



Appeal Decision

Site visit made on 29 April 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2025

Appeal Ref: APP/M2840/W/24/3355698

Plot 2, Bowd Field, Desborough Road, Stoke Albany, North Northamptonshire LE16 8HB

- 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 Mrs Sheralyn Holland against the decision of North Northamptonshire Council.
 - The application Ref is NK/2024/0153.
 - The development proposed is permanently refresh temporary consent KET/2019/0045 concerning change of use of land for the siting of static caravans for residential use, to include installation of septic tank, hard standing for vehicular parking and bin storage, erection of post and rail fencing and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for the siting of static caravans for residential use, to include installation of septic tank, hard standing for vehicular parking and bin storage, erection of post and rail fencing and soft landscaping at Plot 2, Bowd Field, Desborough Road, Stoke Albany, North Northamptonshire LE16 8HB in accordance with the terms of the application, Ref NK/2024/0153, subject to the conditions in the attached schedule.

Preliminary Matters

2. In allowing the appeal I have used the description of development given on the application form albeit it with modifications. This is because the application form sought a permanent permission whereas I have considered the potential effects of granting a permanent or further temporary permission. As the effects of granting a temporary permission are of a lesser magnitude, due to the interim nature, I have not consulted the parties on this.
3. The property is presently occupied albeit that it is not laid out in a configuration that equates to the existing site plan. At the time of my visit there was one static mobile home and four touring caravans together with a range of small sheds and outbuildings arranged in various positions along the side boundaries.
4. The proposed arrangement would result in the plot being laid out as two pitches within it and these would be occupied by Mr and Mrs T and S Holland (the latter being the appellant) and Mr and Mrs I and S Holland together with their six dependent children. It is not in dispute between the parties that the residents meet the definition of gypsies and travellers given at Annex 1 of the Planning Policy for Traveller Sites (PPTS) and I have dealt with the appeal on this basis.

Main Issues

5. The main issues are:

- 1) whether the site is in a suitable location for the proposed development having regard to its spatial or functional connection to nearby settlements with an adequate range of services and facilities,
- 2) the effect of the proposed development on the character and appearance of the area,
- 3) whether the grant of permission would set an undesirable precedent leading to further development of the surrounding area and cumulative adverse effects, and
- 4) whether there are any other considerations which warrant a grant of planning permission.

Reasons

Suitability of location

6. Policy 31 of the North Northamptonshire Joint Core Strategy 2016 (NNJCS) sets out that new gypsy and traveller pitches should be closely linked to a settlement with an adequate range of services and facilities. The term 'closely linked' is not defined in the NNJCS. However, paragraph 13 of the PPTS, promotes development which is sustainable economically, socially and environmentally. Paragraph 26 explains that decision makers should very strictly limit new traveller site development in open countryside that is away from existing settlements.
7. The appeal site is located within the Open Countryside as set out under policy RS4 of the Kettering Local Plan Part 2 (KLP). It is located approximately halfway between the settlements of Stoke Albany and Desborough. The former comprises a relatively small village with a very limited range of services and facilities whilst Desborough is a larger settlement offering a range of day-to-day amenities including education, healthcare, shopping and employment opportunities.
8. The site is linked to the two along the B669 which is predominantly unlit and rarely features any pedestrian footways and certainly none within the vicinity of the site. Any pedestrian routes would invariably be along rural footpaths, which again may well be unsuitable for meaningful connectivity on a day-to-day basis. No bus services run along the road with the nearest bus stops being located within the village of Stoke Albany and, even then, the level of services provided is limited.
9. Excepting for a number of other neighbouring traveller pitches and sporadic farmhouses and the like, the site is otherwise set amongst open fields. In this regard it cannot be said to be well related to either of these nearby settlements. It is quite obviously in a rural setting with no visual connection to any settlements. From a spatial perspective, it is so far removed from both Stoke Albany and Desborough that it quite clearly is separate from them. From a practical perspective, the manner of accessing either settlement by means other than by private motor vehicle are such that it is unlikely that any other mode of transport would be used.

10. In this regard, I must conclude that the site is not in a suitable location, in a spatial sense, for a form of residential development due to it being divorced from and not closely linked to surrounding settlements. However, from a practical perspective, whilst there would be a reliance on the private motor vehicle, this is not uncommon for the travelling community regardless of the precise location. In this regard, I must therefore be mindful that the site is within a quite short drive of both nearby settlements and that Desborough does offer a fairly comprehensive range of services. In addition, for parts of the year some residents may be away travelling and therefore the number of local journeys would be reduced. My reasoning here is consistent with the approach taken by the Inspector in relation to the 2021 appeals on the same site¹.
11. Accordingly, overall, I conclude that the proposed development is not closely linked to either Stoke Albany or Desborough in a spatial perspective. However, I do find that the proximity to these two settlements, in particular the latter, means that there is a functional link due to the short distances involved and range of services and facilities available. Nevertheless, as a consequence of the lack of a spatial connection or lack of a close link in this respect, the development conflicts with policy 31 of the NNJCS, the PPTS and provisions of National Planning Policy Framework (the Framework).

