



Appeal Decision

Site visit made on 16 September 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/W3520/W/25/3369090

Finches Meadow, Stradbroke Road, Horham, IP21 5DZ

- 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 and Mrs A Jones against the decision of Mid Suffolk District Council.
 - The application reference is DC/25/01653.
 - The development proposed is described as “Erection of a residential bungalow on an existing agricultural hardstanding with four touring caravans within the curtilage (permitted development right) with an existing agricultural toilet block, refurbishment of hardstanding (retrospective) works to access if required to provide a home / dwellinghouse to a local Gypsy / Traveller family”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is not an application for a Gypsy and Traveller site or pitch. Instead, the proposal is for the creation of a bricks and mortar dwelling. However, the appellants meet the definition of a Gypsy and Traveller for planning purposes as set out in the Planning Policy for Traveller Sites (PPTS), and I have had regard to this in my decision.
3. One child under school age would be present on the site, consequently I must also consider the best interests of the child in this case. It has been established that the best interest of the child is a primary consideration, and no other consideration is inherently more important. However, it may not be a determinative factor.
4. As required by the Public Sector Equality Duty (PSED) under the Equality Act 2010, I will also have due regard to the three aims identified in the Act – to eliminate discrimination, advance equality of opportunity and foster good relations. The appellant and their family are Gypsies which is an ethnic minority, and they have the protected characteristic of race under section 149(7) of the 2010 Act. Therefore, the PSED is engaged in the appeal, and the decision must be proportionate to achieving legitimate planning aims

Main Issues

5. Having regard to the Council's reasons for refusal, as set out in its decision letter, the main issues in this appeal are: -
 - Whether the site is a suitable location for a dwelling having regard to local policy for the provision of housing; and: -

- The effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

Suitable location

6. The site fronts onto the B1117, referred to in the plans as Stradbroke Road (the road), a single carriageway rural road subject to a 60 MPH speed limit. Across the road lie a number of brick barns converted for residential use.
7. The appeal site is roughly rectangular and, at the time of my site visit, contained a modest building, a number of mobile caravans and a hardstanding. Timber fencing separates the caravans from a paddock surrounded by mature hedgerow planting. Mature hedgerow fronts the road, breached by a vehicular access. A public right of way (PRoW) runs along the boundary of the site, outside of the site itself.
8. There is no dispute between the parties that the site lies outside of any settlement boundary as set out within policy SP03 of the Babergh District Council & Mid Suffolk District Council Joint Local Plan (2023) (the JLP). The site therefore lies in the countryside for planning purposes, where Policy SP03 seeks to direct new development to established settlements unless exceptional circumstances apply. This approach accords with the aims of the Framework to align growth and infrastructure, by, amongst other things, locating development where it will have access to services and facilities where the need to travel, particularly using less sustainable modes of transport, is minimised.
9. The appellants have suggested that the proposal fulfils the requirements of Policy LP01, which makes provision for windfall housing outside settlement boundaries, or Policy LP08, which supports proposals for self-build/custom build housing and applies throughout the Council's administrative area.
10. Policy LP01 applies to infill plots within a cluster of at least 10 well-related dwellings subject to other considerations. However, no evidence is before me to demonstrate that the proposal lies within such a cluster, and I did not observe this during my site visit.
11. The appellant has identified the proposal as a self-built dwelling. This has not been secured by a planning obligation. LP08 of the JLP supports proposals for self-build/custom-build housing where the proposal is in accordance with other relevant policies. These policies would include Policy SP03 of the JLP in as much as this requires development to be in a sustainable location.
12. The site lies some distance from any services or facilities that would provide for the day-to-day needs of future occupiers. The intervening roads carry traffic travelling at high speeds and lack pedestrian or cycling facilities, such as footways or street lighting. It is, therefore, unlikely that occupiers of the site would feel comfortable to walk or cycle the distances involved to access services or facilities. This would be particularly so during inclement weather or the hours of darkness, or when carrying heavy shopping or accompanied by children. I have no evidence before me to demonstrate that the site has convenient access to public transport.
13. Even taking into account the rural location of the appeal site, where opportunities for sustainable transport would be more limited than urban areas, the appeal scheme is poorly placed to promote either active travel or the use of public

transport. It is likely, therefore that future residents would be almost entirely dependent on private motor vehicles to satisfy their day-to-day needs for transport. The number of journeys over the life of the development would accumulate, resulting in a significant level of social and environmental harm linked to additional vehicle use, including reliance on fossil fuels and undermining the health benefits from active travel.

