



Appeal Decision

Site visit made on 21 January 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2025

Appeal Ref: APP/G1630/W/24/3352537

Brookside Stables, Cold Pool Lane, Badgeworth, Cheltenham, Gloucestershire GL51 5UP

- 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 Smith against the decision of Tewkesbury Borough Council.
 - The application Ref is 22/01276/FUL.
 - The development proposed is described as “application for additional caravans.”
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Decision

1. The appeal is allowed and planning permission is granted for additional caravans at Brookside Stables, Cold Pool Lane, Cheltenham, Gloucestershire GL51 4UP in accordance with the terms of the application, Ref 22/01276/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. In December 2024, government published a revised National Planning Policy Framework (the Framework) and Planning Policy for Traveller Sites (PPTS). I invited the main parties to comment on these changes and have regard to these comments in my decision.
3. The appeal was originally intended to be heard via a Hearing, however in advance of this the Council gave notice that it did not intend to defend its position with regard to the reasons for refusal. Both main parties agreed that the appeal could be dealt with by written representations. The Parish Council objected to the proposed development at application stage and their comments on the change of process were requested. No objection was received. I have considered their comments made on the original application in my decision and therefore consider that dealing with the appeal via written representations has not prejudiced them.

Main Issues

4. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether other material considerations, including the need for and supply of pitches, outweighs any harm identified such as to justify the development.

Reasons

Whether Inappropriate Development

5. The appeal site comprises an area of open land, with the appearance of an agricultural field. It is bound by mature hedgerows and is accessed from Cold Pool Lane and through an existing gypsy and traveller site. The site is located within the Green Belt.
6. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (2017) (JCS) require that the key functions of the Green Belt are protected from harmful development. It goes on to state that development will be restricted to those limited types of development which are deemed appropriate by the Framework. Policy GRB4 of the Tewkesbury Borough Plan 2011 – 2031 (2019) (TBP) restrict development in the Green Belt to those detailed as exceptions in the Framework.
7. JCS Policy SD13 relates specifically to Gypsies, Travellers and Travelling Showpeople and requires that sites are assessed against criteria, including that sites must not have an unacceptable impact on the character of the landscape. It does not specifically preclude development in the Green Belt.
8. TBP Policy GGTS1 allocates an area of 0.29 hectares at Brookside Stables for 7 pitches. According to the Council's development plan maps, the appeal site forms part of an allocated gypsy and traveller site. The Council have stated that whilst the policy map details the appeal site forming part of the allocation, this is a drafting error as the existing gypsy and traveller site is 0.29 hectares and includes 7 pitches, and therefore the appeal site should be considered as an agricultural field in the Green Belt.
9. Notwithstanding the appeal sites inclusion on the TBP policy map, I have had regard to the wording of TBP Policy GGTS1 which allocates the site for 7 pitches. I saw during my site visit that the existing site has been completed, with 7 pitches provided. The addition of a further 5 pitches, and associated works, would significantly increase the amount development on the allocation over and above that envisioned by TBP Policy GGTS1. Further, there is nothing contained within the policy requiring the 7 pitches to be provided across the whole allocation.
10. The PPTS states, that gypsy and traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 of the Framework apply. It goes on to say that the Golden Rules, set out in the Framework, do not apply to gypsy and traveller sites.
11. I have considered whether paragraph 155 of the Framework is relevant in this case in so far that the proposal might constitute the development of homes on green belt land. Annex 2 of the Framework defines green belt as land in the Green Belt comprising previously developed and/or any other land that does not contribute strongly to any of purposes (a), (b) or (d) in paragraph 143. As the appeal site is open land which appears to have been last used for agriculture it does not meet the definition of previously developed land.
12. The appeal site adjoins an existing gypsy and traveller site and is located on a rural lane with dispersed development. Whilst the site is located between the settlements of Badgeworth and Cheltenham, there are large areas of open

agricultural land, so it is not required to check unrestricted sprawl of large built-up areas. Due to the sites location on a rural road, away from nearby settlements and adjacent to areas of open fields nearby, the development of the site would not result in neighbouring towns merging nor would it fail to preserve the setting and special character of historic towns.

13. As the site falls within the Framework definition of grey belt, it is therefore necessary to consider the requirements of paragraph 155 as to whether the development should be regarded as inappropriate. The appeal site is small when considering the overall size of the Green Belt, and only takes up a small field, with larger nearby fields remaining open and in agricultural use. The proposed development would not therefore fundamentally undermine the purposes of the remaining Green Belt across the area of the plan as it would have very little effect overall and is not in conflict with paragraph 155(a).
14. In order to comply with fully comply with paragraph 155 of the Framework, as well as utilising grey belt, there also needs to be a demonstrable unmet need for the type of development proposed; and the development would need to be in a sustainable location.
15. With regards to need, the Council's most up-to-date need assessment for pitches is set out in its Gypsy and Traveller Accommodation Assessment 2022, which addresses the period 2021-2041 (the GTAA). This identifies a total need for 96 pitches during that period, of which 29 pitches are required in the first five years, 2021-2041 and the Council accept that they have a shortfall. All plots on the adjoining site are fully occupied. As such the proposal would meet the requirement of paragraph 155(b) of the Framework.
16. The appeal site is in an area of open countryside located between the settlements of Badgeworth and Cheltenham. Cold Pool Lane itself is a winding lane, whilst cars can pass each other, some pinch points mean vehicles have to take care when passing. There are no pavements, the road is unlit, and I have not been provided with any evidence of public transport. Together these mean that, despite the fairly close proximity of settlements, due to the narrow and unlit nature of the road, and the lack of pavements, future residents of the appeal proposal would unlikely walk or cycle to Cheltenham or Badgeworth and would be reliant on private vehicles. The development is therefore not in a sustainable location. The proposed development would not therefore comply with paragraph 115(c) of the Framework.
17. Furthermore, whilst the proposed development would be single storey and located behind mature landscaping, there would be glimpses of the development through gaps in the landscaping along Cold Pool Lane. The provision of additional structures and associated hardstanding would lead to a loss of visual and spatial openness which would have an adverse effect on the openness of the Green Belt. The minor nature of the proposal, combined with its limited visibility means that the impact would be limited.
18. As a result, the proposed development would conflict with JCS Policy SD5 and TBP Policies GRB4 and GGTS1. These, together with the Framework, seek to ensure that developments prevent unrestricted urban sprawl and safeguard the countryside from encroachment.

Character and Appearance

19. The appeal site is located on Cold Pool Lane, a winding lane that links Badgeworth with Cheltenham. The area has a semi- rural character which quickly transitions to an urban character to the north. Adjoining the appeal site to the southwest is an existing gypsy and traveller site. To the north and west are open agricultural fields with Cold Pool Lane running along the eastern boundary of the site.
20. The appeal site has the appearance of an agricultural field or paddock bound by mature hedgerows. The site slopes gently down to the north, where an existing agricultural access to the site is located. Hedgerows extend along either side of the highway and form a characteristic feature of the area contributing a green, verdant appearance to the landscape.
21. The proposed development would comprise the provision of five pitches, associated hardstanding, and would be served by an existing access from the adjoining gypsy and traveller site. A mobile home would be sited on each pitch, with space to accommodate a touring caravan and vehicular parking.
22. The PPTS does not restrict traveller site provision in rural areas. It is implicit that the construction of sites and siting of caravans will change the appearance of undeveloped land. Furthermore, caravans are commonplace in the countryside such as on farms, holiday parks, and traveller sites, and therefore are not uncharacteristic in rural areas.
23. Four pitches would be arranged in a linear form, perpendicular to the highway with one pitch parallel to the highway. The pitches would be set behind the existing hedgerow and the existing northern agricultural access would be blocked up with additional landscaping. Orientations of pitches on the existing site are both parallel and perpendicular with the highway and the proposed pitches would have a similar density to the existing site. The proposed development would therefore be in keeping with the existing site.
24. The PPTS requires sites be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. All existing hedgerows would be retained, and additional landscaping would be provided at the access to the existing gypsy and traveller site and to block up the existing agricultural access.
25. The additional landscaping would be interspersed with trees and would comprise a mix of native species, reflecting the characteristics of hedgerow boundaries within the surrounding area. The proposed planting would therefore assist in assimilating the development into the rural landscape.
26. The vegetated boundaries would screen and filter views of the proposed development, thus softening its appearance from the highway. There would be seasonal variation in the screening, and the visual impacts of the proposed development would be greatest in the short term as the new planting matures. However, the screening effect of the existing and proposed landscaping would reduce the visual impacts of the development.
27. The single storey nature of the mobile homes and associated caravans would reduce the visual prominence of the development. The effect of the proposed

development, when combined with the existing and proposed landscaping, on long distance views would therefore be minimal.

