject to there being no conflict with footnote 7 of the NPPF, the appeal site would meet the definition of 'grey belt'.

Material Change of Use

The Enforcement Notice

7. The Notice sets out four requirements within its Paragraph 5 a), b), c) and d). Requirement 5.d) includes the wording "Restore the Land to its previous use as agricultural land." At the hearing the Council accepted that it was not possible for an enforcement notice to require that a lawful use is actively carried out, and that it is sufficient for the Land to be restored to its former condition. On that basis I shall correct the notice by substituting the wording in requirement 5.d) with the following, "Restore the Land to its former condition".

Appeal C and Appeal D on ground (a), deemed planning applications and Appeal E

Main Issues

8. The main issues in this case are:
 - the effect on Chiltern Beechwood Special Area of Conservation (SAC);

- whether the development amounts to inappropriate development within the Green Belt;
 - if so, the effect of the development on the openness and purposes of the Green Belt;
 - the effect on the character and appearance of the area;
 - the carrying out of intentional unauthorised development; and
 - if the development does amount to inappropriate development within the Green Belt, whether the harm by way of inappropriateness, and any other harm, is clearly outweighed by other material considerations such that very special circumstances exist to justify a grant of planning permission.
9. Other considerations potentially weighing in favour of the development, include the availability (or lack) of alternative provision for the families who occupy the sites and their personal circumstances, including the best interests of the child.
10. Integral to my decision-making will be exercising duties under the Human Rights Act 1998. Article 8, a Convention Right¹, affords a person the right for their private and family life, their home and their correspondence. It is a qualified right that requires a balance between the rights of the individual and the needs of the wider community. In applying Article 8 there is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group mean that some special considerations should be given to their needs and the different lifestyles in the regulatory planning framework and in reaching decisions on particular cases. Under the Equality Act 2010 I will have regard to the public sector equality duty (PSED).

Reasons

Chiltern Beechwood SAC.

11. The SAC is the most extensive area of native beech woodland in England and is an important conservation site due to the habitats it provides and species which are present. By reason of the international designation, the SAC is afforded the highest protection through UK legislation and Government policy².
12. The conservation objective for the SAC is to ensure the integrity of the site is maintained or restored as appropriate and to ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features. These features are Beech Forests on neutral to rich soils, dry grasslands and scrublands on chalk or limestone and Stag Beetle. The SAC is made up of nine separate sites scattered across the Chilterns, including Ashridge Commons and Woods Site of Special Scientific Interest (SSSI).

Habitats Regulations Assessment

13. The appeal site is within the 12.6km zone of influence (ZOI) around Ashridge Commons and Woods SSSI which has been established through research and

¹ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998.

² The Conservation of Habitats and Species Regulations 2017, as amended ('the Habitats Regulations') set out the provisions and procedures which must be followed to assess the implications of plan and projects on European sites (Regulations 63 and 64)

visitor surveys. Recreational pressures have long been a concern, and the evidence indicates that public access and disturbance can have an impact on the conservation interest of the site, including damage from trampling, soil compactions and erosion, contamination, e.g. litter and dog fouling, increased incidence/risk of fire and other impacts.

14. The Habitats Regulations, as amended, requires that where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, an Appropriate Assessment (AA) is necessary to establish whether there would be adverse effects on the integrity of the features of the European site and if there are, whether they could be modified through mitigation. Circular 06/2005 sets out that the decision on whether an AA is necessary should be made on a precautionary basis.
15. I have had regard to the research carried out in 2021 by Footprint Ecology on the impacts of recreational and urban growth at Chilterns Beechwoods SAC, their evidence base³ and Chilterns Beechwoods SAC Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest which was adopted by the Council in February 2023 (MS). The change of use has resulted in an increase in residential development within the ZOI through the addition of 5 pitches on one plot (Appeal C) and one pitch on the other (Appeals D & E). The additional households are likely to give rise to trips to Ashridge Commons SSSI for recreation. In combination with other residential development within the ZOI the development is likely to result in additional recreational pressure which will have harmful effects on the beech woodlands in the SSSI, a qualifying feature of the SAC.
16. The MS promotes a regime of financial contributions towards the maintenance, improvement, management, access management and monitoring of the European Site to mitigate the recreational impact of the Development on the European Site (SAMB) and towards the provision of Suitable Alternative Natural Green Space within the Borough (SANG). I consider the provision of a financial contribution towards strategic mitigation measures enables it to be ascertained that the proposal would not adversely affect the integrity of the SAC protected under Habitats Regulations.
17. In accordance with the MS, the appellants have submitted planning obligations, in the form of unilateral undertakings ('UU'). I have had regard to the Council's concern that the UU submitted by Mr Brian Gammell excludes a very small section of the Land enforced against. That part is where part of an earth bund has been created and is in the ownership of the neighbouring golf club. However, Mr Gammell has title to the remainder of the Land, which is the Land where the caravans are stationed, and I do not consider that the exclusion of the land within the golf club's ownership means the UU is not effective and enforceable. I am also satisfied that having regard to the large sum of money pledged in Mr Gammell's UU that a period of 3 months is not an unreasonable time period within which to make those contributions. I conclude that the UUs secure the aforementioned financial contributions. The provisions of the UUs are necessary to make the development acceptable in planning terms, they are directly related to the development and fairly and reasonably related in scale and kind to the development. The UUs meet the

³ Panter. C, Liley. D, Lake. S, Saunders. P & Caals. Z, March 2022, Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan.

relevant tests, and the planning obligations are material considerations which satisfactorily mitigate harm in these case.

18. For these reasons, the proposals accord with Policy EE3 of the Central Bedfordshire Local Plan 2015-2035, adopted July 2021 (the Local Plan), which seeks to protect, maintain and enhance habitats and protected species, including sites of international, national and local importance including the SAC. The development also complies with the Habitats Regulations.

Whether the development amounts to inappropriate development within the Green Belt

19. The appeal site is within the Green Belt. Policy SP4 of the Local Plan states the general presumption against inappropriate development in the Green Belt and that development proposals will be assessed in accordance with national policy in the NPPF.
20. The NPPF identifies “Grey Belt” as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any purposes of (a), (b) or (d) in paragraph 143, excluding land where the application of footnote 7 would provide a strong reason for refusing the development.
21. Having regard to the NPPF definition⁴, the local planning authority (LPA) accept that subject to there being no conflict with footnote 7 of the NPPF, the Land is grey belt. It can be seen from my conclusion on the first main issue that the development complies with the Habitats Regulations and the SAC would be protected. Thus, there is no conflict with footnote 7 and from the evidence before me I concur that the Land is grey belt.
22. Paragraph 155 of the NPPF advises that the development of homes, commercial or other development in the Green Belt should not be regarded as inappropriate development where all of the following criteria apply.
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - b. There is a demonstrable unmet need for the type of development proposed;*
 - c. The development would be in a sustainable location,*
 - d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraph 156-157 below....*
23. The LPA accept that there is a demonstrable unmet need for Gypsy and traveller sites in the District, and thus there is no contravention of criteria (b), nor indeed criteria (d) as paragraph 18 of the PPTS confirms that the ‘Golden Rules’ do not apply to traveller sites.
24. However, it is the LPA’s view that, although they accept that the contribution the Land makes to purposes (a) (b) and (d) of paragraph 143 of the NPPF is limited, and that it would not assist in urban regeneration (purpose (e)), its development would have a substantial and harmful impact on the Green Belt as a whole by

⁴ Annex 2: Glossary, NPPF.

- reason of encroachment (purpose (c)). Furthermore, they do not consider that the development would be in a sustainable location.
25. Considering the extent of the remaining Green Belt across the area of the plan and the scale of the development that has taken place, the LPA accept that on its own the development could not be said to fundamentally undermine purpose (c), safeguarding the countryside from encroachment. However, they consider that if allowed, then similar small-scale development could be readily repeatable throughout the Green Belt which would have a substantial impact and undermine this purpose of the Green Belt.
26. However, each case must be considered on its own merits and based on its site specific circumstances. Paragraph 155(a) is not an 'in combination test'. Whilst there has been some encroachment into the countryside from the development, the scale of the development is limited, and further encroachment is unlikely given the adjoining golf course and adjoining land within Parish Council ownership. Having regard to the relative size of the appeal site compared to the considerable extent of Green Belt across Central Bedfordshire (40% of the District), I agree with the appellants that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.
27. Criteria (c) of paragraph 155 of the NPPF requires development to be in a sustainable location and in the case of development involving the provision of traveller sites, particular reference should be made to paragraph 13 of the PPTS. The PPTS advises that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Paragraph 13 of the PPTS seeks to promote access to health services and schools and to provide settled bases to reduce the need for long-distance travel. Policy H7 of the Local Plan advises that in assessing sites for Gypsy and travellers, including extensions to existing sites, consideration shall be had to adequate schools, shops, health care and other community facilities being within reasonable travelling distance. The LPA consider that the site is remote from such facilities and occupiers of the site are therefore reliant on the private car.
28. I accept that the site is in the open countryside where new development is not allocated, however, the appeal site is not remote. It is situated only 300m from the edge of Tilsworth, where there is a public house, a pre-school, church and church hall. The neighbouring village of Stanbridge is approximately 1.5km from the appeal site and contains a church, public house and a lower and pre-school. With the exception of a small section of road where there is no footway, but a wide verge, there is a footway all the way to Stanbridge from the appeal site and a distance of 1.5km is an acceptable walking distance. Furthermore, I was told at the hearing that there is a school bus/taxi which provides transport for the children who attend school.
29. Leighton Buzzard and Dunstable both have a range of shops, community facilities and schools, with Leighton Buzzard also having a train station with links to other towns. Leighton Buzzard and Dunstable are less than five kilometres away and there is a regular bus service to them from Tilsworth. There are therefore adequate shops, schools and other facilities within a reasonable travelling distance, and I find no conflict with Policy H7 of the Local Plan in this regard.

30. Having regard to paragraph 13 of the PPTS having a settled base will support social integration. It enables the children to attend school regularly, make friends locally and gain access to health services and other community facilities. The site provides the occupants with access to the road networks to allow them to travel for their work, which having regard to their traditional lifestyle contributes to sustainability.
31. For the reasons given above, I conclude that the appeal site is in a sustainable location, and I find no conflict with the development plan as a whole, including Policy H7, the aims of which are set out above. I also find no conflict with the paragraph 155 (c) of the NPPF, with reference to paragraph 13 of the PPTS.
32. Therefore, based on my analysis above, the proposals would accord with the NPPF paragraph 155 and should not be regarded as inappropriate development in the Green Belt. It is not therefore necessary to go on and consider the effects on Green Belt openness and purposes.

Character and appearance

33. The appeal site is located in an area of countryside, just outside but separated from the small village of Tilsworth by open fields. It lies towards the base of a hill which rises to the northwest with Tilsworth Golf Course.
34. The site lies within Area 5A Eaton Bray Clay Vale as identified in the Central Bedfordshire Landscape Character Assessment (LCA) and close to the boundary with Toddington – Hockcliffe Clay Hills. It is a predominantly flat large scale open landscape defined by a series of connected hills and scarps. It is dominated by arable crop production interspersed with pockets of pasture. The landscape pattern is fields defined by hedgerows and punctuated by mature trees set back from the roads by wide grass verges and drainage channels. The LCA advises that the strategy for the area is to enhance the character of the landscape, conserving, restoring and improving positive features to strengthen landscape patterns and visual integrity. The LCA guidelines for new development is to ensure the conservation of individual settlements and prevent further ribbon development; retention of hedgerows, appropriate new tree screening and careful design of boundaries and lighting will help to create a sympathetic rural /urban edge. Furthermore, Policy EE5 of the Local Plan requires all development to respect, retain and enhance the character and distinctiveness of the local landscape.
35. The PPTS does not discount suitable sites in rural areas and the countryside, and it is accepted that such uses may have consequences in respect of visual impact and a degree of visual harm⁵. In addition, the PPTS allows weight to be attached to soft landscaping that positively enhances the environment.
36. The appeal site lies to the rear of existing authorised Gypsy and traveller sites on Dunstable Road and is not readily visible from the roadside. Existing hedgerows contribute to screening the site from the road, with views restricted to those from the vehicular access points. Whilst there are glimpses of the site from the public footpath which passes across the golf course to the north of the appeal site, the contours of the golf course are such that the appeal site is not visually conspicuous. Where it can be seen, it is seen in the context of the existing neighbouring caravan

