



Appeal Decision

Hearing held on 22 October 2025 (in person) & 23 October 2025 (online)

Site visit made on 22 October 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Appeal Ref: APP/P0240/W/25/3368820

**The Plough House, 276 London Road, Biggleswade, Central Bedfordshire
SG18 9TB**

- 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 A Connors against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/00305/FULL.
 - The development is described as 'Demolition of 2 existing buildings and removal of pre-existing mobile home. Erection of acoustic sound barrier fence. Change of use of land for the creation of 4 Gypsy/Traveller Pitches, comprising the siting of 4 static caravans (net 3) and 4 touring caravans alongside the erection of 1 combined dayroom for use by family members (Part Retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of 2 existing buildings and removal of pre-existing mobile home. Erection of acoustic sound barrier fence. Change of use of land for the creation of 4 Gypsy/Traveller Pitches, comprising the siting of 4 static caravans (net 3) and 4 touring caravans alongside the erection of 1 combined dayroom for use by family members at The Plough House, 276 London Road, Biggleswade, Central Bedfordshire SG18 9TB in accordance with the terms of the application, Ref CB/25/00305/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the banner heading above I have used the description given on the application form, but in the decision I have omitted the words 'part retrospective' as they do not describe an act of development. Nevertheless, the development had commenced in advance of the application being submitted, so I am considering the appeal, in part, retrospectively.
3. At the time of the hearing, there were three static caravans and two touring caravans in the area to the south of the dwelling, but they were laid out differently from the application drawings. The dayroom has not yet been erected, the two existing outbuildings are still in situ, and the vehicular access is in front of the dwelling, not in the position proposed on the plans. It was also clarified during the hearing that the existing boundary fences are a temporary measure, and the acoustic fence has not yet been erected. For the avoidance of doubt, I have considered the development based on the application drawings. That includes the most recent version of the Block Plan (drawing no. GP/01/24 Rev C), which the parties confirmed had superseded an earlier version (Revision B) that was also provided with the appeal.

4. Although the description of the development refers to a net increase of three static caravans, there is no indication in the evidence of any pre-existing static caravan having been lawfully occupied as a separate residential unit. The application is for four additional pitches. The Council considered it on that basis and so have I.
5. Although the Council had been provided with a private and confidential statement at the time of the planning application, setting out personal details of the proposed occupiers, that statement was not before me. However, at my request, the appellant provided a supplementary statement in advance of the hearing, which summarised relevant personal circumstances. At the hearing, the Council supplied hard copies of one section of the Central Bedfordshire Design Guide 2023 (the Design Guide), which had been omitted from earlier submissions. Both main parties had the opportunity to review and comment on this additional evidence, and I am satisfied that no other party would be prejudiced by my having taken it into account.

Main Issues

6. The main issues are:
 - whether the development is suitably located having regard to relevant policies in the development plan and access to services and facilities,
 - the effect on the character and appearance of the area, and
 - whether suitable living conditions would be provided for future occupiers, having regard to:
 - road noise, including the proposed mitigation measures, and
 - the availability of suitable outdoor amenity space for occupiers of the existing dwelling.

Reasons

The appeal site

7. The appeal site contains a former public house, now used as a dwelling, with the change of use having been permitted in 1997. The pitches would be on land directly to the south of the dwelling, which the Council's evidence indicates was most recently laid out as a residential garden. There are currently also two existing outbuildings. More historically, some of the land was used for car parking for the public house, although the parties disagree as to the extent of that use.
8. It is common ground that the existing lawful use of the site is residential, and the Officer Report describes its permitted use as a residential dwelling and associated garden land. Residential garden land outside a built-up-area is not excluded from the definition of previously developed land (PDL) in Annex 2 of the National Planning Policy Framework (the Framework). Therefore, based on the evidence before me, notwithstanding the disputed extent of the previous hardstanding, the site is PDL as defined in the Framework. Nevertheless, that definition states that it should not be assumed that the whole of the land should be developed.

Location

9. The site is around 2km outside Biggleswade and not within any settlement envelope defined in the Central Bedfordshire Local Plan 2021 (CBLP).

