



Appeal Decision

Site visits made on 4 & 5 November 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/W2845/W/25/3372067

Land adj. Bunkers Hill, Badby, Northamptonshire NN11 3AW

- 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 John Doran against the decision of West Northamptonshire Council.
 - The application Ref is 2024/4180/FULL.
 - The development proposed is the use of land for the stationing of caravans for residential purposes and the erection of a dayroom and laying hardstanding ancillary to that use.
-

Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes and the erection of a dayroom and laying hardstanding ancillary to that use at Land adj. Bunkers Hill, Badby, Northamptonshire NN11 3AW in accordance with the terms of the application, Ref 2024/4180/FULL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The planning application was submitted prior to works taking place on the appeal site and thus was not made on a retrospective basis. However, some works have subsequently taken place, and one touring caravan was present on the appeal site at the time of my visit. For the avoidance of doubt, I have made my assessment of the appeal on the basis of what has been applied for, as shown on the plans that have been submitted. There are elements of works that have already been undertaken, such as perimeter fencing, which are not shown on those plans, and therefore I have not considered those elements.

Main Issue

3. The main issue is whether the proposal would be suitably located having regard to relevant development plan policies concerning access to services and the location of new development.

Reasons

4. Policy HO9 of the Settlements and Countryside Local Plan 2020 (SCLP) is a criteria-based policy relating specifically to proposed development for Gypsy, Traveller and Travelling Showpeople, which serves to meet the identified need for such development. The accompanying text advises that the policy will ensure that new provision of such development is situated in appropriate locations, and reference is also made within that accompanying text to the possibility of development in rural or semi-rural settings. The SCLP sets out that this policy

supersedes Policy H6 of the Joint Core Strategy 2014 (JCS) insofar as it refers to Daventry District.

5. Policy HO9 A(ii) requires that a site is reasonably accessible to a range of services set out in national policy, i.e. shops, public transport, primary health care and schools. There is an ambiguity in the policy wording in how to define whether a site is 'reasonably accessible', both in terms of whether this requires an assessment of transport sustainability and as to which national policy or policies are being referred to. With regard to the latter, both the National Planning Policy Framework (the Framework) and the Planning Policy for Traveller Sites (PPTS) are relevant planning policies for the type of development proposed.
6. The general thrust of the Framework is to prioritise pedestrian and cycle movements and to facilitate access to high quality public transport. However, the PPTS does not preclude traveller sites in rural areas, which the accompanying text to Policy HO9 of the SCLP reflects. Nor does it seek to prevent new traveller site development in the open countryside, albeit with the proviso that development in such locations should be very strictly limited. The Framework also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
7. The appeal site is easily accessible to all of the services mentioned in Policy HO9 and many more by private motor vehicle. This includes the primary school in Badby itself and a host of other services located nearby in Daventry. Due to the distance and the route that would need to be taken and the location of the nearest bus stop, accessing the services in Daventry by other means of transport does not appear to be a likely proposition. Bunkers Hill is a road which for a long stretch is without the benefit of a pavement or lighting, and it is steep in parts. I do not consider it to be a safe option for anyone wishing to take children to school on foot or to reach the bus stop in the settlement. Thus, there would be likely to be a very heavy reliance on private motor vehicles to access services from the appeal site.
8. However, considering the relevant planning policies in the round, in my judgement the site is reasonably accessible to a range of services. In reaching this view I give significant weight to the acceptance in planning policy that some traveller sites might need to be located in rural areas and even away from existing settlements. The Framework accepts there is a lesser potential to maximise sustainable transport in such areas. I also give significant weight to the fact that the large settlement of Daventry is close by and is only a short journey both distance and time wise by motor vehicle. In this overall context and to meet the identified need that exists, the reliance on private motor vehicles is not fatal to my conclusion that the site is reasonably accessible.
9. In conclusion, I find that the proposal accords with Policy HO9 A(ii) of the SCLP because the appeal site is reasonably accessible to a range of services.

