



Appeal Decision

Hearing held on 1 July 2025

Site visit made on 1 July 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2025

Appeal Ref: APP/G1630/W/25/3361517

Wexford Park, Cold Pool Lane, Badgeworth, Cheltenham GL51 4UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Theresa Smith against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/01195/FUL.
 - The development proposed is described as “the use of land for the stationing of caravans with dayroom and hardstanding ancillary to that use”.
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Decision

1. The appeal is allowed and planning permission is granted for the material change of use of land for the stationing of caravans for residential purposes with dayroom and hardstanding ancillary to that use at Wexford Park, Cold Pool Lane, Badgeworth, Cheltenham GL51 4UP in accordance with the terms of the application, Ref 23/01195/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs has been made by Ms Theresa Smith against Tewkesbury Borough Council. This application is subject to a separate decision letter.

Preliminary Matters

3. The description of development in the header above is taken from the application form. At the hearing, the main parties agreed to the inclusion of the phrase “material change of use” so the description includes an act of development. Also, for clarity reasons, it was agreed the phrase “for residential purposes” should be inserted. The description of development in my decision reflects these changes. No injustice would be caused to any party by basing my decision on this revised description.
4. The Council assessed the planning application leading to this appeal on the basis the development would be occupied by Gypsies and Travellers. I have adopted the same approach with my assessment.
5. Revised versions of the National Planning Policy Framework (the Framework) and the government’s Planning Policy For Traveller Sites (PPTS) have been issued since the Council’s decision on the planning application leading to this appeal. These documents have informed my decision.

Main Issues

6. The first refusal reason on the Council's decision notice is that the proposal would be unacceptable when assessed against Green Belt policies. However, the Council has advised it no longer considers the proposal would represent inappropriate development in the Green Belt in light of the revised Framework and PPTS. Moreover, a foul and surface water drainage report (hereafter referred to as the Colliers Report) provided with the appeal has addressed the Council's third refusal reason on drainage and flooding. As such, I have not treated such matters as main issues, although they are covered in the section on concerns raised by interested parties.
7. However, the Council has maintained its objection to the proposal's effect on the landscape. As such, the main issues are (i) the effect of the development on the character and appearance of the area, and (ii) if there would be harm in these regards, whether any other factors in support of the proposal outweigh the harm so as to justify granting planning permission.

Reasons

Effect on character and appearance.

8. The appeal site is an open field with an access off Cold Pool Lane. There are trees and bushes along the roadside boundary, along the rear boundary next to a public right of way and along the side boundary with a neighbouring residence called Rudgley House. On the opposite side of the plot is a temporary Gypsy and Traveller site referred to as Pleasant View Park. The site itself has a rural feel due to its open nature and greenery and so it contributes to the intrinsic beauty of the countryside. However, its contribution in these regards is modest as it is influenced by its location on the edge of the village of Badgeworth. It is noteworthy that the site does not fall within an area that is formally recognised for its landscape quality.
9. New planting is shown to be provided on the appeal plans that together with existing vegetation would partially screen the development from Cold Pool Lane. However, it would be seen from a short stretch of the road through the access gap. Also, it would be visible from windows in Rudgley House as well as from Pleasant View Park. Moreover, there would be sight of the development from the public right of way to the rear through gaps in the vegetation. Therefore, the scheme would have a noticeable visual effect, irrespective of the fairly enclosed feel to the site.
10. The introduction of the caravans and dayroom would reduce the openness of the plot and would obstruct views across the field from the road, the public footpath and adjoining properties. Parking and outdoor recreation as well as associated paraphernalia would give the site a more domesticated appearance. The proposed hardstanding would also emphasise this effect. Lighting from the development would result in the site appearing occupied at night-time in contrast to the current situation of a dark field. Therefore, the development would detract from the countryside qualities of the site and the area.
11. There is no indication the proposal would involve extensive levelling as claimed by interested parties. Also, the screening effect of trees and hedges and its set back position means the development would not be prominent from Cold Pool Lane. The mobile home and dayroom would be near to the public footpath but they would only be glimpsed through vegetation. The views of the development from

Rudgley House and Pleasant View Park would be clearer but they would be from private rather than public vantage points. Also, the development would be seen within the context of an edge of village location rather than in open countryside away from a settlement. All of these factors indicate the proposal would have localised and fairly minor effects on character and appearance of the area, even if allowed on a permanent basis. However, they would not entirely address the detriment in terms of spoiling the visual qualities of the rural landscape.

12. Therefore, I conclude the development would be harmful to the character and appearance of the area. In these regards, it would not accord with policies SD6 and SD13 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS). Amongst other things, these seek to ensure development avoids an unacceptable impact on the character and appearance of the landscape and its intrinsic beauty. These policies are generally consistent with sub-paragraph 187(b) of the Framework that says planning decisions should recognise the intrinsic beauty of the countryside. However, I find no conflict with paragraph 26 of the PPTS as referred to in the Council's refusal reason as this contains no provisions relevant to this matter.

Factors in support of the development and planning balance.

13. The PPTS at paragraph 9 requires local planning authorities to set pitch targets for Gypsies and Travellers. Under paragraph 10, they are required to identify and update annually a supply of specific deliverable sites sufficient to supply 5 years' worth of sites against their locally set targets.
14. Paragraph 3.80 of the Tewkesbury Borough Plan 2011-2031 (TBP) says there is a need for 78 pitches over the plan period. However, this figure is based on the findings of a Gypsy and Traveller Accommodation Assessment (GTAA) published in 2017. A more recent GTAA was issued in 2022 and Table A28 of this document indicates a need for 96 pitches between 2021 and 2041. The same table indicates a need of 29 pitches between 2021 and 2026 and 21 pitches between 2026 and 2031. At the hearing, the Council's officers accepted that the 2022 GTAA should be used to establish the level of need for Gypsy and Traveller sites but they were unable to provide a pitch provision target for the relevant period of 2025 to 2030. However, Table A28 indicates a need of between 21 and 29 pitches for this period.
15. The appellant contends the GTAA from 2022 is flawed and the actual need for pitches is much higher. In any event, the Council's officers accepted at the hearing that there are currently no deliverable Gypsy and Travellers sites. It follows that the Council is unable to demonstrate a supply of 5 years' worth of sites against the GTAA targets. Also, there is no compelling evidence to show how this unmet need for additional pitches would be addressed within the near future.
16. In such circumstances, paragraph 28 of the PPTS indicates that paragraph 11(d) of the Framework should apply. This states that planning permission should be granted unless the application of the Framework policies that protect areas or assets of particular importance provide a strong reason for refusing the proposal. The Council accepts the development would not be contrary to any of the policies referred to under footnote 7 of the Framework and so they do not provide strong reason to refuse permission in this case.
17. Sub-paragraph 11d(ii) of the Framework also requires an assessment of the adverse impacts of the proposal against its benefits in light of the policies of the

Framework as a whole. I attach limited weight to the identified harm to the qualities of the countryside as the development would have fairly minor and localised visual effects. In terms of benefits, the proposal would support the government's objective as set out in sub-paragraph 4(e) of the PPTS to promote the provision of more private Gypsy and Traveller sites. Also, it would support the aim as set out in paragraph 61 of the Framework to boost the supply of homes and to ensure sufficient land comes forward to address the housing requirements of particular groups. Within the context of the recognised need for more pitches and the lack of supply, I attach moderate weight to the benefits of the proposal in these regards.

18. As such, the harm caused by the development would not significantly and demonstrably outweigh its benefits, even if allowed on a permanent basis. The circumstances as set out in sub-paragraph 11(d)(ii) do not apply and so paragraph 11(d) of the Framework when read as a whole indicates that planning permission should be granted. Therefore, I conclude that material factors justify allowing the appeal, despite the conflict with JCS policies that seek to protect the character and appearance of the landscape.
19. It is noteworthy that the appellant has also advanced other points in favour of allowing the appeal. These include the benefits of the proposal to the intended occupants including children and the effects on their human rights if planning permission is refused. The appellant also claims that there has been a failure in local planning policy in terms of appropriately addressing a long-recognised need for additional Gypsy and Traveller sites. However, I do not need to consider these matters further as they would not affect my overall conclusion on the appeal.

Other concerns raised by interested parties.

20. Allowing this appeal is not bound to lead to an irresistible precedent that would need to be followed in the assessment of any future proposals for Gypsy and Travellers sites. Any other planning application would need to be assessed on its own merits having regard to the planning policies and the specific circumstances relevant to the proposal.
21. I am referred to a previous appeal reference number APP/G1630/W/16/3150191. This relates to a proposal for a change of use of the appeal site and adjoining land to 2 Gypsy and Traveller pitches. The appeal was dismissed on 26 July 2017. However, this decision was made within a different local and national planning policy context to the current situation. Also, the proposal in that case is materially different in scale and extent compared to this appeal development. Therefore, I am not bound to arrive at the same conclusion as the previous appeal Inspector.
22. The proposed pitch would be set away from Rudgley House and the development would be laid out to avoid unacceptable overlooking from windows in the neighbouring property into the mobile home or the dayroom. Also, there is sufficient space within the site for private outdoor areas. Therefore, the development would provide satisfactory living conditions for its occupants.
23. Moreover, the development would not provide elevated or new viewpoints towards Rudgley House and it would be set away from the property and on lower land. Therefore, it would avoid unacceptable harm to the living conditions at the adjoining residence by reason of loss of privacy or overbearing effects. There is no reason to expect the development would lead to fly tipping.

24. The plans show the proposal would avoid the line of the public right of way to the rear of the site. Also, it would not be seen in the same context of listed buildings within Badgeworth and so it would not affect their settings nor their significance.
25. As well as Pleasant View Park, there are other Gypsy and Traveller sites further along Cold Pool Lane. Badgeworth is a fairly small village but nevertheless there is no evidence to indicate the number of pitches on the road exceed the number of houses within the settlement. Moreover, the existing sites have only limited visual influence when travelling along the lane. Therefore, the proposal would respect the scale of Badgeworth and it would not dominate the village, even when having regard to existing Gypsy and Traveller sites.
26. Ham Brook lies on the opposite side to Pleasant View Park to the appeal site. Figure 13 of the appellant's flood risk assessment indicates that a small part of the site access lies within an area of medium flood risk as identified on the Environment Agency's (EA's) flood map for planning. However, the Colliers Report explains how a recent flood modelling exercise carried out in association with the development at Pleasant View Park has confirmed the extent of flood risk associated with Ham Brook is far less than as indicated on the EA's map. I am advised that the EA has approved the modelling exercise. Therefore, I am satisfied that none of the appeal site nor any part of the development would be subject to medium or high flood risk. It follows that the proposal would accord with the flood risk sequential test as set out in paragraphs 173 to 175 of the Framework. The evidence that parts of Cold Pool Lane is at risk of flooding associated with the brook has no bearing on the acceptability of the development in these respects.
27. Moreover, the Collier Report includes details on foul and surface water drainage systems to be provided as part of the development. I attach significant weight to the land drainage advice provided by the Council that the site would accommodate suitable drainage systems subject to confirmation of details that could be secured by conditions. Therefore, the development would not exacerbate any local flooding caused by surface water and it would not lead to water pollution.
28. The site lies in designated Green Belt. JCS policy SD5 states that development within the Green Belt will be restricted to that deemed appropriate under the terms of the Framework. Paragraph 155 of the Framework sets out the circumstances where proposals relating to grey belt land would not be inappropriate development in the Green Belt. Annex 2 of the Framework provides a definition of grey belt.
29. The site lies within an area of Green Belt that separates Cheltenham and Gloucester. However, it is a small field next to a village and so it does not strongly contribute towards checking the unrestricted sprawl of large built up areas (purpose (a) under paragraph 143 of the Framework). Also, it plays a very limited role in preventing towns from merging (purpose (b)) and it does not preserve the setting or character of a historic town (purpose (d)). Policies relating to areas or assets identified under footnote 7 of the Framework do not provide a strong reason for resisting the development. Accordingly, the site meets the Framework's definition of grey belt.
30. Furthermore, there is no evidence to suggest that dismissing the appeal would promote the recycling of derelict land in urban area. Indeed, no alternative site has been identified for the proposed development. Therefore, the proposal would not be contrary to the purpose of Green Belt to assist in urban regeneration. The

