



Appeal Decision

Hearing held on 28 April 2026

Site visit made on 28 April 2026

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2026

Appeal Ref: APP/B3438/W/25/3375459

Land to the North of Moorside Farm, Eaves Lane, Stoke on Trent ST2 8LY

- 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 P Quinn against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2025/0212.
 - The development proposed is Change of Use of Land to a 2 Pitch Family Gypsy and Traveller Site.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr P Quinn against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. At the hearing it was agreed that the proposed development had been partly implemented, with 1 of the proposed pitches (1 static caravan and 1 touring caravan) in situ. I also note from the application form that the application has been submitted retrospectively. I have dealt with the appeal on that basis.
4. In the banner heading above, I have deleted the words 'retrospective' and 'resubmission' from the description of development as these relate to the merits or purpose of the appeal case, rather than the description of development.
5. The gypsy status of both the appellant and the wider group is no longer in dispute. From the information before me, I am satisfied that all existing and future occupants would fall within the definition of 'gypsies and travellers' set out in the Annex to the Government's Planning Policy for Traveller Sites ('PPTS'). The PPTS is therefore a material consideration.

Main Issues

6. The main issues are:
 - whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (2024) (the Framework), the PPTS, and any relevant development plan policies, including the effect of the proposal on the openness of the Green Belt, the purposes of including land in the Green Belt and whether it would be in a sustainable location;

- the effect of the development on the character and appearance of the area;
- the effect on the living conditions of neighbouring occupants, notably Moorside Farm, in regard to noise, lighting and surface water drainage; and
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify granting permission.

Reasons

Inappropriate Development

7. The appeal site falls within land defined as Green Belt. Paragraph 154 of the Framework states that development in the Green Belt shall be regarded as inappropriate development. Paragraph 16 of the PPTS confirms that traveller sites in the Green Belt are inappropriate development unless the exceptions set out in paragraphs 154 and 155 of the Framework apply.

Previously Developed Land

8. One of the exceptions set out in paragraph 154 g) of the Framework allows for the limited infilling or the partial or complete redevelopment of previously developed land (PDL) (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
9. The glossary of the Framework defines PDL as 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed'.
10. The appellant contends that the appeal site constitutes PDL by reason of historic uses and buildings, which it is said have become lawful through the passage of time prior to the sale of the appeal site in 2024. It is further argued that no lawful development certificate is required in order for such lawfulness to be relied upon.
11. I recognise that a certificate under section 192 of the Town and Country Planning Act 1990 does not in itself create lawfulness, which the appellant put to me at the hearing. However, where an appellant relies on the lawful status of the land through the passage of time, the burden rests with them to demonstrate, on the balance of probability, that the relevant uses or development has acquired immunity from enforcement action.
12. In this case, no lawful development certificate has been issued. While the evidence before me, including the Statement of Truth provided by the former joint owner, indicates that non-agricultural activity may have taken place on the site historically, I am not satisfied that the evidence adequately establishes the precise nature, extent and continuity of the uses and buildings relied upon. The aerial photographs submitted do not cover each year of ownership, and it was clear from the hearing

discussions that the use of the site altered over time, including activities such as the sale of hay and straw, the storage and removal of scrap metal, and the sale of fuel and tractors. As such, the evidence does not demonstrate a consistent non-agricultural use running continuously for the relevant statutory period without material interruption or change. Documentary evidence such as receipts, invoices or tax records would have assisted in substantiating these claims.

13. Moreover, there was a clear break in activity when the earlier uses ceased in 2022, the site was cleared and marketed, and prior to its eventual sale to the appellant in 2024. This interruption further undermines the appellant's case that the site benefited from continuous immune use sufficient to establish lawful status through the passage of time.
14. Furthermore, I am not persuaded that the proposal would involve the reuse of untidy or derelict land, under the terms of paragraph 27 a) of the PPTS. Prior to the development taking place, the site had been cleared of its former uses¹ and was being marketed as a smallholding, indicating that it was neither abandoned nor in a derelict condition.
15. Accordingly, I find that the appellant has failed to demonstrate, for the purposes of this appeal, that the site comprises PDL within the meaning of the definition set out in the Framework.

Openness

16. Nevertheless, even if I were to accept that the appeal site could be regarded as PDL, the determining matter is whether the proposed redevelopment would cause substantial harm to the openness of the Green Belt. The fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to keep land permanently open. In addition, openness has both spatial and visual dimensions. The absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
17. The buildings that historically occupied the site comprised two large storage buildings, a stable block and a storage container, all of which remain on the site in some form today. While there was also some hardstanding associated with these uses, it appears to have been informal and limited in extent around the buildings, with much of the land having reverted to grass at the time the site was sold². Even the photographs submitted by the appellant show significant areas of grassland interspersed amongst the alleged non-agricultural commercial activities.
18. The existing structures are single-storey timber and corrugated metal buildings. Regardless of their former use or lawfulness, they sit modestly and unobtrusively within their rural surroundings. The two larger buildings are arranged parallel to the southern boundary, while the stable block and storage structure are contained within a small, fenced area to the north of the site. Historic photographs indicate that they were served by an informal access taken directly from Eaves Lane, without any substantial boundary treatment, and that the site was enclosed primarily by hedgerows and a low post-and-wire livestock fence along the southern boundary.

¹ I note that this took the former joint owner and her son 6 weeks to clear the site due to its condition.

² As shown in Image 1 of the Appellants Grounds of Appeal Statement, dated 1 May 2025

19. By contrast, the development would introduce domestic built form on the site. Its domestic character would be markedly different from the utilitarian appearance of the existing buildings. The erosion of three-dimensional space arising from the scale and mass of the development, notably that of the static caravans and the brick-built day room, would result in substantial harm to both the spatial and visual openness of the Green Belt. In addition, the proposal would introduce more formal and suburban features to the site, including extensive hardstanding covering the whole site and stronger boundary treatments, notably the 2-metre close-boarded fence and entrance gates. These elements would further intensify the developed appearance of the land and undermine its openness.
20. The appellant suggests that the removal of the existing structures and their replacement with the proposal would amount to a trade-off, such that the overall degree of harm to openness would be no greater than that arising from the historic use of the site. However, having regard to the aerial photographs and street-scene views submitted, while buildings were present historically, the site was appreciably more open in character, with hedgerows and post-and-rail fencing forming the boundary treatments. The proposed 2-metre fencing would be considerably more visually intrusive, and the extent of hardstanding would be significantly greater. Taken together, these elements would cause substantial harm to the openness of the Green Belt when compared with the site's former condition.
21. Furthermore, one of the 5 purposes of the Green Belt, as set out in paragraph 143 of the Framework, is to assist in safeguarding the countryside from encroachment. The appeal site previously contained some built development and hardstanding, which introduced a degree of encroachment into the countryside. However, the proposed development would significantly intensify the developed character of the land, by virtue of its domestic built form, hardstanding and boundary treatment thereby increasing encroachment into the countryside. Given the scale of the development, the additional harm by encroachment would be modest. However, it would nevertheless conflict with one of the fundamental purposes of the Green Belt.

Conclusion on Previously Developed Land

22. I am not satisfied that the site comprises PDL within the definition set out in the Framework. In any event, regardless of this finding, the development would be visually and spatially intrusive, thereby reducing the openness of the Green Belt and causing substantial harm. Consequently, the proposal would not meet the criteria for limited infilling or the partial or complete redevelopment of PDL, as set out in paragraph 154(g) of the Framework. It would also conflict with one of the purposes of including land in the Green Belt, notably to assist in safeguarding the countryside from encroachment, as set out in paragraph 143(c).

Grey Belt

23. The Framework defines 'grey belt' as land in the Green Belt comprising PDL and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.
24. It is agreed between parties that the site does not strongly contribute to purposes (a), (b) and (d) of paragraph 143. In addition, the proposal would not affect areas or assets in footnote 7 of the Framework (other than Green Belt). Therefore, I am

satisfied that the development utilises grey belt land under the terms of the Framework.

