



Appeal Decision

Site visit made on 25 March 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/N3020/W/24/3356092

**Land To The West Of 175 Mansfield Road, Papplewick,
Nottinghamshire NG15 8FL**

- 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 Michael Connors against the decision of Gedling Borough Council.
 - The application Ref is 2023/0877.
 - The development proposed is described as “the mixed use of the keeping of horses and the stationing of caravans for residential use”.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to a mixed use of the keeping of horses and the stationing of caravans for residential use at Land West of 175 Mansfield Road, Papplewick, Nottinghamshire NG15 8FL in accordance with the terms of the application, Ref 2023/0877, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out and caravans shall only be laid out in accordance with drawing nos 21_1151A-001 revision P01 and 21_1151A-003 revision P01.
 - 3) There shall only be 1 Gypsy and Traveller pitch on the site and no more than 2 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) shall be stationed on the land at any one time.
 - 4) 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.

Preliminary Matters and Main Issue.

2. The description of the development in the header is from the planning application form. In my decision I have added the words “change of use to” so to include an act of development. This revision would cause no injustice to any party.

3. The Council assessed the planning application leading to this appeal on the basis the development would be occupied by Gypsies and Travellers. I have adopted the same approach with my assessment.
4. Revised versions of the National Planning Policy Framework (the Framework) and the government's Planning Policy For Traveller Sites (PPTS) have been issued since the appeal was lodged. The main parties have provided comments on these documents through the appeal process and they have informed my decision.
5. The Council's stated reason for refusing planning permission is that the proposal would not accord with Green Belt policy. Through its appeal statement, the Council has advised it no longer wishes to defend the appeal if I were to find the proposal would not represent inappropriate development in the Green Belt. It is clear from the submissions that the Council now considers the proposal would not be inappropriate development in light of paragraph 155 of the Framework (hereafter referred to simply as paragraph 155).
6. Notwithstanding the Council's position on the matter, other interested parties raise concerns over the impact of the development on the Green Belt. Given this context, I consider the main issue is whether the proposal would constitute inappropriate development within the Green Belt and whether it would be acceptable having regard to Green Belt policies of the development plan, the Framework and the PPTS.

Reasons

Policy context.

7. The site lies in the Green Belt. At paragraph 153, the Framework states inappropriate development is harmful to the Green Belt and it should not be approved except in very special circumstances. Paragraph 155 says development should not be regarded as inappropriate where criteria under sub-paragraphs (a), (b), (c) and (d) apply. Policy E of the PPTS says Gypsy and Traveller site proposals are inappropriate development in the Green Belt unless they accord with paragraph 155 or any other exception as set out in chapter 13 of the Framework.
8. Policy 9 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 (the ACS) sets out situations when new Gypsy and Traveller sites will be permitted. Criterion 2a dictates that such developments should not be located in the Green Belt except in very special circumstances. This is inconsistent with policy E of the PPTS and paragraph 155, which are potentially permissive of Gypsy and Traveller sites in the Green Belt even in the absence of very special circumstances. Therefore, I attach limited weight to criterion 2a of ACS policy 9 in my deliberations. Of greater relevance is the question on whether the proposal should be regarded as not inappropriate development in the Green Belt in light of paragraph 155.

Whether the site represents grey belt.

9. The proposal would need to utilise grey belt land to accord with sub-paragraph 155(a). This is defined in Annex 2 of the Framework as previously developed or other land that does not strongly contribute to the purposes of Green Belt policy set out in sub-paragraphs 143 (a), (b) or (d) of the Framework. The site is set well away from Nottingham and so it serves no purpose in checking the

sprawl of large built-up areas. Also, it does not meaningfully prevent towns from merging as it is a fairly small plot away from any sizeable settlement. Moreover, the site does not fulfil a role in the preservation of the setting and special character of any town. Therefore, the land does not strongly contribute towards the purposes of Green Belt policy as referred to under the grey belt definition.

10. Furthermore, the policies of the Framework that relate to assets and areas as referred to under footnote 7 would not provide a strong reason for refusing the development. As such, the exclusion as set out in the second part of the Framework's grey belt definition does not apply. Accordingly, I consider the proposal would affect grey belt land.

