



Appeal Decision

Hearing held on 26 November 2025

Site visit made on 26 November 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/D2320/W/25/3372758

Land 85M East Of 48 Town Lane, Whittle-le-Woods, Chorley PR6 7DH

- 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 Kerrigan against the decision of Chorley Borough Council.
 - The application Ref is 24/00210/FUL.
 - The development proposed is the change of use of land to form a 7 pitch traveller family caravan site with access from Town Lane.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to form a 7 pitch traveller family caravan site with access from Town Lane at Land 85M East Of 48 Town Lane, Whittle-le-Woods, Chorley PR6 7DH in accordance with the terms of the application, Ref 24/00210/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr John Kerrigan against Chorley Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Works have been undertaken on the appeal site, including to ground levels, and it is partially occupied for residential purposes. The Council considered the planning application on the basis that it was a retrospective proposal. The appellant confirmed at the hearing that it is their intention to complete the development as per the plans submitted, and not to retain it as it exists at the present time. I have therefore made my determination of the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

5. The appeal site is a parcel of land of limited depth which has a long frontage along Town Lane. There is a mature hedgerow along much of the site frontage. An established tree belt is located to the rear of the site. The appeal development would be visually different to other forms of built development along Town Lane, which in the areas closest to the appeal site primarily consists of brick and stone

faced dwellinghouses. But given that bricks and mortar dwellinghouses are by far the most common type of dwelling throughout the country, it is hard to see many instances where caravans would be consistent with their surroundings in residential areas. Furthermore, there is no real potential to change the appearance or impact of such a development, in the way that the design and appearance of bricks and mortar dwellings can be amended to more closely match their surroundings.

6. Policy 8 of the Core Strategy 2012 (CP) sets out that proposals for gypsy and traveller accommodation must have no unacceptable impact on the immediate surrounding areas and the wider landscape. Policy BNE1 of the Local Plan 2015 (LP) seeks to avoid a significantly detrimental impact on the surrounding area. The Council confirmed at the hearing that its main area of concern relates to the impact upon Town Lane. However, whilst parts of the existing hedge would have to be removed to facilitate visibility for the proposed site access, the plans submitted indicate both the planting of a replacement hedge and hedge improvement, full details of which could be secured by a landscaping condition. This would ensure that the appeal development was well screened from Town Lane, along with the fact that the ground level of the site is for a substantial part now considerably lower than the level of the road.
7. At the hearing the Council referred to views of the caravans and associated infrastructure being possible at the point of the site access. However, this would be by persons passing the site on foot and who are unlikely to have any reason to linger in this location. Any views from passing vehicles would be fleeting. From further afield, and in particular from the houses which look towards the appeal site from on higher land, there would be a visual impact, but those dwellings are separated from the appeal site by a sizeable area of open space and the existing intervening vegetation provides a degree of screening, even in winter. I am satisfied that in all respects the impact of the development when completed would not be unacceptable on the immediate surrounding areas or on the wider landscape and would not have a significantly detrimental impact on the surrounding area.
8. The main parties disagree as to how the appeal site appeared prior to the recent works taking place upon it. But a permission in principle¹ has been granted for 9 detached dwellings on it. In light of this I do not consider that an objection can be sustained in principle to the loss of the appeal site in whatever form it did exist and appear previously, or because there would be a loss of a greenfield site. It is also difficult to reconcile the reference to the impact on the semi-rural character and appearance of the local area because a development of up to 9 dwellings would be a highly urbanising development. Similar works to the hedge that fronts onto Town Lane in order to provide an access(es) to the dwellings would be a likely requirement. That development would therefore have a similar effect on the semi-rural character of the local area to that which would arise from the appeal development.
9. For these reasons, I conclude that the proposed development accords with Policy 8 of the CS and Policy BNE1 of the LP, where collectively they seek to safeguard character and appearance.