25. Paragraph 155 of the Framework sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all 4 criteria would apply. In regard to criterion (a), the spatial and visual impacts of the proposed development would result in the loss of Green Belt openness as concluded above. However, the loss in openness would be localised and thus the development would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the planning authority's area. Accordingly, the proposal would comply with paragraph 155 (a).
26. In regard to criterion (b), the Council cannot demonstrate a five-year supply of Gypsy and Traveller Pitches. Therefore, whilst I will expand further on the implications of the lack of supply later in my decision, for the purposes of paragraph 155 (b), there is clearly a demonstrable unmet need for the type of development proposed.
27. Accordingly, the outstanding matter is criterion (c) of paragraph 155, namely whether the development would be in a sustainable location, having regard to paragraphs 110 and 115 of the Framework. Footnote 57 to paragraph 155(c) confirms that, for traveller sites, particular regard should be had to paragraph 13 of the PPTS.
28. Policy H4 of the Staffordshire Moorlands Local Plan (Local Plan) (2020) requires Gypsy and Traveller sites to be reasonably accessible to shops, services, health facilities and other community facilities by foot, cycle or public transport. I recognise that paragraph 13 of the PPTS does not prescribe how such access should be achieved, and that paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
29. It is agreed that the appeal site lies around 1 km east of the edge of Abbey Hulton, where there is a range of shops and services. However, the evidence indicates that it would be approximately 3 km to the centre of Abbey Hulton and the nearest convenience shop or supermarket. There is no public transport serving the site, with the nearest bus stop located over 2 km away from the appeal site.
30. Access to Abbey Hulton would also be via Eaves Lane, which is a relatively narrow and winding road, with some hills in places, partly unlit and lacking footways or a meaningful grass verge. The distances involved, combined with these highway conditions, would be likely to discourage walking or cycling to local services and facilities.
31. I acknowledge that Gypsies and Travellers are, by definition, nomadic, and that paragraph 13 of the PPTS seeks to promote socially and environmentally sustainable sites. The provision of a settled base for two Gypsy households would assist in reducing longer-distance travelling, possible environmental damage caused by unauthorised encampment, and support access to local services, even where some journeys, including to schools, would extend beyond Abbey Hulton. I also note that car journeys to Abbey Hulton would be relatively short in time, and that some of the occupants of the site may travel together for work purposes.

32. Nevertheless, the appeal site falls within a type of location that Policy H4 seeks to avoid. Having regard to the lack of public transport, the distances involved, and the limitations for safe pedestrian and cycling access, I am not persuaded that the proposal would provide reasonable access to shops, services, health facilities and other community facilities by sustainable modes. The development would therefore fail to prioritise sustainable transport, even taking into account the nature of the proposal and its rural context, and offers little realistic opportunities to maximise sustainable transport solutions. Consequently, I find that the site would not represent a sustainable location, contrary to criterion (c) of paragraph 155 of the Framework and paragraphs 110 and 115.
33. Accordingly, whilst the appeal proposal would utilise grey belt land, it fails to satisfy all of the criteria in paragraph 155 of the Framework. It therefore remains inappropriate development in the Green Belt.
34. The appellant has drawn my attention to several appeal decisions concerning the interpretation of a 'sustainable location' for traveller sites, including their proximity to local services and facilities, and the degree of reliance on the private car. However, I do not have the detailed evidence for those cases beyond the decisions themselves.
35. In any event, it is evident from the decisions cited, none of which relate to sites within the same local authority area, that there are material differences when compared with the appeal before me. Some of the sites were not within the Green Belt. In the case at Henley Road³, the matter of sustainability was not disputed by the Council. At Effingham Road⁴, the site benefitted from an hourly bus service within walking distance. In the Bunkers Hill⁵ decision, I note that the relevant Local Plan policy did not specify how access to services and facilities should be achieved. These are all distinguishing factors from the proposal before me now.
36. Notwithstanding this, what is clear from the appeal decisions referenced is that the assessment of whether a site represents a sustainable location is a matter of planning judgment, heavily dependent on the specific circumstances of each case. Whilst consistency in decision-making is important, it does not require a uniform outcome where materially different facts apply. I have therefore considered the appeal before me on its own merits and, for the reasons set out above, I find that it conflicts with the relevant development plan policies and national policy.
37. I acknowledge that the appeal site would benefit from the same level of accessibility to services and facilities as existing residents along Eaves Lane, which could suggest some inconsistency in approach. The appellant also asserted that other sites along Eaves Lane have been assessed as being in a suitable location with regard to access to services and facilities. However, no evidence, including details of relevant permissions or decisions, have been provided to substantiate these claims. Nevertheless, having taken into account the requirements of Policy H4, the objectives of the Framework, and the particular circumstances of this case, I conclude that the proposal would not be situated within a sustainable location.
38. Therefore, for the reasons set out above, whilst I have had regard to paragraph 13 of the PPTS, I am not persuaded that the proposal would be in a sustainable

³ APP/T3725/W/24/3356326 and APP/T3725/W/24/3350208

⁴ APP/M3645/W23/3331609

⁵ APP/W2845/W/25/3372067

location, as required by criterion(c) of paragraph 155 of the Framework. It would also fail to comply with paragraphs 110 and 115. Accordingly, the proposal would still be regarded as inappropriate development in the Green Belt.

Conclusion on Inappropriate Development

39. The development would represent inappropriate development in the Green Belt, having regard to the Framework, the PPTS and the relevant development plan policies. It would substantially harm the openness of the Green Belt, would conflict with one of the purposes of including land in the Green Belt, notably criterion 143(c), and would not be in a sustainable location, under paragraph 155(c) of the Framework. The proposal would be contrary to Policies H4 and SS10 of the Local Plan, the objectives of the Framework and paragraph 16 of the PPTS. These policies, in combination, seek to protect the Green Belt from inappropriate development, allowing only for exceptions as defined by Government Policy, which also recognises that one of the essential characteristics of Green Belts is their openness.

Character and appearance of the area

40. The appeal site lies within an area characterised by a scattered pattern of development, including isolated dwellings within large plots, agricultural and stable buildings, and a limited number of sporadic static caravans. Moorside Farm, comprising a farmhouse and stable block, lies to the south, with open countryside extending to the north and west. Eaves Lane, from which the site is accessed, runs to the east. I also observed the manège at Moorside Farm, which forms part of the site's context. Although the appellant has questioned its lawfulness, this is not a matter before me. Nonetheless, its presence on the ground is a material consideration in assessing the character of the area. Accordingly, while there are other developed elements within the context of the appeal site, these are generally low density and visually discrete. Overall, the prevailing character remains that of open countryside with a dispersed and informal built form.
41. The site also lies within the 'Ancient Plateau Farmlands' landscape character area, as defined in the Landscape and Settlement Character Assessment of Staffordshire Moorlands (2008). This landscape type is characterised by gently undulating landform with some steeper slopes, drystone walls with remnants of unmanaged hedgerows and isolated trees, fields often defined by fencing, dairy farming and horse grazing, and areas of small woodland. Key planning and management issues identified for this landscape include the introduction of incongruous features, development pressure, and the increasing prevalence of fencing and replacement field boundaries.
42. The development would introduce two traveller pitches (each with a static and touring caravan), associated hardstanding, fencing, stationed vehicles, and domestic paraphernalia. Collectively, this would represent a marked intensification of development on the appeal site and would give rise to a more overtly residential and domesticated appearance than that which previously existed.
43. Although the static caravans would be lower in height than the existing barns, and the barns would be removed, those structures are read as typical rural buildings. By contrast, the introduction of caravans, vehicles and domestic features would give rise to a more fragmented and domestic character, detracting from the rural appearance of the area.

44. The visual impact would be further exacerbated by the extent of hardstanding and the use of prominent boundary fencing, which has replaced a more discreet post-and-wire enclosure and a largely grassed site. These elements appear incongruous within the rural setting and detract from its informal character. This is reinforced by paragraph 27(d) of the PPTS, which advises against excessive enclosure through hard landscaping or fencing.
45. Although I acknowledge that other built elements and some non-agricultural uses are present nearby, this does not mean that further erosion of the area's character would be acceptable. The proposal would introduce a consolidated traveller site consisting of two pitches, which would be out of keeping with the prevailing pattern of sporadic and dispersed development and would result in an undue intrusion into the countryside.
46. The appellant suggested at the hearing that they would be willing to accept a planning condition to reduce the extent of hardstanding and/or provide additional landscaping mitigation. One of the agreed suggested conditions includes a scheme for 'supplementary planting and landscaping to include boundary planting and 'greening' within the site'. However, I am not persuaded that such measures would sufficiently mitigate the identified harm.
47. The appellant has also raised concerns regarding an alleged lack of enforcement action in relation to the manège at Moorside Farm. However, planning enforcement is discretionary, and whether the Council have failed to exercise its enforcement powers elsewhere carries limited weight in the determination of this appeal. The appeal proposal must be assessed on its own planning merits.
48. Therefore, for the reasons set out above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policies DC1 and DC3 of the Local Plan, which together seek to ensure that development reinforces local distinctiveness and responds positively to its surroundings through its scale, height, density, layout, siting and landscaping. These policies also aim to protect, and where possible enhance, the local landscape by resisting development that would result in undue or visually prominent intrusion into the countryside.

Living Conditions of the Occupants of Moorside Farm

49. The appeal site is situated to the north of Moorside Farm, the closest neighbouring residential property, and at a slightly higher elevation.
50. In respect of surface water drainage, it was agreed between the main parties that this issue has now been satisfactorily addressed. A provisional surface water drainage assessment indicates that surface water run-off remains minimal and has not increased due to the permeable gravel surface. It recommends soakaway drainage and a storm water land drain, which appear appropriate. Further details could be finalised and secured by a suitably worded planning condition. Although I acknowledge the residual concerns of the occupants of Moorside Farm, there is no substantive evidence to demonstrate that the development would increase surface water flooding or harm neighbouring living conditions.
51. In relation to lighting, photographs have been submitted by the occupant of Moorside Farm to demonstrate the alleged harm from artificial lighting on the appeal site. I was advised at the hearing by the appellant that there were no

external lights, apart from some low level, downward facing lighting. Nevertheless, the Council advise that its Environmental Health Officer (EHO) correctly notes that the photograph alone does not demonstrate statutory nuisance.

52. The limited scale of the proposal, comprising only two traveller pitches, would not necessitate extensive or high-intensity illumination. Any external lighting could be restricted to low-level, downward-facing, and appropriately shielded fixtures, installed solely where required for access and safety. This would ensure that light is largely contained within the site and would avoid undue light spill towards Moorside Farm. Although the static caravans would be positioned at a slightly higher level than Moorside Farm and parts of the appeal site are relatively exposed, the separation distance of approximately 30 metres, together with boundary treatments, would serve to further mitigate any potential residual impacts.
53. Furthermore, it is not agreed that planning conditions would be ineffective, as the Council suggest. The EHO sets out that any lighting installed should be selected, positioned and directed so as not to increase pre-existing luminance levels at any neighbouring property, and that all lighting should be compliant with the Institute of Lighting Engineers Guidance on Excessive Luminance. This advice could be transferred into a suitably worded planning condition, which would effectively control any light impacts, ensuring that lighting remains proportionate to the scale of the development and sensitive to its rural surroundings. Accordingly, I am not persuaded that external lighting associated with the proposal would result in unacceptable harm to the living conditions of those at Moorside Farm.
54. Concerns have been raised regarding noise from vehicle movements, engine use, and the keeping of dogs. I note that the Council has not undertaken any independent noise assessment. Having regard to the scale of the development and my site observations, I am not persuaded that vehicle movements would generate noise at a level that would cause unacceptable disturbance. The vehicles involved are typical transit-type vans, together with a small flatbed vehicle, and it would neither be reasonable nor necessary to restrict their parking or use on the site. Whilst the gravel surface may marginally increase noise, and movements may occur early in the morning or later in the evening, I do not consider these factors, either individually or cumulatively, to result in material harm to the living conditions of the neighbour.
55. In respect of noise from barking dogs, the appellant confirmed that only one dog is kept on the site. Whilst the Council indicated that barking was audible from the roadside and referred to perceived aggression and disturbance to the occupiers of Moorside Farm, including concerns about horses allegedly being spooked, the evidence before me does not demonstrate that this amounts to unacceptable planning harm.
56. The keeping of domestic pets, including dogs, is incidental to residential use, including in rural areas. Matters relating to the number of dogs, their behaviour, and day-to-day management of associated noise fall largely outside the scope of planning control. The Council itself accepted that it would be unreasonable to seek to control such matters through planning conditions. Where noise from domestic pets amounts to a statutory nuisance, this is more appropriately addressed through other regulatory regimes. I note that a complaint was previously investigated by the Council's EHO and has since been closed. Any disagreement with that process and the outcome is not a matter for this appeal.