Biggleswade is defined as a major service centre in the CBLP and provides an extensive range of services and facilities in and around the town centre, including primary and secondary schools, GP and dental services, and public transport to settlements further afield. There is a sizable retail park on the southern edge of the town, which is readily accessible from the A1 and provides both convenience and comparison shopping. There is also a filling station slightly closer to the appeal site, with a small convenience store.

10. The site is directly accessible only via the northbound carriageway, with access to and from the southbound carriageway being more circuitous. This major strategic route carries fast-flowing traffic and lacks pavements, bus services or dedicated cycle facilities. When the highway conditions are taken into account, travel by car is highly likely to be the norm.
11. In the CBLP, Policy SP7 sets out the general approach to windfall development outside settlement envelopes, which includes some qualified support for redevelopment of PDL. Policy BSP1 in the Biggleswade Neighbourhood Plan 2022 (BNP) directs growth predominantly towards the town centre and built-up areas. Neither policy mentions Gypsy and Traveller development, which is more specifically covered by Policy H7 of the CBLP. That sets out several criteria, which include that adequate schools, shops, healthcare, and other community facilities are within reasonable travelling distance. The supporting text states that what constitutes a reasonable travelling distance will vary in relation to location of the site and services, and the local pattern of development.
12. The Planning Policy for Traveller Sites (PPTS) does not preclude Traveller development in the countryside, but paragraph 26 states that new sites in open countryside that is away from existing settlements should be very strictly limited. The supporting text to Policy H7 similarly recognises that Gypsy and Traveller families may prefer to live in the countryside on privately owned and managed sites, while also making clear that the policy aims to direct development toward sites which are closer to existing settlements.
13. There is some tension between Policies SP7 and H7, which include different accessibility requirements. Policy SP7 supports redevelopment of PDL only where the site is, or can be made, accessible to nearby services and facilities by sustainable modes of transport. Policies BTM1 and BPD1 of the BNP likewise require that a balanced and sustainable range of transport options is provided, proportionate to the scale and nature of the scheme and connecting to existing pedestrian or cycle infrastructure. In contrast, Policy H7 refers only to a reasonable travelling distance, with no reference to modes of transport.
14. The approach in Policy H7 is more closely aligned to the criteria in paragraph 13 of the PPTS, which defines sustainable Traveller sites for plan-making purposes in terms of providing access to school and health services from a settled base, without specifying whether that should include the ability to travel by means other than the private car. In turn, neither Policy SP7 nor the relevant policies in the BNP specifically preclude Traveller sites outside settlement boundaries, being silent in relation to that form of development.
15. The site is well connected to Biggleswade via the A1. The settlement is not visible, but it can be quickly accessed by car. As well as Plough House, there are several other developed sites strung sporadically along the A1. There are also open fields

to either side of the road, and the site is in an area defined as countryside in the CBLP. Nevertheless, the roadside development and the major road itself limit the degree to which the appeal site is perceived as being in 'open countryside' or away from the settlement. The retail park on the edge of Biggleswade is very easily accessed by car and the journey is not time-consuming. The town centre is a relatively short distance beyond that, and the settlement as a whole provides the majority of services and facilities required for day to day living. While the southbound return route is slightly longer, it is not substantially more inconvenient.

16. The approach to sustainable development in the PPTS reflects the fact that those adopting a nomadic lifestyle are inherently reliant on travel by private motor vehicle, but that they require a settled base from which to access essential services. That approach continues to be articulated in the December 2024 version of the PPTS, notwithstanding the most recent changes to Annex 1.
17. The site would provide a settled base as described in the PPTS, within a reasonable travel distance of essential services, when the nature of the road network and travel time are taken into account. While paragraph 115 of the Framework requires that sustainable transport modes are prioritised, it also says that account should be taken of the type of development and its location. Therefore, the approach taken in the PPTS to the sustainable location of Gypsy and Traveller sites is more pertinent in this case.
18. The Council argues that other villages and towns would provide a better standard of accessibility and that other Gypsy and Traveller sites in the District are closer to settlements. Be that as it may, it is common ground between the parties that there are no alternative sites available to the proposed occupiers, and this appeal must be determined based on the merits of this particular location.
19. While I have considered the Lower Caldecote decision¹ highlighted by the Council, the Inspector's reasoning in that case focussed on the more limited range of services in Upper Caldecote and did not refer to the larger range of services in Biggleswade. Although the site may have had a similar relationship with the town centre, it was on the other side of the town, so did not have a similar relationship with the nearby retail park. The decision also mentions that previous appeal decisions on and near the Lower Caldecote site had taken a different view. Taking those factors into consideration, I have given the Inspector's conclusions in that case limited weight.
20. For the above reasons, I conclude that the development is suitably located having regard to relevant policies in the development plan and access to services and facilities. While it does not gain support from Policy SP7 or the relevant BNP policies, due to the level of reliance on private motor vehicles, it does accord with the locational criterion in Policy H7. Since that is the more relevant policy for Gypsy and Traveller development, the location accords with the development plan when read as a whole. It also accords with relevant criteria for sustainable Gypsy and Traveller development in the PPTS and does not conflict with the approach of exercising very strict control over new sites in open countryside and away from settlements.