14. Policy SP04 of the Local Plan is an identified exemption policy which makes provision for sites for Gypsy and Travellers. However, the proposal is for a bricks and mortar dwelling and provides no pitches for gypsies or travellers and so this policy provides no support for the proposal in this case.
15. I therefore find that the proposal is not a suitable location for the development, having regard to local policy for the provision of housing. It would, therefore, be contrary to Policy SP03 of the JLP, in as much as this seeks to ensure that new development is directed to sustainable locations unless supported by specific policy considerations.

Character and appearance

16. The appeal site lies in an agrarian landscape that contains only sporadic development. The landscape is dominated by open fields separated by mature hedges and is rural in nature. It is spacious and verdant.
17. The nearest handful of scattered dwellings, across the road, are of brick and roofed in clay tiles. They have a traditional, rustic appearance. The limited built form is set back from the road and visually well-contained within verdant boundaries. Thus, it does not intrude visually into the overall rustic character and appearance of the area. These are features that contribute positively to the character and appearance of the area.
18. The proposal would introduce a modest bungalow of a type frequently found in a suburban setting, into the field. Its presence, with associated domestic paraphernalia, would extend urban form into the overtly rustic setting and this would be harmfully incongruous.
19. This would be apparent from the adjacent road and nearby PRow. Whilst the site is visually well contained, and would, in longer views, be concealed by existing planting and the lie of the land, it would, nonetheless be visible to persons passing on the road or on the PRow.
20. Careful selection of materials and finishes could make the appearance of the building more visually appropriate to the location. However, its basic form and overall appearance would remain as an alien, incongruous addition to the bucolic scene and visual harm would remain.
21. Therefore, I find that the proposal results in a moderate level of material harm to the character and appearance of the site and the surrounding area. It would thus be contrary to the aims of Policy LP24 of the JLP in as much as this seeks, amongst other things, to ensure that development proposals respond to existing character and context and respond to wider landscapes and natural features of merit.

Other Considerations

22. There is no dispute between the Council and appellant that, whilst the proposal is for a bricks and mortar dwelling, and does not provide any gypsy or traveller pitches, the appellant meets the definition of a Gypsy and Traveller for planning purposes as set out in the PPTS. Nor is it a point in dispute that the appellant is part of an ethnic minority and therefore has the protected characteristic of race under the Equality Act 2010. In such circumstances, the Act requires due regard to be had to the need to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not. This includes minimising the disadvantages connected to that characteristic.
23. The nomadic habit of life of Gypsies and Travellers such as the appellant is linked to their culture. Nonetheless, a settled base provides a means of balancing their traditional way of life with the practical realities of modern living, such as providing access to work, education and healthcare for family members. As a result, there are equality benefits in delivering accommodation that balances a cultural preference to live in a way that facilitates a traditional nomadic way of life with the practicality of a settled base.
24. For Gypsies and Travellers, achieving the above balance normally involves the provision of static caravans with space for touring caravans, the latter being used when travelling. As Gypsies and Travellers often have an aversion to bricks and mortar housing, they often wish to continue living in a caravan when they stop travelling because this is what they are culturally and psychologically familiar with and doing so reinforces their cultural identity. As a result, and for planning purposes, caravans are considered culturally appropriate accommodation for Gypsies and Travellers, but bricks and mortar housing is not.
25. The proposal is for a permanently constructed bungalow with a conventional layout. As a result, there is a weak link between it and a nomadic habit of life. Therefore the proposal would be a type of accommodation which is not usually considered culturally appropriate for a Gypsy and Traveller, in contrast to a caravan pitch. Thus, occupation of the bungalow would not meaningfully echo a traditional nomadic habit of life any more than other small dwellings in the countryside would. Because of this, other modest properties with space around them could fulfil the appellants' needs for accommodation. There is no evidence before me to suggest the appellant has explored these options.
26. No medical or health reasons have been put forward by the appellants to explain their need for a bricks and mortar dwelling. Accordingly, it has not been adequately demonstrated that the appellant's accommodation needs can only be met by the construction of a bricks and mortar dwelling.
27. Were I to accept that the personal circumstances of the appellants are so critical as to justify the development of the bungalow, it would be necessary to secure the development as being specific to the appellants, ceasing on their vacation of the property, for whatever reason. If any other occupier lived at the property the reasons that justify allowing the appeal, the personal circumstances of the appellants, would fall away. There would then remain no justification in policy for the proposal, and it would need to be removed.
28. In the alternative, a condition could be imposed requiring the demolition of the building when the personal circumstances cease. However, once established it

may prove difficult to justify the removal of an extant home in a time of high housing pressure. Further, demolishing a home may not be environmentally sustainable. Under such circumstances, the removal of a home would likely be difficult to justify or achieve, and the Council's development strategy could be undermined. I am also mindful that the Planning Practice Guidance specifically advises against such a condition in any event.