57. Accordingly, there is insufficient evidence to demonstrate that any barking associated with the dog on site has resulted, or would be likely to result, in material harm to the living conditions of neighbouring occupiers.
58. For completeness, the occupants of Moorside Farm also raised concerns regarding potential overlooking into bedrooms at their dwelling. However, the Council confirmed that, given the separation distance of over 30 metres, the development would not result in unacceptable overlooking or loss of privacy. I have no reason to disagree and therefore find that no material harm to living conditions would arise in this respect.
59. Therefore, having regard to the above and the evidence before me, including the representations made, I conclude that, subject to appropriate planning conditions, the proposal would not result in material harm to the living conditions of the occupants of Moorside Farm in terms of noise, lighting, or surface water drainage. Accordingly, the proposal would be in accordance with Policies DC1 and H4 of the Local Plan. Together these policies seek to protect residential amenity of adjacent occupiers, including noise and light pollution.

Very Special Circumstances

Supply and Need

60. It is agreed that the Council is unable to demonstrate a 5 year supply of Gypsy and Traveller pitches. The shortfall is of at least 3 pitches, with the Council agreeing at the Hearing that this figure would realistically be higher due to the change in the definition in the PPTS and the age of the latest Gypsy and Traveller and Travelling Showperson Accommodation Assessment, dated from 2015. Nevertheless, for the purposes of this appeal, it is simply agreed that there is a shortfall of pitches. Therefore, there is currently an immediate unmet need in the district. Any provision would need to be met through suitable windfall sites. Accordingly, in this context, I give the unmet need significant weight in my decision.

Alternative Sites

61. It is also agreed that there are currently no available pitches within the district and little prospect of any becoming available in the near future. The Council has not suggested any suitable and available alternative sites for the appellant. I also acknowledge the constraints affecting the district and the surrounding authorities, including National Parks, Green Belt and Conservation Areas, which might limit site availability. I therefore afford substantial weight to the lack of suitable and available alternative sites.

Personal Circumstances

62. The appellant's personal circumstances were discussed at the hearing, including support from a longstanding family friend. The proposal would accommodate the appellant, his wife and their five children, aged between 10 and 26, with the second pitch intended for their eldest son and his future wife. The appellant previously resided in bricks-and-mortar accommodation for 11 years but has since left, citing the adverse mental and physical effects of living in accommodation that was not culturally suitable. I am satisfied, based on the evidence before me, that this accommodation did not provide a suitable or settled base for the family.

63. The 10 year old is the only child in full time education, and their school is situated some distance from the appeal site. However, the appellant explained why a move to a more local school would not be appropriate. Nonetheless, I recognise that a settled base would enable continued regular attendance, and the evidence indicates that the child is settled, has good attendance, and is performing well. All the children have attended the same primary school over time. The education of the 10 year old would clearly be disrupted if the appellant and their family had to revert to a roadside existence, given the lack of alternative accommodation, which would be to the detriment of the child's education. I give this matter substantial weight.
64. The appellant and his family suffer from a health condition, requiring ongoing medical care. All family members are under the supervision of consultants and attend regular appointments, either at a GP surgery in Bentilee or at the Royal Stoke Hospital. I note that two of the appellant's sons require treatment on a fortnightly basis, and all family members undergo annual hospital scans. The appellant also requires daily medication, and the appellant's wife provides regular respite care for her sister in Goldenhill. In these circumstances, a settled base would facilitate consistent access to healthcare and enable the continuation of caring responsibilities. I afford substantial weight to these matters.
65. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The best interests of the children would be served by establishing a secure permanent home at the appeal site given the lack of suitable alternatives. Should the appeal be dismissed, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. Accordingly, the best interests of the children is a factor that attracts significant weight.

Planning Balance and Conclusion

66. Paragraph 24 of the PPTS requires proposals for traveller pitches to be assessed against the presumption in favour of sustainable development. As the Council is unable to demonstrate a five-year supply of deliverable traveller pitches, paragraph 11 of the Framework is engaged.
67. I have found that the proposal constitutes inappropriate development in the Green Belt. It would substantially harm the openness of the Green Belt, would conflict with one of the purposes of including land in the Green Belt, notably criterion (c) of paragraph 143, and would not be in a sustainable location, under paragraph 155(c) of the Framework. I have also identified harm to the character and appearance of the area. These harms would be significant and permanent. In addition, the site was developed and occupied in advance of planning permission being sought. In accordance with the Written Ministerial Statement on intentional unauthorised development, the deliberate breach of planning control weighs against the proposal in the overall planning balance.
68. I have found that the proposal would not cause harm to the living conditions of neighbouring occupiers, to which I attach neutral weight. I give significant weight to the unmet need for traveller pitches and the absence of suitable alternative sites. I also afford substantial weight to the best interests of the children, as well as to the need for consistent access to healthcare and the appellant's caring responsibilities.

69. I have also carefully considered the appellant's submissions that there is a failure of policy to positively plan for Gypsy and Traveller communities, which in turn prejudices the availability of suitable accommodation and conflicts with the Government's objective of ensuring fair and equal treatment. I recognise that the PPTS seeks to facilitate the provision of sites in appropriate locations to support the traditional and nomadic way of life of Gypsy and Traveller communities, while also respecting the interests of the settled community.
70. The appellant draws attention to criterion (a) of paragraph 27 of the PPTS, which advises that weight should be attached to the effective use of previously developed (brownfield), untidy or derelict land. However, for the reasons set out above, I have concluded that the appellant has failed to demonstrate that the appeal site comprises PDL within the meaning of the definition set out in the Framework, and I am unconvinced that the appeal site was previously 'untidy or derelict land'. Accordingly, I can attach no weight to this argument.
71. However, although some of the above factors collectively attract considerable positive weight, the bar for 'very special circumstances' in Green Belt terms is high, and such circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. In this case I find that the identified need for pitches, together with the personal and equality considerations, along with the benefits for the family's well-being and long-term security, do not clearly outweigh the substantial harm to the Green Belt, along with the harm to the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.
72. The finding that the proposal constitutes inappropriate development in the Green Belt, together with the associated harm to openness and conflict with one of the Green Belt purposes, provides strong reasons for refusing the development. Consequently, paragraph 11(d)(ii) of the Framework is not engaged in these circumstances.
73. I have also considered whether a temporary grant of planning permission would be appropriate. The Planning Practice Guidance advises that a temporary permission may be appropriate where it is expected that planning circumstances will change in a particular way at the end of the temporary period. In this case, however, the identified harms, particularly those relating to the Green Belt and the character and appearance of the area, would arise immediately and would persist for the duration of any temporary permission. There is no substantive evidence before me to indicate that such planning harm would diminish over time, nor has the Council provided firm reassurance that alternative sites would become available within a reasonable timeframe.
74. While I have carefully considered the appellant's personal circumstances, these do not justify the grant of a temporary permission where the fundamental conflict with national and local planning policy would remain. The harm identified is significant and enduring and would persist irrespective of the appellant's circumstances. Accordingly, I conclude that a temporary permission would not be appropriate, even on a personal basis.
75. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. The appellants and the other intended occupants of the site have protected characteristics for the purposes of

the PSED. The intended future occupiers currently live on the appeal site and dismissal of the appeal is likely to lead to circumstances where they either double up on sites or are faced with a life on the road. The appellant confirmed that they would not return to a bricks and mortar home due to the negative impact this had on their physical and mental wellbeing. This would be an interference with their rights to a family life and to establish a home to facilitate a gypsy way of life.

76. However, after having regard to all material considerations, I am satisfied that the aim of avoiding unacceptable harm as a result of it being inappropriate development in the Green Belt, including the harm to the openness and to one of the purposes of including land within it, and the harm to the character and appearance of the area can only be adequately addressed by dismissal of the appeal. Any interference with the human rights of the appellant and their family is therefore necessary and proportionate.
77. Consequently, to conclude, the proposed development would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations, including the approach of the Framework and the PPTS, that would indicate that the development should be determined other than in accordance with the development plan. The appeal is dismissed.

Laura Cuthbert

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Alan Masters	Instructed by Mr Mike Carr of MAT Design Limited
Mr Mike Carr MSc MRTPI	MAT Design Limited
Mr Tom Carr	MAT Design Limited
Mr Patrick Quinn	Appellant
Mrs Nora Quinn	Appellant's Wife

FOR THE LOCAL PLANNING AUTHORITY:

Mr Benjamin R Hurst	Planning Officer for Staffordshire Moorlands District Council
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INTERESTED PARTIES

Matthew Scragg	Occupant of Moorside Farm
Mrs Alison Smith	Former Joint Owner of the Appeal Site
Mr Matthew Clarke	Son of Mrs Alison Smith
Councillor Patricia Hughes	Cellarhead Ward Councillor and resident of Eaves Lane
Denise Wheat	Leek Town Council Town Clerk and friend of appellant
Steve Horton	Local Resident and Local Councillor of Bagnall Parish

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Letter of Notification Dated 2 March 2026