¹ Appeal Refs: APP/P0240/W/19/3224339 & APP/P0240/W/19/3224342

Character and appearance

21. While it adjoins open fields on three sides, the appeal site also fronts directly onto the A1 and contains an existing two storey dwelling. There were, and remain, outbuildings in the garden, and if the land continued to be used as a single dwelling, additional domestic paraphernalia could be introduced. More historically, the site was used as a public house, implying the presence of hardstanding and car parking on at least part of the land. As such, even before the current boundary wall was constructed and hard standing laid, it was not an undeveloped site.
22. The existing static and touring caravans are visible above the boundary fence. However, the PPTS does not require that Traveller sites are hidden from view, and Policy H7 requires only that the character and appearance of the wider landscape is not detrimentally affected. The surrounding countryside is not subject to any landscape designations and public views of the site are limited and transient. The dwelling and its front boundary wall draw the eye when passing on the northbound carriageway and are also visible from the farm track, and when approaching the southbound carriageway via the local road network. However, the area to be occupied by the caravan pitches is less prominent from these viewpoints.
23. Views are well filtered by the vegetation on the central reservation and to a lesser extent by roadside planting on the northbound verge. Views from the highway network are fleeting, since vehicles are generally passing at speed and/or merging onto the dual carriageway. No views from any public rights of way have been drawn to my attention and the farm track serves only a single property. In any case, the scale of the site is not dissimilar to the other sporadic roadside development. Since that is already part of the established pattern of development, the character and appearance of the wider landscape is not detrimentally affected.
24. Consultation responses from the Highways Authority and the Council's Private Sector Housing team indicate a need for adjustment of the parking layout and caravan separation distances. That may mean adjusting the siting of static caravans and/or parking touring caravans on other parts of the site, probably closer to the highway. Consequently, areas of open space in the front of the site may be more limited than currently indicated on the plans. However, since the site is relatively small, that would not make the development significantly more prominent. Nor would any likely alternative layout significantly affect how the site appears within the landscape as a whole.
25. Conditions could be imposed to secure a hard and soft landscaping scheme consistent with any revised layout, including planting around the outer perimeter. That would compensate for any previous planting which has been removed and soften the appearance of the site, while avoiding giving the impression that it is isolated from its surroundings. Indeed, there is already some planting outside the boundary fence, although this may need to be removed and re-established, so as to ensure that there is no encroachment onto highway land and facilitate the erection of acoustic fencing.
26. Subject to conditions to secure a suitable landscaping scheme and internal layout, I conclude that the development does not adversely affect the character and appearance of the area. It is consistent with relevant requirements in CBLP Policies H7, HQ1 and EE5, which require amongst other things that landscape character and local distinctiveness is not detrimentally affected and that hard and

soft landscaping appropriate to the scale of the development is incorporated, to integrate the development into the existing built and natural environment. The criteria in Policy BPD1 of the BNP which relate to townscape, built form or layout are less directly relevant, given the nature of the development. Nevertheless, there is no conflict with requirements in that policy to create locally distinctive places and incorporate positive landscape features.

