



Appeal Decision

Hearing held on 8 July 2025

Site visit made on 8 July 2025

by J Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/H1840/W/24/3358300

The Laurels, Evesham Road, Egdon, WR7 4QR

- 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 Nathan Smith against the decision of Wychavon District Council.
 - The application Ref is W/24/01175/FUL.
 - The development proposed is a change of use of two existing dayrooms and extension to provide a permanent dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Wychavon District Council against Mr Nathan Smith. This application is the subject of another decision.

Preliminary Matters

3. Amended location and site plans show a revised site area. Accompanying these plans, there is a revised ownership application certificate. Originally, the appellant indicated sole ownership of the site under Certificate A but, in light of County Council (CC) highway land within the site, a replacement Certificate B has been submitted. This indicates that the appellant is not sole owner of the land, with the identity of the other owner (the CC) known and that appropriate notice has been served on them. The CC control a small slither of land either side of the existing access.
4. The amended plans show a very small reduction in site area and the changes would not be substantial or fundamental. The CC has chosen not to make any further comment on the proposal following notification under Certificate B. In its role as the highway authority, it raised no objections on highway grounds to the application and there has been no third party objections. Consequently, there is no requirement to consult further on this amendment and no procedural unfairness in not doing so. For these reasons, the amended plans have been accepted as revisions to the appeal proposal. Additionally, the replacement certificate has been accepted for similar reasons.
5. At the hearing, a deadline was set for the submission of a section 106 (s106) agreement or Unilateral Undertaking (UU) to secure an affordable housing contribution. There has been some progress, with the appellant submitting a copy of a fee receipt for the preparation of the s106, but the deadline has passed with no

agreement or UU before me. This will be commented upon later within this decision.

Main Issues

6. The main issues are (a) whether the proposed development would be in a suitable location, having regard to accessibility of services and facilities; (b) affordable housing provision and (c) the effects of the proposal on the Gypsy and Traveller pitches provision within the district.

Reasons

Location

7. Under the South Worcestershire Development Plan (SWDP) 2016, Policy SWDP 1 sets out the overarching sustainability principles for development having regard to the National Planning Policy Framework (the Framework). Policy SWDP 2 sets out the development strategy and settlement hierarchy for South Worcestershire with the focus for most new development to be in urban areas which have the greatest housing needs and locations where the cost of public services is lower than rural areas. Under this policy, the appeal site lies within open countryside, defined as land beyond any development boundaries, where development will be strictly permitted, controlled and limited to certain exceptions.
8. One such exception is for travellers and travelling showpeople under Policy SWDP 17. There is no dispute that the appellant and his family comply with a definition of Gypsy and Travellers within Annex A of Planning Policy for Travellers and Showpeople (PPTS). SWDP Policy 17 sets out requirements for Gypsy and Traveller pitch provision up to 2033/2034 and the criteria for assessing the suitability of windfall proposals. The suitability of the site for Gypsies has been established through earlier permissions on the appeal site. Planning permission has been granted for the siting of three mobile homes for 3 Gypsy families¹ in 2009 and the building of 4 dayrooms and siting of an additional mobile home ² in 2012.
9. However, the proposal would be for the conversion and extension of a dayroom building for a dwelling. Policy SWDP 17 relates to the provision of pitches for Gypsies and does not identify a need to provide permanent 'bricks and mortar' residential development for them. Although not policy, the policy explanatory text refers to a requirement that Councils should set pitch targets for travellers and criteria for such development under the PPTS.
10. The appellant indicates Gypsies live in houses, especially in the open countryside and seaside, and this includes his relatives. Reference was also made to sites in Oxfordshire and South Ayrshire. However, Gypsies have a nomadic travelling way of life made possible through sites with static caravans and space for a touring caravan. Their way of life is accustomed to travelling around the country for work, fairs and meeting family, and the transient nature of their accommodation reinforces their cultural identity. Furthermore, the Council's Gypsy and Traveller Assessment (GTAA)³, with its listing of accommodation in the form of pitches in private and public sites, show that this type of accommodation is associated with Gypsies.

¹ W/09/01486/CU

² W/12/01156/PN

³ Worcestershire Gypsy and Traveller Accommodation Assessment 2025

11. The appellant, his wife and four children are finding that changing climatic conditions are causing damp. As they grow up, the children also need separate rooms. The appellant's GP medical records details respiratory issues, back pains and headaches. At the hearing, the appellant's health was indicated to be getting worse through not having a well-ventilated and centrally heated permanent dwelling which has necessitated time off from work. The existing static caravan has been cited as poorly insulated, lacking ventilation, damp and cold especially in winter. However, there is no substantive evidence why such medical problems could not be resolved by improving the existing caravan or a new more modern caravan provision be made. Alternatively, if a permanent dwelling is a necessity, the availability of permanent accommodation elsewhere has not been explored.
12. Notwithstanding this, if a dwelling was permitted for persons meeting the Gypsies and Travellers definition under the PPTS, there is no mechanism to ensure that this occurs into the future. Planning Practice Guidance⁴ indicates planning permission runs with the land and it is rarely appropriate to provide otherwise. It does state that there may be exceptional occasions, where development that would not normally be permitted, may be justified on personal basis on planning grounds. However, this proposal does not represent an exceptional occasion due to the lack of justification taking into account the Gypsy and Travellers way of life and unconvincing personal reasons. For all these reasons, the proposal for the dwelling would conflict with Policy SWDP 2 because it would not be an exception to the strategy of controlling and limiting development within the open countryside.
13. SWDP Policy 4 requires development to minimise the demand for travel and offer genuinely sustainable travel choices. There are no footways or street lighting along this road to offer realistic opportunities of walking to any services or facilities. Cycling would not be attractive given the busy nature of Evesham Road, an A road. There are local community bus services to local villages, Pershore and Worcester, based on demand but these are infrequent.
14. The nearest settlement to the appeal site is Egdon but this only has a commercial garage and public house. Nearby settlements of White Ladies Aston, Sneachill and Stoulton have also limited facilities and services. Under the SWDP settlement hierarchy, these villages have some/low access to services with limited or no bus provision. Peopleton is determined to have a greater range of services and facilities under the SWDP but this settlement would be a significant distance away from the appeal site with limited sustainable public transport options.
15. Therefore, there are poor opportunities to access facilities and services, which in the nearby villages are limited. Residents would be largely dependent upon the use of a private motor car to access facilities and services for their day-to-day needs. Accessibility to sustainable transport options will vary between urban and rural areas, with the former benefitting from greater provision. However, accessibility to services and facilities by sustainable public transport would be poor for occupants in this instance.
16. In a 2021 previous appeal⁵, an Inspector found a proposal for traveller on site to be acceptable having regard to sustainable transport. However, the Inspector found conflict with Policy SWDP 4 and part C(i) of the SWDP Policy 17 was outweighed by compliance with the access requirements of part C(x) of Policy SWDP 17 and

⁴ Planning Practice Guidance Paragraph: 015 ID: 21a-015-20140306.

⁵ APP/H1840/W/19/3242656.

the PPTS at paragraph 18. Such considerations do not apply to this appeal as the proposal is for an unrestricted dwelling.

17. In conclusion, a dwelling in the open countryside, beyond any policy recognised settlement boundary, with poor accessibility to services and facilities would conflict with Policies SWDP 2 and SWDP 4 of the SWDP.

Affordable Housing

18. The site is within a designated area where paragraph 65 of the Framework allows local authorities to require the provision of affordable housing on sites of less than 5 houses. The delivery of affordable housing is an underlying objective of the Council's Sustainable Community Strategy. The Worcestershire Strategic Housing Market Assessment (2012) details acute affordability issues, particularly in more rural areas.
19. Policy SWDP 23 sets out that all new residential development, including conversions on sites of less than 5 dwellings, shall require a financial contribution towards affordable housing provision. Based on the Council's Affordable Housing Supplementary Planning Document (SPD)⁶, a contribution, based on a formula using reasoned and justified methodology, has been derived. The appellant has indicated a willingness to complete a s106 agreement and has submitted a Council payment receipt for services in preparation of an agreement. However, no s106 agreement has been provided within the deadline set at the hearing. In the absence of any mechanism to secure the contribution, no affordable housing provision would be made and therefore, there would be conflict with Policy SWDP 23.

Provision of Gypsy Pitches

20. The site comprises 4 traveller pitches and two dayroom buildings which is accessed from Evesham Road. The appellant, his partner and family, live within one of the pitches whilst the remaining three pitches serve other members of his family. As part of the 2022 permission, there would be a re-arrangement of the pitches on the appeal site. Specifically, the appeal site would have 2 pitches and 2 dayroom buildings and the adjacent land, forming part of an enlarged site, would have 6 pitches and an dayroom building/amenity block.
21. The Council's 5 year supply of Gypsy and Traveller sites shows a shortfall of 12 pitches using a May 2025 base date. Recently, there has been a permission for 7 pitches but parties agree a deficiency still exists in provision. For the appeal site, the 2012 permission approved plans showed 2 pitches to the side and front of the dayroom building to be converted and extended. As a result, the Council argue the loss of two pitches. Alternatively, if the 2022 permission for further pitches on the adjacent land is implemented, it argues a loss of one pitch.
22. However, the provision of pitches is a change of use of the land and there are no relevant conditions fixing pitch siting. The spacing of caravans is determined by a site licence under the Caravan Acts⁷. The Council has not provided any evidence to demonstrate that the site and adjacent land could not accommodate the pitches permitted based on these considerations. From what I observed on my inspection,

⁶ Affordable Housing Supplementary Planning Document, Malvern Hills District Council, Worcester City Council, Wychavon District Council, adopted October 2016

⁷ Caravan Sites and Control of Development Act 1960 and Caravans Sites Act 1968.

the appeal site and adjacent land comprise large areas easily able to accommodate the pitches permitted, both existing and in the future under the 2022 planning permission.

23. The proposal would result in the loss of a dayroom building serving the existing pitches but another dayroom building would remain on the appeal site and if the permission for pitches on the adjacent land was implemented, there would be another dayroom building/amenity block. For all these reasons, it has not been proven that there would be a detrimental loss of pitches or facilities as a result of this appeal development.

Other matters

24. The proposal would meet the needs of those persons with a relevant protected characteristic by reason of race and so, as required by section 149 (1) of the Equality Act 2010 the public sector equality duty is applicable. There is need to have regard to eliminating discrimination, advancing equality of opportunity and fostering good relations.
25. The appellant's GP medical records details medical illness and at the hearing, the appellant's health was indicated to be getting worse through the inadequacy of the existing accommodation. However, alternatives to a permanent dwelling have not been explored and for all these reasons, personal circumstances attract limited weight.
26. Article 3 of the United Nations Convention on the Rights of the Child requires a child's best interest to be a primary consideration. Although a primary consideration the best interests of a child are not a determining planning issue, but no consideration must initially be regarded as more important or, in the advance of subsequent assessment of the individual's circumstances, be given greater weight.
27. Accordingly, decision makers need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, it is similarly advised that they will want to ensure the approach is proportionate. Decision makers need to consider the case before them and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community.
28. The appellant's children are educated and looked after at home by the appellant's partner. Turning down the proposal would still result in themselves continuing to have a settled base, using a static caravan and dayroom. No serious medical illnesses have been diagnosed with the children of the appellant apart from one who suffers from a serious food allergy. There is no evidence that a dwelling would remedy this illness. If the appeal was dismissed, the children would not endure a roadside existence detrimental to their interests, and therefore, the benefits of a dwelling are of limited importance and weight.
29. The proposal would result in a dwelling and the Council's 5 Year Housing Land Supply is deficient at 1.10 using a base date of April 2024. Therefore, the so-called tilted test of paragraph 11 d. ii. applies. The development would result in a dwelling contributing to housing supply but this would be of limited benefit given only one dwelling would be created. Occupants of the dwelling would have poor access to services and facilities by sustainable transport. This would result in conflict with the Framework's objective of actively managing patterns of growth at Paragraph 110,

taking into account considerations within paragraph 109. Such considerations include opportunities to promote sustainable transport and the environmental impacts of transport. Furthermore, the proposal would not provide any affordable housing. Paragraph 61 of the Framework requires that the needs of groups, including affordable, be addressed. These harms would relate to one dwelling but cumulatively, such harms would be substantial taking into account the requirements of Framework policy.

30. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard for key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
31. Planning permission has been granted for dwellings adjacent to Berkeley Arms Public House on Evesham Road. These are not dissimilar in size and scale to that proposed and would similarly be in open countryside. However, they are for holiday lets, permitted under Policy SWDP 35B as an exception under Policy SWDP 2. For these reasons, little weight is attached to this permission.
32. Local Plan Inspectors' Post Hearing comments were published on the emerging South Worcestershire Development Plan Review on 7 July 2025. Under the emerging local plan, there is allocation for housing at Worcester Parkway under draft Policy SWDP 51. However, the examining Inspectors sessions have continued after this date and just ended. Plan modifications, including for the Worcester Parkway allocation, will be required and a timetable for this substantial allocation has still to be determined. For all these reasons, only limited weight is given to the emerging local plan and its proposals, given its stage of preparation.

Planning Balance

33. There would be a dwelling in the open countryside beyond any policy recognised settlement boundary and with poor accessibility to services and facilities, it would conflict with Policies SWDP 2 and SWDP 4 of the SWDP. Due to conflict with sustainable development principles, there would also be conflict with SWDP Policy 1 and the presumption in favour of sustainable development would not apply. There would be conflict with the development plan taken as a whole.
34. Having regard to Article 8 of Schedule 1 and Article 1 of the First Protocol of the Human Rights Act, there will be interference of the occupier's rights in respect of private and family life, and the protection of a home. However, these articles are qualified rights. The appellant can still reside within caravans on the site and the justification for a 'bricks and mortar' dwelling has not been proven. There is a legitimate aim in protecting environmental interests in a democratic society, in this case relating to the environmental impacts of a dwelling in the countryside where occupants would largely use a private motor vehicle rather than sustainable transport options. Dismissing the appeal would be a necessary and proportionate response in all the circumstances and interference is justified under Article 8 and Article 1.
35. In accordance with the PSED, due regard has been paid to minimising the disadvantages suffered by the appellant as a person without a permanent home. These considerations have been at the forefront of the decision making process but they would not outweigh the harms identified which provide a strong reason for

refusing the proposed development. In conclusion, there would be conflict of the development plan, taken as a whole, and there will be no material considerations that indicate that it should be determined other than in accordance with the development plan and permanent planning permission should be refused.

36. As an alternative, temporary planning permission for the conversion and extension of the dayroom to a dwelling has been considered. Harms would be for a shorter period of time but granting temporary planning permission on a permanent building poses an issue as to what becomes of it and the expense incurred if it is to be demolished. A temporary planning permission would also run counter to policy within Planning Practice Guidance⁸ which indicates conditions requiring demolition are unlikely to relate fairly and be reasonable to the development proposed. Consequently, the grant of a temporary planning permission would not be justified.

Conclusion

37. For the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Jonathon Parsons

INSPECTOR

⁸ Planning Practice Guidance Paragraph: 014 Reference ID: 21a-014-20140306.

APPEARANCES

FOR THE APPELLANT:

R Sandbrook	Planning Consultant
N Smith	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

G Greenhow BA MA MRTPI	Wychavon District Council
J Morgan BSc(Hons) DipTP MAUD MRTPI	Wychavon District Council
D Duggan BSc(Hons) DipTP MRTPI	Wychavon District Council

DOCUMENTS

1. Council submission of Title plans identifying an ownership issue, 27 June.
2. Agent submission of title plan, 2nd July.
3. Agent site plan, following ownership title issue, 2 July.
4. Council request for agent to submit official Register Title Plan, 3 July.
5. Council requesting payment and information for preparation of S106, 4 July.
6. Council email, identifying parts of application site as County Council highway land, 4 July.
7. Agent email querying why ownership issue had not been identified previously, 4 July.
8. Agent email commenting on recent Council site visit, 4 July.
9. Council email responding to agent's comments on recent site visit, 4 July.
10. Agent email, information on Worcester Parkway Newtown scheme covering the site, 4 July.
11. Council email, identifying lack of progress on section 106 due to lack of documentation, 7 July.
12. Medical records, 7 July.
13. Planning decision W/22/00985/FUL.
14. Inspectors Post Hearing Note for South Worcestershire Development Plan Review (SWDPR) 7 July 2025, policy extracts of SWDPR1, SWDPR3, SWDPR6, SWDPR18, SWDP20, SWDP Main suggested changes, submitted 8 July 2025.
15. SWDPR Strategic Growth Area Boundary, submitted 8 July
16. Wychavon formal position statement regarding affordable housing and tariff style contributions following the publication of National Planning Policy Framework 2019, published June 2019, submitted 8 July.
17. Explanatory note on % year land supply position for Gypsy and Traveller pitches and Travelling Showpeople Plots in Wychavon District Council.
18. Affordable Housing Supplementary Planning Document, Adopted October 2016, submitted 8 July.
19. Council letter dated 9 April, relating to commencement of works for 2022 planning permission, 8 July.

20. Appeal Decision APP/H1810/21/3282302 The Berkeley Arms, 14 February 2022.
21. Timeline of discussions about s106 agreement, email dated 8 July, submitted 8 July.
22. Agents revised ownership certification, Certificate B, 9 July.
23. Council email, confirming notification of County Council of Certificate B, 9 July.
24. Copies of Council Development Plan policies, 9 July.
25. Agents copy of Council receipt for the preparation of S106, 10 July.
26. Agent email detailing past payment for preparation of S106 agreement, 18 July.
27. Council Cost Claim, 22 July.
28. Agent email, updating progress on s106, 22 August.