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## 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: 11<sup>th</sup> March 2026

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**Appeal Ref: APP/R3705/W/25/3368956**

**Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, Kingsbury, Warwickshire B76 0EQ**

- 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 Patrick Doherty against the decision of North Warwickshire Borough Council.
  - The application Ref is PAP/2024/0395.
  - The development proposed is the change of use of land to mixed use as commercial stables (existing) and as a residential caravan site for 6 Gypsy/Traveller families, each with one static caravan/ mobile home, together with erection of one amenity building.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to mixed use as commercial stables (existing) and as a residential caravan site for 6 Gypsy/Traveller families, each with one static caravan/ mobile home, together with erection of one amenity building at Dunton Stables Equine Centre, Bodymoor Heath Lane, Bodymoor Heath, Kingsbury, Warwickshire B76 0EQ in accordance with the terms of the application, Ref PAP/2024/0395 subject to the conditions in the attached schedule.

### Preliminary Matters

2. The site benefits from planning permission for an equine related business, described by the council as being “based around horses and donkeys being a visitor attraction”<sup>1</sup>. This permission appears to have been partially implemented, and I understand is to be partially retained as part of the appeal scheme.
3. Moreover, I noted at the site visit that some development commensurate with the appeal scheme has already been carried out, though it does not appear to be in strict accordance with the submitted plans. Nonetheless, I consider that consent has been sought retrospectively.
4. 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. Furthermore, it is not at dispute that the council cannot currently demonstrate a 5-year supply of gypsy and traveller sites. I have no substantive evidence before me that would lead me to conclude otherwise, and my decision is made on this basis.

### Main Issues

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<sup>1</sup> Paragraph 3.1 Council's Appeal Statement

5. 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.
- : whether the proposed development would be in a suitable location, having regard to its countryside location and the accessibility of services and facilities; 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

6. The site is within the Green Belt and Planning Policy for Traveller Sites (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. The Officer's report to committee details that the site is not inappropriate development on the basis that the site is 'grey belt'. There is no dispute in this regard between the parties, therefore I have considered the matter in this regard.
7. Paragraph 155 of the Framework sets out circumstances where development on 'grey belt' land is not inappropriate. The grey belt definition excludes other land (other than Green Belt) identified at footnote 7 of the Framework, but none is relevant here.
8. 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, because the appeal scheme is well away from any large built up areas, would not result in the merging of towns and is not in the setting of a historic town. Accordingly, I conclude that the site is grey belt.
9. 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.
10. 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 PPTS, not an unsustainable location for the particular development proposed. Accordingly, I conclude that the requirements of Paragraph 155(c) are met.

11. 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.
12. 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. Consequently, I do not find that the appeal scheme is contrary to the provisions of Policy LP3 of the North Warwickshire Local Plan 2021 in so far as it is relevant.

Access to services

13. With regard the planning policy context, Local Plan policies LP1 relating (amongst other things) to Sustainable Development, LP2 relating to the location of development and the Settlement Hierarchy, LP10 relates to Gypsy and Traveller Sites and LP29 relates to general development Considerations of the adopted North Warwickshire Local Plan 2021 are referred to in the Decision Notice and are relevant to the determination of the appeal scheme
14. The site is located in the open countryside outside of a settlement boundary, PPTS Policy H, at paragraph 26, also states “Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan”.
15. The PPTS does not define “away from” for the purposes of Policy H. Policy LP10 stipulates that, among other considerations, “The site is suitably located within a safe, reasonable walking distance of a settlement boundary or public transport service, and access to a range of services including school and health services”. The policy also refers to the size and scale of the site and number of pitches with regards the nearest settlement, flooding, access to essential utilities, and assimilation into the surrounds.
16. The site is near to a number of residential properties, a Camping and Caravanning Club Site, motorway and other rural properties including businesses. Kingsbury is identified in the development plan as being a local service centre and is located some 3 kms by road from the application site, Curdworth is some 5 kms by road. The council identify the site as being “at least 2km from the nearest facilities”.<sup>2</sup> Moreover, the appeal site is a previously developed site, and part of the existing use is identified as being retained.
17. Residents access to sustainable modes of transport from the appeal site is limited. Nonetheless, residents can access a range of services and facilities in the local area by private car.
18. The PPTS 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.
19. Indeed, paragraph 155 and footnote 57 of the Framework indicate that particular reference should be made to paragraph 13 when determining whether Traveller

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<sup>2</sup> Paragraph 6.8 Council Statement of Case

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.

20. On this basis, it is reasonable to consider sustainability in the round, while the site is poorly located in terms of access to services particularly by walking, 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'.
21. Having considered the points above, I accept that the site has shortcomings in terms of access to services by sustainable modes of transport. Nevertheless, in the context of its rural setting and the provisions of the Framework and PPTS, I am satisfied that future residents would be able to access the essential services and facilities required for their daily needs. Accordingly, I find that the site would be in a suitable location, having regard to its countryside location and the accessibility of services and facilities for the proposed development and find no overall conflict with Local Plan policies LP1, LP2, LP10 and LP29 when read in their entirety.
22. Because of my conclusions here, it is not necessary to consider whether there are any other considerations that would outweigh the conflict with the development plan.