Living conditions

Road noise

27. It is self-evident from visiting the site that there is a significant level of noise from traffic on the A1. That is confirmed by the Noise Impact Assessment (NIA)² and there is no dispute that mitigation is required to provide a suitable living environment.
28. Both the NIA and the Council's Pollution Officer refer to British Standard BS3632:2023 which provides a specification for residential park homes. Based on the noise monitoring results in the NIA, there is no dispute that compliance with that standard would deliver more than sufficient sound insulation to the external walls and roof of the static caravans. The NIA also specifies sound insulation requirements for glazed elements and ventilation, which would be capable of providing suitable internal noise levels as defined in BS8233:2014.
29. The Council expresses some doubt about the data underpinning the NIA, since one of the noise monitoring stations was at the rear of the site and the other was set back behind the brick boundary wall. Even though ground level is higher at the latter position, and the monitoring was undertaken at a 2m height, the solid wall may have provided some shielding from tyre noise at ground level. However, there is a healthy margin between the required sound reduction performance set out in the NIA and the level of mitigation which is described as achievable through specification of the static caravans.
30. The Council's Pollution Officer did not dispute that the static caravans could be adequately protected and, while the final site layout may slightly differ from that on the current Block Plan, there is no apparent need to site them materially closer to the road. On that basis, subject to compliance with the mitigation measures in the NIA, the evidence indicates that satisfactory internal noise levels can be achieved, to provide a suitable living environment within the static caravans.
31. In light of the approach in the Kirtlington Road appeal decision³, the Council conceded that a condition could be imposed to secure suitable sound insulation in the static caravans. I concur that a condition to that effect would meet the relevant tests, provided the wording encompassed the specification of any future replacement caravans.
32. Both parties agree that touring caravans, being of more lightweight construction, could not be adequately insulated from the road noise. However, according to the appellant, there is no intention that touring caravans would be occupied residentially while they are present on site. In effect, they would be parked vehicles, stored on the site but occupied only when travelling for economic or other purposes. In the Kirtlington Road decision, a condition was imposed to prevent

² Sound Licensing Ltd Noise Impact Assessment Report – Façade Noise Assessment, dated October 2024

³ Appeal Ref: APP/C3105/W/18/3219199, dated March 2020

overnight use of the touring caravans. Nevertheless, the Council has reservations about whether such a condition would meet the tests in the Framework, particularly in relation to enforceability.

33. I accept that enforcement would be challenging and potentially resource intensive, in a District where there are a large number of sites to monitor. It would necessitate access to the site and inspection of the touring caravans. If worded to relate only to overnight accommodation, that could be particularly intrusive, both in terms of the Council's working arrangements and the privacy of future occupiers. However, the wording proposed in the Statement of Common Ground (SoCG) would refer to residential use while on site, rather than overnight accommodation, which would be both more precise and easier to monitor. A daytime inspection would reveal indicators of residential use, such as how touring caravans are sited, whether they are connected to power, fuel and drainage and how the interior is set up. As such, enforcement would be possible, if challenging, based on the proposed wording.
34. The condition would be reasonable and relevant to the development in question, since it would be consistent with the proposed occupiers' expressed intention about how the site would be used. While touring caravans may be occupied residentially on other sites in the District, or by households adopting a less nomadic habit of life, it does not follow that they would need to be occupied on this site. Should additional accommodation be needed in future, that would be a factor in the wider need for Gypsy and Traveller pitches, which the PPTS requires is addressed at a strategic level. The condition would also facilitate any required adjustment to the site layout to address concerns about caravan separation distances. Overall, in the circumstances of this particular case, I am satisfied that a condition preventing residential use of the touring caravans would meet the relevant tests.
35. As recommended in the NIA Addendum⁴, an acoustic fence is proposed to reduce road noise within outdoor amenity areas. However, the alignment of the fence as detailed on the most recent Block Plan does not correspond with the recommendation in the NIA Addendum, being set further forward and omitting any fencing around the side boundaries. At the hearing, the appellant suggested that fencing would be erected both around the pitches and also at the front of the site, but that is not shown on any of the application drawings. It also became apparent at the hearing that the revised Block Plan, which indicates an area of amenity space at the front of the site, had been prepared after the NIA Addendum and the Pollution Officer's comments on it. Therefore, neither took express account of any need for noise mitigation in that front part of the site.
36. Nevertheless, the NIA Addendum concludes that the acoustic fencing around the pitches would need to provide sound attenuation in the order of 4dB, to achieve the lower guideline level for outdoor amenity areas within BS8233:2014. It furthermore recommends that a solid close boarded fence of 2m height would be sufficient to achieve that level of attenuation. The acoustic fence shown on the Block Plan is stated as being capable of a significantly higher level of attenuation, up to 32dB. As such, even allowing for some uncertainty about the monitored noise levels in the front part of the site, the noise evidence indicates that outdoor amenity spaces meeting the standard in BS8233:2014, as required in the Design