development would represent an encroachment into the countryside but this would be to a very minor level when considering the full extent of the Green Belt between Cheltenham and Gloucester. Therefore, it would not fundamentally undermine the purposes of Green Belt when taken together and so it would accord with sub-paragraph 155(a) of the Framework.

31. I have already identified a demonstrable need for the scheme and so it would accord with sub-paragraph 155(b) of the Framework. Sub-paragraph 155(c) requires the proposal to be in a sustainable location having regard to paragraph 13 of the PPTS. The pitch would provide a settled base and so potentially reduce the need for travelling and possible environment damage caused by unlawful encampments. It would be adjacent to the village and so the site would promote integrated co-existence between its occupants and the Badgeworth community. The pitch would not be in an area of high flood risk and there is no evidence to suggest the residents would put undue pressure on local infrastructure. I am advised the development would allow children who live on the site to attend schools in Churchdown on a regular basis and it would provide the occupants reasonable access to health services in Churchdown, Gloucester and Cheltenham. As such, the development would be in a sustainable location in light of paragraph 13 of the PPTS when taken as a whole.
32. Therefore, I find the proposal would accord with all the relevant parts of paragraph 155 of the Framework and so I conclude it would not be inappropriate development in the Green Belt. Accordingly, it would accord with JCS policy SD5.
33. The proposal would not accord with TBP policy GRB4 as this does not define Gypsy and Traveller sites as being acceptable in the Green Belt. However, this policy is clearly inconsistent with the Framework as it fails to recognise that proposals on grey belt land may not be inappropriate development in the Green Belt. Therefore, I attach very limited weight to the non-compliance with TBP policy GRB4. Furthermore, I find that any harm caused as a result of this policy conflict is justified and outweighed by the compliance with JCS policy SD5 and the Framework's provisions on Green Belt.
34. Badgeworth contains very few facilities to serve the everyday needs of the occupants of the development. Bus stops on Badgeworth Road provide access to a bus service between Gloucester and Cheltenham. However, a lack of roadside pavements on parts of the route between these bus stops and the site may dissuade some residents from using the bus services. Therefore, I would envisage that most trips to and from the development would be by car. Nevertheless, car journeys to access the nearest services and facilities would be fairly short, particularly to those within Churchdown. Section 9 of the Framework as a whole promotes sustainable transport but it does not preclude development where users and visitors would be reliant on the private car. Indeed, paragraph 110 of the Framework highlights that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The development would provide appropriate accessibility to services and would promote sustainable travel patterns to a satisfactory degree given that it would be in a rural area.
35. None of the objections from interested parties provide reason to refuse planning permission. As such, they do not affect my overall conclusion.