⁵ Planning Policy for Traveller Sites, Policy C

sites and any views of it are largely seen against the backdrop of that existing development. Similarly, although there are long range views across the valley from low lying land to the south, including from a public footpath, the development on the site appears as part of the existing neighbouring development. Furthermore, in that backland location, it does not result in any ribbon development along Dunstable Road and the open character of the countryside would not be harmed. The appeal proposal would consolidate gypsy and traveller development in this location, but only to a modest extent.

37. The appellant accepts that the close boarded fencing that has been erected along the southwestern boundary of Mr Gammell's plot is not sympathetic to the existing landscape. However, it was suggested by Mr Green at the hearing that new planting could be provided along that boundary and also within the plot to break up the extensive area of hardstanding that has been laid. Some additional hedgerow planting has already taken place within Mr Stokes' plot, and both appellants stated a commitment to undertake soft landscaping enhancements which could be secured as part of a site development scheme. Consequently, although there has been some minor encroachment into the countryside and loss of pasture to hardstanding, this could be mitigated and enhanced by additional landscaping.
38. To conclude, there has been a limited degree of harm to the character and appearance of the area from the development. However, taking into account national planning policies which acknowledge that traveller sites can be located in the countryside, its location adjacent to existing lawful traveller sites, and the potential for landscaping to soften the appearance of the development, I find there would be no significant harm to the character and appearance of the landscape. There would be no conflict with the development plan as a whole, including Policy EE5 of the Local Plan the aims of which are set out above. I also find no conflict with Policies H7 and HQ1 of the Local Plan which require, respectively, the character and appearance of the wider landscape not to be detrimentally affected by Gypsy and traveller sites, and all development to respond positively to context.

Intentional Unauthorised Development

39. It is not disputed by the appellants that the works undertaken in laying of hardstanding to facilitate the material change of use constitutes Intentional Unauthorised Development (IUD). A Written Ministerial Statement (WMS) dating from August 2015 establishes that IUD is a material consideration to be weighed in the determination of planning applications and appeals. The WMS relates to all forms of development not just relating to Gypsy and Traveller sites. It places particular emphasis on IUD in the Green Belt.
40. I am mindful that the hardstanding can be easily removed. Part of the underlying reasons for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate impact of the development through the use of planning conditions. In this case applications for planning permission have been made and an opportunity is provided to impose conditions to mitigate the development. I am also mindful that the 1990 Act, as amended, makes provision for a grant of retrospective planning permission, and planning enforcement is remedial rather than punitive. In the light of these provisions, I attach a small amount of weight to the intentional unauthorised nature of the development.

Other Considerations

Need, Supply

41. The LPA accept that from 13 December 2024, and in the light of the change to the PPTS which included a revised definition of a Gypsy and traveller, they are unable to demonstrate a five-year supply of deliverable pitches⁶. I am also mindful that, although the LPA consider that they have through the 2021 adopted Local Plan, delivered adequate pitches to meet the needs in Central Bedfordshire up to December 2024, my colleagues in PINS have found that prior to December 2024 there were strong indicators of a need within the District for additional Gypsy and traveller pitches⁷. There is thus a demonstrable unmet need for Gypsy and traveller sites in the District. Therefore, I give significant weight to the provision of six additional pitches in addressing unmet need and boosting local supply.

Personal Circumstances

42. Detailed information on the occupants of both plots was provided with the appeal statements and updated at the hearing. I also heard at the hearing from a nurse specialist/health assessor who provided an updated Education & Health Report Addendum, completed 3 March 2025 in relation to the occupiers of Mr Stokes's plot.
43. On Mr Brian Gammell's plot there are six brothers, some with resident dependants, including a total of 12 children (under 18 years of age). This extended family moved to the site to be close to and support their parents who reside on the adjacent Evergreen Traveller site. The families are now registered with the local doctors. The LPA do not dispute the information provided or the contention that the children are benefiting from a settled base which will enable them to attend the local pre-school and schools.
44. Denis Stokes resides on his plot with his wife, three children and his mother. Except for the middle child, all the family members suffer from medical issues, including some disabilities, and including anxiety and depression. The family are accessing medical and community support, including therapy for their conditions. Having a settled base has enabled them to access that healthcare and support. The middle child is attending the local school and thriving. The LPA do not dispute this information and their Gypsy and traveller unit have been supporting the family since they moved onto the site.
45. Neither the appellants nor the LPA were able to identify any alternative sites for the occupiers. They evidently had nowhere to go in autumn 2022 when they first moved onto the Land and have not been made aware of anywhere else locally since. This is unsurprising given the unmet need and lack of supply.
46. There is a real prospect if the appeals were dismissed that the occupiers would end up resorting to a roadside existence. This would have serious detrimental effects on the occupier's ability to access important services locally. It would represent an interference with the occupiers' home, private and family life. The best interests of the child would be affected in each appeal. Therefore, I afford substantial weight to the personal circumstances in all three appeals.