28. Cold Pool Lane is a narrow and winding road with no lighting, pavement or cycle path. Therefore, it is expected that that short range views of the proposed development would mostly be experienced by vehicles. These views would be in short glimpses through the site access or gaps in vegetation. In addition, the proposed development would be viewed within the context of the existing gypsy and traveller site.
29. The proposed development would result in the small loss of undeveloped countryside. However, the scale and density of the proposed development, its location adjacent to an existing site, combined with the existing and proposed landscaping, would ensure that the area retains its rural verdant character. The proposed development would not have a harmful impact and would therefore protect the character and appearance of the area.
30. As a result, it would comply with JCS Policies SD6 and SD13 which seek, amongst other things, to ensure that developments protect landscape character and do not have an unacceptable impact on the character and appearance of the landscape.

Other Considerations

Need and Supply of Pitches

31. For the purposes of Article 8 of the Human Rights Act 1998, the “private and family life” of a traveller encompasses living in accordance with their gypsy or traveller heritage. In addition, s149 of the Equality Act 2010 requires a public authority have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations. Living and travelling in extended family groups for mutual support and care is integral to gypsy and traveller culture, and the appellant’s family members work together and share caring duties. The appellant and their family members are dependent on one another for cultural, economic, and care/support reasons.
32. As noted above the Council’s most up-to-date need assessment for pitches is set out in its GTAA. This identifies a total need for 96 pitches during that period, of which 29 pitches are required in the first five years, 2021-2041 and the Council accept that they have a shortfall.

Personal Circumstances

33. The family seek to move to the appeal site for a number of reasons, including to receive care from extended the family, as they have reached an age where they need a pitch of their own and to stop living on a roadside.
34. There would be two children resident on the proposed site and would attend local schools. One child is currently living on a roadside and another child has complex needs and requires additional care and is under the supervision of a doctor. Article 3(1) of the United Nations Convention on the Rights of the Child requires the best interests of the child be a primary consideration in all actions by public authorities concerning children. The primary consideration means no other consideration can be inherently more important than the best interests of the child, that is the need to safeguard and promote their welfare.

35. I have been provided with details of the family's health conditions. A number of the adult members of the family have challenging health issues and disabilities that require regular doctors and hospital visits. The family also provide care for each other and the children. It is clear that several occupants would benefit considerably from a settled base in order to have access to regular care, health care and importantly, hospital treatment.
36. Were the appeal dismissed the appellant's family, including the children, would face a realistic prospect of continuing to rely on overcrowded accommodation, or pursue roadside living which would adversely impact the children's opportunity to access education. In either scenario, dismissal of the appeal would be counter to the best interests of the children.
37. Therefore, the proposed development would provide an enduring settled base which would enable access to education, healthcare and generally support the children's welfare by, for example, attending clubs, making friends and being close to family.
38. Aside from the best interests of the children, I attach moderate weight to the other personal circumstances as a factor in favour of the scheme noting that Policy E of the PPTS sets out that subject to the best interest of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances.
39. The merits of the case presented are such that I afford the benefits, of this development to the best interests of the children, significant weight.

Green Belt Balance

40. As specified in the Framework, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. The Framework states that substantial weight be given to any harm to the Green Belt
41. The proposed development would assist in addressing the unmet need for pitches and the disadvantages that flow from this. The proposed development would establish a settled base for the appellant and their family. When the personal circumstances are added into the balance the collective weight reaches a high level. The health of the family, the connection with the wider family for care and the best interests of children are especially important. I attach moderate weight to the accommodation needs and personal circumstances of the adults, and significant weight to the best interests of the children.
42. Therefore, whilst having regard to Policy E of the PPTS, having taken account all the considerations outlined above collectively, they outweigh the substantial weight which must be given to Green Belt harm. Consequently, I consider that there are very special circumstances necessary to justify inappropriate development in the Green Belt on a permanent basis and is therefore in accordance with JCS Policy SD5 and TBP Policy GRB4.