Conditions

36. I have had regard to the suggested conditions from the Council in light of relevant advice within the Framework. After the hearing, I also sought the main parties' views on an additional condition that would limit occupancy of the development to those that meet the PPTS definition of Gypsies and Travellers. I have amended the wording of suggested conditions where needed for the reasons of precision and to avoid unnecessary and burdensome requirements.
37. To ensure the development is carried out on the basis of my assessment I have included a condition (no 2) that lists the approved plans. This requires the mobile home to be positioned as shown to minimise the development's effects on the character and appearance of the area. For the same reason, I have imposed conditions that require the protection of existing trees and hedges during construction works (no 3) and that require the submission, approval, implementation and maintenance of a landscaping scheme (no 5). I attach condition 4 on hours of construction activities to ensure noise does not unduly affect living conditions at nearby residences.
38. Condition 6 is imposed to safeguard the ecological value of the site and the locality. This single condition covers the requirements of several of the suggested conditions. Conditions 7 and 8 are included to ensure appropriate surface and foul water drainage systems are provided. Condition 9 on lighting is required to minimise the visual effect of the development and to safeguard protected species.
39. My assessment is based on the development meeting a need for Gypsy and Traveller site accommodation and there is no evidence to show the proposal is required for any other reason. Therefore condition 10 is necessary. To minimise the impact of the development on the landscape I have imposed condition 11 on the number of pitches and caravans to be provided on the site. For the same reason, I have included condition 12 that restricts the parking of larger vehicles. However, I find no reason to preclude commercial activities as existing planning controls would prevent these occurring on the site to any harmful degree.
40. A condition on levels is unnecessary as no significant earthworks are proposed. Also, the development is unlikely to generate significant construction traffic and so a condition that requires a construction and traffic management plan to be submitted, approved and followed is not required. A condition that limits occupancy of the development to named individuals is unnecessary as the personal circumstances of the intended occupants are not determinative in my decision. Moreover, a condition that in effect grants temporary planning permission is not needed as I find the permanent effects of the proposal would be acceptable.

Conclusion

41. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green	Green Planning Studio Limited
Miley Connors	
Theresa Smith	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Curtis McVeigh	
Bob Ristic	Team Leader

INTERESTED PARTIES

Richard Jones	Objector
Bruce Fox	Objector
Michael Holyoake	Objector
John Hunt	Objector

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Witness Statement of Mr Miley Connors dated 1 July 2025.
2. Appeal decision reference number APP/G1630/W/16/3150191.

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, and the mobile home hereby permitted shall be positioned, in accordance with drawing nos 23_1296-001 Rev P02, 23_1296-003 Rev P03, 23_1296-006 Rev P02 and 23_1296-007 Rev P01.
3. No development hereby permitted shall commence until details of fencing to protect trees and hedges on the site and where such fencing is to located has been submitted to, and approved in writing by, the local planning authority. The fencing shall be erected in accordance with the approved details before any

equipment, machinery or materials required for the construction of the development are brought onto the site and the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

4. 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: Mondays-Friday 8.00 am to 6.00pm, Saturdays 8.00 am to 1.00 pm nor at any time on Sundays, Bank or Public Holidays.
5. The development hereby permitted shall not be first occupied until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land and identify those to be retained. The scheme shall include a implementation timetable and the approved landscaping shall be carried out in accordance with the approved timetable. Any trees or plants which within a period of 5 years from their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. The development hereby permitted shall not be first occupied until a scheme of mitigation and enhancement measures in respect of the ecology of the site and its surroundings have been submitted to and approved in writing by the local planning authority. The scheme shall include a implementation timetable and the approved measures shall be provided in accordance with the approved timetable and thereafter retained.
7. The development hereby permitted shall not be first occupied until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - i) provide results on infiltration testing with groundwater levels and soakaway design where relevant;
 - ii) include information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - iii) include a timetable for its implementation; and,
 - iv) provide, a management and maintenance plan for the lifetime of the development.

The development shall be carried out in accordance with the approved details. The surface water drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

8. The development hereby permitted shall not be first occupied until works for the disposal of foul water to serve the development have been completed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The details to be submitted and approved shall include details of a condition survey of any watercourse to which discharge is proposed.
9. No external lighting shall be installed on the development hereby permitted unless details of such lighting have first been submitted to and approved in writing by the local planning authority.
10. 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.
11. There shall be no more than 1 pitch on the site and no more than 2 caravans 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.
12. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site at any time.