⁶ Supplementary Statement of Case on behalf on Central Bedfordshire Council

⁷ APP/P0240/C/19/3221159; APP/P0240/C/19/3221152 & APP/P0240/W/22/3291001

Planning Balance

47. PPTS paragraph 28 states that the lack of a five-year supply of deliverable Gypsy and traveller sites means that the provisions in NPPF paragraph 11(d) apply. This directs that planning permission is granted unless one of two exceptions apply.
48. Based on the site specific circumstances, both the proposed development (Appeal E) and those the subject of the deemed applications (Appeals C & D) would not be inappropriate development in the Green Belt due to their compliance with NPPF paragraph 155 and the definition of grey belt. Therefore, they would accord with LP Policy SP4 and PPTS paragraph 16. With regards to NPPF paragraph 11 (d)(i), there would be no strong reason to refuse the development proposals in line with specific NPPF policies set out in footnote 7, including those relating to Green Belt.
49. I found that the small amount of harm identified to the character and appearance of the surrounding area could be mitigated by soft landscaping. This issue is therefore neutral in the planning balance. Limited weight is afforded to any IUD. On the other side of the balance, I have given significant weight to the developments in addressing the unmet need and lack of supply, and substantial weight to the personal circumstances. With regards to NPPF paragraph 11 (d) (ii), the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. This indicates that permission should be granted for the three appeals in this instance.
50. This outcome would be achieved without needing to rely on personal circumstances. Therefore, it would be appropriate to grant a permanent and non-personal permission for each appeal, rather than having to condition occupation by specific persons.

Other Matters

51. I have taken into consideration the representations made by Tilsworth Parish Council and other third parties who expressed concern over the unauthorised development in the Green Belt, sustainability, alleged harm to the character and appearance of the area and the existing supply/need for Gypsy and traveller sites. These matters have been covered in the main issues set out above. In addition, the LPA made it clear at the hearing that there were no longer any highway safety concerns relating to the Kingswood Nursery Traveller site and I observed on my site visit improvements to the access and drainage ditch which have been undertaken.

Conditions

52. The Council suggested a suite of conditions which were discussed at the hearing. I have considered those suggested conditions in the light of advice in the NPPF and Planning Practice Guidance, and I have taken the views of the parties into account.
53. I have imposed very similar conditions on each appeal decision. The approved plans listed in each Condition 1 are necessary for clarity and compliance. Condition 2 for each appeal which requires a site development scheme which is necessary in the interests of the appearance of the site and to prevent flooding and pollution. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a

retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the LPA or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.

54. Condition 3 for each appeal specifies that the occupants of the site should meet the PPTS definition and is necessary as the appeals have been assessed against policies relating specifically for Gypsies and travellers.
55. Conditions 4,5 and 6 for each appeal are necessary in the interests of the character and appearance of the area, including the Green Belt, as well as living conditions.

Conclusions

Appeal C

56. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the change of use comprising siting of caravans for residential use as a Gypsy and Traveller Caravan Site and associated development for Land shown on Site Location Drawing Ref: 22_1247/22_1261-002 Rev 01. The enforcement notice is corrected and quashed and it follows that the appeal on grounds (f) and (g) do not fall to be considered.

Appeal D

57. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the change of use comprising siting of caravans for residential use as a Gypsy and Traveller Caravan Site and associated development for Land shown on Site Location Drawing Ref: 2025-TP-25. The enforcement notice is corrected and quashed and it follows that the appeal on ground (g) does not fall to be considered.

Appeal E

58. The appeal succeeds.

Operational Development

The Enforcement Notice

59. There is a typographical error in paragraph 5. b) of the notice. It was agreed at the hearing that the word 'of' has been included in error. I shall therefore correct the notice to omit it.

Appeal A and Appeal B on ground (a), deemed planning applications

Main Issues

60. The main issues are:

- whether the development amounts to inappropriate development within the Green Belt;
- the effect on the character and appearance of the area; and
- if the development does amount to inappropriate development within the Green Belt, whether the harm by way of inappropriateness, and any other harm, is clearly outweighed by other material considerations such that very special circumstances exist to justify a grant of planning permission.

Reasons

Whether the development amounts to inappropriate development within the Green Belt

61. Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless it is for one of the listed exceptions. Exception (h) relates to other forms of development, which includes engineering operations, provided they preserve its openness and do not conflict with the purposes of including land within it.
62. The breach of planning control alleged is the creation of a large area of hard surfacing for caravans, creation of an access road and laying of electric cabling, the laying of a small area of concrete, and the formation of an earth bund along the northwestern boundary of the appeal site. Those works have been undertaken to facilitate the use of the site as a residential caravan site for Gypsy and travellers and are largely integral to that use.
63. The hard surfacing, including the concrete area, access road and cabling do not in themselves have a spatial dimension, and thus have no impact on the openness of the Green Belt. However, that development facilitates the use of the Land as a residential caravan site, and the stationing of caravans on the hard surfaced area and the earth bund that has been formed has resulted in some harm to the openness of the Green Belt. There is also some encroachment into the countryside from the hard surface and its use.
64. However, it can be seen from my decisions on Appeals C, D and E that I have found that the use of the Land as a Gypsy and traveller site is not inappropriate development in the Green Belt. Impact on openness from the stationing of caravans is implicitly taken into account in that exception, and on that basis, there is no conflict with the purposes of the Green Belt from that use. Thus, considering its use, the hard surfacing for caravans, creation of an access road, laying of electric cabling, the laying of a small area of concrete, and the formation of an earth bund could also be said to have no effect on the openness of the Green Belt. Nevertheless, even if I am wrong with that premise, the provision of six Gypsy and traveller pitches to meet a demonstrable need would outweigh the small amount of harm I have identified to the Green Belt by reason of encroachment attributable to the operational development as set out above.
65. I conclude that the development is not inappropriate development in the Green Belt and there is no conflict with Policy SP4 of the Local Plan nor National Green Belt Policy set out in the NPPF.

