



Appeal Decision

Hearing held on 19 March 2025

Site visit made on 19 March 2025

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2025

Appeal Ref: APP/P0240/W/24/3355231

Double Arches Business Park Eastern Way, Heath and Reach, Leighton Buzzard LU7 9TB

- 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 Craig Smith against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/01630/FULL.
 - The development proposed was originally described as “the development of additional on-site facilities and buildings for the maintenance and repair of fairground and associated vehicles on the site; two existing buildings of similar size, one B class and one for Travelling Show People use will swap use classes; 10 caravans of residential use by quarry workers to be removed.”
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode given on the application form differs from that given on the appeal form. However both postcodes relate to this part of Eastern Way. I have used that provided on the application form in the header above.
3. The Statement of Common Ground (SoCG) clarifies that the development would involve six buildings, four of which would each accommodate two semi-detached plots. This reflects the submitted plans.
4. Although amended elevational plans were provided to the Council shortly before they made their decision, they did not take account of them. Nonetheless the plans have been provided with the appeal and the Council does not object to them being considered. I agree no parties would be prejudiced by this and so I have considered them as part of the appeal.
5. Since the submission of the appeal, a revised version of the National Planning Policy Framework (the ‘Framework’) has been adopted. Both parties have referred to the amended Framework in their evidence which I have taken account of.

Main Issues

6. The Council have agreed in the SoCG that they no longer wish to defend the fifth reason for refusal which related to flooding. Therefore, the remaining main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and development plan policies;

- ii) the effect of the development on the character and appearance of the area beyond a settlement envelope;
- iii) whether the development would provide acceptable living conditions for its future occupiers with respect to the layout of the plots;
- iv) the effect on highway safety; and
- v) would the harms to the Green Belt, and any other harms, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Green Belt

7. The development can be considered in three parts. The first part comprises the conversion of two existing buildings, shown as buildings 19/20 and 21 on the plans. Building 19/20 has a lawful use for industrial uses, and the proposal seeks to convert that to a plot for fairground ride maintenance. In exchange, building 21, which has a lawful use for fairground ride maintenance, is proposed to change to industrial (Class B1/B2/B8) uses. The parties agree this change of use would not comprise inappropriate development in the Green Belt as it falls within part h) iv. of paragraph 154 of the Framework.
8. The second part involves the erection of some of the proposed buildings on land already used to accommodate caravans, HGVs and fairground rides. The third part involves the provision of buildings and hardstanding on land which is currently undeveloped and the creation of an open landscaped area with surface water attenuation pond.
9. The SoCG states that the site is grey belt as defined in Annexe 2 of the Framework. Paragraph 155 of the Framework sets out that development which utilises grey belt land should not be regarded as inappropriate subject to satisfying some criteria. The parties agree that the development would not fundamentally undermine the purposes of the remaining Green Belt across the plan area; that it would be in a sustainable location; and that the criterion which applies to major development and affordable housing, is not applicable. There is only dispute, therefore, as to whether there is an unmet need for the type of development proposed.
10. The Council's Gypsy & Traveller Accommodation Assessment 2016 (GTAA) identified, in total, a need for 31 additional travelling showpeople plots to 2035, though I note the appellant suggests this is a severe underestimate of the true need. In any case, no allocations have been made in the Central Bedfordshire Local Plan (2021) (the 'Local Plan') and the parties agree that there is no five years supply of travelling showpeople plots.
11. Of those 31 plots, 11 are already provided at the appeal site as originally granted planning permission in 2016¹ and amended in 2019². As such, in numerical terms, the development proposed would make no additional quantitative contribution to the unmet need. Indeed, the appellant confirmed that even if permission were not forthcoming, they would most likely remain at the site, though this is largely due to the lack of other available alternative sites.

¹ Application Ref CB/16/00232/FULL

² Application Ref CB/19/00281/FULL

12. In qualitative terms, the need for six buildings in which fairground rides could be stored, repaired, maintained and inspected, stems from the requirements of the Health & Safety Executive (HSE).
13. However, whilst there is a need at the site for buildings to accommodate the appellant's equipment, I do not consider that equates to the type of unmet need required to be satisfied in paragraph 155. To my mind the 'type' of development in this paragraph would refer to types of development generally such as housing, commercial floorspace, or in this case, travelling showpeople accommodation, instead of the form of development within that type. For example, the footnote to the paragraph refers to need purely in terms of housing on deliverable sites, not the type of housing on those sites.
14. As such, although there is an unmet need for travelling showpeople sites, the development would not address that need. Therefore, the proposal would fail to meet this criterion, and so fails to accord with paragraph 155 as a whole. It would therefore be inappropriate development in the Green Belt when considered on this basis.
15. Notwithstanding this, the redevelopment of the part of the site already used to accommodate caravans, HGVs and fairground rides could fall within part g) of paragraph 154, insofar as it would involve the redevelopment of previously developed land, subject to it not causing substantial harm to the openness of the Green Belt.
16. At present all the activity on this part of the site involves moveable items including caravans, vehicles, fairground rides and associated equipment. Indeed, at my site visit this area accommodated a few vehicles of varying sizes, a number of caravans and some shipping containers. It was free from buildings.
17. The proposal would result in the whole of three of the new buildings, and part of the other three new buildings, being erected on this part of the site. Even with their lower height as shown in the amended plans, they would represent a substantial increase in built form on this part of the site, encroaching into the Green Belt from the existing buildings, and resulting in a considerable loss of spatial openness. Moreover, the proposed buildings would be visible from a number of viewpoints including from bridleway 3 to the south of the site, from public footpath 7 to the east, and from the A5, so would reduce openness in a visual sense too.
18. The redevelopment of this previously developed land would cause considerable harm to the openness of the Green Belt, would conflict with its purposes, and so would fail to meet paragraph 154 g). The part of the development on the land which is currently undeveloped would also not fall into any of the exceptions set out in paragraph 154 of the Framework and would have a similarly harmful effect on openness. These parts of the proposal are therefore inappropriate development in the Green Belt too.
19. It is recognised that the existing Business Park harms openness, and that there are other commercial structures and land uses, such as wind turbines, quarries and the busy A5 that may affect openness too. However, although they affect the character of the area and the context in which the proposal is seen, they have very little effect on my assessment of the effect the proposal would have on openness, particularly in a spatial sense. The fact that it is sustainably located has no effect on the assessment of openness.

20. In summary, the development as a whole would be inappropriate development. It would also cause considerable harm to the openness of the Green Belt, and would conflict with its purposes. These harms carry substantial weight, as set out in paragraph 153 of the Framework. The development would therefore conflict with the Framework and policy SP4 of the Local Plan which sets out the general presumption against development in the Green Belt.

Character and appearance

21. The site is located beyond any settlement envelope and is in the countryside for planning policy purposes. To the north, south and east of the site there are open fields bounded by hedgerows. To the west is the remainder of the Business Park. As set out above, in the wider context there are wind turbines and quarries with the associated machinery being visible from within the site. Nevertheless, although these features add urbanising elements, the rural character of the wider surroundings predominates.
22. The site is within the Landscape Character Area 8A (Toddington to Hockliffe Clay Hills), of which the key characteristics include an agricultural landscape characterised by medium-scale fields, a series of connected subtle hills, as well as recognition of the A5 which dilutes the rural character of the landscape. The landscape strategy for the Landscape Character Area is enhancement.
23. Although much of the appeal site can already be occupied by vehicles, caravans and machinery, the provision of the six large buildings would represent a more permanent form of development adding to the existing urbanising elements. It would not enhance the landscape.
24. The proposed buildings would roughly double the amount of buildings on the Business Park. This additional built form, and its spread eastwards from the existing buildings, would be blatant when seen from elevated positions to the east and north east along the A5 and from footpath 7, which allow for a clear view of the site and the expanse of fields which surround it. In addition from bridleway 3 there is a clear view of the existing units at the Business Park and the appeal site. From this bridleway, at present, the rising agricultural land to the north is visible across the site. The greater spread of buildings eastwards would obscure this view.
25. Landscaping is proposed along the boundaries of the site. However, there is little room for any effective vegetation along the south boundary as the plans indicate that hardstanding would be very close to this boundary and, as I saw at my site visit, the land falls away quite steeply along this boundary making planting difficult. Also any landscaping to the east boundary would most likely have little screening effect due to the elevated positions of the viewpoints to the east.
26. The substantial increase in built form would starkly contrast with the rural surroundings when seen from these positions. Rather than appearing as an agricultural form of development, the scale and layout of the buildings, when seen alongside the existing buildings, would have an industrial appearance contrasting with the character and appearance of the area as a whole.
27. The Council accept the current lawful use of the site, including the storage of rides and parking of HGV and caravans, causes some harm to the character and appearance of the area. Whilst there may be some visual benefit by enclosing the fairground rides within the buildings, this is outweighed by the excessive scale of

the buildings themselves, though it is recognised that they could not be any smaller and still perform their function.