### **Other Matters**

23. Policy H of the PPTS, amongst other matters, refers to the scale of traveller sites in rural areas and stipulates that they should not dominate the nearest settled community has been referred to by objectors to the appeal scheme.
24. The PPTS does not define what the 'nearest settled community' is. The objectors have referred to residential properties on and around Bodymoor Heath Lane (variously referred to as Old Bodymoor Heath Lane and Bodymoor Heath Old Lane). One objector referred to 8 nearby residential properties, another interested party described the hamlet of Bodymoor Heath as a community of one hundred residents in a rural location next to Kingsbury Water Park.
25. I saw at the site visit that there are a number of residential properties on Bodymoor Heath Lane in proximity to the appeal site and a greater number of properties sporadically located in the local area. I am satisfied that this somewhat disparate grouping of properties in the local area is the nearest settled community for the purpose of Policy H. If I were to conclude otherwise, the likely alternative settled communities are far larger and further removed from the site.
26. While the local settled community is not large, the submitted plans show the site as hosting 6 pitches. In this regard I note that the council has suggested a condition that would restrict the number of pitches to 6 and the number of caravans per pitch to 2, only one of which is to be a static caravan. On this basis, I do not consider that the appeal scheme would dominate the settled community in scale or numerical terms.
27. The appeal site appears as contained and distinct from nearby properties by virtue of the existing commercial stable use of the site and the existing robust boundary treatment that screens much of the site. I do not consider that the appeal scheme

would substantially change or dominate the character of the area spatially or visually.

28. On the basis of the scale/numerical, visual and spatial considerations detailed above I do not consider that the appeal scheme would dominate the nearest settled community and is not, in this regard, contrary to Policy H of the PPTS.

### **Conditions**

29. 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.
30. 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
31. I have not included a condition precluding vehicles over 3.5 tonnes on the site because the commercial stable use remains and I do not consider that it has been demonstrated that it is necessary to protect highway safety or the living conditions of the occupiers of neighbouring properties.
32. In the interests of the character and appearance of the area, I have included a condition relating to landscaping. For the same reason I have included a condition controlling external lighting on the site.
33. In the interests of the environment and the living conditions of residents I have included a condition relating to foul drainage, surface water drainage and, in the interests of the living conditions of residents I have included conditions relating to noise attenuation for the caravans and the provision of bin collection facilities.
34. To define the permission and in the interests of the living conditions of nearby residents, I have included a condition to define the extent of the residential use on the site. However, I have not included a condition restricting the erection of other buildings and structures on the appeal site because it has not been proven to be necessary and in any event many such buildings and structures would likely require planning permission.

### **Conclusion**

35. 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: Site Location Plan; Site Layout Plan; and, Proposed Amenity Building floor plan and elevations.
- 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 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.
- 3) There shall be no more than six pitches on the site and no more than two caravans (as defined by the Caravan Sites and Control of Development Act 1990 as amended by the Caravan Sites Act 1968 as amended), shall be stationed at any one time on each pitch, of which only one caravan shall be a static caravan.
- 4) Within three months of the date of this decision a landscaping scheme for the whole of the site, shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented within the next available planting season following the Authority's approval. Upon implementation of the approved planting scheme specified in this condition. that scheme shall thereafter be maintained and any tree, hedge or shrub that is removed uprooted or destroyed or dies within five years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, shall be replaced with another of the same species and size as that originally planted.
- 5) No external lighting shall be installed or provided within the site unless full details of its design, location and the specification of the illuminance have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed on site.
- 6) Within three months of the date of this decision details of a foul water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable and details of how the drainage system is to be maintained. A foul water drainage system shall be provided in accordance with the approved details and timetable and thereafter it shall be retained and maintained in accordance with the approved details.
- 7) Notwithstanding the submitted noise assessment, within three months of the date of this decision details of noise attenuation measures to the caravans and garden areas shall be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable and how the attenuation will be provided for future caravans on the site. The noise attenuation shall be provided in accordance with the approved details and timetable and thereafter it shall be retained and maintained in accordance with the approved details.
- 8) Within three months of the date of this decision details of a surface water drainage scheme to serve the whole of the development, including the tarmac part of the access drive, shall be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable and details on how the drainage system is to be maintained. A surface water drainage system shall be provided in accordance with the approved details and timetable and thereafter it shall be retained and maintained in accordance with the approved details.

- 9) Within three months of the date of this decision details and implementation timetable, of a bin collection point shall be submitted to and approved in writing by the local planning authority. A bin collection point shall be provided in accordance with the approved details and implementation timetable and shall be retained thereafter.
- 10) The extent of the Gypsy Traveller residential use hereby permitted shall be restricted to the areas defined on the approved plans as static pitch, touring pitch, patio area, garden area and parking area. No residential use including the stationing of caravans, parking or erection or provision of domestic paraphernalia shall take place on any other part of the site as defined by the dash red line on the approved plans.

End of Schedule