Character and appearance

66. The works involved include the scraping of topsoil and utilising that soil to form/extend an earth bund along the northwestern boundary of the appeal site, adjoining the golf course. The scraped area has been hard surfaced, and an access drive formed, plus the laying of a small area of concrete.
67. It can be seen from my decision on Appeals C, D and E above, that I found that subject to a condition to require the submission of a landscaping scheme, the use of the site as a residential caravan site for Gypsy and travellers would not cause any material harm to the character and appearance of the area. Although the hard surfacing, laying of concrete and access drive detracts from the more natural characteristics of the countryside, it facilitates the stationing of the caravans and is not visually conspicuous from public vantage points.
68. Furthermore, whilst accepting that the earth bund is not a natural landscape feature, it too is not visually conspicuous. It has been formed along the common boundary of the site with the golf course and abuts rising land. Thus, whilst from within the appeal site it appears as a more substantial feature, from the golf course it is seen as a small banking which provides some screening of the caravan site for users of the golf course. Since the earth bund was formed it has revegetated and there are opportunities for further soft landscaping and some biodiversity enhancements. A condition requiring the provision and implementation of a soft landscaping scheme for the development, which could include a wildflower mix for the bund, would assist in mitigating the harm resulting from the laying of hard surfacing, and help to assimilate the development into its surroundings.
69. I conclude that the development, with a condition to secure landscape enhancements, would conserve and enhance the character and appearance of the landscape. There would be no conflict with the development plan, including Policy EE5 of the Local Plan, the aims of which are set out above. I also find no conflict with Policies H7 and HQ1 of the Local Plan which require, respectively, the character and appearance of the wider landscape not to be detrimentally affected by Gypsy and traveller sites, and all development to respond positively to context.

Conditions

70. The Council suggested at the hearing that in the event of planning permission being granted for the operational development, then they would require a condition to require details of landscaping and surface water drainage to be submitted and agreed as part of a site development plan. I have considered those suggested conditions in the light of advice in the NPPF and Planning Practice Guidance, and I have taken the views of the parties into account.
71. A condition is necessary to specify the approved plan in the interests of precision and clarity. In the interests of the appearance of the site and to prevent increased risk of flooding, it is necessary to require a Site Development Scheme to include soft landscaping enhancements/maintenance and surface drainage details. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter. The condition therefore provides for the loss of the effective benefit of the

grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the LPA or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.

Conclusions

Appeal A

72. For the reasons given above I conclude that the appeal should succeed on ground (a). I shall grant planning permission for moving a large quantity of soil and the creation of a large earth bund and pouring of concrete on the Land, laying hardstanding for caravans, and installation/ laying electrical cabling on Land shown on Site Location Drawing Ref: 22_1247/22_1261-002 Rev 01. The enforcement notice is corrected and quashed and it follows that the appeal on ground (g) does not fall to be considered.

Appeal B

73. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for moving a large quantity of soil and the creation of a large earth bund, creation of an access drive laying hardstanding for caravans, and installation/ laying electrical cabling on Land shown on Site Location Drawing Ref: 2025-TP-25. The enforcement notice is corrected and quashed and it follows that the appeal on grounds (f) and (g) do not fall to be considered.

Formal Decisions

Decision on Appeal C

74. It is directed that the enforcement notice is corrected by deleting the wording “use as agricultural land” in paragraph 5 d) and substitution with the word “condition”.
75. Subject to the correction the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177 (5) of the 1990 Act, as amended, for the development already carried out, namely the material change of use comprising siting of caravans for residential use as a Gypsy and Traveller Caravan Site and associated development for Land known as Chiltern Meadows (Rear of Kingswood Nursery), Dunstable Road, Tilsworth, Leighton Buzzard, LU7 9PU and shown on Site Location Drawing Ref: 22_1247/22_1261-002 Rev 01 which is attached to this Decision at Appendix 2 and subject to conditions set out in Schedule 1.

Decision on Appeal D

76. It is directed that the enforcement notice is corrected by deleting the wording “use as agricultural land” in paragraph 5 d) and substitution with the word “condition”.
77. Subject to the correction the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177 (5) of the 1990 Act, as amended, for the development already carried out, namely the material change of use comprising siting of caravans for residential use as a Gypsy and Traveller Caravan Site and associated development for Land known as Chiltern Meadows (Rear of Kingswood Nursery), Dunstable

Road, Tilsworth, Leighton Buzzard, LU7 9PU and shown on Site Location Drawing Ref: 2025-TP-25 which is attached to this Decision at Appendix 3 and subject to conditions set out in Schedule 2.

Decision on Appeal E

78. The appeal is allowed and planning permission is granted for change of use of land to residential caravan site for one Traveller family. The development to comprise one static caravan, one touring caravan, parking for two cars, a water treatment plant, hardstanding and associated development at Land rear of Kingswood Nursery, Dunstable Road, Tilsworth, Leighton Buzzard, Central Bedfordshire, LU7 9PU in accordance with the terms of the application, Ref CB/22/04057/FULL, dated 15 October 2022 subject to the conditions set out in Schedule 3.

Decision on Appeal A

79. It is directed that the enforcement notice is corrected by deleting the word “of ” in paragraph 5 b).
80. Subject to the correction the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177 (5) of the 1990 Act, as amended, for the development already carried out, namely moving a large quantity of soil and the creation of a large earth bund and pouring of concrete on the Land, laying hardstanding for caravans, and installation/ laying electrical cabling on the Land known as Chiltern Meadows (Rear of Kingswood Nursery), Dunstable Road, Tilsworth, Leighton Buzzard, LU7 9PU and shown on Site Location Drawing Ref: 22_1247/22_1261-002 Rev 01 which is attached to this Decision at Appendix 2 and subject to conditions set out in Schedule 4.

Decision on Appeal B

81. It is directed that the enforcement notice is corrected by deleting the word “of ” in paragraph 5 b).
82. Subject to the correction the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177 (5) of the 1990 Act, as amended, for the development already carried out, namely moving a large quantity of soil and the creation of a large earth bund, laying hardstanding for caravans, creation of access road and installation/ laying electrical cabling on the Land known as Chiltern Meadows (Rear of Kingswood Nursery), Dunstable Road, Tilsworth, Leighton Buzzard, LU7 9PU and shown on Site Location Drawing Ref: 2025-TP-25 which is attached to this Decision at Appendix 3 and subject to conditions set out in Schedule 5.

Decision on Appeals Refs: APP/P0240/C/23/3316090, APP/P0240/C/23/3316091, APP/P0240/C/23/3316096 & APP/P0240/C/23/3316097.

83. I take no further action.

Elizabeth Pleasant

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Green, Green Planning Studio Ltd, on behalf of Mr Brian Gammell

Mr Brain Gammell, The Appellant

Mr Clayton Gammell, The Appellant's brother

Mr Patrick Gammell, The Appellant's father

Mr Chris Gammell, The Appellant's brother

Mr Willie Gammell, The Appellant's brother

Mr Joseph G Jones, BFSGC, on behalf of Mr Denis Stokes

Carol Alkividou BSc (Hons), PGdip, Nurse Specialist Health Assessor for Gypsy and Travellers

Mr Denis Stokes, The Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Phillip Hughes BA (HONS) MRTPI, FRGS, Dip Manc MCIN

Helen Heanes, Manager of Central Bedfordshire Gypsy and Traveller Unit.

Mr David Hale, Gypsy and Traveller Planning Manager, Central Bedfordshire.

DOCUMENTS SUBMITTED AT THE HEARING

1) Drawing No: 22_1247_/22_1261-001 Rev P01, Overlay Plan showing appeal site and neighbouring site's Title Nos. Prepared by GPS.

2) Green Planning Studio Sustainability Assessment and Appendices A and B, dated 11 February 2024 in relation to Appeals A and C. This document had been submitted to PINS via the planning portal but had not been previously seen by the Inspector or by the LPA.

3) Green Planning Studio Comments on 2024 PPTS and NPPF, dated 11 February 2024 in relation to Appeals A and C. This document had been submitted to PINS via the planning portal but had not been previously seen by the Inspector or by the LPA.

4) Updated Witness Statements: Christopher Gammell, Brian Gammell, Clayton Gammell and Willie Gammell, dated 4 March 2024.

5) Education & Health Report Addendum, Prepared by C.K.Alkoviadou BSC Hons, PGdip for BFSGC, Joseph G Jones on behalf of Mr Denis Stokes.

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1) Deed of Unilateral Undertaking, Brian Gammell in favour of Central Bedfordshire Council, dated 5 March 2025. (Appeal Ref: APP/P0240/C/23/3316030)
- 2) Deed of Unilateral Undertaking, Brian Gammell in favour of Central Bedfordshire Council, dated 17 March 2025. (Appeal Ref: APP/P0240/C/23/3316030)
- 3) Deed of Unilateral Undertaking, Denis Stokes and Willie Stokes in favour of Central Bedfordshire Council, dated 5 March 2025. (Appeal Refs: APP/P0240/C/23/3316089 and APP/P0240/C/23/3316095)
- 4) Deed of Unilateral Undertaking, Denis Stokes and Willie Stokes in favour of Central Bedfordshire Council, dated 5 March 2025. (Appeal Ref: APP/P0240/W/23/3316343 & Planning Application Ref: CB/22/04057/FULL)
- 5) Deed of Unilateral Undertaking, Denis Stokes and Willie Stokes in favour of Central Bedfordshire Council, dated 27 March 2025. (Appeal Ref: APP/P0240/W/23/3316343 & Planning Application Ref: CB/22/04057/FULL & APP/P0240/C/23/3316089)
- 6) Drawing No: 2025-TP-25, HM Land Registry Plan, from Joseph G Jones on behalf of Mr Denis Stokes.
- 7) Site Location Plan, Drawing No. 22_1247/22_1261-002 Rev 01, from GPS on behalf of Mr Brian Gammell.

Schedule 1 (Appeal C – Conditions)

- 1) The development hereby permitted relates to Land outlined in red on Site Location Plan Drawing Ref: 22_1247/22_1261-002 Rev 01.
- 2) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

(i) Notwithstanding the details submitted, within 4 months of the date of this decision a site development scheme with details for:

- (a) the internal layout of the site including the location of the static caravans and tourers for each pitch, vehicle parking, vehicle turning areas, vehicle charging points/ cabling, utility connections, siting of CCTV and external lighting.
- (b) a detailed surface water drainage scheme, to manage surface water for up to and including the 1 in 100 year event (+40%CC), the scheme shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018);
 - include a simple investigation evidencing flood risk will not be increased for existing properties and the safety of the proposed development;
 - include volume for volume mitigation for flood water as a minimum, for all above ground construction;
 - not include the culverting of existing watercourses;
 - include a full set of calculations, providing evidence of all surface water retained on site for the 1 in 100 (+40%CC). Any exceedance should be shown with pathways with maximum depths and velocity and;
 - include full detailed drainage drawing showing all connections, control features, storage, inverts etc; and
 - include full detailed design of Land Drainage Consent under the Land Drainage Act 1991 for the discharge of surface water to an existing watercourse/ditch, if required.
- (c) a detailed foul drainage assessment and scheme which shall include;
 - a full detailed foul drainage drawing showing all connections, controls and storage, as well as details of any collection or discharge/ release arrangements; and
 - details of the management and maintenance arrangements for the foul drainage system.
- (d) a soft landscaping scheme, including species, plant sizes, proposed numbers and densities and a landscape maintenance plan; details of all boundary treatments and all other means of enclosure, the retention of existing trees and hedgerows.

(hereafter referred to as the "development scheme") shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

- ii) if within 12 months of the date of this decision the local planning authority refuse to approve the development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted development scheme shall have been approved by the Secretary of State.
- (iv) the approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) No more than 10 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 5 shall be static caravan(s)) shall be stationed on the site at any time.

No vehicles exceeding 3.5 tonnes in weight shall be kept on the land for use by the occupiers of the caravans hereby permitted.

- 5) Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order or enactment amending or re-enacting that Order no walls, gates, fences or any other means of enclosure or any amenity or storage buildings or other structures shall be erected on the application site other than in accordance with the provisions of the site development scheme approved in accordance with Condition 2 or such amendment thereto as may be agreed from time to time in writing by the Local Planning Authority or in accordance with a specific grant of planning consent in that regard.