⁴ Sound Licensing Ltd Noise Impact Report – Addendum, dated January 2025

Guide, could be achieved. Furthermore, there is no substantive evidence that would require any excessively tall or visually intrusive boundary features.

37. That being the case, details of the acoustic fencing could be secured through planning conditions, to address the current uncertainty about its alignment. That would be consistent with the approach set out in Policy CC8 of the CBLP, which refers to the use of planning conditions to help limit the impact of pollution, as well as the approach to use of planning conditions in paragraph 28 of the PPTS.
38. For the reasons set out above, subject to the proposed noise mitigation measures, I am satisfied that suitable living conditions would be provided for future occupiers, having regard to road noise. Therefore, the development would not conflict with relevant requirements in Policies CC8 and HQ1 of the CBLP, which include that measures can be implemented to minimise the impacts of pollution to an acceptable level without compromising the quality of life for occupiers and that planning conditions should be used where necessary to achieve that.

Outdoor amenity space

39. Based on the current Block Plan, the area around each static caravan would be occupied by car parking, hardstanding and the parked touring caravans. The main area of open space would be at the front corner of the site, shaded in green. An existing grassed area immediately to the south of the dwelling would be lost and the area around the dwelling would be entirely hard surfaced, with the only potentially private outdoor space being a small area at the rear.
40. Since the application is from the current occupiers of the dwelling, with the intention of providing a private site for extended family use, there is every prospect in the short term that all occupiers, including those living in the dwelling, would have access to the shared amenity space. If so, that could be regarded as communal amenity space serving the site as a whole. The Design Guide allows for a communal approach in relation to housing development, with no indication that it is not equally applicable to private Gypsy and Traveller sites.
41. However, since the layout may need to be adjusted to meet parking and caravan separation distances, the overall amenity space may be more fragmented than indicated on the current layout. Nor is there any guarantee that the site would remain in single family ownership permanently. Since the dwelling already exists and its occupation is unrestricted, it would not be reasonable to impose a condition restricting use of the dwelling to named occupiers. While it may appear unlikely that the dwelling would be severed from the rest of the site, given the layout and shared vehicular access, it would be possible to do so, or the dwelling could be rented out separately. In that scenario, the dwelling would have very little private amenity space.
42. While the dwelling already exists, and the Design Guide is geared towards new development, the loss of private amenity space for the dwelling would be a consequence of the development. The layout would fall short of the standards in that document, if the dwelling was separately occupied.
43. Therefore, based on the evidence before me, I conclude that living conditions for future occupiers would be somewhat compromised, with particular regard to the availability of suitable outdoor amenity space for occupiers of the existing dwelling. This aspect of the development conflicts with the requirement in Policy HQ1 of the

CBLP that all new development has regard to the Design Guide, as well as the expectation in the same policy for development of highest possible design quality, including layouts which promote healthy lifestyles.

