



Appeal Decision

Hearing held on 23 September 2025

Site visit made on 23 September 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2025

Appeal Ref: APP/P1805/W/25/3360244

Land at Blackwell Road, Burcot, Worcestershire B60 1PP

- 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 Loveridge against the decision of Bromsgrove District Council.
 - The application Ref is 24/00342/FUL.
 - The development proposed is change of use of land for the creation of 2no. Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan and 1 dayroom per pitch, alongside the formation of an access road and associated landscaping.
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Decision

1. The appeal is dismissed insofar as it relates to 1 dayroom per pitch.
2. The appeal is allowed insofar as it relates to change of use of land for the creation of 2no. Gypsy/Traveller pitches, comprising the siting of 1 mobile home and 1 touring caravan per pitch, alongside the formation of an access road and associated landscaping and planning permission is granted for change of use of land for the creation of 2no. Gypsy/Traveller pitches, comprising the siting of 1 mobile home and 1 touring caravan per pitch, alongside the formation of an access road and associated landscaping at Land at Blackwell Road, Burcot, Worcestershire B60 1PP in accordance with the terms of the application, Ref 24/00342/FUL, so far as relevant to that part of the development hereby permitted, and subject to the conditions in the attached schedule.

Preliminary Matters

Split decision

3. The proposal comprises two main elements, two Gypsy and Traveller pitches, and the associated day rooms. During the hearing, the appellant was undecided whether the day rooms would be constructed in the short term as the static caravans would provide adequate living accommodation, including bathroom and laundry facilities. The appellant explained day rooms would support the lifestyle of the occupants but are not an essential requirement of their cultural traditions.
4. s79(1)(b) of the Town and Country Planning Act 1990 (as amended) affords powers to issue a split decision. The day rooms are not essential for the occupation of the site, and the scheme would function successfully without the proposed day rooms, fulfilling both the practical and cultural needs of the intended occupants. Therefore, the pitches and day rooms are severable elements, and I have considered the appeal on this basis.

5. Concerns were raised that the absence of day rooms would render the development unsuitable for other future occupants who may have different cultural traditions. However, day rooms are a matter of personal choice and subject to the requisite evidence, planning permission could be sought in the future. Therefore, a split decision would not necessitate a personal planning permission.

Current status of site and development proposal

6. A Certificate of Lawfulness confirms the existing authorised use of the site is grazing land¹. Works relating to the proposed development have been undertaken at the site, including laying of hardstanding, erection of boundary treatments, and siting and occupation of caravans, albeit with differences in site layout from the proposal. I have determined the appeal on the basis of the submitted plans and have considered intentional unauthorised development in the planning balance.

Council's withdrawal of first reason for refusal

7. Since its determination of the proposal, the Council has prepared the Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2024/25 September 2025 (GTAA). In addition, government revised the National Planning Policy Framework (the Framework). The Council accepts it has an unmet need in pitches and considers the proposal would meet the Framework's definition of grey belt land. On this basis, the Council consider the first reason for refusal regarding inappropriate development in the Green Belt should be withdrawn.
8. However, during the hearing the Council expressed concern that criteria of paragraph 155 of the Framework would be offended and alleges that other considerations would not clearly outweigh harm to the Green Belt by reason of inappropriateness and other harms resulting from the proposal². Furthermore, other parties have raised objections due to alleged effects on the Green Belt. Consequently, in my decision I have considered whether the proposal would be inappropriate development in the Green Belt as a main issue.

Main Issues

9. Having regard to the above, the main issues in this appeal are:
- Whether the proposed development would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on highway safety;
 - The effect of the proposed development on the health and longevity of trees and hedgerow, with particular regard to the proposed day rooms; and
 - Whether other material considerations, including the need for and supply of pitches and the personal circumstances of the site's occupants, outweigh any harm identified such as to justify the development.

¹ LPA ref: 23/00582/CPL

² Paragraph 153 of the Framework

Reasons

Whether inappropriate development

10. The site comprises a parcel of land within a larger field and is in the Green Belt.
11. Policy BDP4 of the Bromsgrove District Plan 2017 (BDP) seeks to protect the Green Belt. Paragraph 142 of the Framework recognises the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with essential characteristics of Green Belts being their openness and their permanence. Whilst Policy BDP4 permits development in certain circumstances³, this does not include the development of Traveller sites.
12. Planning Policy for Traveller Sites (PPTS) seeks to protect the Green Belt from inappropriate development⁴, and at Policy E states that Traveller sites in the Green Belt are inappropriate development unless the exceptions set out in the Framework apply. Paragraph 155 of the Framework regards development in the Green Belt as not inappropriate where all the following apply:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework, with footnote 57 requiring that in the case of development involving the provision of Traveller sites, particular reference be made to Planning Policy for Traveller Sites paragraph 13; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156 and 157.

Criterion 155(a) – Whether grey belt land and effect on Green Belt purposes

13. The site is not previously developed land but is a small parcel adjoining the built area of a modest village. The proposal would not therefore result in the unrestricted sprawl of large built-up areas. The proposed development would be partly contained by existing highway infrastructure and would abut undeveloped agricultural land. It would not result in the coalescence of settlements, and the site does not contribute to the preservation of the setting or special character of a historic town.
14. The site does not strongly contribute to purposes (a), (b), or (d) of Framework paragraph 143, and therefore the proposed development would utilise grey belt land. Whilst the proposal would involve development of open, agricultural land, the site is small in scale, and the development would not fundamentally undermine the purposes of the remaining Green Belt.
15. The site does not comprise areas or assets identified by footnote 7 of the Framework (excluding Green Belt). Therefore, the Framework's policies relating to such areas and assets do not provide a strong reason for refusal.

³ As defined by Policy BDP4.4(a)-(g)

⁴ Paragraph 4(d)

Criterion 155(b) – Whether unmet need for development type

16. As discussed at ‘other considerations’, there is a demonstrable unmet need for pitches in the district.

Criterion 155(c) – Whether in a sustainable location

17. Framework paragraph 110 seeks to limit the need to travel and offer a genuine choice of transport modes, and paragraph 115 prioritises sustainable transport modes taking account of the vision for the site, the type of development and its location. Bus stops located near the site offer limited services but nonetheless provide some travel choice. As discussed at ‘highway safety’, the proposed pedestrian access would be unsuitable for some persons, such as those with reduced mobility, and therefore the proposal would fail to provide safe and suitable access for all users, as required by 115(b).
18. In assessing the sustainability of Traveller sites, Framework paragraph 155(c) requires particular reference be made to paragraph 13 of the PPTS, which includes specific criteria for the location of sites.
19. The site is near the built area of Burcot village, thereby promoting peaceful and integrated co-existence between the site and the local community⁵. Schools and medical services are available in nearby settlements such as Blackwell and Bromsgrove, and therefore the site would offer access to appropriate health services⁶ and ensure that children can attend school on a regular basis⁷.
20. The proposal seeks permanent planning permission therefore the site would provide a settled base, reducing the need for long-distance travelling and possible environmental damage caused by unauthorised encampment⁸.
21. The health and wellbeing of occupants would not be adversely impacted by environmental factors such as noise and air quality, and the proposal would not be incompatible with surrounding uses, including existing residential uses⁹.
22. The proposal is small scale, comprising two pitches, and therefore would not place undue pressure on local infrastructure and services¹⁰. The site is in flood zone 1, at lowest risk of flooding, and therefore would be located to avoid areas of high risk of flooding¹¹.
23. The proposal does not seek living and working from the same location and therefore would not omit travel to work journeys¹². Nonetheless, the proposed location is strongly aligned with PPTS paragraph 13’s criteria for the sustainability of Traveller sites.
24. Paragraph 155(c) requires the decision-maker pay particular reference to Framework paragraphs 110 and 115 and PPTS paragraph 13 but does not suggest all criteria must be dogmatically adhered to, and it is reasonable to exercise planning judgement in assessing the location’s sustainability. I have also

⁵ PPTS, paragraph 13, criterion (a)

⁶ PPTS, paragraph 13, criterion (b)

⁷ PPTS, paragraph 13, criterion (c)

⁸ PPTS, paragraph 13, criterion (d)

⁹ PPTS, paragraph 13, criterion (e)

¹⁰ PPTS, paragraph 13, criterion (f)

¹¹ PPTS, paragraph 13, criterion (g)

¹² PPTS, paragraph 13, criterion (h)

had regard to BDP Policy BDP11.2 which requires sites for Gypsy and Traveller accommodation provide “good access to essential local facilities e.g. health and education”.

25. Acknowledging the pedestrian access would not be suitable for all users, the site would nonetheless be conveniently located to reach essential local facilities through other modes of travel such as a short car journey. Therefore, I am satisfied that, overall, the proposed development would be in a sustainable location for a Traveller site.

Criterion 155(d) – Golden Rules

26. The Golden Rules are not applicable to the proposal.

Paragraph 155 assessment conclusions

27. Policy BDP4 predates recent changes to the Framework and thus includes no provision for development of this type in the Green Belt.
28. However, the proposal would involve development of grey belt land and would comply with the relevant criteria of Framework paragraph 155. Therefore, the proposal would not be inappropriate development in the Green Belt.
29. Framework paragraph 153 and footnote 55 confirm that in such circumstances consideration of the proposal’s effects on Green Belt openness is not necessary.

Character and appearance

30. As discussed above, unauthorised development has occurred at the site. In addition, a close board fence partly obscures views into the site from Alcester Road. The fence is not the responsibility of the appellant and is unrelated to the appeal proposal. I have been provided with photographic evidence of the site in its undeveloped form as a pastoral field. For the purposes of establishing a baseline of the site’s character I have disregarded the unauthorised development in place at time of my site visit.
31. Worcestershire County Council’s Landscape Character Assessment defines the area as “Principal Settled Farmlands Landscape Type” which comprises medium-scale, fairly open, agricultural landscapes of scattered farms, relic commons and clusters of wayside settlements. Farms and dwellings are linked by a network of narrow winding lanes which nestle within a matrix of hedged fields but lack significant woodlands with characteristic tree cover being that of scattered trees. The site comprises an area of countryside at the edge of the village, consisting of a broadly triangular shaped parcel of grazing land in the northern corner of an existing field, adjacent to a rural lane with a hedgerow along its roadside boundary. The site therefore includes features characteristic of the area’s landscape type.
32. The wider field is generally enclosed by trees and hedges along its boundaries. The established, mature and dense vegetation generally prevent views into the site, with only glimpses through gaps in foliage on passing the site. In particular, hedgerows ensure the site is not visually prominent from Blackwell Road. However, a break in the hedgerow at Alcester Road permits views into the site for passing road users and on the approach from Pikes Pool Lane.

33. The village's built area lies to the west and south, and the site is beyond the junction of Alcester Road and Blackwell Road which provides a defined edge to the village. However, the extent to which the site comprises a 'gateway' to the village is diminished by development on the opposite side of Alcester Road which continues past the site for a considerable distance.
34. From Alcester Road, views into the site are cluttered in the foreground by signage, a telegraph pole and lamppost situated on the grass verge. The middle distance comprises grassland. The site's rising topography prevents long distance views to the surrounding countryside landscape. Tall poles and overhead cables along the rail line beyond the field cut across the skyline. A dense tree belt along Blackwell Road's highway verge runs from the junction with Alcester Road, along the northern boundary and beyond the site and forms a dominant feature in views across the site. Nonetheless, the undeveloped, grassland character of the site and its constituent field contribute positively to the village's rural landscape setting.
35. The settlement pattern of Burcot is predominantly a ribbon of dwellings fronting onto Alcester Road. The proposed pitches would be set back in the site, situated between the internal access road and northern site boundary. The proposed layout would therefore be inconsistent with the village's ribbon settlement pattern.
36. A large portion of the site would be covered by hardstanding for parking and manoeuvring vehicles and siting of caravans. The proposal would therefore have an urbanising effect on the site and would introduce domestic features to a site formerly agricultural in character. However, the pitches would be distant from Alcester Road, with the static caravans tucked against the boundary and oriented with their short end elevation toward Alcester Road. The site layout would therefore minimise the visual prominence of caravans and domestic features from the highway.
37. Policy H of the PPTS seeks to avoid not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community, and promotes sites which are well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.
38. Due to the rising topography, the proposed pitches would be elevated above Alcester Road. To reduce visual intrusion associated with the development, its structures and domestic activity, proposed hedgerow boundary treatments would enclose the site and serve to screen views of the pitches from the highway.
39. However, hedgerows along the site's southern and eastern boundaries would project into the open area of the field and would not follow existing landscape features. The boundary treatments would appear arbitrary and out of keeping with the prevailing field pattern. Therefore, the proposal would erode characteristic features of the Principal Settled Farmlands Landscape.
40. A vehicular access has been created at Blackwell Road through removal of a section of hedgerow. The proposal would widen the access, resulting in further vegetation loss. However, due to Blackwell Road's narrow, winding character, enclosed by vegetation, there are no long-distance views of the access point. Since there are trees along the opposite side of the carriageway to the access, the breach of the hedgerow would be imperceptible from Alcester Road.

41. The small scale of the proposal would not materially diminish the separation between the villages of Burcot and Blackwell, and subject to satisfactory mitigation would not result in a significant visual intrusion upon the open countryside. As set out above, the site layout and screening would minimise the visual prominence of the development, and the proposed pitches would normally be viewed as distant glimpses from road users passing the gap in the hedgerow at the frontage of Alcester Road and would be experienced within the context of utilities infrastructure and other residential development.
42. However, as set out above, the proposal would be out of keeping with the village's settlement pattern and would erode the distinct features of the landscape character area. For these reasons, the proposal would have a limited and localised, adverse impact on the character and appearance of the area.
43. The proposal would conflict with BDP Policy BDP19 and Policy BD2 of the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan 2020 (Neighbourhood Plan), which together require development achieve high quality design, having appropriate regard to and enhancing the character and distinctiveness of the local area and gateway locations.
44. In addition, the proposal would fail to comply with BDP Policy BDP21 and Neighbourhood Plan Policy NE1 which together require proposals demonstrate they would protect and enhance the distinctive landscape as identified in the Worcestershire Landscape Character Assessment.

Highway safety

45. The site is near the junction of Alcester Road and Blackwell Road. A vehicular access has been constructed at the northern site boundary with Blackwell Road, and a narrow strip of land connects to the grass verge at Alcester Road.
46. Blackwell Road is a narrow, winding route with steep banks enclosed by trees and hedgerows. There are no pedestrian footways or street lighting, and the road has a single carriageway with two-way traffic and no centre line. The varying width, field accesses and verges provide occasional passing places. Blackwell Road therefore has the character of a rural lane.
47. The speed limit is 30mph near the junction and increases to the national speed limit beyond the site access. A warning sign advises of pedestrians in the road ahead. The road conditions necessitate drivers approach cautiously to avoid conflict with other road users.
48. The vehicle speed and classification survey¹³ indicates an average of 11 cars per hour travel along Blackwell Road, with vehicles passing the site access at an 85th percentile speed of 26.6mph westbound and 27.7mph eastbound. Therefore, the volume of traffic using Blackwell Road is low, and traffic speeds are normally below the posted speed limit of 30mph.
49. Furthermore, at the junction, signage imposes a vehicle height restriction and advises the route is unsuitable for HGVs. Therefore, Blackwell Road would not be expected to be used by very large vehicles.

¹³ Appendix D of Highways Technical Note April 2024

50. Alcester Road is a classified B-road and is subject to a 30mph speed limit through Burcot village and passing the appeal site, increasing to 40mph to the south beyond the junction with Pikes Pool Lane. Alcester Road is illuminated by streetlighting, and a footway on the opposite side of the carriageway to the appeal site provides a pedestrian route through the village.

Pedestrian access

51. The small scale of the proposal would generate only a small volume of pedestrian footfall. The proposal would include a segregated footway from the site to the grass highway verge, from which pedestrians would cross Alcester Road to the footway opposite to access facilities in Burcot, such as the bus stop.
52. The desire line to cross Alcester Road would be between the junctions of Blackwell Road and Pikes Pool Lane, requiring pedestrians check in multiple directions before crossing. However, due to the 30mph speed limit, vehicles would not be expected to approach at high speed.
53. Telecommunications poles and associated utilities and signage sited on the grass verge would not constrain visibility since the verge is of sufficient width for pedestrians to stand forward or back from the poles. Moreover, the illumination provided by the streetlight would aid visibility of pedestrians.
54. However, there would be no formal crossing point, dropped kerbs, tactile paving, or pedestrian signage between the site and footway at Alcester Road. Therefore, the pedestrian route between the site and village would not be of a standard to meet the needs of all users, such as those with limited mobility.
55. The nearby dwelling (no 359) on the northeastern side of Alcester Road has no direct access to a footway or crossing point. In an appeal decision for Traveller pitches at The Stables, Dale Lane¹⁴, the Inspector noted the highway serving the development was narrow, unlit and had no pavements. In addition, in an appeal decision for Traveller pitches at Mintola Corral, Batemans Lane¹⁵, the Inspector concluded that whilst the highway was unlit and had no pavements, overall, the local highway network is conducive to walking. Therefore, an absence of pedestrian infrastructure is not uncharacteristic of the local area, and recent appeal decisions illustrate that it is not atypical for Traveller sites to be in locations without pedestrian infrastructure.
56. Whilst it would not be of a suitable standard for all users, overall, the proposed footway would be beneficial for most users, providing a pedestrian route between the site and village. This would avoid the need to walk in the carriageway of Blackwell Road, thereby minimising the risk of conflict between pedestrians and vehicles. Furthermore, the Local Highway Authority (LHA) suggest there is opportunity to enhance pedestrian safety through a road safety audit (RSA), secured through a planning condition.
57. Therefore, it is considered that the proposal would achieve pedestrian access that would be adequate for most users, albeit the proposal would not comply with the LHA's standard so as to achieve suitable pedestrian access for all users.

¹⁴ Appeal decision ref: APP/P1805/W/23/3334752

¹⁵ Appeal decision ref: APP/P1805/W/23/3325331

Internal layout, access, and visibility

58. The static caravans would be permanently sited and would not be moved regularly. Therefore, traffic movements to/from the site would generally be from conventional vehicles and would include towing of touring caravans.
59. The Highways Technical Note April 2025 provides additional drawings in response to the LHA's comments and information gaps identified in the reasons for refusal. The unauthorised vehicular access to Blackwell Road would be reconfigured, as set out at the Proposed Access Arrangements drawing¹⁶ which provides a dimensioned site plan, including access kerb radii, access width, gate offset into the site, internal road width, parking spaces, and turning head area.
60. The swept path analysis drawings¹⁷ illustrate that vehicles, including a car towing a caravan can manoeuvre within the site, and access and egress the site without overrunning the carriageway edge.
61. To the east of the site, Blackwell Road is a rural road with limited access to the wider highway network. Therefore, when towing a caravan, it is not likely that future residents would access the site from the east, since entering the site from the west offers a preferable route and access arrangement.
62. Nonetheless, as illustrated on the Swept Path Analysis - Private Car Towing a Caravan¹⁸ an approaching car from the junction between Alcester Road and Blackwell Road would have appropriate forward visibility to wait in the area surrounding the junction, whereby they are also visible to oncoming vehicles slowing to turn at the junction. This would allow safe access of a car towing a caravan approaching from the east, and the number of movements requiring a vehicle to encroach onto the opposite side of the carriageway would be minimal.
63. Reflecting the scale of development and the characteristics of Blackwell Road discussed above, including its low traffic volume and speeds and absence of a centre line, the potential for road user conflicts would be limited.
64. The updated visibility splay drawing¹⁹ provides 43m of visibility to the east, and the 28m distance to the junction with Alcester Road. This demonstrates that the access would provide adequate visibility along the highway, and the distance between the access and junction exceeds the minimum 20m standard required by the LHA.
65. The visibility splay broadly follows the rear edge of the carriageway. However, to maintain visibility, removal or management of vegetation at an area of verge on either side of the access would be required on land understood to be in the ownership of the appellant or LHA, in accordance with the LHA's guidance.
66. The Highways Technical Note April 2025 has provided additional evidence, and overall, the LHA concludes that outstanding matters between the parties could be resolved through planning conditions. Notably, this would include a requirement for a DMRB GG119 compliant Stage 1/2 Road Safety Audit (RSA1/2) of the proposed site access arrangements and routes to the site.

¹⁶ Appendix E of Highways Technical Note April 2025

¹⁷ Appendix C of Highways Technical Note April 2025

¹⁸ 2301066-TK04, Appendix C of Highways Technical Note April 2025

¹⁹ Appendix D of Highways Technical Note 2025

67. In its reasons for refusal, the Council does not identify conflict with the development plan but refers to the provisions of the Framework.
68. Framework paragraph 115 requires safe and suitable access be achieved for all users and significant impacts on highway safety be mitigated to an acceptable degree, and paragraph 117 prioritise pedestrian and cycle movements and seeks to address the needs of people with disabilities and reduced mobility.
69. Paragraph 116 of the Framework indicates that development should only be prevented or refused on highways 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.
70. As set out above, the proposed pedestrian access would avoid conflict between pedestrians and vehicles at Blackwell Road and in this regard would be beneficial. However, the proposed pedestrian route would not satisfy the LHA's standards so as to be suitable for all users. Consequently, some occupants or visitors may be reliant on access via a private vehicle. In addition, vehicles towing a caravan approaching from the east would encroach onto the opposite carriageway. However, this would not be a frequent occurrence since it affects only vehicles towing caravans and a more convenient route exists from the west.
71. Whilst I have identified some shortcomings in the suitability of the proposal's access, this would not result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network. Therefore, the provisions of the Framework do not suggest development should be prevented or refused on highway grounds.

Trees and hedgerows

72. The two oak trees which comprise a part of the hedgerow at the boundary of the carriageway of Blackwell Road are the subject of a Tree Preservation Order and are therefore protected in the interests of maintaining amenity. The diagrams at Appendix E of the Highways Technical Note April 2025 confirm that adequate visibility splays would be achieved without removal of the TPO trees.
73. However, the proposed day rooms would be sited close to the TPO trees. The Council consider that construction of the day rooms, including installation of utility services, would be within root protection areas and cause root damage.
74. No arboricultural survey has been provided to confirm the extent of root protection areas, and no tree protection plan or method statement has been provided to demonstrate that the proposed day rooms could be constructed without jeopardising the health and longevity of the TPO trees.
75. The appellant asserts that a condition could be imposed to limit development until tree protection measures are implemented. However, I have not been provided evidence to demonstrate that any harm to the trees could be mitigated. Therefore, there is insufficient certainty that the proposed development could be made acceptable through use of a planning condition.
76. Therefore, the proposal fails to demonstrate that the construction of day rooms would not harm the health and longevity of trees and hedgerow.

77. On this basis, the proposal, taken as a whole, would conflict with BDP Policies BDP19 and BDP21 which seek to protect and enhance distinctive landscape character, and require development ensure all trees that are appropriate in terms of size, species, conditions and predicted climate are retained and integrated within new development.
78. The design practice guidance set out within Designing Gypsy and Traveller Sites: Good Practice Guide 2008 supports the provision of day rooms. However, this guidance was withdrawn in 2015 and therefore attracts no weight. In any event it is a matter of personal choice for individual occupiers if they require a day room. Therefore, the day rooms are a severable element of the scheme and harm to TPO trees and conflict with BDP Policies BDP19 and BDP21 would be avoided through a split decision so as to omit the dayrooms.

Other considerations

Need and supply of pitches

79. The GTAA is the best available evidence of need and supply of pitches in the local area and identifies an overall minimum need for 37 pitches over the period 2024 to 2042. Of which, 17 pitches are needed in the first five-year period. Therefore, the identified need is greatest in the short term.
80. Policy B of the PPTS requires local planning authorities identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. Details of recent appeal decisions within the district relate to sites which were occupied at time of the decision²⁰ and it is unclear if those recent planning permissions provide a supply of deliverable sites. Therefore, the supply of pitches from unimplemented, extant planning permissions is assumed to be nil.
81. Policy BDP11 requires Gypsy and Traveller sites be in sustainable locations that provide good access to essential local facilities and accord with the sustainable development principles set out in Policy BDP1. Whilst this provides criteria for the location and siting of pitches, no quantifiable supply has been provided. Moreover, around 90% of the district is within the Green Belt and is a constraint to the provision of Traveller sites, which would be inappropriate development unless the exceptions set out in chapter 13 of the Framework apply.
82. The development plan contains no unimplemented site allocations for pitches, and therefore provides no specific, deliverable supply of pitches.
83. Policy BDP11 states that if additional sites for Gypsy and Travellers are required, land will be identified through a Local Plan review. Preparation of the Council's new Local Plan is at an early stage. I have been provided no specific details of any proposals for the provision of pitches, and at time of my decision the emerging Local Plan would not contribute to the supply of deliverable sites.
84. The GTAA identifies regularisation of unauthorised pitches, expansion or intensification of existing sites, and turnover of pitches as potential sources of supply. However, there is insufficient evidence to demonstrate such sources would comprise deliverable sites. I have been provided no details of waiting lists for

²⁰ Appeal decision refs: APP/P1805/W/23/3325331 and APP/P1805/W/23/3334752

existing sites and have no evidence that any alternative sites would be available to the appellant and current occupants of the appeal site.

85. Set against the need identified above, the current supply of pitches is nil. The Council cannot demonstrate a supply of specific deliverable sites sufficient to provide five years' worth of sites, and there is a substantial shortfall in supply.
86. In the recent appeal decisions, it was concluded there has been a persistent failure of the Council to put into place policies or other measures to meet a long-standing unmet need for new sites. This unmet need for pitches is expected to persist until the emerging Local Plan is adopted, which is not anticipated in the short term.
87. The proposal would contribute two pitches and therefore would make a significant contribution toward meeting the identified unmet need for pitches.

Personal circumstances

88. Section 149 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. The proposed pitches would accommodate the site's existing occupants, who are two English Traveller families. An aversion to bricks and mortar is a recognised characteristic of Gypsies and Travellers. Both families have a preference for living in a caravan. Therefore, the proposed pitches would eliminate discrimination and advance equality of opportunity through providing accommodation that is appropriate to the traditions and culture of the occupants.
89. Article 8(1) of the European Convention of Human Rights provides that everyone has a right to respect for their private and family life, home and correspondence. In addition, 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.
90. Both adult occupants of the site suffer medical issues which affect their day-to-day life and are under the care of local medical services. Three of the children occupying the site attend local schools. Therefore, the appeal proposal would provide an enduring settled base which would enable access to healthcare and provide children with access to education and generally support their welfare, for example, through attending clubs and making friends.
91. Were I to dismiss the appeal, the families would be forced into roadside living. This would be untenable for the adult occupants due to their health issues and would disrupt the children's access to education. Therefore, such a decision would result in a significant interference with the occupants' Article 8 Rights and would be counter to the best interests of the children.

Intentional unauthorised development

92. As discussed above, the site is occupied, and the proposal has been partly implemented. Intentional unauthorised development is a material consideration to be weighed in the determination of appeals.
93. In addition to the siting of caravans, an area of hardstanding comprising aggregate has been laid on the site and a post and rail fence erected. The works do not exceed the minimum needed to create a habitable environment. Nonetheless, works carried out have resulted in the loss of a modest area of grassland and a short section of hedgerow has been removed to provide a vehicular access.

However, were the site vacated, the hardstanding and structures could be removed and the grassland and hedgerow restored within a short time frame.

94. The appellant has sought to regularise the development by applying and paying the fee for a grant of retrospective planning permission. Furthermore, I am mindful of the limited availability of authorised pitches due to the area's significant shortfall in supply and therefore, the intentional unauthorised development carries modest weight against the proposal.

Other Matters

95. Details of land ownership submitted by third parties suggest the appellant is not the owner of the whole site. However, the information predates the application form and names of persons have been redacted. Certificate B of the application form confirms the requisite notice has been served on other owners of the land. An appellant does not have to own a site to seek planning permission, and I have been provided no evidence that land ownership matters would impede delivery of the development.
96. Local residents report that works on the site have increased surface water runoff, harming highway safety. Implementation of a surface water drainage strategy would be secured through a planning condition.
97. Some residents recount disturbance from commercial activities taking place on the site. The proposal seeks residential use only, and commercial use of the site can be prohibited through a planning condition. In addition, residents allege incidents of anti-social behaviour associated with occupation of the site. These are civil matters unrelated to the planning merits of the scheme.
98. Concerns were raised regarding the effects of the proposed development on the capacity of local infrastructure and facilities, the historic environment of the village, and effects on wildlife. However, there is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees. Therefore, none of the concerns raised provide a compelling reason why planning permission should not be granted.
99. As discussed above, the development plan policies generally restrict development in this countryside location in the Green Belt. Applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, I do not consider a decision to allow the appeal would set a precedent for other development resulting in sprawl.

Planning Balance

100. Policy H of the PPTS requires applications for Traveller sites be assessed and determined in accordance with the presumption in favour of sustainable development at paragraph 11 of the Framework and the application of specific policies in the Framework and PPTS.
101. Paragraph 11(d) of the Framework applies in situations where the Council cannot demonstrate a five-year supply of deliverable sites and therefore is engaged in determination of the appeal proposal.
102. In such circumstances, Framework paragraph 11(d) indicates permission should be granted unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to 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.

103. The proposal would not be inappropriate development in the Green Belt.

Therefore, the policies in the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development.

104. Paragraph 136 of the Framework recognises that trees make an important contribution to the character and quality of urban environments, can also help mitigate and adapt to climate change, and requires existing trees be retained wherever possible. There is insufficient evidence that the proposal would not harm TPO trees. This potential harm carries considerable weight against the proposal.

105. Paragraph 135 of the Framework requires proposals be sympathetic to local character, surrounding built environment and landscape setting. As set out above, there would be moderate harm to the character and appearance of the area.

106. As discussed above, the proposed access would not be of a suitable standard for all users. However, this would not result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network. Therefore, Framework paragraph 116 does not indicate the proposal should be prevented or refused on highways grounds. Consequently, the adverse effects of the proposal in respect of highway safety carry limited weight.

107. In addition, the intentional unauthorised development on the site carries modest weight against the proposal

108. BDP Policy BDP4 reflects the provisions of the Framework insofar as it seeks to prevent inappropriate development in the Green Belt. However, Policy BDP4 is inconsistent with the Framework, since it does not support the development of grey belt land. Paragraph 232 of the Framework indicates that due weight should be given to policies according to their degree of consistency with the Framework. As the proposal would not be inappropriate development in the Green Belt, whether there would be conflict with Policy BDP4 is moot and is a neutral factor in the planning balance.

109. Set against the harms identified above, the proposal would contribute two Traveller pitches to the area's supply. Paragraph 61 of the Framework provides an overall aim to meet an area's identified housing need, including with an appropriate mix of housing types for the local community, and paragraph 4(h) of the PPTS aims to increase the number of Traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply.

110. Having regard to relevant key policies of the Framework, including paragraphs 84, 110, 115, 129, the proposed development would not be isolated, would be

sustainably located so as to limit the need to travel and prioritise public transport, and would contribute to meeting an identified need for different types of housing.

111. Within the context of a persistent failure of policy and substantial shortfall in the supply of pitches, the provision of two pitches in a suitable location carries significant weight in favour of the development.
112. Furthermore, taking into account the personal circumstances of the site's occupants, the proposal would contribute positively to eliminating discrimination and advancing equality of opportunity and would avoid interference with the occupants' private and family life. The proposal would serve the best interests of the site's child occupants, and no other consideration can be inherently more important than the best interests of the child. Consequently, the personal circumstances of the occupants attract significant weight in favour of the scheme.
113. However, the benefits of the scheme in respect of both the supply of pitches and personal circumstances would be realised even without the provision of day rooms. As set out above, there is insufficient evidence that the proposal would not harm TPO trees, harm to which I attribute considerable weight. Consequently, harm to TPO trees, taken together with the other harms I have identified, would demonstrably outweigh the benefits of the scheme. Therefore, insofar as it relates to the provision of day rooms, the appeal should be dismissed.
114. Harm to TPO trees could be readily avoided through the omission of day rooms, a non-essential and severable element of the scheme. Where day rooms are omitted from a grant of planning permission, the adverse impacts of the proposed development in respect of character and appearance, highway safety, and intentional unauthorised development, would not significantly and demonstrably outweigh the scheme's benefits. Therefore, the presumption in favour of sustainable development would apply and the appeal should be allowed insofar as it relates to the provision of two pitches.

Conditions

115. Since the site is occupied, the proposal is partly implemented. Therefore, the standard condition imposing a time limit for commencement would not be necessary. In the interests of certainty, I have included conditions to specify the number of caravans which may be sited on each pitch and to ensure the development is carried out in accordance with the approved plans, with the exception of the siting of day rooms. To ensure the pitches are available to Gypsies and Travellers, I have included a condition restricting occupation to persons with a nomadic habit of life.
116. To avoid disturbance to living conditions and the environment, I have included conditions restricting commercial activities and stationing of heavy vehicles. To provide a suitable standard of accommodation and in the interests of maintaining the character and appearance of the area, I have included a condition requiring submission of a site development scheme, containing details of a range of matters, such as landscaping, drainage, external lighting and visibility splays.
117. Since details of the vehicular access and visibility splays, and a timetable for their implementation, would be secured through the site development scheme, the suggested conditions relating to these matters are not necessary. However, in the interests of highway safety, I have included conditions requiring submission of

road safety audits in respect of pedestrian and vehicular access, and provision of drainage and car parking. I acknowledge some works have already been undertaken, but to ensure highway safety is maintained during future construction, I have included a condition requiring submission of a Construction Traffic Management Plan.

118. Due to the policy failure and shortfall in pitch supply, a condition tying the pitches to named persons would not be justified. The planning balance supports the provision of pitches without personal conditions.

Conclusion

119. Whilst harm to trees and hedgerows would be avoided through omission of the day rooms, I have identified harms in respect of character and appearance, highway safety, and intentional unauthorised development. The proposal would therefore conflict with the development plan taken as a whole.
120. However, there are other relevant material considerations which indicate a decision should be taken other than in accordance with the development plan. Therefore, I conclude the appeal should be allowed insofar as it relates to change of use of land for pitches, the access road and associated landscaping.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan J004767-DD-01 A; As Existing Block Plan J004767-DD-02; As Existing Site Plan J004767-DD-03 A; As Proposed Site Block Plan J004767-DD-04; As Proposed Site Plan J004767-DD-05 B; except in respect of the day rooms shown on plans J004767-DD-04 & J004767-DD-05-B.
- 2) 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 dependents' 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, in accordance with Planning Policy for Traveller Sites or replacement planning policy or guidance.
- 3) There shall be no more than 2 pitches on the site and on each of the pitches hereby approved 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 at any time, of which only 1 caravan shall be a static caravan.
- 4) No commercial activities shall take place on the land, including the storage of materials.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed from the land and the land restored to its former condition, within 56 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) Within 3 months of the date of this decision a scheme for:
 - a) a foul and surface water drainage strategy,
 - b) details of facilities for the storage and collection of refuse and waste;
 - c) details of external lighting;
 - d) details of hard surfacing materials
 - e) a soft and hard landscaping scheme of tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities. Unless identified to be removed, all existing trees and hedgerows on the land, shall be retained. The scheme shall set out measures for their protection throughout the course of development;
 - f) details of the site access and visibility splays to accord with drawing no. 2301066-02. The visibility splays shall be retained for the duration of development with nothing sited, erected, or allowed to grow in excess of 0.6m within such.

- g) a scheme showing how the site would be restored to open grassland in default of this condition;
- h) a timetable for implementation;

(hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

- ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be permanently maintained.

In the event of a legal challenge to this decision, or to a decision made to a procedure set out in this condition, the operation of the time limits set out in this condition will be suspended until that legal challenge has been finally determined.

- 7) Within 3 months of the date of this decision a Stage 1 Road Safety Audit report, together with the Designer's Response, for the pedestrian access, shall be submitted to the Local Planning Authority.
- 8) Within 3 months of the date of this decision a Stage 2 Road Safety Audit report, together with the Designer's Response, for the detailed design of the highway improvement works, including the site access arrangements, shall be submitted to the Local Planning Authority.
- 9) Upon completion of the new vehicular access hereby approved, a Stage 3 Road Safety Audit report, together with the Designer's Response, for the construction of the scheme shall be submitted to the Local Planning Authority within 21 days of the official opening date.
- 10) Within 3 months of the date of this decision, details of the proposed drainage which should seek to comply with the WCC Streetscape Design Guide has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed in accordance with the approved details within an agreed timetable and retained for the duration of the development.
- 11) Within 3 months of the date of this decision, details of the proposed car parking, in accordance with the WCC Streetscape Design Guide, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed in accordance with the approved details within an agreed timetable and retained for the duration of the development.
- 12) A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority, prior to development commencing on site. The plan shall include but not be limited to the following:-

- a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
- b. Details of hours of operation and site operative parking areas.
- c. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- d. Details of any temporary construction accesses and their reinstatement.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

- Brian Woods BA(TP) MRTPI, Managing Director, WS Planning & Architecture
- David McMurtary, Technical Director, Motion
- Merisa Corbett, Owner/occupant
- Stephen Loveridge, Occupant

FOR THE LOCAL PLANNING AUTHORITY:

- Catherine Pearce MRTPI, Principal Planning Officer
- Rachel Smith, BSc(Hons) MCIHT MAITPM, Highways
- Gavin Boyes, Arboriculturist

INTERESTED PARTIES:

- Jack Smyth, No5 Chambers on behalf of Burcot Residents Association
- Laura Bluh, i-Transport on behalf of Burcot Residents Association
- Nick Harman, Rappor on behalf of Burcot Residents Association
- Cllr Bakul Kumar, district councillor
- Cllr Sam Evans, county councillor