Sub-paragraph 155(a)

11. Sub-paragraph 155(a) also requires development to not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. In arriving at my conclusion above on grey belt land, I have already found the site does not contribute to the purposes of Green Belt as set out under sub-paragraphs 143(a), (b) and (d). Accordingly, the proposal would not undermine the aims of the Green Belt in Gedling Borough to check the sprawl of Nottingham, to prevent towns from merging or to preserve the character and setting of any historic towns.
12. Sub-paragraph 143(c) of the Framework states a purpose of Green Belt is to assist in safeguarding the countryside from encroachment. The front part of the site includes a stable building and an area of hardstanding behind a brick wall and gates. Due to these man-made features, the front part of the site has a less rural feel compared to the grassed paddock to the rear.
13. The submitted plans indicate the stationing of 2 caravans on the existing hardstanding with only an underground drainage system included in the paddock. Consequently, the development's visual effects would largely relate to the front part of the site. The caravans would be seen within the immediate context of the stables and yard and they would not spoil the rural qualities of the paddock. Therefore, the scheme would not appear as encroachment onto the countryside.
14. There is little evidence to indicate that urban land would be recycled in the event of the appeal being dismissed. As such, the scheme would accord with the purpose of Green Belt policy set out at sub-paragraph 143(e) of the Framework. Therefore, the development would not fundamentally undermine any of the purposes of the local Green Belt and so it would comply with sub-paragraph 155(a).

Sub-paragraph 155(b).

15. Sub-paragraph 155(b) requires a demonstrable unmet need for the development proposed. Footnote 56 of the Framework clarifies that in the case of Gypsy and Traveller site proposals, this means situations where there is not a 5 year supply of deliverable sites in accordance with the requirements of the PPTS.
16. Policy LPD38 of the Gedling Borough Local Planning Document Part 2 Local Plan adopted 2018 (the LP) refers to a requirement for 3 pitches for Gypsies and Travellers to be provided by 2019 to ensure an identified need is met. There is no evidence of any planning permission being granted for development to address this need. Also, I am referred to the Greater Nottingham and Ashfield District Council Gypsy and Traveller Accommodation Assessment dated March 2021 (the

GTAA). At table 5.9, the GTAA sets out an estimated need for a single pitch in the period 2020 to 2025. Again, there is no evidence of this need being met through the grant of planning permission.

17. The appellant is critical of the GTAA and suggests as an alternative a need for 4 pitches over the 5 year period from 2025 to 2030. In any event, both main parties have identified a need for a small number of extra Gypsy and Traveller pitches. There is no evidence of any sites within the Gedling Borough area that benefit from planning permission or that are available now for use as Gypsy and Traveller accommodation. As such, there is no 5 year supply of deliverable sites to meet a recognised need. It follows that there is a demonstrable requirement for the proposal and so it would accord with sub-paragraph 155(b).

Sub-paragraph 155(c).

18. Development should be in a sustainable location to meet the terms of paragraph 155(c). In considering this matter, particular reference should be made to paragraphs 110 and 115 of the Framework and paragraph 13 of the PPTS.
19. The site is near to a line of residences but it is set away from any settlement that contains facilities for day to day living. Separation distances are likely to discourage walking trips between the development and local facilities but the services at the nearest settlements would be within a fairly short drive away from the site. Bus stops on Mansfield Road and near to the development would provide occupiers with convenient access to fairly frequent bus services running between Chesterfield, Mansfield and Nottingham. These services would also provide public transport links to facilities in the nearest settlements of Papplewick, Ravenshead and Hucknall. Therefore, the occupants would have suitable opportunities to access education, health and other facilities by means other than the private car.
20. Interested parties raise concerns over the nature of the narrow and unlit access drive leading from Mansfield Road to the site. However, it would appear to be of a width to allow the passage of wider vehicles and it is straight. Also, it serves only a few properties and would seem to be used infrequently by vehicles. I see no reason why its condition or level of traffic usage would discourage pedestrian movement between the site and the nearby bus stops.
21. There is mention of recent road accidents on Mansfield Road although it would appear from the limited information provided that these do not relate to movements to and from the access drive. Indeed, I saw good visibility in both directions along the main road when leaving the lane. Moreover, the development is likely to lead to only a minor increase in car trips compared to the existing situation. Also, I attach significant weight to the lack of objections from Highways Development Control at Nottinghamshire County Council. As such, I am satisfied a safe and suitable access to the development would be provided for all users.
22. The settled base would promote access to health services and help ensure any children that live on the site can attend school. Also, it could potentially reduce the need for long distance travelling and possible environment damage caused by unauthorised encampments. In line with sub-paragraph 13(g) of the PPTS the proposed development would not be located in an area of high flood risk.

