



Appeal Decisions

Site visit made on 14 January 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2025

Appeal A - Ref: APP/P0119/C/24/3342201

Land at Lydes Farm, Dodington Lane, Chipping Sodbury, Bristol, South Gloucestershire BS37 6SB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Stephen Phillpott against an enforcement notice issued by South Gloucestershire Council.
- The notice was issued on 28 March 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to caravan storage (B8 Use) and associated development.
- The requirements of the notice are to:
 1. Permanently cease the use of the land for caravan storage.
 2. Remove all caravans/touring caravans from the site.
 3. Remove all of the hardstanding and return the site to the condition it was in prior to the breach of planning control taking place.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal B - Ref: APP/P0119/W/24/3341893

Lydes Farm Dodington Lane, Dodington, Chipping Sodbury, Bristol BS37 6SB

- 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 Stephen Phillpott against the decision of South Gloucestershire Council.
- The application Ref is P23/02568/F.
- The development proposed is described as the “use of land for caravan storage (retrospective)”

Decisions

Appeal A

1. 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 of the land to caravan storage (B8 Use) and associated development at Land at Lydes Farm, Dodington Lane, Chipping Sodbury, Bristol, South Gloucestershire BS37 6SB as shown on the plan attached to the notice and subject to the conditions set out in the attached Schedule A.

Appeal B

2. The appeal is allowed and planning permission is granted for the use of land for caravan storage at Lydes Farm Dodington Lane, Dodington, Chipping Sodbury, Bristol BS37 6SB in accordance with the terms of the application, Ref P23/02568/F, subject to the conditions set out in the attached Schedule B.

Preliminary Matters

3. Since the submission of the appeal the Government has issued a revised National Planning Policy Framework (the Framework). In relation to the issues in these appeals, the main parties have been given the opportunity to comment on the revisions and I have taken these into account when making my decisions.
4. While there are two appeals, they each refer to the same development and as such I have considered them together below.

The ground (a) appeal, that planning permission should be granted, and the linked planning appeal

Main issue

5. The main issue is:
 - Whether or not the proposal is inappropriate development in the Green Belt.

Reasons

Whether or not inappropriate development

6. The scheme comprises the change of use of land. Paragraph 154(h) of the Framework states that certain forms of development, such as material changes in the use of land, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Prior to the publication of the revised Framework, the position of both the appellant and the Council was that the development comprised inappropriate development, in conflict with paragraph 154.
7. Nonetheless, paragraph 155 explains that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where:
 - It 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;
 - There is a demonstrable unmet need for the type of development proposed; and
 - The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

The appellant argues that the development accords with paragraph 155, while the Council take an opposing view.

8. Grey belt is defined within the glossary to the Framework 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 of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*

9. The site is not previously developed land and thus the question to be asked is whether or not the site strongly contributes to any of purposes (a), (b), or (d) in paragraph 143, and these are:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another; and
 - d) to preserve the setting and special character of historic towns.
10. The Council's supporting information sets out that only conflict with the purpose set out at paragraph 143 c) is identified, i.e., to assist in the safeguarding of the countryside from encroachment. There is no contention that any other purposes are conflicted with, and I consider that the appeal site does not strongly contribute to any of purposes a), b) or d).
11. The grey belt definition excludes other land (other than Green Belt) identified at footnote 7 of the Framework, but none is relevant here. Accordingly, I conclude that the site can be considered to be grey belt.
12. Turning back to paragraph 155, in respect of criterion a), I have found that the site is grey belt and that the three stated purposes of Green Belt are not compromised. As to the other two purposes, the effect in terms of encroachment of the countryside (purpose c) is minimal, given the small size of the site, and there can be no effect in respect of urban regeneration and the recycling of derelict land (purpose e), given the site's location remote from any urban area. Accordingly, the development does not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
13. It is contended by the appellant that there is a significant need for the provision of caravan storage facilities in the area. In support of this, the appellant has undertaken an assessment of similar facilities within a 5-kilometre radius and identified that there was between 300 and 400 spaces for caravan storage being provided. It is also stated that since the time the assessment was undertaken, one site providing 100 spaces has ceased trading and the supply has therefore been reduced. It is also contended that there is little likelihood of new storage spaces being provided on designated employment sites within the area, as well as on other sites outside of the Green Belt, due to land values, constraints such as the National Landscape (formerly Areas of Outstanding Natural Beauty) and amount of land within the Green Belt.
14. I am conscious that within the Council's Delegated report, at 5.33, it is accepted that the review carried out by the appellant indicates that local caravan storage sites are all occupied, and that one site is to close, removing its contribution to the provision of storage places. The Council also accept within this paragraph that there is a local need for caravan storage, which the development at the appeal site is fulfilling. As such, it is clear that the Council concedes that there is a demonstrable need for the development, and nothing has been put before me that would lead me to conclude otherwise.
15. I acknowledge the Council's concern that the appellant has failed to demonstrate that the development could not take place on another site outside of the Green Belt. However, this is not the requirement of paragraph 155, which requires that there be a demonstrable unmet need for the type of development proposed, which

requires an assessment of the need for the specific development type, not whether it is required at this specific location.

16. In terms of whether the siting of the development can be considered to be a sustainable location, I am conscious of the advice of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that sustainable transport modes should be prioritised taking account of the vision for the site, the type of development and its location. The appeal site lies at a rural location, and I have not been provided with any evidence that the site is accessible by public transport options. Nonetheless, the type of development would not generate a large number of traffic movements, a point highlighted by the Council in its Delegated Report. Moreover, it is not a development that generates a need for accessibility by public transport, in light of the nature of the use. In addition, the Council do not resist the development on the grounds of accessibility, nor highway safety. Therefore, when considering this matter in the round, in light of the advice of paragraphs 110 and 115 of the Framework, I find that the development would be at a suitably sustainable location.

Overall conclusion

17. In light of the above, the development is not inappropriate development in the Green Belt and accords with paragraph 155 of the Framework. The development also complies with policies CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013) (the Core Strategy), and policies PSP7 and PSP28 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017) (the PSP Plan). Together, and amongst other things, these seek to ensure that development in the Green Belt accords with the Framework and that designated Green Belt is protected from inappropriate development.

Conditions

18. I have imposed a plans condition to define the extent of the permissions that are granted in respect of the linked planning appeal only, as the plan attached to the enforcement notice relates to the deemed planning application. In order to ensure that the level of traffic movements generated by the development remains acceptable, I have also imposed a condition limiting the use to that which was applied for. In the interests of safeguarding the character and appearance of the area, I have also imposed conditions limiting the number of caravans that can be stored on site, as well as requiring a landscaping scheme to be approved and implemented.

Conclusion

19. For the reasons given above, I conclude that the appeal against the enforcement notice should succeed on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed. The appeal against the refusal of planning permission also succeeds.

Martin Allen

INSPECTOR

Schedule of Conditions A

- 1) The premises shall be used for the storage of caravans and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 2) The number of caravans stored on site at any time shall not exceed 30.
- 3) Within 3 months of the date of this permission, a scheme of soft landscaping, to include a timetable for its implementation, shall be submitted to the Local Planning Authority for its written approval. The development shall be carried out in accordance with the approved details.

If, within a period of 5 years from the date of planting, any tree or plant (or any tree or plant planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.

Schedule of Conditions B

- 1) The development hereby permitted shall be carried out in accordance with the 1:1250 scale Site Location Plan received by the Council on 6 September 2023
- 2) The premises shall be used for the storage of caravans and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 3) The number of caravans stored on site at any time shall not exceed 30.
- 4) Within 3 months of the date of this permission, a scheme of soft landscaping, to include a timetable for its implementation, shall be submitted to the Local Planning Authority for its written approval. The development shall be carried out in accordance with the approved details.

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End of Schedules