Other Matters

Other planning policy

10. The Council seeks to apply Policy RA2 of the SCLP to the assessment of the proposal, and interested parties refer to the Badby Neighbourhood Plan 2019, in particular Policy B2. Both set out criteria for new development within, and outside of, the defined confines of Badby. However, as I have detailed above, there is a

specific policy relating to Gypsy and Traveller development in the development plan. This sets out the criteria that are considered relevant in locational and impact terms, including the aforementioned accessibility of the services, highway access and safety considerations, amenity considerations, and landscape impact considerations. There would be a clear tension in the development plan if proposed Gypsy and Traveller development that met with all of those well-defined criteria was then to be resisted because of other, more general, strategic planning policies.

11. Paragraph 26 of the PPTS states that new traveller site development, in open countryside that is away from existing settlements or outside areas allocated in the development plan, should be very strictly limited, but this does not preclude such sites in principle. I am not convinced that the appeal site is away from existing settlements, but in any event the very significant need for traveller sites and the absence of alternative sites both lend support to such development being brought forward in this location. Given the scale of what is proposed it would not dominate the nearest settled community. Concern is raised by interested parties that the location of the appeal site would prohibit community cohesion and social integration with the existing settled community. However, notwithstanding that travel would be mostly limited to private motor vehicle, there is no reason why this in itself would be an impediment to cohesion and integration.

Landscape

12. At appeal the Council raised a concern in relation to landscape character and visual amenity. This was not cited as a reason for refusal or mentioned in the Planning Committee minutes. Nonetheless, although I have not been referred to any specific viewpoints, I walked along several footpaths including on higher land adjacent to the cricket club and Badby Wood. I am satisfied that the proposed development's impact on the landscape and in visual amenity terms would be very localised due to the rolling landform and established vegetation screening, and that any harm arising from the development would be very minor. Therefore, even noting the location of the appeal site within a Special Landscape Area, taken as a whole I do not consider that the impact of the proposed development would be unacceptable in landscape terms, and thus there would be no conflict with part A(v) of Policy HO9 of SCLP.

Fawsley Estate

13. A representation made on behalf of the nearby Fawsley Estate Settlement raises concern as to the impact on the grade II listed registered park and gardens (RP&G). These cover a substantial land area and extend close to the appeal site. My attention is also drawn to Lantern House, which is a grade II listed building that sits in the woodland near to the appeal site. These matters do not appear to have been a concern raised by any party prior to the appeal and understandably the appellant has not addressed them. The contention that the appeal site adjoins the RP&G is incorrect as the red line shown in the representation erroneously includes fields which separate it from the appeal site. The nearest part of the RP&G is an area of woodland almost separate to the rest of the designation, with the listing description focussing mainly on areas closer to Fawsley Hall.
14. The appeal site is set at a considerably lower level than the wood and Lantern House and there are the aforementioned intervening fields. There is nothing before

me to suggest that the appeal site in anyway contributes to the settings of the two designated heritage assets, and therefore that there would be any harm to the significance of the RP&G or to that of Lantern House.

Written Ministerial Statement

15. The Written Ministerial Statement of 17 December 2015 sets out changes to national planning policy to make intentional unauthorised development a material consideration. In that regard it appears that the appellant did submit their planning application prior to works commencing on the site. They have set out in their Statement of Case their personal circumstances and these provide some explanation as to why they have proceeded to undertake development prior to the outcome of the appeal. Their reasons are consistent with the supply and need position I have highlighted above. In these circumstances I do not weigh the matter of intentional unauthorised development against the proposal.