23. For the above reasons, the proposal would accord with paragraphs 110 and 115 of the Framework and paragraph 13 of the PPTS. Therefore, I find it would be in a sustainable location and so it would comply with sub-paragraph 155(c).

Sub-paragraph 155(d) and conclusion on Green Belt policy.

24. Sub-paragraph 155(d) requires proposals, where applicable, to meet Golden Rules as set out in paragraphs 156 and 157 of the Framework. Paragraph 18 of the PPTS states that the Golden Rules do not apply to Gypsy and Traveller sites and so the development would not conflict with sub-paragraph 155(d).
25. I find the proposal would accord with all parts of paragraph 155. Accordingly, I conclude it would not be inappropriate development in the Green Belt when having regard to the Framework and the PPTS. Therefore, in the context of national Green Belt planning policy, there is no need to consider whether very special circumstances exist.
26. However, under ACS policy 9, permission should not be granted except in very special circumstances. There are benefits of the scheme as it would address a national and local need for Gypsy and Traveller sites. These factors attract significant weight in support of allowing the appeal, particularly given the under-supply of deliverable pitches and there apparently being no available alternative accommodation for the appellant. The development would lead to a minor loss of openness of the Green Belt through the introduction of caravans as well as parking and paraphernalia associated with the residential use. However, footnote 55 of the Framework states the normal substantial weight to be given to any harm to the Green Belt and its openness should not apply as the proposal would be on grey belt land.
27. Therefore, I find the benefits of the scheme and other considerations would clearly outweigh any harm caused by the proposal. Consequently, very special circumstances exist as required under ACS policy 9. As such, I conclude the proposal would be acceptable when assessed against the Green Belt policies of the ACS as well as the Framework and the PPTS. The Council's refusal reason also refers to LP policy LPD38 but this contains no provisions on the Green Belt.

Other Matters

28. Interested parties have raised various other concerns with the proposal. Objections are made against the stable block and front boundary wall and gate. However, the description of the appeal development does not include these elements and they appear as existing rather than proposed features on the plans. As such, they do not form part of the scheme before me for consideration.
29. The development would be fairly close to nearby residences along Mansfield Road and the adjoining property called The Dell. The caravans are bound to be seen from these residences but they would not result in an intrusive loss of privacy, particularly as they would not introduce new viewpoints at first floor level or above. Also, it is unlikely the proposed residential use and the minor level of associated traffic would cause a noise nuisance to nearby residents. I see no reason why lighting on the site would unduly affect living conditions at nearby dwellings. Therefore, I am satisfied the development would not unacceptably interfere with any person's right to a private and family life and home as referred to under Article 8 of the Human Rights Act 1998.

30. There is no indication the site includes features of any particular wildlife importance. Also, I see no reason why hedgerow would need to be removed to allow access to the development as the existing lane from Mansfield Road already provides a suitable route to the property. A pylon with overhead wires are near to the site but I am referred to no policy that resists development within close proximity of such features.
31. The above objections do not constitute justifiable reasons to refuse planning permission. As such they fail to affect my overall conclusion.

Conditions

32. I have had regard to the planning conditions as suggested by the Council in light of the advice on conditions as set out in the Framework. Where appropriate, I have made amendments to their wording in the interests of precision.
33. For clarity, I attach a condition that requires the development to be carried out in accordance with the approved drawings. I have slightly amended the suggested condition to require the development to be laid out as shown on the drawings so as to avoid a visual encroachment onto the open field area on the appeal site. For the same reason, I impose a condition that restricts the residential element of the proposed use to a single pitch containing no more than 2 caravans. My assessment is based on the development being occupied by Gypsy and Travellers and meeting a particular need for accommodation. The evidence fails to show the proposal would be acceptable for any other group of residents, particularly in terms of sub-paragraph 155(b) of the Framework. Accordingly, I attach condition 4 that restricts occupancy. I have used the wording suggested by the appellant as this reflects the definition of Gypsy and Travellers set out in the PPTS.

Conclusion

34. For the above reasons, I find the development would accord with the relevant provisions of the development plan and national planning policy guidance. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR