



Appeal Decision

Site visit made on 19 November 2025

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2026

Appeal Ref: APP/C3430/W/25/3367246

Land at Wulfrun Way, Broad Lane, Mossley WV11 2DZ

- 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 Jason Burnside against the decision of South Staffordshire District Council.
 - The application Ref is 24/00484/FUL.
 - The development proposed is the change of use of land from agricultural to Gypsy / Traveller site for 4 no. family pitches and pony paddock. Each pitch to include:- 2 static caravans, 1 dayroom / amenity building, 1 tourer caravan and 4 parking spaces. Septic Tank to be replaced with Bio-Disc Treatment Plant.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land from agricultural to Gypsy / Traveller site for 4 no. family pitches and pony paddock. Each pitch to include:- 2 static caravans, 1 dayroom / amenity building, 1 tourer caravan and 4 parking spaces. Septic Tank to be replaced with Bio-Disc Treatment Plant. at Land at Wulfrun Way, Mossley WV11 2DZ in accordance with the terms of the application, Ref 24/00484/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I saw at the site visit that the development subject of this appeal has already been carried out, and permission has been sought retrospectively. I have determined the appeal on this basis.
3. The council have submitted that a condition could satisfy reason for refusal 5 regarding ecology and that the submitted unilateral undertaking resolves reason for refusal 6 relating to Cannock Chase Special Area of Conservation. As such these matters are no longer at dispute. Furthermore, there is no dispute between the parties that the intended occupants of the site being the appellant and their family, meet the definition of Gypsies and Travellers as set out in the PPTS and that the council cannot demonstrate a 5-year supply of Gypsy and Traveler sites. I have no substantive evidence before me on these matters that would lead me to conclude otherwise, and my decision is made on this basis.

Main Issues

4. The main issues are:
 - : Whether the development is inappropriate within the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

- : The effect of the development on the character and appearance of the area;
- : Whether the site is suitably located in terms of access to necessary services, facilities and public transport; and
- : If the development is inappropriate, whether any harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, including any need for the development and the personal circumstances of those living at the site, so as to amount to the very special circumstances necessary to justify the development. Reasons

Green Belt

5. The site is within the Green Belt and PPTS paragraph 16 states that: "Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the Framework apply. I'm satisfied that none of the exceptions listed in paragraph 154 apply in this case.
6. However, paragraph 155 of the Framework sets out circumstances where development on 'grey belt' land is not inappropriate. It is not at dispute between the parties that the appeal site is grey belt as defined within the Framework. The grey belt definition excludes other land (other than Green Belt) identified at footnote 7 of the Framework, but none is relevant here.
7. On the basis of the evidence before me and my observations at the site visit, I am satisfied that, with reference to the glossary of the framework, the appeal site does not strongly contribute to Green Belt purposes, a), b) or d), detailed in Framework paragraph 143. Accordingly, I conclude that the site is grey belt.
8. Turning to Paragraph 155(a) of the Framework it is not at dispute that the appeal scheme would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Additionally, it is not at dispute between the parties that with regards to Paragraph 155(b) of the Framework there is a demonstrable unmet need for the type of development proposed. Based on the evidence before me I find no substantive evidence that would lead me to conclude otherwise.
9. I consider later the question of the sustainability of the location and find this is, with particular reference to paragraphs 110 and 115 of the Framework and the provisions of the Planning Policy for Traveller Sites (PPTS), not an unsustainable location for the particular development proposed. Accordingly, I conclude that the requirements of Paragraph 155(c) are met.
10. The appeal scheme is not identified as being Major development, as defined by the Framework, and therefore it is not necessary to consider the Golden Rules.
11. As such, the development is not inappropriate in the Green Belt. My findings on the Green Belt mean that the question of openness and very special circumstances does not need to be considered. As such I do not find that the appeal scheme is contrary to the provisions of Policies GB1 and H6 of the adopted South Staffordshire Core Strategy that is reflective of the Framework, though clearly predates it, and details the criteria for the consideration of Gypsy Travellers sites in so far as they are relevant.

Character and Appearance

12. I note that land in the local area has been subject of unauthorised development. The area is otherwise a typical urban fringe location where urban and countryside uses influence the character and appearance of the area.
13. The officer's report details that the site was previously part of a mining operation before the land was returned to open space and woodland. It is readily apparent therefore that the creation of permanent pitches, ancillary day room, hardstanding and boundary treatment compartmentalising the site has changed the character of the site from open grassland to a developed state.
14. Views of the site from public areas are somewhat limited, the council have referred to "clear public views from southern and western boundaries from nearby public rights of way. I saw at the site visit that views were often limited by vegetation and topography. In any event the site is viewed in the context of its position on the urban fringe where there is often sporadic development.
15. Of particular relevance, part 8 of policy H6, requires (amongst other matters) that sites "Should be suitably landscaped to limit impact on landscape character of the area". I am satisfied that a condition could be placed on any planning permission resulting from this appeal to improve the landscaping within and to the boundaries of the site such that the effect of the appeal scheme on the landscape can be mitigated to an acceptable level.
16. I find that the proposed development would result in some harm to the character and appearance of the area, as a result of the additional built form in an urban fringe location but I do not consider that this harm is unacceptable, and can be adequately mitigated by soft landscaping to the boundaries and interior of the site. As such I do not consider that the proposal is contrary to the policies H6 and EQ4 of the adopted Core Strategy in this regard.

