



Appeal Decision

Site visit made on 1 April 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2025

Appeal Ref: APP/J0405/W/24/3353530

Land adjacent to Radclive Road, Gawcott, Buckinghamshire MK18 4JB

- 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 Charles Botton against the decision of Buckinghamshire Council.
 - The application Ref is 23/03301/APP.
 - The development proposed is for the use of land for the stationing of caravans for residential purposes and hardstanding and dayrooms ancillary to that use.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes and hardstanding and dayrooms ancillary to that use at land adjacent to Radclive Road, Gawcott, Buckinghamshire MK18 4JB in accordance with the terms of the application, Ref 23/03301/APP, subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) and Planning Policy for Traveller Sites (PPTS) were both revised in December 2024 following the Council's determination of the application and submission of this appeal. As the main issues in this case are not materially affected by the changes to the Framework, the parties were not invited to comment further.

Background and Main Issues

3. The application was determined by the Council with four reasons for refusal. In summary, these related to a lack of information to demonstrate the applicant met the definition at Annex 1 of the PPTS, insufficient demonstration of unmet need, lack of Preliminary Ecological Appraisal (PEA) and consequent effect on protected species and insufficient biodiversity net gain.
4. However, in its statement in relation to this appeal and, in light of other recent appeal decisions¹, the Council withdrew its objections to reasons one and two. As such the development accords with policy D11 which is a criteria-based approach to assess proposals for new sites or for expanding current sites within Aylesbury Vale.
5. In addition, a PEA was provided to the Council during its determination of the application, although it declined to accept this additional information at that time, but this PEA was also provided with this appeal. Based upon the contents of the

¹ APP/J0405/W/23/3334857 and APP/J0405/W/24/3341663

PEA, the Council confirmed it would no longer contest the third reason for refusal subject to conditions.

6. The Council, however, has stated that it is minded to maintain its objection to the fourth reason for refusal relating to biodiversity net gain. Therefore, the sole main issue is whether the proposed development needs to, or has, demonstrated that a net gain in biodiversity would be achieved.

Reasons

7. The requirement for mandatory biodiversity net gain was introduced under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) (as inserted by Schedule 14 of the Environment Act 2021). It is applicable to all major development submitted after the 4 February 2024 and all minor development submitted after the 2 April 2024. As the application is for two new dwellings and has a site area less than 0.5 hectares, it amounts to minor development having regard to the definition in Annex 2 of the Framework. The application was submitted in October 2023 and therefore the proposed development is exempt from biodiversity net gain provisions. The Planning Practice Guidance (PPG) confirms this² by explicitly stating that permissions granted for applications made before this date are not subject to biodiversity net gain.
8. This notwithstanding, I recognise the provisions of policy NE1 of the Vale of Aylesbury Local Plan 2021 (VALP) which states that a net gain in biodiversity on minor and major developments will be sought by protecting, managing, enhancing and extending existing biodiversity resources, and by creating new biodiversity resources. Accordingly, I have imposed conditions, discussed below, relating to biodiversity enhancements to the site to satisfy the provisions of policy NE1. As such, I conclude that the proposal complies with policy NE1 of the VALP.

Other Matters

9. In reaching my conclusions here I have had regard to comments expressed by third parties including the Parish Council.
10. Policy C of the PPTS expresses the requirement that the scale of traveller sites should not dominate the nearest settled community. It has been nominated that this proposal, in cumulation with other existing and proposed sites would represent 11% of the population of the Parish. However, this figure still remains a notable minority. Moreover, this site is set towards the northern edge of the Parish and may well have a more frequent association with the significantly larger settlement of Buckingham which is only slightly further afield.
11. I accept that the siting of this proposal is less than ideal as it is not logically connected to the established site to the north, but even so, there remains a functional connection insofar as an existing vehicle access is to be re-used so as to minimise local effects on the area's character. The site is set in a rural context and is not ideally located having regard to the availability of local services and facilities. Nevertheless, it remains in reasonable proximity to those available in Buckingham.