Character and appearance

12. The site is set on a relatively flat area of land that gives way to gently undulating fields and tracts of woodland further afield. The landscape character is typically one of open fields, peppered with sporadic farmhouses and other rural homes. There is evidence of other forms of development including wind turbines, working farms and barns and other forms of commercial development – particularly towards the south nearer to Desborough.
13. More locally, the site and environs are formed of the existing plot 2, presently laid to a mix of gravel and grass which is surrounded by a 2-metre-high close boarded fence. This is not dissimilar in nature to the other gypsy and traveller plots which are in existence nearby. The site is set amongst some areas of degraded fields with evidence of some abandoned materials of varying sorts and construction detritus. The site is screened from the main road by a hedge that runs along this boundary. Even so, this hedge is not especially high and is patchy in many places such that the site is clearly visible from the road. Even travelling at speed, the wider site is readily apparent.
14. Plot 2 itself is quite large, and although not presently fully developed, the proposed site plans indicate that as a result of this permission, it would become so. Indeed, there is likely to be an increase in the number of mobile homes due to a proposed additional static unit. This will invariably also increase the amount of domestic paraphernalia and vehicles in association with the use.

As such, I conclude that the proposal would be detrimental to the landscape and character and appearance of the area. The proposal therefore fails to comply with policies 3 and 31 of the NNJCS, policy RS4 of the KLP and provisions of the PPTS insofar as it would have a significant adverse impact on the character of the landscape.

¹ APP/L2820/W/20/3247096 and APP/L2820/W/20/3247099

Cumulative effects and precedent

15. The appeal only relates to plot 2 which is part of a much wider site. The evidence indicates that a much more expansive area of land around the site was subdivided into a multiplicity of ownership in 2000 in the order of around 50 plots albeit that only a small proportion of these appear to have been developed. I am unclear as to the lawfulness of the surrounding occupied sites as the observations from the parties appear to differ in this regard.
16. However, I am only able to consider those matters which are presented here and insofar as they relate to plot 2. I recognise that the development of the area around the site would have much wider implications but that is not what is presently before me. This does not alter my findings set out above, but I am unable to consider wider implications of theoretical development as each proposal must be considered on its own merits.

Other considerations

Intentional unauthorised development

17. Historical evidence provided with the appeal suggests that this site is a form of intentional unauthorised development. The appellants were aware that they needed planning permission but undertook the development anyway. As such, the 2015 ministerial statement is pertinent here. The works resulted in the laying of hardstanding and the formation of gravel area, siting of mobile homes and surrounding the plot with fencing. Even so, the works undertaken could be relatively easily removed and reversed and the land restored to its former condition. This intentional unauthorised development adds moderate additional weight as a material consideration against the proposals.

Supply of pitches

18. No evidence has been provided on an up-to-date assessment of gypsy and traveller needs in either the former Kettering Borough or the amalgamated North Northamptonshire area. Whilst a Scope and Options consultation was undertaken in 2023, no further work has been undertaken in the intervening period. As such, the Council concedes that there is unlikely to be a five-year supply of gypsy and traveller sites. The Council has stated that it is intending to progress Gypsy and Traveller Allocations via a standalone policy, separate to the KLP.
19. However, this overall situation with regard to making provision for gypsy and traveller pitches does not appear to have evolved in any meaningful manner since the consideration of the 2021 appeal relating to this site. Moreover, the evidence suggests that the situation has been ongoing since at least 2017², if not longer.
20. This lack of suitable alternative sites, a situation which has not progressed in any material way for quite some time means that the lack of alternative provision must now attract significant weight in favour of the development.

Accommodation needs of the occupants and personal circumstances

21. The PPTS sets out that government policy is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of

² APP/L2820/W/15/3139293

travellers while respecting the interests of the settled community. In addition, Article 3(1) of the United Nations Convention on the Rights of the Child states that the best interests of a child shall be a primary consideration. This means no other consideration is more important.

