



Appeal Decision

Hearing held on 22 May 2025

Site visit made on 22 May 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/E3715/W/25/3359149

Land Adjacent To Greenacres, Top Road, Barnacle, Warwickshire CV7 9FS

- 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 Gaskin against the decision of Rugby Borough Council.
 - The application Ref is R23/0791.
 - The development proposed is described as “change of use of land to a residential caravan site consisting of 3 no. pitches, including the demolition of existing stables buildings”.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to a residential caravan site consisting of 3 no. pitches, including the demolition of existing stables buildings, the provision of new hardstanding, fencing and sewage treatment plant and the re-alignment of an access track at Land Adjacent To Greenacres, Top Road, Barnacle, Warwickshire CV7 9FS in accordance with the terms of the application, Ref R23/0791, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs has been made by Mr Gaskin against Rugby Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site address in the header and my decision is taken from the Council’s decision notice. I have used this address as it more accurately describes the location of the site compared to the address provided on the application form.
4. The submitted plans show as part of the proposal the provision of new hardstanding, fencing and a sewage treatment plant as well as a realignment of the access track on the site. At the hearing, the main parties agreed that my assessment should include these additional works. I am satisfied that such an approach would cause no injustice to any party as the submitted plans have been the subject of public consultation. I have used an amended description of development in my decision so as to reflect the approved drawings more closely.
5. Whilst it is not stated in the description of the development, the submissions indicate the occupation of the caravan site would be restricted to those that fall within the definition of Gypsies and Travellers as set out in the government’s Planning Policy For Traveller Sites (PPTS). My assessment is made on this basis.

6. Revised versions of the PPTS and the National Planning Policy Framework (the Framework) have been issued since the Council's decision on the planning application leading to this appeal. All interested parties have had the opportunity to provide comments on these documents through the appeal process.
7. The Council is working towards the adoption of a new local plan that would replace the current Rugby Borough Council Local Plan adopted 2019 (the LP). However, the emerging document is at an early stage of production and neither of the main parties rely upon its policies in their submissions. Therefore, the emerging local plan is afforded very limited weight in my consideration of the appeal.

Main Issues

8. Having regard to the Council's reasons for refusal, I consider the main issues are (i) whether the proposal would represent inappropriate development in the Green Belt, and (ii) whether it would be in a suitable location having regard to accessibility to services.

Reasons

Green Belt policy.

9. The appeal site lies within designated Green Belt. LP policy GP2 states that new development within the Green Belt will only be allowed if permissible under national policy.
10. The version of the PPTS at the time of the Council's decision stated that new Gypsy and Traveller sites would represent inappropriate development in the Green Belt. However, paragraph 16 of the revised PPTS states that Gypsy and Traveller sites are inappropriate development unless the exceptions as set out in chapter 13 of the Framework apply.
11. Paragraph 153 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 states development in the Green Belt is inappropriate but exceptions are set out in sub-paragraphs 154(a) to (h) as well as at paragraph 155. Sub-paragraph 154(g) is relevant in this case. This defines partial or complete redevelopment of previously developed land (including a material change of use to residential) as not inappropriate development provided it avoids substantial harm to the openness of the Green Belt.

Whether the appeal site represents previously developed land.

12. The appeal site forms part of a larger parcel of land in the appellant's ownership. Within the defined red line boundary are existing stable buildings and adjoining areas of concrete and gravel as well as most of an access track leading to the buildings from the road. The remainder of the wider plot is sub-divided into paddocks. The land is used for the stabling of horses and for equestrian use.
13. The site layout plan shows the proposed caravans and associated car parking areas would be positioned mostly on land that is currently occupied by the stables or the adjacent hardstanding. The front of the 3 pitches and a section of the realigned access track would extend onto land that currently forms part of the grassed paddocks to the front of the stables.

14. Previously developed land is defined within the Framework as that which has been lawfully developed and is occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. Land occupied by agricultural buildings are excluded from the definition.
15. At the hearing, the Council's representatives accepted the parts of the site occupied by the stables and the areas of hardstanding to the front and sides would represent previously developed land. I would agree, particularly as there is no dispute the stables and hardstanding have not been lawfully developed and that they are used for equestrian rather than agricultural purposes.
16. The Council's representatives at the hearing suggested the parts of the appeal site that currently fall within the paddocks should not be deemed as previously developed land. However, the Framework's definition does not preclude grassed areas from falling within the curtilage of developed land. Those parts of the paddocks that would be affected currently serve the equestrian purpose of the stables and have an intimate association with the buildings, hardstanding or access track by reason of their close proximity. Consequently, the full extent of the defined appeal site is either currently occupied by a permanent structure and fixed surface infrastructure or lies within the curtilage of developed land. Therefore, I find the whole of the appeal site, including the line of the proposed access track should be treated as previously developed land when having regard to the definition within the Framework.

The effect on openness.

17. The existing buildings and associated features on the site are single storey in height. Nonetheless they are close together and extend across almost the full extent of the area of hardstanding. The buildings are set back from the road but they are seen from the highway through the access onto the site and through gaps in the hedgerow along the roadside.
18. The Council suggests the existing stables are appropriate to the Green Belt. Even so, they have a volume, which the appellant claims measures some 1021m³. As such, the stables currently affect the spatial openness of the site.
19. The appellant suggests the proposed mobile homes would have a volume of 747m³. It would seem that this figure does not include for the spatial effects of the touring caravans, domestic paraphernalia or parking associated with the development. Even so, the comparison volume figures provided by the appellant are not disputed by the Council and they suggest the scheme would slightly increase the spatial openness of the land when compared to the existing situation.
20. The proposed pitches and the access drive would marginally extend onto land that currently forms part of open paddocks. However, the front of the pitches is shown on the plans as being kept free of caravans and planting is proposed between the plots. As such the pitches would appear fairly spacious, particularly when compared to the continuous line of existing stables. Also, the caravans, associated parking and domestic paraphernalia would be set back a significant distance from the road with the intervening paddocks remaining open. The realigned access track would not impede views across the site. For these reasons, I consider the proposal would avoid a significant loss of visual openness, even though it would be seen from the highway and adjoining private land. Consequently, I find the proposal would not cause substantial harm to Green Belt openness.

Conclusion on Green Belt issue.

21. The proposal would constitute the redevelopment of previously developed land and it would avoid substantial harm to the openness of Green Belt. Therefore, I conclude the scheme would accord with sub-paragraph 154(g) of the Framework and so it would not be inappropriate development in the Green Belt. Therefore, the proposal would not be contrary to LP policy GP2.
22. The appellant also advances a case that the site is grey belt land and that the proposal would not be inappropriate development in the Green Belt having regard to paragraph 155 of the Framework. However, I do not need to consider this matter further given my conclusion above.

Suitability of location.

23. The Council's refusal reason on this issue refers to LP policy SDC4. However, this policy is not relevant to this matter as it relates to sustainable buildings and it has no provisions on the location of new development. Instead, I refer to LP policy DS2 on sites for Gypsies and Travellers. Amongst other things, this states that proposed sites would be supported where they afford good access to local services such as schools and health facilities.
24. Barnacle is the nearest village and a short distance from the site, although it contains only a few facilities. Slightly further away is Bulkington, which has some health facilities and a primary school as well as shops and other facilities. A broader range of services including secondary schools and hospitals can be found in Coventry and Bedworth. These are further away from the site than Bulkington but they would be a fairly short car journey away from the development.
25. It is unlikely the occupants of the proposed pitches would walk to the nearest facilities due to the separation distances and the lack of pavements on most nearby roads. Instead, it is reasonable to envisage that most trips to and from the site would be by private car, especially as there is no nearby bus services. However, LP policy DS2 does not preclude new sites away from settlements and the location of the development would provide occupants with good and fairly convenient access to services by car. Therefore, it would meet the requirements of LP policy DS2 and the aims set out in sub-paragraphs 13(b) and 13(c) of the PPTS. Furthermore, it is likely the development would lead to only a minor increase in car trips to and from the site as it would provide only 3 pitches. There is no evidence to show the level of traffic generated by the proposal would have any significant environmental effects.
26. The location of the development would not encourage walking or public transport use and in these regards it would go against the provisions of the Framework. However, the proposal would not represent a significant development and paragraph 110 of the Framework highlights that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The Council has not sought to dispute the appellant's claim that new Gypsy and Traveller sites are likely to be located in the countryside due to higher land values in and around towns and settlements. Also, it is noteworthy the Council is unable to identify any suitable and available alternative sites for the proposal that would allow access to facilities by walking or public transport. As such, it would seem likely at the current time that any new Gypsy and Traveller site would be in a rural location where occupants would be reliant to a degree on private car travel.