Sustainability

17. The appeal site is distinctly separate from nearby urban areas. I noted at the site visit that access from the road network is poor and there being no direct footpaths and otherwise unlit rural roads. In common with many countryside development sites, the appeal site is located some distance from any local shops and services.
18. The Council refers to nearby settlements of Essington and Bloxwich. The former is defined within Policy CP1 as a 'Local Service Village' and is around 2 miles to the application site. There are limited public transport services connecting the site to the settlement and the combination of the distance, route and use of unlit pavements along main roads makes walking unattractive. The site is closer to the urban edge of Bloxwich, where services are within walking distance, but again pedestrian routes often utilise unlit tracks and footpaths.
19. However, while Core Policy 1 of the Core Strategy identifies that growth within the district should be located at the most accessible and sustainable locations in accordance with the Council's settlement hierarchy, it does not set out any specific requirements concerning accessibility to shops and services for Traveller sites.
20. The PPTS adopts a similar approach and advises at paragraph 13 that local planning authorities should ensure that their policies 'reflect the extent to which

traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability'. While paragraph 13 falls under the heading of 'Plan-making', I consider that many of the principles it contains should be applied to development proposals.

21. Indeed, paragraph 155 and footnote 57 of the Framework indicate that particular reference should be made to paragraph 13 when determining whether Traveller sites in the Green Belt would be in a sustainable location. I do not see that any of the aims of paragraph 13 are undermined by this development.
22. On this basis it is reasonable consider sustainability in the round, while the site is poorly located in terms of access to services, there are sustainability benefits in providing a settled location for Travellers and the council acknowledges the demand for such provision. Moreover, the Framework advises at paragraph 110 that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.
23. With the above points in mind, I do not regard this as an unsuitable location for the particular development proposed in terms of access to services, and find no conflict with Core Policy 1 of the Core Strategy. as a result of this issue. This also means that I regard the location as sustainable for this development for the purposes of Paragraph 155 of the Framework.

Conditions

24. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
25. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework details that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation meets the three tests detail in the legislation.
26. The submitted obligation includes the provision a contribution to the Cannock Chase Special Area of Conservation of £1376.04 (index linked) and a monitoring fee of £100. I am satisfied from the evidence before me that the obligations are necessary, directly related to the proposal and fair and reasonable in scale and kind to the appeal scheme. As a result, I have taken the obligations into account as part of my overall conclusion that the appeal should be allowed.
27. In order to define the permission, I have included conditions relating to the approved plans and to control the number of pitches, caravans and type of caravans on the site. Furthermore, the appeal has been determined on the basis that the appellants meet the definition of Gypsies and Travellers, therefore it is necessary to control the occupation of the site to Gypsies and Travellers and to the persons specifically named in the appellant's 'Very Special Circumstances' document to make the development acceptable. Moreover, in connection to the above it is necessary to require the removal and remediation of the site should

its occupation by the named persons cease to define the permission.

28. In the interests of ecology and the character and appearance of the area I have included a condition requiring the submission of a landscape scheme, including a wildlife pond.

29. In the interests of the environment and the living conditions of residents I have included a condition relating to site investigations and a related validation statement. For the same reasons I have included a condition relating the replacement of the septic tank system with a Bio-Disc Treatment Plant.

Conclusion

30. For the reasons given above the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan; Proposed Block Plan (71409 1001); Proposed Plans and Elevations (71409 1002); Proposed Plans and Elevations (71409 1003) except in respect of the details required by other conditions to which this permission is subject.
- 2) There shall be no more than 4 pitches on the site and on each of the 4 pitches hereby approved no more than 3 caravans [as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended], shall be stationed at any time, of which only 2 caravans shall be static caravans.
- 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) The occupation of the site hereby permitted shall be carried on only by Jason and Bridget Burnside, John and Lucy Purcell, Jimmy and Ann Purcell, Jimmy and Eileen Delaney and their resident dependants.
- 5) When the land ceases to be occupied by those named in condition 4 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 6) Within three months of the date of the appeal decision, a detailed landscape scheme including 1no. wildlife pond and terrestrial habitat creation suitable for use by great crested newt will be submitted to and approved in writing by the Local Planning Authority. The wildlife pond must measure a minimum 400m² in area with suitable terrestrial habitat immediately surrounding it also measuring a minimum of 400m² in area and include one amphibian hibernacula of no less than 5m (L) x 1m (W). It must also include detailed topographical specification of the pond, and detailed planting specification using native species only. The approved plan shall be implemented within 3 months of formal discharge of the condition, and a statement of compliance submitted to the Local Planning Authority confirming that the plan has been fully implemented within one month of completion of the landscape scheme.
- 7) Within three months of the date of the appeal decision, a detailed ecological management plan shall be submitted to and agreed in writing by the Local Planning Authority, detailing measures to ensure the appropriate management of the pond and terrestrial habitats to be created on site. The approved management plan shall be implemented in full and the habitats maintained in perpetuity.
- 8) Notwithstanding the provisions of Class A of Part 2 to Schedule 2 of the General Permitted Development Order 2015 (as amended) (or any order

revoking and re-enacting that Order with or without modification), no means of enclosure other than those approved by this permission shall be erected on the site.

- 9) Within three months of the date of the appeal decision: a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout plan to illustrate the exact location and grid co-ordinates of any mine entry found within the site and the zone of influence of all mine entries within or within influencing distance of the site. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
- 10) Within three months of the date of the appeal decision: a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
- 11) Within three months of the date of the appeal decision a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 12) Within three months of the date of the appeal decision a scheme for the replacement of the Septic Tank with a Bio-Disc Treatment Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and future management. The scheme shall be carried out in accordance with the approved details and retained thereafter.

End of Schedule