Other Considerations

44. Following revisions to the PPTS in December 2024, and notwithstanding the position set out in Policy SP8 of the CBLP, the Council accepts that it is not currently able to demonstrate a five year supply of Gypsy and Traveller sites. For that reason, it is common ground between the parties that paragraph 11d of the Framework is applicable.
45. An unmet need for Gypsy and Traveller sites is also acknowledged, which was described by a Council representative at the hearing as being front-end loaded, with a significant under-supply. There is some uncertainty as to the precise level of need, and according to the Council's evidence the number of pitches permitted since the last Gypsy and Traveller Accommodation Assessment has continued to rise. Nevertheless, the acknowledged unmet need is consistent with the findings in several recent appeal decisions included with the appellant's evidence, which consistently conclude that there is an unmet need, citing factors including the age of the GTAA and subsequent changes to the PPTS.
46. No alternative or available pitches have been identified by either party and, if the development is not approved, the appellant states that the intended occupiers would be obliged to resort to a roadside existence. In that context, I am mindful that the best interests of any children occupying the site would be served by having a settled base with their extended family, supporting access to education, health and other essential services. That is the case even though the site is next to a busy road, since mitigation measures can be introduced to address the effects of noise pollution on this site, which would not be possible when living a more transient, roadside existence.
47. The effective use of PDL is a factor in favour of the development. There would also be benefits to the current occupiers of the dwelling from family members being able to occupy caravans on the adjacent land. That would facilitate the traditional and nomadic way of life for Travellers, which is generally recognised to include a strong culture of mutual family support. That is not unique to the intended occupiers and would be a benefit of the proposal in general terms, as well as supporting more specific relationships between the intended initial occupiers.
48. A Written Ministerial Statement (WMS) dating from August 2015 establishes that intentional unauthorised development (IUD) is a material consideration to be weighed in the determination of planning applications and appeals. Although the WMS places particular emphasis on IUD in the Green Belt, it is not limited to Green Belt sites. While there is some uncertainty as to the nature and timing of the initial stages of development in this case, and the extent of any IUD in those early stages, there is evidence that additional static caravans were introduced after an initial enforcement investigation. On that basis, some level of IUD has occurred.
49. However, while some static caravans are present and occupied, the site has not yet been fully laid out to the extent shown on the plans. Several aspects of the development, including formation of the new vehicular access, demolition of the outbuildings and installation of permanent boundary treatment, are yet to be completed. That indicates that elements of the proposed development have been

kept in abeyance while the application and appeal are considered. While offering different perspectives on the level of IUD and the harm arising, both parties at the hearing suggested that it should be given limited weight. In the circumstances described, I concur with that position.

50. The re-positioned access would make use of the existing bellmouth at the junction between the A1 and the farm track, which allows vehicles to pull clear of the highway when approaching. When exiting, approaching traffic can be seen clearly along this straight section of the A1. Although a 2004 application⁵ for car sales use was refused on highway safety grounds, neither the Highways Authority nor National Highways expressed any highway safety concerns in their response to this application. While I have noted the Town Council's objection, there is no substantive evidence of any unacceptable impact on highway safety.
51. National Highways highlighted potential encroachment of existing fencing onto highway land, but it was confirmed at the hearing that the fence is not in its permanent position. The Council is satisfied that the appeal site boundaries as defined on the plans do not encroach onto highway land. Therefore, any current encroachment can be resolved through submission of details of the permanent boundary treatment.
52. The Council did not allege any harm in relation to air quality, following submission of further evidence since an earlier application was refused on those grounds. Based on the evidence before me I have no reason to reach a different view.

Planning Balance

53. For the most part, the development accords with the CBLP when read as a whole. It also accords with relevant requirements in the PPTS. However, there is some conflict with Policy HQ1 of the CBLP and the Design Guide, in relation to the loss of private amenity space for the existing dwelling. That relates primarily to the potential future severance of the dwelling, which may not arise, and any prospective occupier at that point would be in a position to consider whether the layout was acceptable to them. In light of that, the harm arising from erosion of amenity space carries only modest weight. The level of intentional unauthorised development adds limited additional weight to the overall level of harm.
54. In the context of the acknowledged unmet need and shortfall in supply of Gypsy and Traveller sites, the benefits of delivering four additional pitches on PDL, which would contribute towards the general need for sites, as well as the immediate needs of the intended occupiers, collectively attract significant weight. Therefore, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, which in this case should be read in conjunction with relevant policies in the PPTS. Consequently, the development benefits from the presumption in favour of sustainable development as defined in paragraph 11d of the Framework.

Conditions

55. In the SoCG, the parties provided a schedule of conditions, indicating those agreed between them and, in some cases, points of disagreement. At the hearing, alternative wording of some conditions was discussed. I have considered the

⁵ Application ref MB/04/01551/FULL

conditions against advice in the Framework and Planning Practice Guidance and have made amendments where necessary for precision and clarity, taking account of the views expressed by both parties.

