



Appeal Decision

Hearing held on 4 November 2025

Site visit made on 4 November 2025

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/H1840/X/25/3368872

Long Carrant Park, Cheltenham Road, Ashton Under Hill, Worcestershire WR11 7QP

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Silverstone Parks Ltd against the decision of Wychavon District Council.
 - The application ref W/25/00075/CLPU, dated 14 January 2025, was refused by notice dated 3 July 2025.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is the siting of four caravans in the area hatched red in addition to the lawful use of the site set out under W/23/00312/CLE.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is found to be lawful.

Applications for costs

2. An application for costs is made by Silverstone Parks Ltd against Wychavon District Council in relation to the appeal. An application for costs is also made by Wychavon District Council against Silverstone Parks Ltd. These applications are the subject of separate Decisions.

Preliminary Matters

3. Prior to the hearing, there was some ambiguity as to what the description of the development should be. Discussions were had between the parties during the Council's consideration of the application as to what it should be and an apparent agreement was reached. However, the agreed description did not follow through to the description on the decision notice. Notwithstanding this, during the hearing, it was agreed that the description should be 'the siting of four mobile park homes in the area hatched red on the attached plan.' This aligns with the description of the development approved under appeal ref APP/H1840/W/17/3190024 (the 2017 planning permission). I am satisfied that no injustice would be caused to any interested parties by my consideration of the appeal on this basis.
4. Notwithstanding the reason for refusing to grant a certificate of lawful development as set out in the decision notice for the LDC application, during the appeal process the Council confirmed they no longer consider the proposal would result in a material change in the use of the land.

5. It was also confirmed during the hearing that the Council do not consider the proposal would breach condition 3 attached to the 2017 planning permission. This was on the basis of the appellant's confirmation that the proposal would not involve the removal of any vegetation identified in the approved landscaping details set out under condition 2 attached to the same planning permission. I find no reason to conclude otherwise.

Main issue

6. In light of the above, the main issue is whether the Council's decision to refuse to grant an LDC was well-founded, having particular regard to whether the proposal would be in breach of condition 2 attached to the 2017 planning permission.

Reasons

7. An application under section 192(1)(b) of the Town and Country Planning Act 1990 (the Act) seeks to establish whether any operations proposed to be carried out in, on, over or under land, would be lawful. In an application for an LDC, the onus is firmly on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.
8. In the Supreme Court judgement of *Trump International Golf Club*¹, Lord Hodge stated 'while the court will, understandably, exercise great restraint in implying terms into public documents which have criminal sanctions, I see no principled reason for excluding implication altogether'. He went on to further state, 'When the court is concerned with the interpretation of words in a condition in a public document... it asks itself what a reasonable reader would understand the words to mean when reading the condition in the context of the other conditions and of the consent as a whole. This is an objective exercise in which the court will have regard to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, and any other conditions which cast light on the purpose of the relevant words, and common sense.'
9. The more recent judgement in *UBB Waste Essex Ltd*² refers to the need to consider the reason for the condition and the planning purpose that lies behind that condition.
10. Paragraphs 57 of the National Planning Policy Framework (the Framework) and 21a-003-20190723 of the Planning Practice Guidance state that conditions should only be imposed where they are, amongst other things, precise. There is also an expectation that the reasonable reader should be able to understand the condition and what it requires/prohibits. It should not be necessary for the reasonable reader to have to look behind the condition to understand what it means. However, if there is some ambiguity then it may be necessary to look at the planning application documents for clarity.
11. Condition 2 attached to the 2017 planning permission states:
 - 2) The development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans and documents: Location Plan (scale 1:2500), Soft Landscaping Details - 1001 Rev B, Landscape Masterplan - MP01 Rev G, Sections - SE01 Rev C,

¹ *Trump International Golf Club Scotland Ltd v The Scottish Ministers* [2015] UKSC 74

² *UBB Waste Essex Ltd v Essex County Council* [2019] EWHC 1924 (Admin)

Landscape Proposals-SK01 Rev B and Landscape Appraisal dated March 2017.

