



Appeal Decision

Site visit made on 20 May 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/J3720/W/24/3354937

**Copes Of Earlswood Ltd, Juggins Lane, Forshaw Heath, Tanworth-In- Arden
Warwickshire B94 5LL**

- 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 Jonathan Roe against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/00805/FUL.
 - The development proposed is demolition of existing commercial buildings and change of use of land for the stationing of 29 no. mobile homes for holiday let purposes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out in the banner header above the development is for the stationing of 28 mobile homes for holiday purposes. I have assessed the appeal on this basis.
3. I have been made aware of the planning history for the site which includes the issuing of a Certificate of Lawfulness¹ establishing a car dismantling use on the site. This represents a fallback position and a material consideration to which I afford great weight.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the provision of employment land;
 - Whether the proposal would be an appropriate location for tourism accommodation having regard to access to services and facilities;
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the proposed development upon the living conditions of existing neighbouring occupiers in respect of overlooking;
 - Whether the proposal would provide adequate living conditions for future occupiers;

¹ 93/00021/COUNTM

- The effect of the proposal upon the safe and efficient operation of the local highway network;
- The effect upon protected species and biodiversity;
- The effect upon trees and ancient woodland;
- Flood risk;
- Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development policies and the National Planning Policy Framework (the Framework);
- The effect upon openness; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Provision of employment land

5. The appeal site is located within a rural area formed of an irregular shaped area of hardstanding surrounded by woodland used for the storage of caravans and camper vans. A number of structures are on site including a building used for the dismantling of vehicles.
6. Policy CS.22 of the Stratford-on-Avon Core Strategy (2016) (CS) aims to provide for a wide range of business and commercial activity in order to support and foster growth in the district. The supporting text to the policy sets out that for the purposes of national planning policies, economic development includes Class B of the Use Classes Order (some of which now fall within Class E), as well as other forms of commercial activity such as retail and tourism. It goes on to state that the same principles should be applied at local level.
7. Having regard to the above, it is apparent that the site would continue to be occupied in a commercial and business use as tourist accommodation. It would not involve the loss of an employment site but rather it would change from one form of business use to another. The proposed development would generate employment including in respect of management of the business and the ongoing upkeep of the site. It would also generate wider economic benefits in terms of visitor spend in the area.
8. As such, I do not find conflict with Policy CS.22. Nor do I find conflict with paragraph 88 of the Framework which, amongst other things, seeks to support a prosperous rural economy.

Appropriate location for tourism accommodation

9. The appeal site lies within open countryside but within a reasonable distance of J3 of the M42 motorway, linking the site to Warwick and Stratford-upon-Avon, nearby villages as well as the southern edges of Birmingham and Solihull which contain a plethora of day-to-day facilities and tourist attractions.

10. Policy AS.10 relates to parts of the district which lie beyond the defined built-up area boundaries of identified settlements. Development in rural areas will only be permitted in certain circumstances. Criterion (s) permits small-scale tourism, visitor accommodation and leisure based uses in countryside locations.
11. Policy CS.24 relates to leisure and tourism and states that small scale tourism and visitor-based schemes, including those for new or extensions to existing visitor accommodation and conference facilities, will be supported where they are appropriate to the size and role of the settlement and/or to the specific nature of the location.
12. There is no definition of 'small-scale' in the wording of the policy nor its supporting text, therefore, it is a matter of planning judgement for the decision maker based upon the individual merits of the case. The siting of 28 mobile homes is not so substantial and would be relatively modest, compared to the size of nearby holiday parks, and would be proportionate in scale to its rural context.
13. A limited bus service and country roads without footpaths or lighting make walking to and from the site undesirable and impractical. Thus, the site's rural location means that visitors would be reliant on private vehicles to access the site and nearby facilities and attractions.
14. That said, it is likely that some proposals for tourism accommodation in rural areas will gravitate towards the open countryside, especially where a rural location is an intrinsic element of their appeal to visitors. Despite the reliance on private vehicles, I find that the location of the development and its accessibility to services and leisure facilities would not be unacceptable.
15. It is acknowledged in the Framework, at paragraph 89, that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Paragraph 110 also states that transport solutions vary between urban and rural areas. As such, there will be a tension and a balance to be struck between the desirability of supporting sustainable rural development and maximising sustainable transport opportunities.
16. I conclude the proposed development is an appropriate location for new tourism accommodation having regard to the accessibility to services, facilities and attractions. It therefore accords with Policies CS.15, CS.24 and AS.10 which, amongst other things, seek to direct new tourism and leisure development to appropriate locations.

Character and appearance

17. The appeal site is formed of large areas of hardstanding including areas of concrete and loose gravel. A number of buildings, structures and miscellaneous items are spread across much of the site. Whilst it is surrounded by thick vegetation it is somewhat at variance to the surrounding rural and verdant context on account of its commercial nature. The contribution it makes to the surrounding landscape is undermined by its functional appearance, the presence of stored vehicles and extensive hardstanding.
18. Whilst the Council have raised concerns regarding intensification it is apparent based on the evidence before me and my observations at the site visit that the site

is already used in an intensive manner with caravans and camper vans stored over more or less the entire site and in an organised and formal manner. Whilst there would be visual change in respect of the built form, I am not persuaded that it would appear any more intensive in respect of scale and layout compared to the current situation.

19. The proposed mobile homes would have the appearance of woodland lodges and as the Council acknowledge their appearance would be harmonious to the rural surroundings. There is no doubt that there would be a degree of domestication and formalisation of the site through the siting of mobile homes and associated infrastructure. However, the proposed development would appear visually coherent on account of consistent material and colour palettes.
20. The proposed development would be fully enclosed and visually contained and the existing and proposed landscaping would create a soft and verdant cocoon assisting in assimilating it into the local landscape.
21. Whilst the proposal would also include hard surfaced parking areas and decking such details could be secured by condition to ensure that they are in keeping with the rural character of the area, if I were minded to allow the appeal.
22. The proposed development would have a greater degree of permanence, however, I do not find that this would be harmful given the contained nature of the site. In any event, this would be offset by the visual and physical improvements within the site compared to its current disparate appearance.
23. As such, the proposed development would not unduly affect the character and appearance of the area. It would accord with Policies CS.5 and CS.9 and Policies BE1 and NE1 of the made Tanworth Neighbourhood Development Plan (2022) (NDP) which, amongst other things, require proposals to have regard to local distinctiveness and character, protect landscape character and to be sensitive to their setting.

Living conditions of existing occupiers

24. Units would be positioned close to the boundary with neighbouring dwelling Limberlost. Part F of the Development Requirements Supplementary Planning Document (SPD) sets out a requirement for a minimum separation distance of 10m between new windows and neighbouring gardens. It is evident that the proposal would not accord with this requirement.
25. Despite this limited separation views between the sites would be obscured by the proposed hedgerow and tree planting. Moreover, given the position of the mobile homes in relation to neighbouring windows and the garden any overlooking would be at oblique angles reducing the potential for direct overlooking and loss of privacy.
26. In addition, the mobile homes would not be occupied on a regular basis on account of it being holiday accommodation. I, therefore, have no reason to believe that the stationing of the mobile homes as indicated on the plans would unacceptably harm the living conditions of the occupiers of Limberlost in terms of overlooking and loss of privacy.
27. I conclude that the proposal would not result in undue overlooking leading to unacceptable living conditions for existing occupiers and therefore it accords with

Policy CS.9 and the SPD which, amongst other things, seek to protect the amenity of neighbouring buildings from unacceptable loss of privacy.

Living conditions for future occupiers

28. The site is used for the storage of caravans and vehicles and there is evidence of vehicle dismantling taking place on site as well as the storage of miscellaneous commercial and industrial items which could have led to contamination.
29. I acknowledge that negatively worded conditions could be imposed for the submission of tiered investigation information. However, with regards to the particular merits of the case namely the commercial and industrial activities that have taken place on site I am of the view that some form of assessment of the potential for contaminates on site should have been provided.
30. Given the residential nature of the proposal and in the absence of an assessment or investigation no certainty exists that future occupiers would not be unduly affected by land contamination as a result of historic and current activities on site.
31. Consequently, the proposed development fails to accord with Policy CS.9 which, amongst other things, seeks to ensure that occupants of new buildings will be protected from unacceptable contamination.

Safe and efficient operation of the local highway network

32. The site is accessed from Juggins Lane close to the junction with Forshaw Heath Lane which is a single carriageway rural road. The existing site attracts vehicle movements to and from the site associated with moving caravans and camper vans on and off the site and vehicles associated with the car breakers. Albeit a snapshot in time, at the time of my site visit, on a weekday morning, there was no obvious signs of congestion or issues on the adjoining highways despite the presence of roadworks.
33. There is nothing to indicate that vehicles including delivery and emergency vehicles could not enter the site, manoeuvre within it and exit in forward gear. Details of the logistics and arrangements for transporting the mobile homes to site and provision of electric vehicle charging points could be secured by condition, if I were minded to allow the appeal.
34. At the time of my site visit I observed that Limberlost is served by a separate driveway and as such I am satisfied that the access arrangements would be unlikely to lead to conflict between residents of the dwelling and occupiers of the mobile homes.
35. In terms of parking provision, part O of the SPD sets out a provision of 2 spaces per mobile home and a minimum of 6 visitor spaces. Whilst each mobile home would benefit from two parking spaces in line with the SPD it would be deficient in terms of visitor spaces. The Framework, at paragraph 116, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe taking into account all reasonable future scenarios.
36. Due to the size of the units it is likely that they would be occupied by families rather than large individual groups. On this basis occupiers of the mobile homes would

travel together in one vehicle occupying one of the two spaces next to the unit. In the event of guests visiting, they would be able to park in the second space. Even if occupied by two separate groups or families there would be sufficient parking spaces next to the mobile homes to accommodate vehicles.

37. Even if a small number of resident's or visitor vehicles were displaced onto the access road it is unlikely to unduly affect highway safety. Given the nature of the use and the length of time guests would spend in the mobile homes it is likely that they would park more considerately within the site rather than in an indiscriminate and inconsiderate manner.
38. The appellant contends that the current uses on site attract visitors every hour and that the proposal would generate up to 60 two-way movements per day. Whilst no formal assessment has been undertaken given the site already attracts frequent vehicular movements and the modest size of the proposed development I am satisfied that unacceptable highway impacts would not occur.
39. As such, the proposed development accords with Policy CS.26 which, amongst other things, seeks to prevent unacceptable transport impacts from arising.
40. I note the council have referred to NDP Policy BE2 in the reason for refusal, however, I find that with specific regard to this main issue I have given it negligible weight in coming to my decision.

Protected species and biodiversity

41. Having regard to the appellant's ecology evidence it is apparent that the site formed of hardstanding and buildings is of limited ecological value. That said, there is evidence of bat activity and the presence of birds in the surrounding woodland. Based on the available information and having regard to the comments of the County Council's Ecologist I am satisfied that the proposed development would not have an unacceptable effect upon protected species due to its contained nature and on the basis of the recommended enhancements.
42. The appellant advises that the site does not meet the criteria for Local Wildlife Site designation on account of its longstanding hard surfaced nature and limited semi-natural habitat formed of non-native trees, modified grassland and pockets of woodland in poor condition. The Council does not dispute the appellants conclusions and based on the evidence before me there is nothing to lead me to reach a different conclusion that the site does not meet the criteria for Local Wildlife Site designation.
43. As part of the appeal, the appellant has submitted a Biodiversity Metric Calculation which establishes the baseline value of the site and indicates that primarily through the planting of new shrub and tree planting a biodiversity net gain of 43.44% would be achieved, far greater than the statutory requirement of 10%.
44. Taking the above into account and based on the evidence before me I am satisfied that the proposed development minimises the impact upon protected species and any impact can be mitigated through a tangible net gain in biodiversity on site. Therefore, it would accord with Policy CS.6 which, amongst other things, requires proposals to minimise impacts on biodiversity and where possible secure a net gain.

Impact upon trees and ancient woodland

45. Foreshaw and Graves Coppice is an ancient and semi-natural woodland (ANSW) that essentially surrounds the site comprising a mature deciduous wood of oak, birch, rowan, beech and alder. Currently, the site is predominantly hard surfaced and there is evidence of human disturbance along the woodland edge and discarded items in the understorey.
46. Having regard to the appellants Arboricultural Impact Assessment (AIA) one individual tree and one group of trees of low value would be removed to facilitate development. These trees are distinct from the ANSW and the Tree Preservation Order and are non-native species and in the case of the individual tree a suppressed form displaying signs of disease and limited life expectancy.
47. Despite the comments of the County Council's Ecologist sufficient certainty has been provided by the appellant as to which trees are to be removed and which are to be retained. Based on the evidence before me I am satisfied that the removal of low value and non-native trees identified in the AIA would not unduly harm the visual amenity of the area.
48. Development can adversely affect the health and stability of trees with the root system being most susceptible to damage. The effects of damage may not become evident for a number of years later and trees that have reached maturity or suffered previous damage or stress are less tolerant to change.
49. The proposed access road would encroach into the Root Protection Area (RPA) of a number of trees on site with significant incursions into the RPA of trees T4, T5 and T11 which are mature trees in fair to good condition.
50. I acknowledge that existing hardstanding already extends into RPAs and a no dig cellular confinement tree root protection system is proposed. However, in the absence of any form of method statement and details of whether the site levels around trees would be affected I am not satisfied that the proposed access road or areas of hardstanding around the mobile homes, for that matter, would not undermine the health and longevity of retained trees on site.
51. In addition, a number of mobile homes would be positioned within RPAs. Whilst the appellant indicates that screw pile foundations would be used sufficient certainty has not been provided that it represents a suitable solution to reduce or avoid damage to roots.
52. Ancient woodland are irreplaceable and in this regard paragraph 193 c) of the Framework states that development resulting in the loss or deterioration of ancient woodland should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
53. Standing Advice in relation to planning applications in respect of ancient woodland is provided by Natural England and the Forestry Commission. This sets out that there must be wholly exceptional reasons to approve development which would lead to the deterioration of ancient woodland. The guidance does not define deterioration but includes a list of direct and indirect effects that they consider can lead to it.
54. Direct effects include damaging roots and understorey; damaging or compacting soil; increasing levels of air and light pollution, noise and vibration and changing the

water table or drainage. Indirect effects include reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species; increasing the amount of dust, light, water, air and soil pollution; increasing disturbance to wildlife, such as noise from additional people and traffic; increasing damaging activities such as the impact of domestic pets and increasing damage to habitat by people accessing the woodland or tree root protection areas.

55. The Standing Advice reflects the Framework and the Planning Practice Guidance and is intended to direct decision makers as to how development impacts should be assessed in relation to ancient woodland. The Standing Advice sets out that buffer zones can protect ancient woodland and its size and type should vary depending on factors including the scale and type of development and its effects and the character of the area. It states that for ancient woodland proposals should have a buffer zone of at least 15m.
56. The recommendations for buffer zones is not planning policy nor a statutory requirement but rather guidance. Its wording infers a degree of flexibility and use of best judgement depending on circumstances. An adequate buffer could not reasonably be achieved on site without restricting development to just a small area.
57. The site is not undeveloped land or an undisturbed habitat but rather is formed of considerable areas of hardstanding and this combined with human and vehicle activities have blurred the boundary between the site and the woodland to some degree. In addition, at present the siting of caravans and camper vans occurs in very close proximity to the woodland. Given the current relationship between the hard surfacing and the woodland and the human activities taking place within it the insistence of a 15m buffer zone would, in my view, be an unrealistic and unreasonable proposition.
58. The proposed post and rail fencing supplemented by native hedgerow and signage would provide a suitable barrier to prevent human and domestic pet activity taking place within the woodland creating a clearly defined and robust boundary between the site and woodland.
59. Despite the above, I am not satisfied that the foundations would not cause damage to tree roots. Whilst the appellant contends that a root protection zone would be established and ground excavations would be minimal there is insufficient evidence before me to establish whether the proposal would damage the roots of trees that are along the edge of the ANSW.
60. Given the residential nature of the use the potential for indirect effects from the development proposals are particularly acute as visitors would spend more time on site compared to people storing or collecting their caravans. Subject to appropriate materials, lighting and management of the site I am satisfied that activity associated with the use would not unacceptably increase pollution and noise resulting in the deterioration or loss of the ancient woodland.
61. In coming to my decision I have also paid regard to the benefits of the woodland management plan including the removal of non-native species, eradication of Himalayan balsam, re-seeding cleared ground and the planting of coppiced species. I have also paid regard to the net gain in biodiversity achieved through the active management and planting of vegetation and potential for off-site mitigation.

However, on balance, these factors neither individually nor cumulatively overcome my concerns in relation to this matter.

62. As such, I cannot be certain that the proposed development would not result in the loss or deterioration of ancient woodland contrary to Policy CS.5 which, amongst other things, seeks to protect the quality of ancient semi-natural woodland.
63. I note the council have referred to NDP Policies NE1 and NE2 in the reason for refusal, however, I find that with specific regard to this main issue I have given them negligible weight in coming to my decision.