56. Since the development has already commenced, there is no need for a condition specifying the timescale for implementation of the planning permission. For the same reason, the wording of any conditions requiring submission of details for approval would need to specify arrangements for enforcement, including cessation of the use, in the event that the outstanding details are not successfully approved or implemented. Both parties have had the opportunity to comment on the revised wording of those conditions.
57. The appellant expressed a preference for a single condition requiring submission and approval of a site development scheme, rather than several separate conditions as set out in the SoCG. The scope of the additional details required in those conditions is extensive and, in some cases, requires details to be submitted at different times and with different implementation requirements. With that in mind, I have combined some matters into a single condition but have kept other requirements separate for reasons of clarity, reasonableness and enforceability.
58. Nevertheless, I have imposed a condition requiring submission of a site development scheme, based on the agreed condition 4, with the addition of requirements for surface water drainage and external lighting, which need not be in separate conditions. As discussed at the hearing, I have also clarified that the scheme should include boundary treatment to close the existing vehicular access to Plough House. I have imposed a separate condition for agreement of details of refuse collection and visibility splays, as these relate specifically to the layout of the proposed vehicular access area and a separate condition would facilitate focussed consideration of those details, with input from the Highways Authority. All these details are necessary to clarify how the site would be laid out, to comply with site licensing and parking requirements and in the interests of a well-functioning development.
59. While I have noted the appellant's request that six months be allowed for submission of surface water drainage details, the Council's evidence does not indicate that the site is at risk of surface water flooding, so it appears that the drainage details will be relatively straightforward and closely linked to the layout of hardstanding and amenity areas. Therefore, these details could realistically be incorporated into the site development scheme, which both parties agree should be submitted within three months. Since details of hardstanding would also be included in the site development scheme, there is no need for a separate condition specifying the use of a bound surface at the access.
60. I have imposed a separate condition requiring approval and implementation of noise mitigation measures, for the reasons explained previously. Having considered the submissions by both parties, I have set a six month deadline for submission of those details. While I recognise that may delay implementation of the mitigation measures, which is not ideal, it would ensure that adequate time is available for a further noise impact assessment to be commissioned and undertaken, and the noise mitigation measures to be designed, including identifying suitable static caravans if necessary.

61. Although the appellant does not consider a further NIA to be necessary, the current assessment did not include noise monitoring at the front of the site, where the main external amenity area is likely to be located, and the Council has expressed some doubt about noise measurements taken from behind the boundary wall. While I remain satisfied that a suitable mitigation scheme can be achieved in principle, a further NIA would provide a more robust justification for the detailed mitigation measures and enable the Council to consider them with confidence in the underlying data. As discussed with the parties, I have also included wording to ensure that any future replacement static caravans would be subject to sound insulation and ventilation measures to an equivalent standard of performance.
62. I have imposed a condition requiring approval and implementation of ecological enhancements and soft landscaping, in the interests of biodiversity and the character and appearance of the area. Again, six months is allowed for compliance, so that the detailed proposals can be worked up following clarification of the site layout and details of boundary treatments, notably the alignment of the acoustic fencing. The requirement to include ecological enhancements is to accord with relevant requirements for enhancing biodiversity in Policy EE2 of the CBLP, as distinct from the statutory requirement for biodiversity net gain, from which an exemption has been claimed.
63. A condition restricting occupation to persons meeting the definition of Gypsies and Travellers in the PPTS is relevant to the development permitted and necessary to ensure that the development contributes to the supply of Gypsy and Traveller sites. However, while the benefits of the site to the intended occupiers have contributed to the conclusions reached in the planning balance, those benefits are neither exceptional nor unique to the specific occupiers in this case. Therefore, there is no need to limit the planning permission to specific named persons.
64. A condition is necessary to prevent residential use of the touring caravans, as they would not provide a suitable living environment. It would also be necessary so as to clarify the required caravan separation distances in the site development scheme.
65. A condition restricting commercial activity and vehicles is imposed in the interests of the character and appearance of the area, and so that the whole site remains available to provide a suitable living environment for future occupiers. Finally, I have imposed a condition specifying the approved plans for clarity, with modified wording to acknowledge that some of the details on those plans may be superseded by details approved pursuant to the other conditions.
66. A condition was requested by the Council's Asset Management team, to prevent parking on the farm track to the north of the site. However, that was not among the conditions listed in the SoCG and it would not be enforceable since the land is outside the appellant's control. There is no proposal for parking on that part of the site and adequate parking can be provided without encroaching on the track, with the layout to be confirmed by the site development scheme. It was also clarified at the hearing that the Council owns a section of the track parallel to the boundary of Plough House, so although there is also a small area of unregistered land, it appears that any obstruction of the track could be resolved as a private matter between landowners.