12. The Soft Landscaping Details - 1001 Rev B drawing provides details on existing and proposed trees and planting. Although the appeal site did not form part of the application site edged in red relating to the 2017 planning permission, it did form part of the land in the ownership of the applicant and was therefore edged in blue. Section 72(1) of the Act allows for conditions to regulate the development or use of any land under the control of the applicant, whether or not it is land in respect of which the application was made.
13. The crux of the matter is whether the details contained in the approved plans and documents listed in condition 2 would be breached by the proposal.
14. The Landscape Masterplan (drawing MP01 Rev G) includes details of existing and proposed planting. The area of land that forms the current appeal site depicts existing planting on the west side and existing trees along the east side of the access road running along the western boundary of the site. It also includes existing planting along the southern boundary and proposed planting along the northern boundary. This is similarly depicted in the Soft Landscaping Details (drawing 1001 Rev B) and the Landscape Proposals (drawing SK01 Rev B).
15. There is a question as to whether or not the approved landscaping scheme as a whole only relates to the application site edged in red on the drawings, or whether it extends to areas edged in blue. Given that the landscaping scheme includes a 'proposed wildflower meadow' in the blue edged area to the north of the overall site, I consider that it does covers all of the site. Notwithstanding this, the appellant confirms that the proposal would not remove any of the planting, neither existing nor proposed, indicated on these drawings. However, the Council argue that the approved landscaping scheme also prohibits development within the open space that the appeal site forms.
16. None of the approved landscaping drawings listed within condition 2 identify the appeal site as an open space, nor that it must remain open. Moreover, the Landscape Appraisal, dated March 2017, makes no mention of the appeal site forming an open space that is to remain free from development. It is important to note the landscaping drawings only relate to landscaping; they do not purport to be site layout plans.
17. Taking into account the wording of condition 2 and the content of the drawings and documents listed within it, I do not find that it explicitly states, or otherwise implies, that the appeal site is to remain an open space. Similarly, in the appeal decision for the previous appeal on the site³, in their consideration of the effect of the proposal on the countryside the Inspector referred to native planting, existing hedgerow boundaries and planting mounds. They make no reference to the effect open spaces have on the visual amenity of the site or the wider countryside. Therefore, it is reasonable to conclude that in the consideration of the proposed landscaping, the Inspector was only concerned with existing and proposed planting, not open spaces.
18. Overall, I find that condition 2 is not ambiguous. It clearly sets out which drawings and documents the approved development should be carried out in accordance with. They all pertain to soft landscaping, including existing and proposed planting. None

³ Appeal reference APP/H1840/W/17/3190024

of them reference the appeal site as an open space to remain free of any development or structures. Moreover, the Inspector's reason for imposing the condition makes no reference to open spaces. If the condition is to be interpreted as the Council contend, then it would be wholly imprecise and ambiguous, to which the planning application documents it refers to would provide no greater clarity.

19. I find therefore, on the evidence before me, condition 2 does not require the appeal site to be retained as open space nor does it prohibit the siting of four mobile park homes on it. Therefore, the proposal would not be in breach of the condition. On the balance of probabilities, the development would therefore be lawful.

Other Matters

20. I note the objections to the proposal from local residents. However, the planning merits of the development have had no bearing on my consideration of whether or not the development is lawful. I also acknowledge their concerns regarding the proposal breaching agreements made to them when they moved on to the wider site. However, similarly, this has had no bearing on my decision.

Conclusion

21. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

A Walker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

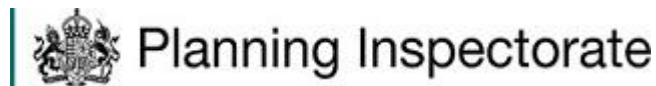
Michael Rudd	Kings Chambers, Counsel for the appellant
Ben Eiser	Agent for the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Chatura Saravanan	No5 Chambers, Counsel for the Council
Gavin Greenhow	Planning Officer, Wychavon District Planning

INTERESTED PARTIES:

Martyn Wood	Resident of Long Carrant Park and Chairman of Long Carrant Park Residents Association
Julie Wood	Resident of Long Carrant Park
Greg Simmonds	Resident of Long Carrant Park
Sandra Simmonds	Resident of Long Carrant Park



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 16 January 2025 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and hatched in red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The siting of four mobile park homes in the area hatched red on the attached plan would not have breached conditions 2 and 3 attached to the planning permission granted on appeal under appeal reference APP/H1840/W/17/3190024.

Signed

A Walker

Inspector

Date: 10 December 2025

Reference: APP/H1840/X/25/3368872

First Schedule

The siting of four mobile park homes in the area hatched red on the attached plan

Second Schedule

Long Carrant Park, Cheltenham Road, Ashton Under Hill, Worcestershire WR11 7QP

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 10 December 2025

by A Walker

Land at: Long Carrant Park, Cheltenham Road, Ashton Under Hill, Worcestershire WR11 7QP

Reference: APP/H1840/X/25/3368872

Scale: Not to Scale