Flood risk

64. Paragraph 170 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing it away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. For individual applications a sequential risk-based approach should be taken in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding.
65. The Council contend that the site is at medium risk from surface water flooding. I acknowledge that the site is located within Flood Zone 1, however, a more vulnerable residential use would be introduced onto the site which is at risk from surface water flooding and thus in the absence of a site-specific flood risk assessment, I cannot be certain that no built development within the site, including access or escape routes, land raising or other potentially vulnerable elements, would be located on areas that would not be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
66. On this basis, I cannot conclude that the proposed development avoids flood risk and therefore whether a Sequential Test is required.
67. In coming to my decision, I have paid regard to the depth and velocity of the watercourse running through the woodland. However, this does not overcome my concerns in respect of this matter.
68. As such, based on the available information the proposed development would conflict with Policy CS.4 and the Framework which, amongst other things, seek to steer development away from areas at risk of flooding.

Whether the proposal would be inappropriate development in the Green Belt

69. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The provision of new buildings are considered inappropriate save for a number of exceptions which includes the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt. The second being the material changes in use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) provided it preserves openness and does not conflict with the purposes of including land within it. Policy CS.10 echoes paragraph 154 of the Framework.

70. Notwithstanding the appellant's comments it is evident that the extent of the proposed development would not align with the red line plan, extending into land that sits beyond the area defined by the Certificate of Lawfulness, and thus involving land that is not previously developed. On this basis the proposal would constitute inappropriate development in the Green Belt as set out in paragraph 154 g) of the Framework.
71. Turning now to the second exception – in the Richmond² judgement the judge stated that the examples provided in paragraph 154 h) of the Framework are not an open-ended category but rather that uses should be within or take their flavour or extent from the examples given. The proposal for the siting of mobile homes for holiday accommodation would not be akin to the examples listed and as such the proposal constitutes inappropriate development in the Green Belt as set out in paragraph 154 h) of the Framework.
72. Therefore, the proposed development would constitute inappropriate development in the Green Belt.

Grey Belt

73. The Glossary to the Framework sets out the definition of grey belt. It is land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143. However, this does not include land where the application of the policies relating to areas or assets in footnote 7 would provide a strong reason for refusing or restricting development.
74. As set out above there is a strong reason for refusing the development in respect of flood risk and irreplaceable habitats. Consequently, having regards to the particular merits of the scheme before me the site does not meet the definition of grey belt.

The effect on openness of the Green Belt

75. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
76. The site is surrounded by thick mature vegetation and views would be limited to private views from residential property Limberlost. When taking into account the presence of the surrounding woodland it is unlikely that the development would be perceivable from beyond the site. As such, I find that the proposal would result in minor harm to openness in visual terms.
77. During my site visit I observed a considerable number of caravans and camper vans parked on site extending over more or less its entirety. Albeit showing some signs of deterioration and ageing I also noted a number of buildings and structures, which exhibited a degree of permanence.
78. Whilst there is a degree of transience associated with moving caravans on and off site and factoring in seasonal fluctuations it is apparent that the site is occupied in an intensive manner which is also evidenced in the appellant's photographs.

² RB of Kingston upon Thames v SSLUHC [2023] EWHC 2055 (Admin)

79. Taking the above into account the replacement of these items with mobile homes whilst resulting in a visual change would not, in my view, significantly diminish the openness of the Green Belt in spatial terms. Taken together, I am of the view that the overall harm to the openness of the Green Belt to be minor.

Other Matters

80. The Council contend that a business case for the development is required. However, I have not been directed to any development plan policies which state as much. As such, I give this aspect of the Council's argument negligible weight in coming to my decision. In any event it is unlikely that a developer would bring forward a development for tourism accommodation without carrying out due diligence in terms of market demand. Furthermore, national guidance encourages economic development including in rural areas.

Overall Balance and Conclusion

81. The proposed development would be inappropriate development in the Green Belt. It would also result in a minor loss of openness. I attach substantial weight to this harm, as required by paragraph 153 of the Framework. I have also found harm with regard to the living conditions of future occupiers, trees, ancient woodland and flood risk.
82. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
83. For the reason set out above the appeal does not succeed.

B Thandi

INSPECTOR