Other

16. It is suggested by interested parties that the appeal site is an unhealthy and unsafe location for people to live. However, whilst the appeal site is close to the main A361 road, this is a single carriageway road along which a mature tree belt runs. I have no reason to consider that the noise or air pollution impact from that road would result in unacceptable living conditions for the occupiers of the appeal development and there was no concern raised by the Environmental Health department on those grounds. In terms of child safety, many children live in locations that are close to features such as main roads, railway lines and waterbodies. They are features which would be hazardous to them if they were left without supervision at an age where they were not aware of, or were not able to, assess the risks they posed. However, the parenting of children and ensuring their day-to-day safety around such features cannot reasonably be considered to fall for control under the planning regime.
17. The appellant served notice under Certificate B at the point they submitted the planning application, but certified that they own all of the land to which the appeal relates on the appeal form. This the appellant explains is because the land came under their ownership in May 2025. I have no reason to doubt this is the case, and the absence of an updated title deed is not conclusive in showing that the appellant does not own the land, in particular as interested parties accept that an application in some form has been made to the Land Registry. It is for the appellant to serve the correct notice if necessary and to certify that they have done so. On the evidence before me I have no reason to doubt that they have met the requirements in terms of notification.
18. Interested parties state that the red line is incorrect along the southern site boundary and that it includes parts of the adjacent landholding. However, the definition of a boundary line on a plan does not necessarily define the legal land ownership boundary. From my observations at my site visit the fence that has been erected is immediately adjacent to the wire and barbed wire fence of the adjoining plot, but in any event the legal position of the boundary is not a planning matter.
19. The file containing the existing on-site biodiversity metric calculation submitted with the appeal was not openable. The appellant states that this is the same file that was provided with the planning application. If so, it does not appear that any

party raised this as an issue at that point. A copy has subsequently been provided which is openable. This merely confirms the calculation of the baseline figure of 0.52 units which is also stated in the Net Gain Baseline Assessment and which the Council's Ecologist raised no issue with. No exemption to providing a biodiversity net gain (BNG) has been put forward by the appellant and all of the pre-decision legislative requirements have been met in terms of BNG. I am satisfied therefore that what I have before me is a satisfactory basis to allow for the statutory biodiversity condition to be discharged, and accordingly that this matter requires no further consideration.

20. No substantive evidence has been provided to suggest that the land is contaminated, and no objection was raised by the Council or its Environmental Health team on those grounds. Because of the scale of the proposal it does not fall within the remit of the Environment Agency or the Lead Local Flood Authority to provide a consultation response. However, the proposed site plan shows that a loose bound permeable surface would be used, with drainage from the proposed dayroom and mobile home into a package treatment plant and a soakaway. The Council consider that a condition could be imposed in this respect if the appeal is allowed. I find no reason to doubt that this would be adequate to meet the needs of the proposed development. No objection was raised in the consultation responses on highway and ecological matters, and I find no reason to take a different view.
21. The response from Northamptonshire Police makes reference to the width of the access to the site and accessibility for a fire tender. Whilst the width is 2.8 metres not the 3.7 metres specified, this refers to the access only which then opens out once on the appeal site to allow for space around a fire appliance. I do not therefore consider that there is a justifiable planning concern regarding fire safety and access for appliances. Concern is raised by interested parties that the permitting of the proposal would create a precedent. However, I have considered the case on its own particular merits and impacts, and any future application would require consideration on the same basis. There is nothing substantive before me to suggest that the proposal would have an adverse impact on food supply from the loss of agricultural land or have any impact on tourism.

Conditions

22. As I have determined that this is an application for a proposed development, a condition setting out the time period to commence development is needed. Along with a condition setting out the approved plans, this is required to provide certainty. A condition restricting occupation to those meeting the definition of Gypsy and Travellers set out in the PPTS is required as this is where the need and justification for the development arises. It is necessary to impose a condition setting out the number of caravans permitted and setting out what a caravan is, to define the permission in accordance with what was applied for. However, as the definition of a caravan allows for movement in two parts, I have not imposed the Council's supplementary condition regarding towing on the public highway.
23. A condition preventing commercial activity taking place on the land is needed to define the permission as one for residential use. A condition requiring details of landscaping is needed to allow for precise details of the proposed landscaping to be approved in the interests of visual amenity. Details of any external lighting are required for the same reason. A condition relating to the sewage treatment plant is required to ensure that adequate provision is put in place.