¹ 23/00163/PIP

Other Matters

10. The appeal site is part of a wider area of safeguarded land as defined by Policy BNE3 of the LP. However, the Council has accepted in granting planning permission in principle for dwellings that the safeguarded land can be lost. Whilst in that case their conclusions were tied to an absence of a five year housing land supply, in this case it is common ground between the main parties that there is no five year supply of traveller sites, that there is a significant need for such sites and no alternative sites available. Aside from the extant permission, those reasons too are sufficient to outweigh the conflict with BNE3 of the LP.
11. Matters relating to land contamination, highway safety and drainage/flood risk have been resolved to the satisfaction of the relevant consultees, with any remaining issues proposed to be addressed by way of planning conditions. I have no reason to consider that any of those matters have not been resolved or could not be via conditions. There was also no objection from the Greater Manchester Ecology Unit (GMEU), and I am satisfied that the impact on ecological interests has been adequately addressed, again subject to the imposition of planning conditions.
12. The Council raises no concerns regarding noise, odour, air or light pollution and I have no reason to consider there would be any harm in those regards, nor that the development would lead to an increase in litter. There is also nothing substantive before me to suggest that the appeal site is not suitable or safe for residential occupation and it is of a size that can accommodate the amount of development shown. It is a very small site compared to the size of the settlement of Whittle-le-Woods and would not dominate the settled community. I am satisfied that there would not be any other harm to living conditions from matters such as overlooking and loss of privacy, given the relationships to the nearest dwellings.
13. The sustainability credentials of the site have been questioned in terms of its proximity to services and facilities, but it is pertinent that dwellings have been permitted on the site and that the occupiers of those would be the same distance from such facilities. Likewise, the occupiers of the dwellings approved would have utilised the infrastructure such as schools in the area. Concern has also been raised that there is other development approved in the immediate area. However, again it is of relevance to note the housing permission that is in place on the site. It is expected that local recycling provision would be in place as is the case for any dwelling and I have not been made aware of a policy requirement that a development of this type requires energy conservation/reduction or indeed what this might entail for a caravan site.
14. There is no substantive evidence to suggest that there would be a risk from loose animals, that the development would pose a fire hazard, or that it would lead to an increase in crime, anti-social behaviour, waste issues or affect local businesses. Neither the safe storage of gas cannisters or covenants are planning matters. Any future planning application(s) made would need to be considered upon their own merits.
15. The Written Ministerial Statement of 17 December 2015 sets out changes to national planning policy to make intentional unauthorised development a material consideration. The appellant made verbal submissions at the hearing as to why this should not actually be considered to be a material consideration at all, aligned

to the fact that the provision has never been incorporated into national planning policy. But, in any event, the appellant did it would seem submit their planning application prior to works commencing on the site. They have set out personal circumstances as to why it has been imperative that they have a settled base. Given the need position I have highlighted above and that the Council accepts there to be no alternative sites, I do not weigh the matter of intentional unauthorised development against the proposal.

16. Interested parties identify that no details relating to the statutory Biodiversity Net Gain (BNG) requirements have been submitted. However, the Council considered the planning application as a retrospective application, which is a type of application exempt from providing the BNG required under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. I find no reason to take a different view on that approach. There is however a separate mechanism for securing biodiversity enhancement in the landscaping planning condition suggested by the Council.
17. It has been suggested that allowing the development would amount to a breach of the rights afforded under the Human Rights Act 1998 (HRA), including in terms of a right to a clean and visually appealing environment. However, on the basis of what I have set out above, my allowing of the appeal would not result in the interference or violation of the rights of interested persons under the HRA.

Conditions

18. A condition setting out the approved plans is needed to provide certainty. A condition restricting occupation to those meeting the definition of Gypsy and Travellers set out in the Planning Policy for Traveller Sites 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. A condition preventing commercial activity taking place on the land and limiting the size of vehicles permitted on the site are needed to define the permission as one for residential use.
19. There are a number of matters which require the submission of further details. As development has already been commenced, it is not possible to word those as pre-commencement conditions. At the hearing there was much discussion as to the form that such conditions should take. To avoid a number of similar and lengthy conditions, I prefer the appellant's suggested approach of using the PINs model condition requiring the submission of a site development scheme. This condition would require the submission of details of the access formation and visibility splays in the interests of providing an acceptable and safe access, details of foul drainage and a bin collection point to ensure appropriate provision of such was put in place, and details of landscaping and fences, walls and gates, in the interests of visual amenity.
20. This condition is imposed to ensure that the details referenced above are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters which would form the site development scheme before the development takes place. The

condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

21. I have combined the requirements of suggested conditions 9, 12 and 15 in the interests of brevity. Collectively this would address matters raised by the Highway Authority, Waste and Contaminated Land and the GMEU. Two conditions are required to ensure that the remediation scheme submitted is implemented, these set out the time period for completing the scheme and a requirement to provide a verification report once completed. Further details of external lighting are needed to safeguard ecological interests, and I have also imposed the standard landscaping replacement condition for any specimens that die, are removed or become seriously damaged or diseased within 5 years of the completion of the development, in the interests of visual amenity.
22. The suggested condition regarding the transportation of mobile homes and static caravans to the appeal site is overly onerous and covered by other powers which govern the use of the public highway. I do not therefore impose that condition. Matters relating to nesting birds are covered under separate legislation and it is not necessary to include that condition either.
23. Whilst the GMEU recommended a condition regarding the removal of Himalayan Balsam that was found on the site during the ecological appraisal, this was not suggested by either main party as being necessary, and they confirmed their views at the hearing that this would be addressed by other legislation. I have therefore not imposed that condition.

Conclusion

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

Graham Wraight

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Masters – Counsel

Mike Carr – MAT Design Limited

John Kerrigan – Appellant

Faye Kerrigan – Appellant's partner

FOR THE LOCAL PLANNING AUTHORITY:

Kevin Foster – Head of Planning and Enforcement

Iain Crossland – Principal Planning Officer

Doug Cridland – Waste Services Manager

INTERESTED PARTIES:

Cllr Dedrah Moss – Chorley Borough Council

Cllr Gordon France – Chorley Borough Council

Lorraine Douglas – Local resident

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan Drawing No 1, Proposed Site Plan Drawing No 3 Revision C and Proposed Access Visibility Splays Figure 1.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) No more than 14 caravans (two per pitch consisting of one static caravan and one small static caravan that is to be used as a dayroom with no residential use overnight), 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 site at any time.
- 4) No commercial activities shall take place on the land including the storage of materials.
- 5) No commercial vehicles in excess of 3.5 tonnes shall be stationed, parked or stored on the site.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for:
 - The construction of the site access and stopping up of the existing access, to include details relating to the provision of the vehicular visibility splays of 2.4 metres by 59.6 metres to the east and 2.4 metres to the 51.5 metres to the west and a landscaping and maintenance scheme for land within the vehicular visibility splays
 - The disposal of foul drainage
 - The landscaping of the development and for biodiversity enhancement. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees, hedgerows and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. Landscaping proposals should comprise only native plant communities appropriate to the natural area.
 - All fences, walls and gates to be erected on the site boundaries, to include details of their alignment, height, appearance and location (notwithstanding any such detail shown on previously submitted plan(s))
 - A bin collection point

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

ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

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

- 7) Prior to the implementation of any remedial works or further development of the site a Construction Management Plan (CMP) or Construction Method Statement (CMS) shall have been submitted to, and approved in writing by, the local planning authority. The approved plan/statement shall provide:
- A 24 Hour emergency contact number
 - Details of the parking of vehicles of site operatives and visitors
 - Details of loading and unloading of plant and materials
 - Arrangements for turning of vehicles within the site
 - Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
 - Measures to protect vulnerable road users (pedestrians and cyclists)
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
 - Measures to control the emission of dust and dirt during construction
 - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works
 - Construction vehicle routing
 - Delivery, demolition and construction working hours
 - A health and safety plan that takes into account the risks of human exposure to airborne fibres during excavation, and any similar works which may cause disturbance of the ground

- A risk assessment of potentially damaging construction activities to biodiversity
- Identification of "biodiversity protection zones"
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on habitats and species during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the remediation and construction period for the development, unless otherwise agreed in writing by the local planning authority.

- 8) Within nine months of the date on which the details submitted in conjunction with condition 7 of this planning permission are approved, all remedial works as presented in the approved Remediation Strategy Report (Ref. CCG-C-24-15118) produced by CC Geotechnical Limited shall have been completed in their entirety.
- 9) A verification report demonstrating the completion of the works set out in the approved Remediation Strategy Report (Ref. CCG-C-24-15118) produced by CC Geotechnical Limited, and the effectiveness of the remediation, shall be submitted to the local planning authority within three months of the completion of those works, for their approval in writing. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 10) Notwithstanding the approved details and prior to the installation of any externally located lighting, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter

in accordance with the strategy. Under no circumstances shall any other externally located lighting be installed without prior consent from the local planning authority.

- 11) Any trees, hedgerows or plants which form part of the landscaping scheme approved under condition 6 of this planning permission which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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