Conditions

43. A list of conditions has been provided within the statement of common ground, which I have considered against the advice in the Framework and Planning Practice Guidance. Conditions regarding implementation and approved plans are necessary to provide certainty.
44. The proposed development is acceptable, in part, due to the personal circumstances of the proposed occupiers. It is therefore necessary to impose a condition detailing this. As the proposed occupants are Gypsy and Travellers and the permission would be personal it is not necessary to restrict occupation to Gypsies and Travellers. As 5 pitches have been justified, the conditions restricting the number of pitches is necessary. I have also included the condition restricting commercial activities and the size of vehicles to be kept on site.
45. Conditions relating to landscaping, tree and hedgerow protection, and biodiversity mitigation and enhancements are necessary in order to limit the visual impact of the proposed development and safeguard biodiversity. Similarly, a construction environmental management plan is also necessary.
46. In order to ensure that surface water is appropriately managed a condition requiring the implementation of the drainage scheme is necessary. To ensure highway safety the condition requiring the stopping up of the existing access is required. In the interest of the character and appearance of the area finished site levels are necessary. The inclusion of a condition restricting hours of operation is necessary in order to safeguard the living condition of nearby residents.
47. I have not found it necessary to include a condition requiring a construction traffic management plan due to the minor nature of the proposed works.
48. I have amended some wording to ensure the conditions comply with the Planning Practice Guidance.

Conclusion

49. The proposal development 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.

Tamsin Law

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 drawing no's TDA.2820.01 Rev A and TDA.2820.03 Rev C
- 3) The occupation of the site hereby permitted shall be carried on only by Mrs Elizabeth Smith, Mr Sam Smith, Mrs Margaret Smith, Mr George Smith, Mrs Julie Smith, Mrs Sharon Smith, Mr Mark Smith, Mr Rhys Smith and Ms Monica Jones and their resident dependants.
- 4) When the land ceases to be occupied by those named in condition 3 above the use hereby permitted shall cease and all caravans, structures, 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.
- 5) There shall be no more than 5 pitches on the site and on each of the pitches hereby approved no more than 10 caravans [as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended], shall be stationed at any time, of which only 5 caravans shall be a static caravan.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 8) No development including demolition, site clearance, materials delivery or erection of site buildings, shall take place until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall remain in place until the completion of development.
- 9) Notwithstanding the landscaping detail shown on the proposed site layout, no development shall take place (including site clearance, ground works, materials delivery or erection of site buildings) until details of the landscaping have been submitted to and approved in writing by the Local Planning Authority.

The landscaping shall be implemented in accordance with the approved details no later than the first planting season following first occupation. The landscaping shall thereafter be maintained for a period of five years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species.

- 10) No development shall take place until a plan showing existing and proposed site levels including a datum point outside of the site has been submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 11) The site shall not be occupied until the existing field access in the northeast corner of the application site has been stopped up and replaced with a native hedgerow to be established not later than the end of the first available planting season following first occupation of the development. Thereafter, the existing access in the northeast corner of the application site shall not be used for vehicular access to or from the site.
- 12) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.
- 13) The development shall be carried out in accordance with the Drainage Strategy (SLR Project No.: 407.064428.00001) dated 20 September 2023. The development shall not be occupied until the approved Drainage Strategy has been implemented and thereafter maintained in accordance with the approved strategy.
- 14) The development shall be carried out in accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Co Ecology, received 18 April 2023) and further Ecology Letter (Co-Ecology, received 26 May 2023). The development shall not be occupied until the mitigation measures have been implemented and they shall be maintained in accordance with the approved details thereafter.
- 15) No development shall take place (including site clearance, ground works, materials delivery or erection of site buildings, until a plan detailing the location and specifications of ecological enhancement features has been submitted to and approved in writing by the Local Planning Authority. The development shall not be implemented other than in accordance with the approved ecological enhancement plan.
- 16) No development shall take place (including site clearance, ground works, materials delivery or erection of site buildings, until a construction and environmental management plan (CEMP: Biodiversity) has been submitted to and approved by the Local Planning Authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including precautionary approach and mitigation details on birds, great crested newt, reptiles, hedgehog and badger, as well as any pollution prevention measures. The approved CEMP shall be adhered to and implemented throughout the construction period.
- 17) During the construction phase (including preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.