27. At the hearing, the Council referred to appeal decision reference number APP/E3715/W/24/3344241. The Inspector for this appeal found that a Gypsy and Traveller caravan site development at Treetops on Shilton Road, Shilton would not be in a sustainable location. At the same time, the appellant has referred to appeal decisions¹ for Gypsy and Traveller accommodation on land at Top Road and very close to this appeal site. In these decisions, the Inspectors found the sites would not be so far from the nearest facilities to be classed as inaccessible, particularly in terms of providing Gypsy and Traveller pitches. Therefore, I am not bound to arrive at the same view as the Treetops appeal inspector in my consideration of this appeal, particularly given the favourable views on the issue of accessibility expressed by the Inspectors for the other Top Road decisions.
28. For the above reasons, I conclude the proposal would be in a suitable location for Gypsy and Traveller accommodation. In these respects, it would accord with LP policy DS2. Also, I find the proposal would not conflict with the provisions of the Framework on the location of development and promoting sustainable transport when read as a whole.

Other concerns.

29. A number of other objections have been raised to the proposal. The existing stables are of a basic form and appearance but they reflect the countryside feel to the site and general locality. The introduction of a residential use onto the site would to a degree undermine its rural feel. However, most of the paddock areas and vegetation would be retained. Also, the pitches would be partially screened by planting and they would be located so as to not be prominent from the road nor from the public right of way to the back of the appellant's land. Moreover, the development would lie between existing authorised Gypsy and Traveller sites at Greenacres and The Paddocks and so it would not look unusual to the area. The proposed residential use would not materially affect the tranquillity of the area, particularly given its limited scale. A planning condition could be imposed to ensure external lighting avoids harm to the visual attractiveness of the site. Overall, I find the development would have an acceptable effect on the character and appearance of the area.
30. If allowed, the proposed pitches would add to the existing Gypsy and Traveller sites along Top Road. However, these are set away from Barnacle and the intervening fields ensure they do not dominate the village. Interested parties at the hearing referred to a significant number of Gypsy and Traveller sites surrounding Barnacle. However, from my observations travelling on local roads, caravans are not so obvious or numerous so as to cause a sense of Barnacle or any other settlement being overwhelmed. The provision of 3 additional pitches on Top Road would cause no unacceptable effects in these regards.
31. The development would avoid any meaningful loss of agricultural land as only small parts of the paddocks would be encroached upon. I find no reason to disagree with the views of the Warwickshire County Council ecologist that the scheme would avoid harm or risk of harm to protected species or the biodiversity value of the site.

¹ Appeal decision reference number APP/E3715/W/18/3217596 (The Paddocks, Top Road) and appeal decisions reference numbers APP/E3715/W/23/3328395, APP/E3715/W/23/3328396, APP/E3715/W/23/3328397, APP/E3715/W/23/3328398, APP/E3715/W/23/3328399 & APP/E3715/W/23/3328404 (all relating to plots on Top Park, Top Road).

32. The land is not identified as being at risk of flooding and planning conditions could be imposed to ensure the development is served by satisfactory foul and surface water drainage systems. There is no evidence to show the development could not be adequately served with water and electricity supplies. Also, there is no information before me to indicate local schools or medical facilities would be unable to accommodate the limited demands for services generated by the occupants of the proposed site.
33. The current access provides sufficient visibility of on-coming traffic in both directions. The fairly low level of traffic generated by the development would not unduly prejudice highway safety nor lead to congestion issues. Each of the pitches would have sufficient parking and turning areas. It is inappropriate to assume the development is bound to lead to reckless driving or any other form of anti-social behaviour.
34. The pitches would be set away from the nearest villages and the separation distances may at times discourage occupants from visiting local facilities. Even so, the site is near enough to Barnacle, Bulkington, Coventry and Bedworth to allow residents to integrate with existing communities, particularly through attending schools and other community facilities.
35. Each of the pitches would be laid out so as to provide acceptable living conditions with appropriate levels of privacy. Also, the development would be far enough away to avoid harmful effects on living conditions at any other residence. As such, the proposal would not interfere with any person's right to peaceful enjoyment of their home or their possessions as set out under the Human Rights Act 1998.
36. The aforementioned Treetops appeal decision indicates there is a significant need for more Gypsy and Traveller sites to be provided within Rugby Borough. Also, the Council is unable to identify any alternative deliverable sites for new pitches. It is unclear how the emerging local plan will address the issue of site provision and in any event it appears that this would not be adopted until 2027 at the earliest. As such, I disagree with the assertions from interested parties that there is no need for the proposed development. Indeed, I attach significant weight to the contribution the proposal would make to addressing a recognised need for more private Gypsy and Traveller sites at the local level. Also, the development would help address the government's aim set out within sub-paragraph 4(e) of the PPTS to promote more private sites in general terms.
37. None of the above objections provides justifiable reasons to refuse planning permission. As such, they do not affect my overall conclusion.

Conditions

38. I have had regard to the planning conditions suggested to me 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.
39. For reasons of clarity, I have imposed a condition that lists the approved plans. I have included a requirement that the caravans brought onto the site are positioned in accordance with the drawings to ensure the development preserves the openness of the Green Belt and the visual amenities of the area.