24. Conditions requiring works in accordance with the recommendation of the ecological appraisal, details of bat and bird boxes and a deadline after which further assessment would be necessary are required to safeguard ecological interests. Conditions relating to visibility splays, gate opening and surfacing are required in the interests of highway safety. I have reworded the Council's proposed conditions where appropriate, in the interests of precision.
25. Badby Parish Council suggest in their representations that conditions should be imposed making the permission both personal to the appellant and to limit it to a temporary period only. In justifying this request, reference is made to the consultation response from Northamptonshire Police, who state they only generally approve the use of land for Gypsy and Traveller sites provided that such sites are for small named family groups who have local connections to the area.
26. It is not made clear under which powers the Police would be approving the use, but there is nothing I have been made aware of in national or local planning policies which justifies the imposition of a personal planning condition for the reasons they specify in their consultation response. It is also worthy of note that this proposal is for a single pitch only, and therefore there would not be any possible conflict between different pitch holders. Given that I have found the proposal to be acceptable in all respects, there is no justification for making the proposal a temporary permission.
27. The Highway Authority suggested that a condition be imposed requiring cycle storage. However, it has been established that the location of the site does not lend itself to that mode of transport. The imposition of such a condition would therefore not be reasonable. The suggested condition requiring the on-going maintenance of the access road is also not reasonable. It is not necessary to impose a condition relating to tree protection fencing, as the red line is set well away from the nearest trees and hedges.

Conclusion

28. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) Except where expressly stated by other conditions on this planning permission, the development shall be carried out strictly in accordance with the details shown on the following drawings: Drawing numbers: 23-1300-006-Rev P01 (Proposed Day Room), 23-1300-001-Rev P02 (Site Location Plan) and 23-1300-003-Rev P02 (Proposed Site Plan).
- 3) 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 dependants' 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.
- 4) No more than one mobile home and one touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the land at any time.
- 5) At no time shall any form of business/commercial use operate on the site.
- 6) The mobile home shall not be occupied until full details (including planting plans, species, size and proposed numbers/densities) of all proposed hard and soft landscape works, including additional planting to the northern and western boundary of the site and a timetable for implementation, have been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be implemented as approved and in accordance with the approved timescale. If, within a period of five years from the date of the planting of any tree or shrub, they or any tree or shrub planted in replacement for them, are removed, uprooted or destroyed or die (or become in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7) Prior to the erection of any external lighting, full details of such lighting shall first have been submitted to and approved in writing by the Local Planning Authority. The means of external illumination shall be screened such that it does not cause glare to drivers on the adjoining highway or nuisance to the occupants of residential properties as determined by the Local Planning Authority. The lighting scheme shall thereafter be strictly carried out in accordance with the approved details.
- 8) The mobile home shall not be occupied until full details of the proposed sewage and foul water treatment plant (including associated pipes and soakaways) have been submitted to and approved in writing by the Local Planning Authority. Once

approved, the plant and associated pipes and soakaways shall be installed before occupation of the mobile home according to this approval, maintained in the approved state and according to the manufacturer's instructions. Any changes shall only be permitted after seeking prior written approval from the Local Planning Authority.

- 9) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal by Arbtech dated August 2024, unless otherwise agreed in writing by the Local Planning Authority.
- 10) The mobile home shall not be occupied until full details of a scheme for the location of bat and bird boxes to include a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the bat and bird boxes shall be installed on the site in accordance with the approved details and timetable and thereafter retained.
- 11) If the development hereby approved does not commence by 16 July 2026, a revised Preliminary Ecological Appraisal shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing by the Local Planning Authority before development commences. Thereafter, the development shall be carried out in accordance with the approved details.
- 12) The visibility splays at the site access shown on drawing 23-1300-003-Rev P02 shall be maintained and be kept free from obstructions, from 2 metres high down to 0.6 metres above the carriageway.
- 13) The access gate shall open inward into the application site and not outward towards the carriageway.
- 14) Before the first occupation of the mobile home on the site, the access shall be constructed in a hard bound material for the first 5.0 metres from the highway boundary.

-----End of Conditions-----