End Of Schedule

Schedule 2 (Appeal D – Conditions)

- 1) The development hereby permitted relates to Land outlined in red on Site Location Plan Drawing Ref: 2025-TP-02.
- 2) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Notwithstanding the details submitted, within 4 months of the date of this decision a site development scheme with details for:
 - (a) the internal layout of the site including the location of the static caravans and tourers, vehicle parking, vehicle turning areas, vehicle charging points/ cabling, utility connections, siting of CCTV, external lighting and refuse collection point.
 - (b) a detailed surface water drainage scheme, to manage surface water for up to and including the 1 in 100 year event (+40%CC), the scheme shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018);
 - include a simple investigation evidencing flood risk will not be increased for existing properties and the safety of the proposed development;
 - include volume for volume mitigation for flood water as a minimum, for all above ground construction;
 - not include the culverting of existing watercourses;
 - include a full set of calculations, providing evidence of all surface water retained on site for the 1 in 100 (+40%CC). Any exceedance should be shown with pathways with maximum depths and velocity and;
 - include full detailed drainage drawing showing all connections, control features, storage, inverts etc; and
 - include full detailed design of Land Drainage Consent under the Land Drainage Act 1991 for the discharge of surface water to an existing watercourse/ditch, if required.
 - (c) a detailed foul drainage assessment and scheme which shall include;
 - a full detailed foul drainage drawing showing all connections, controls and storage, as well as details of any collection or discharge/ release arrangements; and
 - details of the management and maintenance arrangements for the foul drainage system.
 - (d) a soft landscaping scheme, including species, plant sizes, proposed numbers and densities and a landscape maintenance plan; details of all boundary treatments and all other means of enclosure, the retention of existing trees and hedgerows.

(hereafter referred to as the "development scheme") shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

- ii) if within 12 months of the date of this decision the local planning authority refuse to approve the development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted development scheme shall have been approved by the Secretary of State.
- (iv) the approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) No more than 3 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 2 shall be static caravan(s)) shall be stationed on the site at any time.
- 5) No vehicles exceeding 3.5 tonnes in weight shall be kept on the land for use by the occupiers of the caravans hereby permitted.
- 6) Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order or enactment amending or re-enacting that Order no walls, gates, fences or any other means of enclosure or any amenity or storage buildings or other structures shall be erected on the application site other than in accordance with the provisions of the site development scheme approved in accordance with Condition 2 or such amendment thereto as may be agreed from time to time in writing by the Local Planning Authority or in accordance with a specific grant of planning consent in that regard.

End Of Schedule

Schedule 3 (Appeal E – Conditions)

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: LP-01-2022 and BP-03-2022.
 - 2) Unless within 4 months of the date of this decision a site development scheme (thereafter referred to as the "development scheme") with details: for the internal site features and fixtures, surface and foul water drainage and a soft landscaping scheme, to include the details set out in (a) – (d) below, and timetable for its implementation has been submitted for the written approval of the local planning authority, the use of the site shall cease and all caravans, vehicles, structures, equipment and materials brought into the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.
 - (a) the internal layout of the site including vehicle charging points/ cabling, utility connections, siting of CCTV and external lighting;
 - (b) a detailed surface water drainage scheme, to manage surface water for up to and including the 1 in 100 year event (+40%CC), the scheme shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018);
 - include a simple investigation evidencing flood risk will not be increased for existing properties and the safety of the proposed development;
 - include volume for volume mitigation for flood water as a minimum, for all above ground construction;
 - not include the culverting of existing watercourses;
 - include a full set of calculations, providing evidence of all surface water retained on site for the 1 in 100 (+40%CC). Any exceedance should be shown with pathways with maximum depths and velocity and;
 - include full detailed drainage drawing showing all connections, control features, storage, inverts etc; and
 - include full detailed design of Land Drainage Consent under the Land Drainage Act 1991 for the discharge of surface water to an existing watercourse/ditch, if required.
 - (c) a detailed foul drainage assessment and scheme which shall include;
 - a full detailed foul drainage drawing showing all connections, controls and storage, as well as details of any collection or discharge/ release arrangements; and
 - details of the management and maintenance arrangements for the foul drainage system.
 - (d) a soft landscaping scheme, including species, plant sizes, proposed numbers and densities and a landscape maintenance plan; details of all boundary treatments and all other means of enclosure, the retention of existing trees and hedgerows.
- ii) if within 12 months of the date of this decision the local planning authority refuse to approve the development scheme or fail to give a decision

within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- (iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted development scheme shall have been approved by the Secretary of State.
- (iv) the approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) No more than 2 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be static caravan(s)) shall be stationed on the site at any time.
- 5) No vehicles exceeding 3.5 tonnes in weight shall be kept on the land for use by the occupiers of the caravans hereby permitted.
- 6) Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order or enactment amending or re-enacting that Order no walls, gates, fences or any other means of enclosure or any amenity or storage buildings or other structures shall be erected on the application site other than in accordance with the provisions of the site development scheme approved in accordance with Condition 2 or such amendment thereto as may be agreed from time to time in writing by the Local Planning Authority or in accordance with a specific grant of planning consent in that regard.

End Of Schedule

Schedule 4 (Appeal A - Conditions)

- 1) The development hereby permitted relates to Land outlined in red on Site Location Plan Drawing Ref: 22_1247/22_1261-002 Rev 01.
- 2) The operational development, including the creation of a large earth bund, pouring of concrete on the Land, laying hardstanding for caravans and installation/ laying electrical cabling hereby permitted shall be removed and all materials brought onto the land for the purposes of that development shall be removed within 2 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 4 months of the date of this decision a scheme for surface water drainage and soft landscaping shall have been submitted for the written approval of the local planning authority and shall include:
 - (a) a detailed surface water drainage scheme, to manage surface water for up to and including the 1 in 100 year event (+40%CC), the scheme shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018);

include a simple investigation evidencing flood risk will not be increased for existing properties and the safety of the proposed development;

include volume for volume mitigation for flood water as a minimum, for all above ground construction;

not include the culverting of existing watercourses;

include a full set of calculations, providing evidence of all surface water retained on site for the 1 in 100 (+40%CC). Any exceedance should be shown with pathways with maximum depths and velocity and;

include full detailed drainage drawing showing all connections, control features, storage, inverts etc; and

include full detailed design of Land Drainage Consent under the Land Drainage Act 1991 for the discharge of surface water to an existing watercourse/ditch, if required.
 - (b) a soft landscaping scheme, including species, plant sizes, proposed numbers and densities and a landscape maintenance plan; details of all boundary treatments and all other means of enclosure, the retention of existing trees and hedgerows.
 - ii) if within 12 months of the date of this decision the local planning authority refuse to approve the development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted development scheme shall have been approved by the Secretary of State.