22. The appeal statement notes the present occupant's connection to the local area including family ties, employment and primary schooling in Desborough. The present occupants comprise an extended family of four adults and six children. The evidence suggests that at least some of the children on the site are schooled locally in addition to specific healthcare needs of at least one child.
23. On the basis of the proposed plans, the extended family would occupy two static mobile homes, an increase of one, and an undisclosed number of touring mobile homes. Based on the availability of other sites in the local area, the implications of dismissing this appeal seem, to my mind, to mean that alternative accommodation would have to be sought. However, it also appears that the Council is unable to identify any authorised sites to relocate to.
24. Whilst this appeal is not an enforcement appeal and the occupants would therefore not immediately be rendered homeless, this remains an important consideration as there is a likelihood that this could be the ultimate conclusion. The best interests of the children resident at the site would clearly be to retain accommodation in situ, especially being mindful of a lack of any demonstrable alternatives and their healthcare and education needs.
25. These matters weigh in favour of permitting the pitches, especially as dismissing the appeal would increase the likelihood of another unauthorised encampment occurring due to the lack of alternatives. Such an outcome would be in nobody's interest as it would simply displace the issue to an alternative, and likely less suitable, other site causing upheaval for the present occupants and an additional drain on the resources of the planning authority which could be better used on identifying authorised sites.

Planning Balance

26. The appeal proposal would result in harm to the character and appearance of the area and be detrimental to the landscape character. Moreover, the development would not be closely linked with nearby settlements in a spatial manner, and this is fundamentally a component part of the impact on the character and appearance of the area. I must also factor in that this is a form of intentional unauthorised development. Cumulatively, these matters weigh against the proposal to a significant degree.
27. Conversely, the Council is unable to demonstrate a supply of gypsy and traveller pitches and has not been able to do so for a substantial period of time. This situation has no doubt led to a lack of a permanent resolution on this site and given the occupants few opportunities other than to continue residing here. The reasonable needs of the occupants, including the potential for them, ultimately, being rendered homeless as a consequence of dismissing this appeal is also of great importance. This includes weighing the needs of the children resident at the site, their need for stability, education and healthcare. Overall, these factors carry significant weight.

28. I am aware that the appellant is seeking to convert what was a temporary permission to a permanent one. However, the rural location of the site, its separation from neighbouring settlements and impact on the landscape are not matters which can be reconciled and this includes through additional landscaping. There remains the fundamental conflict of the context of the site with its unsuitable location. Equally, the Council's inability to identify any gypsy and traveller sites in the local area points in favour of granting permission in perpetuity due to the lack of a permanent solution.
29. Conversely, a further temporary permission would allow the Council more time to identify authorised sites and ultimately limit the long-term harm to the character and appearance of the area. Even so, the Council does not have a strong track record of reconciling these issues. The Planning Practice Guidance (PPG) states that it will rarely be justifiable to grant a second temporary permission. However, despite this, I find there are few alternative options given that I have found that both the effect of the proposed development on the character and appearance of the area and its location is unacceptable. At the same time I have found that a refusal of planning permission would be equally inappropriate due to the personal circumstances of the occupants.
30. As such, granting a temporary permission would be a proportionate response that would balance the qualified Article 8 Human Rights of the appellants for respect of private and family life and home and the needs of the children with the proper planning of the area and its economic well-being, including the protection of the environment.

Conclusion

31. The proposed development would conflict with the development plan but there are material considerations that indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed for a further temporary period of three years.

Conditions

32. The Council has not proposed any conditions in the event that the appeal were to be allowed. However, I have taken the conditions applied on the 2021 decision and re-imposed them here with modifications to update them to the present circumstances.
33. A condition is imposed limiting the development to a period of three years on the expectation that an authorised site can be found. A condition is imposed relating to adherence to the approved plans for certainty.
34. I have imposed a personal planning permission here as the circumstances of the occupants are the reason for granting this permission. As the occupants meet the planning definition of a Gypsy and Traveller given at Annex 1 of the PPTS, a specific condition relating those meeting the definition is not required.
35. I have limited the number of mobile homes on the site to a total of four. This would allow for two static units and two touring caravans which would meet the needs of the occupants.

36. A condition is imposed to restrict the amount of lighting so as to ensure that the development has a minimal impact on the character and appearance of the countryside during night time hours.
37. Finally, a condition is imposed relating to commercial vehicle parking so as to minimise the establishment of commercial activities on the site that, also, could affect the character and appearance of the countryside.

N Bowden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be for a limited period being the period of three years from the date of this decision. Thereafter, the development hereby permitted shall be discontinued and all mobile homes, caravans, structures, vehicles, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location Plan and Pitch Plan 2849 03 Rev 2.
- 3) The mobile homes hereby permitted shall not be occupied other than by the following: Mr and Mrs T and S Holland and Mr and Mrs I and S Holland and their resident dependent children. When the land ceases to be occupied by those named above, the use hereby permitted shall be discontinued and all mobile homes, caravans, structures, vehicles, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 4) There shall be no more than one pitch within the site. On or within this pitch no more than four caravans shall be stationed at any one time, of which no more than three shall be mobile homes or static caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
- 5) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority.
- 6) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and no commercial activities shall take place on the land, including the storage of materials, plant or waste.

End of Schedule