29. Article 8, a Convention Right, affords a person the right to respect for their private and family life, their home and their correspondence. Article 8 also imposes a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. However, Article 8 is a qualified right that requires a balance between the rights of the individual and the needs of the wider community.
30. In summary, even if I found the appellant's personal circumstances to be a significant point in favour of the proposal, the problems with securing a personal permission would reduce the weight afforded to the personal circumstances and it would be inappropriate to secure the benefits of the proposal for the appellants through a planning condition. Furthermore, the appeal scheme may meet the preferences of the appellant, but I find no special justification for it on account of providing culturally appropriate accommodation for a Gypsy and Traveller. Overall, the ability of the appeal scheme to meet the accommodation needs of the appellant is a matter of limited weight.
31. The appellants have provided, with their evidence, several appeal decision letters¹, but have not explained their relevance within their evidence. I have, in any case, determined this appeal on its own merits.
32. There is no dispute between the parties that the Council is currently unable to demonstrate the required housing land supply position in respect of self-build properties. The delivery of a single new dwelling would go a small way towards making up the shortfall and this would be a modest public benefit in support of the proposal.
33. The proposal would provide benefits through employment in the construction industry and supply chain and the proposal would provide support to services and facilities in the local area. However, given the scale of development these benefits would be limited.
34. The Framework supports the development of windfall sites and of under-utilised land and notes that small and medium sites are often built out relatively quickly. These considerations weigh in favour of the proposal.
35. The appellants have a child attending secondary school. As identified above, a stable location for the family to live would provide access to education for the child. However, no details have been provided of how the child currently accesses education, and so this carries moderate weight in my deliberations.

¹ PINS Refs: APP/V1505/C/24/3339881, APP/V1505/C/24/3339853 and linked cases; APP/V2635/C/21/3286363; APP/V2635/C/21/3286364; APP/V2635/C/21/3286365; APP/V2635/C/21/3286366; APP/W3570/C/3238600; APP/W3570/C/3238601;

Planning Balance and Proportionality Assessment

36. The proposal would harm the character and appearance of the area because of its design and would undermine the Council's Spatial Strategy by introducing development in a location without access to facilities and services without recourse to the use of the private car.
37. There would be conflict with Policies SP03 and LP24 of the JLP and I have found no policies that provide specific support for the proposal. These policies are in general alignment with the aims of the Framework and therefore can be given full weight in my deliberations. The proposal would, therefore, not accord with the development plan as a whole and this is a matter that counts significantly against allowing the appeal.
38. However, the Government's objective is to significantly boost the supply of homes and support the delivery of self-built homes. Other provisions of the Framework give support to the development of under-utilised sites and observe that small sites can make an important contribution to meeting the housing requirement. In the District the supply of self-build plots is insufficient.
39. The proposal has not been secured as a self-built home through a planning obligation. This notwithstanding, the proposal would deliver a home that would support the housing land supply and the local economy. Even were I to consider the proposed dwelling as supplying a self-build home, the overall benefits would not outweigh the harm I have identified.
40. The operation of Article 8 is engaged. I have to be satisfied that the refusal of planning permission would be no more than necessary to achieve the objective of protecting the interests of the public. Whether the interference with the appellant's rights is necessary is dependent on it being proportionate. In the context of Article 8 the aim is to ensure a fair balance between the demands of the general interest of the wider community and the protection of the individual's fundamental rights.
41. In this particular case I consider that the lack of a stable home life would have an adverse effect on the ability of a family member to access education. However, the proposal is for a bricks and mortar home, rather than a caravan. Thus, in this case, a bricks-and-mortar home would not appear culturally unacceptable and the family would have recourse to the wider housing stock. Thus, there is a seemingly acceptable solution using the wider housing stock.
42. In view of the particular circumstances in this case, my conclusion is that there would be limited interference with the Article 8 convention rights of the appellants and their family by refusing planning permission and that this would be proportionate. Such an outcome would be no more than is necessary in pursuit of the legitimate aim of ensuring good planning.
43. I have reached the same conclusion in regard to the best interests of the child and my PSED

Conclusion

44. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

I A Dyer

INSPECTOR