- iv) the approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

End of Schedule

Schedule 5 (Appeal B – Conditions)

- 1) The development hereby permitted relates to Land outlined in red on Site Location Plan Drawing Ref: 2025-TP-02.
- 2) The operational development, including the creation of a large earth bund, laying hardstanding for caravans and installation/ laying electrical cabling hereby permitted shall be removed and all materials brought onto the land for the purposes of that development shall be removed within 2 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - ii) Within 4 months of the date of this decision a scheme for surface water drainage and soft landscaping shall have been submitted for the written approval of the local planning authority and shall include:
 - (c) a detailed surface water drainage scheme, to manage surface water for up to and including the 1 in 100 year event (+40%CC), the scheme shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018);
 - include a simple investigation evidencing flood risk will not be increased for existing properties and the safety of the proposed development;
 - include volume for volume mitigation for flood water as a minimum, for all above ground construction;
 - not include the culverting of existing watercourses;
 - include a full set of calculations, providing evidence of all surface water retained on site for the 1 in 100 (+40%CC). Any exceedance should be shown with pathways with maximum depths and velocity and;
 - include full detailed drainage drawing showing all connections, control features, storage, inverts etc; and
 - include full detailed design of Land Drainage Consent under the Land Drainage Act 1991 for the discharge of surface water to an existing watercourse/ditch, if required.

- (d) a soft landscaping scheme, including species, plant sizes, proposed numbers and densities and a landscape maintenance plan; details of all boundary treatments and all other means of enclosure, the retention of existing trees and hedgerows.
- ii) if within 12 months of the date of this decision the local planning authority refuse to approve the development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted development scheme shall have been approved by the Secretary of State.
- iv) the approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition that scheme shall thereafter be retained.

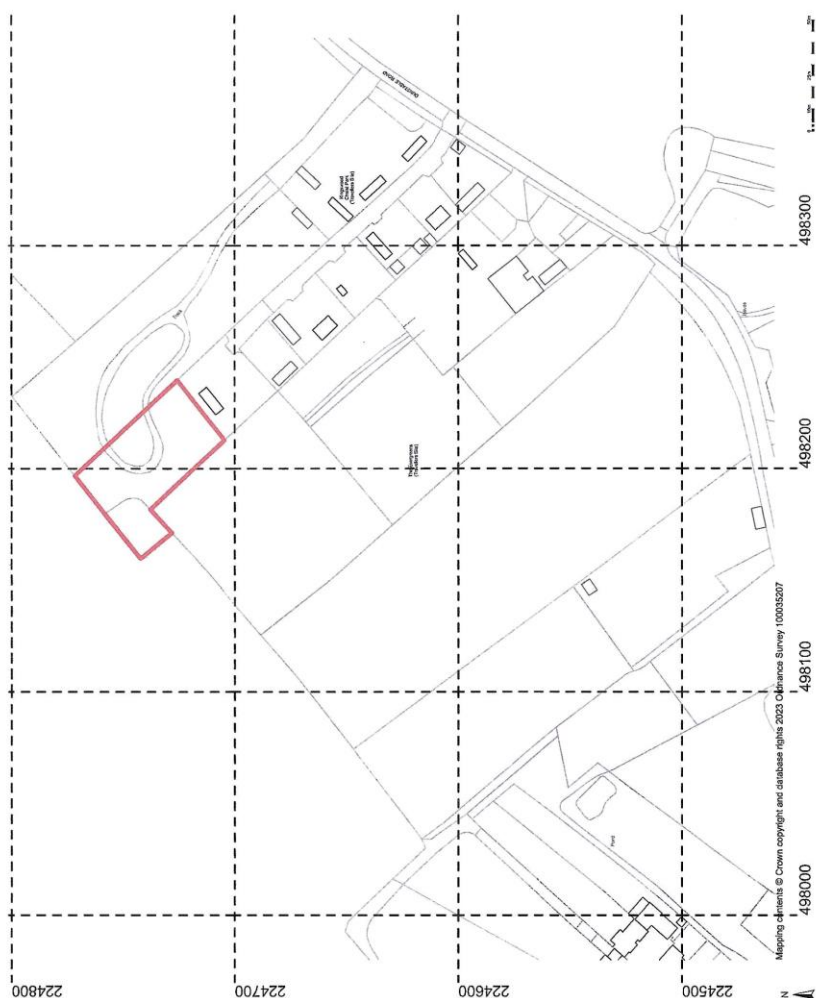
In the event of a legal challenge to this decision, or a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

End of Schedule

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/P0240/C/23/3316029	Mr Brian Gammell
Appeal C	APP/P0240/C/23/3316030	Mr Brian Gammell
Appeal D	APP/P0240/C/23/3316089	Mr Denis Stokes
Appeal H	APP/P0240/C/23/3316090	Mrs Marie Stokes
Appeal I	APP/P0240/C/23/3316091	Mr Willie Stokes
Appeal B	APP/P0240/C/23/3316095	Mr Denis Stokes
Appeal F	APP/P0240/C/23/3316096	Mrs Marie Stokes
Appeal G	APP/P0240/C/23/3316097	Mr Willie Stokes
Appeal E	APP/P0240/W/23/3316343	Mr Denis Stokes

[illegible]

Appendix 3