28. The two extant permissions for the appellant's operations at the Business Park place no restriction on the amount of machinery or number of rides that could be stored at the site. However, those schemes do not involve the amount of built form, or as much of a projection eastwards into an open area, as the current proposal. They have a much lesser harm than would result from the appeal scheme.
29. I also understand that prior to the appellant residing at the site, the land was used as a pig farm which was not an attractive land use. Nonetheless, whilst that may have been a factor in favour of previous applications, the pig farm no longer exists so it cannot be used to justify the current proposal.
30. It is understood that there is planning permission to start quarrying on the land opposite the site, but at present this land is a large open field and I must primarily consider the site in its current context, not what may happen from quarrying, or any other development, on nearby land.
31. Overall the development would cause significant harm to the character and appearance of the area. It would therefore conflict with Local Plan policy SP7 which aims to protect the intrinsic character of the countryside and only allows for the development of previously developed land if there would be no detrimental impact on the natural environment. It would also conflict with policies EE5 and HQ1 of the Local Plan which also seek to safeguard the intrinsic character of the landscape and ensure that proposals take account of landscape setting and character.

Living conditions

32. The submitted plans show that each plot would have a building in which fairground rides and some vehicles would be stored, as well as an area of hardstanding on which other vehicles would be parked and caravans for living accommodation would be positioned.
33. The appellant's list of occupiers of the site includes details on the number of caravans, vehicles and rides each family have. The list suggests that the smallest families have two caravans and four vehicles, whilst the largest have eight caravans and 12 vehicles. All families have articulated lorries. The appellant confirmed that the smaller families would occupy the smaller units at the front of the site.
34. It may be physically possible for each family's vehicles and caravans to fit on their own plots. However in doing so, the caravans would necessarily be in close proximity to parked and manoeuvring vehicles. It would not be acceptable for residential caravans, some of which would house children and the elderly, to be in such close proximity to where vehicles, including articulated lorries, would be manoeuvring.
35. I also note the contrast with the layout as shown in the Design and Access Statement which indicates how a plot of 0.5 acres could be laid out and provide a good separation between caravans and articulated vehicles. Similarly, the plan provided for the development of showmans family quarters at Pastures Farm in Northamptonshire indicate plots with a distinct separation between residential areas

and areas for equipment. The layout shown on the plans would not reflect these other examples.

36. Were I content that there would be room on the plots to provide a satisfactory arrangement, notwithstanding that shown on the plans, a condition requiring a site development scheme be submitted for approval, could be imposed. However, from the evidence provided regarding the number of caravans and vehicles likely to be on the plots, I am not satisfied that there is sufficient room to accommodate all these items on the plots without there being a direct pedestrian/vehicle conflict.
37. My attention was drawn to The Showmans Guild of Great Britain document 'Travelling Showpeople site's – A planning Focus Model Standard Package'. This stipulates that there should be six metres separation between caravans and buildings for the storage and maintenance of fairground equipment. The appellant disputes this saying that only two metres is required. The document also states that that there should be six metres between caravans, which is not disputed. It is doubtful that such separation distances could be respected, particularly at the plots where 7 or 8 caravans would be stationed.
38. It is recognised that, at present, the plots are not defined and that there is a haphazard arrangement of caravans and vehicle parking. Nonetheless, whilst the proposed layout is more organised and would allow individual plots to be secured, it would not be acceptable. The poor living conditions at present should not justify the poor, albeit improved, living conditions proposed.
39. With respect to amenity space, a large landscaped area would be provided at the east end of the site. Although this would contain a surface water attenuation pond, and would be used to provide a biodiversity net gain, it is likely that this area could still provide effective recreational space. However there is no dedicated access route to this space and access to it would be across and along the access roads serving the plots. This would be another potential source of pedestrian/vehicle conflict.
40. Overall, due to the direct conflict likely to occur between residents and vehicles at the site, the layout would fail to provide acceptable living conditions for its future occupiers. The development would therefore fail to accord with Local Plan policy H8 which requires that Traveling Showpeople development has regard to the safety and amenity of the occupants. It would also be contrary to policy H7, which relates to all gypsy and traveller sites and also aims to ensure development provides a good standard of amenity for existing and future occupants of land.

Highway safety

41. The parties agree that there would be no increase in the volume of traffic that would be generated by the development, given that there would be no increase in the number of plots at the site. In addition, the proposal would use the same points of access shown on the approved drawings for the previous planning permission.
42. That permission included conditions requiring that suitable visibility splays and kerb radii are provided. From my site visit it was clear that one access point is not in use and the other has not been altered in accordance with the conditions attached to the previous permission. Nonetheless, in my view, sufficient visibility is achievable from the egress point with some minimal pruning of the boundary hedge. Furthermore, it is likely, in my view that the appropriate radii are achievable for the

access points as the bellmouths shown on the plans are wide and there is some scope for further widening.

43. The appellant confirmed at the hearing that each plot would need to be secured with fencing, for insurance purposes. It is clear that with fencing on the plot boundaries, it would not be possible to manoeuvre the articulated lorries shown. For example, if there was a fence separating the hardstanding areas at plots 7/8 and 9/10 it would not be possible for vehicles to turn as shown on the swept path drawings. This may result in vehicles having to complete lengthy reversing manoeuvres in order to turn. Similarly, a fence between plots 3/4 and 5/6 would prevent the articulated lorries from parking as indicated.
44. It is also the case that space for residents' car parking would be needed and is not shown on the plans. This is an additional consideration that would utilise space in the plots that may further reduce parking and manoeuvring space for lorries.
45. The lack of suitable parking and manoeuvring space on each plot may lead to vehicles being parked on the access roads, which may inhibit manoeuvring within the site and access into the site from the public highway. As such, from the details provided, I can not be satisfied that the development would not compromise highway safety. As such the proposal would fail to accord with Local Plan policy T2 which aims to ensure that development does not have a detrimental effect on highway safety. I find no direct conflict with Local Plan policy T1 in this regard, which refers more to reducing the need to travel.

Other considerations

46. Paragraph 153 of the Framework states that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
47. It is acknowledged that the current arrangements on site are inadequate, insofar as there are only two buildings which allow for fairground rides to be stored, maintained, repaired and inspected by the HSE. Moreover there are no other sites available to the appellant and therefore the appellant has said that were the appeal to fail, he, and the other families, would most likely remain at the site albeit in unsatisfactory conditions. These are matters of substantial weight.
48. The Council do not have a five years supply of sites, and there has been no provision for several years. However as I do not consider this proposal would add to the supply of sites, I give this matter limited beneficial weight.
49. It is understood that mains water, drainage and electricity are lacking at the site. Whilst the development may assist in securing these services, I see no reason why such services could not be provided without the development.
50. There would be a net gain in biodiversity through the creation of the landscaped areas in the east of the site. The development is not required to provide the now statutory 10% gain, and I understand any gain would accord with Local Plan policy EE2. A limited benefit in this regard would be of limited weight.
51. The development would provide no advantage in terms of providing a settled base for children living at the site, their ability to attend local schools, and the ability of all residents to have access to healthcare, as the occupants could already benefit from these facilities. Therefore, there is no positive weight in this respect.

52. I have had regard to Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life. It is a qualified right, and interference may be justified where that is lawful and in the public interest. Dismissing this appeal would likely interfere with the rights under Article 8 applicable to the appellant, his family and the other families based at the site, in that they have no other lawful accommodation available to them. However, interference with those rights in this instance would be in accordance with the Planning Policy for Traveller Sites which advises that personal circumstances and unmet need is unlikely to clearly outweigh harm to the Green Belt and other harms so as to amount to the very special circumstances required to justify the development.
53. That balance is subject to the best interests of children. There is no consideration more important than the best interests of children. I recognise that existing conditions at the site, which includes children living in caravans sited in areas where lorries are manoeuvring, are unsatisfactory. However, whilst the development may represent a more structured layout of the site, it would still fail to provide a safe environment for children, given my findings on living conditions set out above.
54. I have had due regard to the Public Sector Equality Duty under s149 of the Equality Act 2010 which sets out the requirement to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic such as age, and persons who do not. I consider the harms resulting from the development, as identified above, would outweigh the benefits in terms of advancing equality.

Green Belt Balance

55. The development is inappropriate development in the Green Belt. It would also harm the openness of the Green Belt, and conflict with its purposes. These factors carry substantial weight. I also give significant weight to the harm to the character and appearance of the area, the failure of the proposal to provide satisfactory living conditions for its occupiers and the failure to maintain highway safety.
56. Balanced against that is the unsuitable nature of the site and the lack of any acceptable alternative sites for the appellant, which carry significant weight, and the other considerations identified above, including the application of the Human Rights Act and Public Sector Equality Duty.
57. Overall I find that the other considerations do not clearly outweigh the harms to the Green Belt, and the other harms, identified. They do not therefore amount to the very special circumstances required to justify the development.

Conclusion

58. I conclude that the proposal would fail to accord with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal is dismissed.

A Owen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stephen Whale	Counsel
Phil Rowe	PRowe Planning Solutions
Craig Smith	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Phillip Hughes	Consultant
Peter Vosper	Principal planning Officer
David Hale	Gypsy & traveller Officer
Jethro Punter	Highways Officer
Carol Newell	Landscape Officer

INTERESTED PARTIES:

Mark Versallion	Ward councillor
-----------------	-----------------