40. Condition 3 is imposed to ensure the environment and occupants of the development are not exposed to ground contamination. Condition 4 is attached to ensure the development is of a satisfactory appearance and provides suitable living conditions for occupants. Conditions 5 and 6 are included to ensure the provision of appropriate drainage systems. Condition 7 is required to protect the character and appearance of the area.
41. I have assessed the proposal on the basis the development would accommodate Gypsy and Travellers and there is no evidence before me to show it would be acceptable without limiting occupation. Condition 8 imposes an occupancy restriction. The appellant has provided details of the intended occupants of the pitches. However, I have found the proposal would accord with the development plan and so a condition limiting occupation to named individuals is not needed.
42. Condition 9 is required to protect the openness of the Green Belt. It negates the need for some of the conditions suggested by the Council, including that on replacement or additional mobile homes. However, the development would increase the likelihood of unsightly boundary walls and fences being erected on the land as it would sub-divide the plot into different pitches. Therefore, condition 10 is needed to ensure the development retains a satisfactory appearance and to protect the openness of the Green Belt.
43. The proposed development would be a residential use and so there is no need for a condition restricting commercial uses or the parking of larger vehicles on the site. Also, the development would be served by an existing access and so I find the conditions suggested by Warwickshire County Council as highway authority are unnecessary.

Conclusion

44. The proposal would accord with the development plan when read as a whole and there are no other factors that justify refusing planning permission. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Angus Murdoch	Planning Consultant
Mr Rhodri Crandon	Landscape Consultant
Mr Billy Gaskin	
Mr Tom Gaskin	

FOR THE LOCAL PLANNING AUTHORITY:

Christian Hawley	Barrister, Instructed by Legal Services at Rugby Borough Council
Chris Davies	Principal Planning Officer

INTERESTED PARTIES

Christine Case
Paul Case
Anita Burdekin

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Planning appeal decision reference number APP/E3715/W/24/3344241 – Land adjacent to Treetops, Shilton Lane, Shilton, Coventry CV7 9LH
2. Planning appeal decisions reference numbers APP/R1845/C/23/3320687 and APP/R1845/C/23/3320688 – Top Acres, Curslow Lane, Shenstone, Kidderminster, Worcestershire DY10 4DX.
3. Copies of emails between Angus Murdoch and Chris Davies dated 23.4.25 and 21.5.25 and between Angus Murdoch and the Planning Inspectorate dated 23.4.25.

SCHEDULE OF 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 in accordance with drawing nos TDA.2869.01, TDA.2869.02 and TDA.2869.03. Any caravans positioned on the site shall be located in accordance with the details shown on these plans.
- 3) In the event that contamination is found when carrying out work as part of the development hereby permitted, the works shall immediately cease and the contamination shall be reported in writing immediately to the local planning authority. Development work shall not be re-commenced until:-.

- a) an investigation and risk assessment has been undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and this has been submitted to and approved in writing by the local planning authority;
 - b) where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority
 - c) following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority.
- 4) Notwithstanding the details as shown on the approved plans, no development apart from the demolition of existing buildings shall commence until details of boundary treatments and landscaping (including details of species, plant sizes, proposed numbers and density) as well as a landscape management plan and implementation timetable have been submitted to and approved in writing by the local planning authority. Boundary treatments and landscaping shall be provided in accordance with the approved details and implementation timetable. Planting shall be managed in accordance with the approved landscaping management plan. If within 5 years from the date of implementing the landscaping any trees or shrubs are removed, destroyed or die, another tree or shrub of the same species and size shall be planted at the same place.
- 5) Apart from the demolition of existing buildings, no development hereby permitted shall commence until details of surface water drainage to serve the development have been submitted to and approved in writing by the local planning authority. The approved drainage shall be fully provided prior to the commencement of the residential use hereby permitted.
- 6) Apart from the demolition of existing buildings, no development hereby permitted shall commence until details of foul water drainage to serve the development have been submitted to and approved in writing by the local planning authority. The approved drainage shall be fully provided prior to the commencement of the residential use hereby permitted.
- 7) No external lighting shall be installed at any time as part of the development hereby permitted unless details of the lighting have been submitted to and approved in writing by the local planning authority prior to its installation.
- 8) 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.
- 9) There shall only be 3 Gypsy and Traveller pitches on the site and no more than 2 caravans (1 mobile home and 1 touring caravan) as defined in the Caravan Sites

and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) shall be stationed on each pitch at any one time.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure permitted by virtue of Class A of Part 2 of Schedule 2 to the Order shall be undertaken unless approved under the terms of this permission.