² Paragraph: 003 Reference ID: 74-003-20240214

12. I have noted the comments of the Parish relating to the availability of Gypsy and Traveller sites, but, on the basis of recent appeal decisions, the Council has accepted it cannot demonstrate a five year supply of such sites and this has led to its' withdrawal of the objections to the proposals as set out in reasons one and two of the decision notice and subsequent Statement of Case.
13. I have been mindful of the effect of the development on ridge and furrow earthworks. However, this archaeological feature relates to the whole field and this proposal is confined to one small parcel within it. Specialist advice provided by the Council does not raise an objection to this and I have no additional evidence that conflicts with this view. Therefore, there is insufficient evidence of harm to warrant concern in this regard or to require further archaeological investigation.

Conditions

14. The Council has provided a schedule of conditions in the event that the appeal were to be allowed and I have imposed these here with edits and modifications, having regard to the advice in the PPG. A number of conditions are pre-commencement conditions. Having regard to s100ZA of the Act and the Pre-commencement Conditions Regulations 2018, the appellant has been consulted on these.
15. I have imposed a general time limit condition to comply with the provisions of the Act and a condition to secure adherence to the approved plans for certainty.
16. The Council nominated two conditions to secure biodiversity net gain however as I have already concluded that statutory biodiversity net gain is not required for this development, this has been adjusted to a single condition to comply with policy NE1 of the VALP. Conditions 15-19 also relate to natural environment considerations. In cumulation these conditions enhance and extend existing biodiversity resources and they result in compliance with the provisions of the development plan and Framework.
17. Conditions 4 and 5 are imposed to ensure adequate and satisfactory access to the site and parking provision clear of the highway. Condition 6 requires the provision of electric vehicle charging to promote more sustainable modes of transport.
18. Conditions 7 and 8 relate to surface water and foul water drainage and to minimise the risk of flooding elsewhere and to ensure that the development can be adequately drained.
19. I have restricted the construction of further walls or fences with deemed permission in the interests of the character and appearance of the area, given the rural context. This rural context and circumstances of the case justifies the removal of these rights which, being mindful of PPG advice, should not normally be restricted.
20. Condition 10 restricts the occupation of the development to those meeting the definition given at Annex 1 of the PPTS. This is the basis for the grant of permission for this development and it is therefore reasonable and necessary for such a condition to be imposed. Condition 11 restricts this site to no more than two pitches.

21. I have imposed condition 12 to require the submission of details of materials and condition 13 to restrict floodlighting. These are both imposed in the interests of the character and appearance of the area.
22. Condition 14 is applied here to mitigate works on existing trees and vegetation on the site.
23. Conditions 15 to 19 (inclusive) are imposed in the interests of local ecology and wildlife and to ensure the habitats are promoted and maintained from construction through to occupation and in the ongoing use of the development.
24. Condition 20 is imposed to require the submission of details of walls and fences in the interests of the character of the area.
25. Finally, condition 21 is required to ensure that there is adequate refuse and recycling collection provision for the development in the interest of the living conditions of the occupants and character and appearance of the area.
26. I have not imposed a condition requiring the submission of details of slab levels for the day rooms, as was suggested by the Council. These details are adequately shown on the plans and in any case are modestly sized structures to be built on level ground.

Conclusion

27. The proposal adheres to the development plan and there are no other considerations which outweigh this finding. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

N Bowden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 23_1294-001 Rev P01 Site Location Plan, 23_1294-003 Rev P02 Proposed Site Plan, 23_1294-006 Rev P01 Proposed Standard Day Room – Plans and Elevations.
- 3) No development is to take place until a Biodiversity Enhancement Scheme has been submitted to and approved in writing by the local planning authority. The biodiversity scheme shall ensure a net gain in biodiversity and is to include details of species, plant sizes, proposed numbers and densities, together with boundary treatments, a schedule of maintenance and details of designs and/or product descriptions of proposed enhancements, their location on the site and a timetable for implementation. The enhancement measures shall be implemented in accordance with the approved details and timescale. The approved scheme shall be carried out in accordance with the approved timetable and shall thereafter be retained and maintained..
- 4) Prior to the commencement of the development hereby permitted, minimum vehicular visibility splays of 151metres from 2.4metres back from the edge of the carriageway from both sides of the access onto Radcliffe Road shall be provided in accordance with approved plan 23_1294-003 Rev P02 and the visibility splays shall be kept clear from any obstruction between 0.6metres and 2.0metres above ground level.
- 5) Prior to the first occupation of any caravan within either of the pitches hereby approved, a scheme for parking and manoeuvring shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the area for parking and manoeuvring shall not thereafter be used for any other purpose.
- 6) Prior to the first occupation of any caravan within either of the pitches hereby approved, one Electric Vehicle charging point per pitch shall have been installed and thereafter retained as such and maintained to a useable standard in accordance with the manufacturer's recommendations for the lifetime of the development.
- 7) Prior to the commencement of any development (excluding site clearance), details of the proposed means of surface water drainage of the development hereby permitted, including details of management and maintenance, shall be provided. The development shall thereafter be carried out in accordance with approved surface water drainage scheme prior to the occupation of either pitch hereby permitted and shall thereafter be managed and maintained for the lifetime of the development.
- 8) Prior to the commencement of any development (excluding site clearance), details of the proposed foul water strategy of the development hereby permitted shall be provided. The development shall thereafter be carried out in accordance with approved foul water strategy prior to the occupation of either pitch hereby permitted and thereafter managed and maintained for the lifetime of the development.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) (or any other order revoking and re-enacting the Order with or without modifications), no walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site.
- 10) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites 2024 (or its equivalent in replacement national policy).
- 11) No more than 2 pitches, as laid out in accordance with the approved site layout, 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 site at any time, and of which no more than 2 caravans per pitch, one of which shall be a static caravan/mobile home.
- 12) Prior to the commencement of any development, a full schedule of all external materials and finishes to be used in the construction of the day rooms shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 13) No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. The external lighting shall thereafter be installed in accordance with the approved details. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.
- 14) Prior to the commencement of any development, (including site clearance and works which include any changes to existing ground levels), details of tree protection measures shall have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall accord with current British Standard 5837 guidance. These measures shall remain in situ undisturbed during the course of all site clearance/construction works, and none of the following shall be stored or allowed to stand within the branch spread of the trees or hedgerows to be retained on site or trees within in adjacent properties:
 1. no materials or plant shall be stored;
 2. no buildings or temporary buildings shall be erected or stationed;
 3. no materials or waste shall be burnt within 8m of the furthest extent of the canopy of any tree(s) to be retained on the site or on land adjoining the site;
 4. no drain runs, trenches or other excavation shall be dug or otherwise createdwithout the prior written consent of the Local Planning Authority.
- 15) Prior to the commencement of any development, a precautionary working statement in form of Reasonable Avoidance Measures (RAMS) or Non-

Licenced Method Statement (NLMS) for Great Crested Newts shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved document.

- 16) Prior to the commencement of any development, a precautionary working statement for reptiles shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved document.
- 17) Prior to first occupation of any caravan within either of the pitches hereby permitted, one bat box shall have been installed on site and shall thereafter be retained as such in perpetuity.
- 18) Prior to first occupation of any caravan within either of the pitches hereby permitted, one bird box shall have been installed on site and shall thereafter be retained as such in perpetuity.
- 19) Prior to the commencement of development hereby permitted, details of soft landscaping, to include the planting enhancement recommendations set out in the submitted Preliminary Ecological Appraisal, shall have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme; and a plan demonstrating the layout can achieve a 5 metre natural buffer around existing hedgerows.

These works shall be carried out as approved within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies, or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity as shown on the approved landscaping scheme.

- 20) Prior to first occupation of any caravan within either of the pitches hereby permitted, details of all screen and boundary walls, fences and any other means of enclosure shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the caravans within the pitches hereby approved shall not be occupied until the approved details have been fully implemented. The approved scheme shall thereafter be retained as such in perpetuity.
- 21) Prior to first occupation of any caravan within either of the pitches hereby permitted, a scheme for regular collection and disposal of household refuse and recycling from the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

End of Schedule