Conclusion

67. While most aspects of the development accord with the development plan, conflict arises in relation to living conditions for future occupiers of the existing dwelling. However, that conflict is outweighed by other material considerations, including the presumption in favour of sustainable development. Consequently, the appeal should be allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) 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 within 3 months 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, notwithstanding the details on the Block Plan no. GP/01/24 Rev C, a site development scheme detailing:
 - a. siting of static and touring caravans,
 - b. siting of the dayroom,
 - c. dimensions and locations of parking spaces,
 - d. areas of hardstanding,
 - e. siting of amenity areas,
 - f. all means of enclosure, including boundary treatment to close the existing vehicular access to Plough House,
 - g. details of any CCTV,
 - h. details of any external lighting, and
 - i. a scheme to manage surface water runoff from the developmentshall have been submitted for the written approval of the local planning authority. The submitted details shall include a timetable for implementation of all aspects of the site development scheme.
 - 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 retained.

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

- 2) 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 within 3 months 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 providing details of
 - a. a refuse collection point located at the site frontage and outside of the public highway, and
 - b. any visibility splays which shall remain unobstructedshall 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 retained.

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

- 3) 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 within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 6 months of the date of this decision a further noise impact assessment together with a noise mitigation scheme shall have been undertaken and submitted for the written approval of the Local Planning Authority. The noise mitigation scheme shall include:
 - a. measures for sound insulation and acoustically attenuated ventilation for the static caravans, to achieve daytime and night-time internal noise levels detailed in Table 4 of BS8233:2014,

- b. measures to reduce noise levels within external amenity areas, and
 - c. a timetable for its implementation.
- ii. If within 14 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 noise mitigation scheme specified in this condition, that scheme shall thereafter be permanently retained and any replacement static caravan which is subsequently brought onto the site shall also incorporate the approved sound insulation and ventilation measures, or alternative measures to achieve daytime and night-time internal noise levels detailed in Table 4 of BS8233:2014.

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

- 4) 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 within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 6 months of the date of this decision an Ecological Enhancement and Landscape Scheme shall have been submitted for the written approval of the local planning authority and the scheme shall include details of all tree, hedge and shrub planting including details of species, plant sizes and proposed numbers, details of ecological enhancements, and a timetable for its implementation, including the maintenance and replacement of any of the soft planting that becomes diseased or dies.
 - ii. If within 14 months of the date of this decision the local planning authority refuse to approve the Ecological Enhancement and Landscape 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 retained.

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

- 5) No caravan located on the site shall be occupied for residential purposes other than by those who meet the Annex 1 definition of Gypsies and Travellers and any resident dependents, within the Planning Policy for Traveller Sites (PPTS).
- 6) No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than four shall be static caravans, shall be stationed on the land at any time.
- 7) No touring caravan shall be occupied for residential accommodation whilst sited on the application site.
- 8) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plans, except where alternative details are required to be submitted under the preceding conditions: GP/01/24 Rev C; GP/04/24 Rev A; GP/05/24 Rev A; GP/02/24 Rev A; GP/03/24 Rev A; Location Plan Rev A.

END of conditions

APPEARANCES

FOR THE APPELLANT:

Alan Masters, Barrister – instructed by White Planning & Enforcement

Tony White, White Planning & Enforcement

Matt Lauezzari, Sound Licensing Ltd

Mr A Connors, Appellant

George, White Planning & Enforcement

FOR THE LOCAL PLANNING AUTHORITY:

Eilis Edmonds, Principal Planning Officer

David Hale, Gypsy and Traveller Planning Manager

Jonathan Pyke, Pollution Officer

HEARING DOCUMENTS

1. Section 11, Central Bedfordshire Council Design Guide 2023