



Appeal Decision

Site visit made on 15 April 2025

by **A Edgington BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 1 May 2025

Appeal Ref: APP/Y2003/W/24/3343813

Mayfield, Butterwick Road, Messingham, Lincolnshire, DN17 3PA

- 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 Ms Amanda Smith against the decision of North Lincolnshire Council.
 - The application Ref is PA/2023/781
 - The development proposed is Change of use and alteration/extension of the accommodation building (application reference PA/2022/341, for two residential mobile homes, two touring caravans and the erection of an amenity block) to a residential bungalow with one residential mobile home and space for two touring caravans.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would comply with the local development plan with regard to location;
 - Whether the development would have an adverse effect on the provision of gypsy pitches in the council's area; and,
 - Whether the development would have an adverse effect on the living conditions of adjacent occupiers.

Reasons

Location

3. The development would result in a residential dwelling in the countryside, to be achieved by extending the existing amenity block to add three double bedrooms and a lounge. Planning Policy H of Planning Policy for Traveller Sites (PPTS) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policies CS2 and CS3 of the Local Plan (LP) restrict development in the countryside to that required for the functioning of the countryside. What is before me does not fall into that category.
4. LP Policy RD2 allows for the re-use and adaptation of existing rural buildings. However, the proposals comprise a large extension to the existing amenity block. The extension alone would be significantly larger than the original amenity block. I am unable to conclude that works of this scale in relation to the original, fall within

the definition of re-use and adaptation. In any case, the policy text of LP Policy RD2 goes on to add the qualification that the re-use and adaptation of rural buildings is acceptable only where the open countryside is the only appropriate location and development cannot reasonably be contained within defined development boundaries. There is no compelling evidence to indicate that this site is the only appropriate location for a residential bungalow.

5. Paragraph 25 b) of Planning Policy for Traveller Sites (PPTS) also sets out that local planning authorities should consider the availability of alternative accommodation in relation to gypsy and traveller applications. There is nothing before me to indicate that there is not suitable bricks and mortar accommodation available in the area.
6. As such the proposals would conflict with LP Policies CS2, CS3 and RD2, as set out above, with regard to residential development in the countryside.

Pitch provision

7. The current permission is for the use of land for the stationing of caravans with a general occupancy condition. The permission for two pitches was granted at appeal primarily on the basis that there was unmet need in the Council's area.
8. The proposed layout shows the bungalow and other caravans arranged around the site's periphery with a large central area used for parking and paths. There is no amenity space shown and it is unclear what is communal and what is private space. The layout does not show two clearly defined pitches. Moreover, the separate amenity block would be subsumed into the bungalow. One pitch would lose access to shared facilities. It may be the case that the current occupiers of the site's two pitches are satisfied that this is a suitable arrangement for their family dynamics, but it does not follow that this would be satisfactory for future occupiers.
9. Moreover, it is the general cultural aversion to living in bricks and mortar accommodation that underpins the national planning policy. It is this that requires councils to find land for the stationing of caravans. As such, the pitch containing the proposed bungalow would not necessarily be compatible with future gypsy and traveller occupancy. The proposals would therefore result in the loss of two pitches.
10. The Council has to find a further 17 permanent residential pitches before 2038. As such there is unmet need. Consequently, the proposals would be contrary to Paragraph 4 of PPTS which requires, amongst other considerations, that councils maintain an appropriate level of supply of traveller sites.
11. The Council has cited LP Policies CS2, CS3, CS8 and RD2 in this regard but these are not specifically concerned with the provision of traveller sites and as such weigh neither for nor against the appeal in this regard.

Living conditions

12. As set out above, given that the site has general occupancy, the proposals would result in the loss of shared facilities. I appreciate that this would not be a concern for the current occupiers of the site. However, it could fetter the site's suitability for gypsy and traveller occupancy in the future. This would be contrary to LP Policy CS10 and Paragraph 135 f) of the Framework with regard to the amenities of existing and future occupiers.

Planning balance

13. When the permission for the site was granted at appeal, the Inspector found that although health issues were raised, these were not determinative. Since that appeal other health concerns have been raised in relation to one family member who requires internal bathroom access at night. The argument is also advanced that other adult family members need to sleep within the same accommodation to provide care.
14. Nonetheless, there is nothing before me to indicate that other bricks and mortar housing within development boundaries is not available. Moreover, the proposals would result in the loss of two pitches, for which there is an unmet need within the Council's area and to which I attach significant weight. The weight I give to the health concerns of the appellant's family is not outweighed by the harm arising from the loss of two pitches.

Other matters

15. The appellant advances the argument that gypsies and travellers are not required to live in caravans. However, the rationale behind national planning policy for gypsy and traveller sites is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life while respecting the interests of the settled community. Applications for bricks and mortar accommodation should be considered in relation to planning policies for bricks and mortar residential development. There is nothing to prevent gypsies and travellers living in bricks and mortar development, but it does not follow that bricks and mortar developments are acceptable on sites allocated as residential pitches.
16. The loss of two pitches for general occupancy would not be overcome by the imposition of a personal occupancy condition, a change of the application's description or designating the bungalow as ancillary to use of the land as a caravan site. In any case, it is difficult to see how sleeping arrangements could be enforced, or how a wholly self-contained dwelling would not constitute an independent dwelling. I appreciate that in the immediate future the site would retain two units of accommodation and that the particular needs of this family would be met. Nonetheless, the weight that I give to the family's health needs does not outweigh the harm arising from the loss of two pitches.
17. Another appeal has been highlighted by the appellant. However, I am unable to conclude that the situations are comparable. In any case, this appeal is determined on its merits.
18. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Although family members share protected characteristics for the purposes of the PSED, there is nothing in the evidence before me to indicate an inequality of housing opportunity for gypsies arising from the dismissal of the appeal.

Conclusion

19. For the reasons set out above I conclude that the proposals conflict with the development plan and national guidance, and there are no other material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR