Planning Inspectorate

Appeal Decisions

Hearing held and site visit made on 30 September 2026

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2026

Appeal A Ref: APP/P1805/W/26/3378918
Land at Wassell Grove Lane, Hagley, Stourbridge DY9 9JH

- 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 Donovan against the decision of Bromsgrove District Council.
- The application Ref is 25/00492/FUL.
- The development proposed is a material change of use of land to use as a residential caravan site for 5 Traveller Pitches, including the laying of hardstanding and construction of a 1.8m timber fence.

Summary of Decision: The appeal is allowed as set out below in the Formal Decision.

Appeal B Ref: APP/P1805/C/26/3378991
Land at Wassell Grove Lane, Hagley, Stourbridge DY9 9JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Patrick Donovan against an enforcement notice issued by Bromsgrove District Council.
- The notice was issued on 29 May 2026.
- The breach of planning control as alleged in the notice is "Without planning permission: a) the material change of use of the Land from use for agriculture to a mixed use comprising: (i) the stationing of caravans for residential purposes, and (ii) equestrian use ("the unauthorised use"); b) the carrying out of operational development on the Land including (but not limited to): i) the laying of hardsurfacing; ii) the installation and provision of utilities / services; iii) the erection of poles and installation of lighting and CCTV equipment; iv) the erection of fences and gates; and v) engineering works to the highway access. (together "the unauthorised development")."
- The requirements of the notice are:
  1. Cease the use of the Land for residential purposes.
  2. Cease use of the Land for equestrian purposes.
  3. Remove from the Land all caravans (including any static caravans, touring caravans and motorhomes).
  4. Remove from the Land all items associated with the unauthorised use including (but not limited to): a) all sheds, containers, portable toilets and other structures; b) all fencing and gates erected within the Land; c) all lighting, CCTV equipment and lighting poles; d) all residential and domestic paraphernalia including (but not limited to) gas bottles, waste bins, and tables and chairs; e) all motor vehicles.
  5. Break up and remove all hardsurfacing from the Land.
  6. Reduce the width of the highway access to return it to its appearance before the breach took place.
  7. Remove from the Land all general domestic waste, detritus and other materials accumulated thereon and all materials and debris resulting from compliance with steps 5(1) to (6) above and return the Land to its condition and appearance immediately before the breach took place.
- The period for compliance with the requirements is six months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the notice is upheld subject to the corrections and variations set out below in the Formal Decision.

Matters Concerning the Notice

1. The notice alleges a material change of use to a mixed use. There is no dispute that the land is used for the stationing of caravans for residential purposes and the keeping of horses and donkeys (equids). At the Hearing, the parties agreed that 'the keeping of equids' describes the second component more precisely than 'equestrian use'. I shall correct the allegation accordingly. The reference to a former agricultural use is unnecessary to identify the alleged mixed use and is inconsistent with the parties' position concerning the previous keeping of horses (addressed below). I shall therefore delete that reference without determining whether any previous equid-related activity was lawful.

2. The words '(but not limited to)' leave the operational development and items to be removed open-ended. I shall delete those words from part 3.b) of the allegation and both occurrences in original step 5.4 of the requirements to remove ambiguity. These amendments confine the notice to the matters specified rather than extending its scope.

3. The requirements should correspond to the corrected allegation. I shall replace original steps 5.1 and 5.2 with a single requirement to cease the mixed use. Section 57(4) of the 1990 Act preserves the ability to use the land for purposes for which it could lawfully have been used had the enforced development not occurred. The parties do not dispute that the land was previously used for the keeping of horses, the form and level of intensity of keeping equids independently of the mixed use is not however established as part of this appeal. The corrected requirement does not however remove any entitlement preserved by section 57(4). The remaining steps shall be renumbered accordingly.

4. The allegation refers to *'engineering works to the highway access'*, the reasons however contain no detail of what these engineering works amount to or why they cause harm. No evidence has been provided to show that the highway access has been widened or what its appearance was before the development occurred. The highway authority claims hedgerow forming a key character asset to the highway corridor has been removed and it is that appearance which is required to be restored by this step. The reasons for issuing the notice do not however identify harm to character and appearance, and even if the access has been widened there is no reasoning provided as to how this would contribute to the highway safety harm identified in the notice.

5. The requirements to break up and remove hardsurfacing and restore the Land's former condition remain applicable to works within their terms. However, they do not establish a former access width or justify an otherwise unspecified requirement to recreate its appearance. I shall delete original step 5.6 because it does not identify with sufficient precision the works required. This does not amount to a finding that access widening occurred, nor does it grant planning permission for any such works. The allegation concerning engineering works is not enlarged by this variation.

6. Original step 5.7 requires restoration of both the condition and appearance of the land. The evidence describes a field with boundary hedgerow, but its appearance would vary with the season. I shall delete *'and appearance'*, retaining the requirement to restore the land to its condition immediately before the breach took place, consistent with section 173(4)(a) of the 1990 Act.

7. Following all the variations, the steps to be taken shall be renumbered 5.1 to 5.4.

8. The corrections and variations I have set out above provide precision and remove ambiguity from the notice. I am satisfied they would cause no injustice to the appellant or Council in accordance with section 176(1) of the 1990 Act.

Preliminary Matters

9. The description of development as set out in the application form is '*to lay down five porous traveller's caravan plots, with perimeter hedge & fence improvements.'* Except for the inclusion of *'(Retrospective)'*, I find the description of development set out in the Council's decision notice more accurately describes the development proposed and shown on the submitted plans. I shall therefore proceed based on the description of development set out in the banner heading above.

10. The agreed Statement of Common Ground (SoCG) records that the Council no longer relies on the reasons for issuing the enforcement notice set out in section 4, paragraphs 3 to 6. That position is distinct from a formal amendment to the notice. The remaining reasons are, in essence, the same as the reasons for refusing planning permission.

11. The appellant withdrew their section 174 appeal on ground (f) due to the agreed corrections and variations of the notice. Appeal B therefore only falls to be considered under ground (g).

12. The appeal site is occupied by the appellant and his extended family. There is no dispute that the occupiers of the appeal site meet the definition of gypsies and travellers set out in Annex B of the National Planning Policy Framework (the Framework). It is also a matter of common ground that the Council cannot demonstrate a five year supply of specific, deliverable traveller sites, and that there are no alternative traveller sites available within the district to accommodate the appellant and/or his extended family.

Appeal A

13. The appeal site is in the countryside. It is roughly rectangular in shape and forms part of a larger field. It benefits from an existing vehicular access on to Wassell Grove Lane. There is a cluster of commercial and residential buildings to the east. The surrounding landscape is predominantly used for agriculture, although the Hagley Golf Club occupies a large area of land to the south. This pocket of countryside is interspersed with sporadic buildings and woodland and is divided by hedgerows. It also serves to separate Stourbridge, approximately 0.5km to the northwest, and Halesowen, approximately 1km to the east. Hagley is located some 2 km to the southwest.

Reasons

Policy Context

14. Policy BDP11: Accommodation for Gypsies, Travellers and Travelling Showpeople of the Bromsgrove District Plan 2011 – 2030 (January 2017) ("the BDP") provides support for traveller sites where they are in sustainable locations that provide good access to essential local facilities, such as education and health. The SoCG confirms that the appeal site is sustainably located. Given the site's proximity to nearby settlements, I concur.

15. The Framework promotes a presumption in favour of sustainable development through policy S3 and supports, in principle, development outside settlements addressing evidenced unmet need for gypsy and traveller accommodation. The appeal site is within designated Green Belt, where the specific requirements of policy GB7 must also be met.

16. Policy BDP4(4) sets out the forms of development that would not be inappropriate in the Green Belt. This policy no longer accords with the Framework, which has expanded the forms of development that are not inappropriate in Green Belt. Having regard to the Framework, the main parties agree that the proposal is not inappropriate development in the Green Belt under policy GB7(1)(g). I find policy BDP4(4) to be materially inconsistent with the Framework as such, in accordance with Annex A, I shall give it very limited weight.

17. Having considered the evidence and the site's circumstances, I agree that the appeal site constitutes grey belt land and that the proposal would not fundamentally undermine the purposes of the remaining Green Belt. The Council accepts that it cannot demonstrate a five-year supply of specific, deliverable traveller sites, establishing unmet need. For the reasons below, the site also meets the applicable location requirements. I therefore conclude that the proposal accords with policy GB7.

18. The proposal would provide a settled base for the appellant and his extended family while accommodating their travelling lifestyle. The appellant confirms that the occupiers are registered with local healthcare facilities and the children attend local schools. These considerations support my conclusion that the proposal meets the relevant requirements of policy HO12 of the Framework.

19. The parties refer to paragraphs 114 to 116 of the previous Framework. The provision concerning overnight lorry parking has no bearing on this proposal. The other cited provisions concerned sustainable transport, safe and suitable access for all users and the highway safety refusal test. I have considered those submissions against the current Framework, distinguishing its policies on location from those on access design and transport impacts.

20. For traveller-site proposals, policy GB7(1)(g)(iii) directs the assessment of location to policy HO12 rather than policy TR3. That specific approach does not disapply the relevant requirements for safe and suitable access or the assessment of transport impacts under policies TR4 and TR6. I have therefore assessed the acceptability of the site's location separately from whether the development would result in an unacceptable impact on highway safety.

21. Furthermore, in rural areas, policy TR3 requires *"opportunities to improve walking, wheeling, cycling and public transport and enhance connectivity of an area…should be taken where they exist and can be supported by the development proposed."* The appeal site is accessed via a rural road network, where there are no existing footways, cycle paths or public transport routes. The development is limited in scale and does not therefore provide an opportunity to improve access to alternative modes of transport or enhance connectivity of the area.

22. The main parties agree that the site meets the applicable national and local location requirements. A wide variety of services and facilities is available in Hagley and Stourbridge, both a few minutes' drive away. The limited availability of alternative transport modes is a constraint, but, considered alongside the site's

proximity to those settlements, the public rights of way and the scale and nature of the proposal, it does not alter my conclusion that the site is sustainably located. It does not, however, determine the separate highway safety assessment.

Main Issues

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. The conclusions above address the traveller-site location and Green Belt considerations, rather than determining compliance with the development plan as a whole. Having regard to the reasons for refusal, the main issues are the effect on highway safety and whether any identified harm can be mitigated or is outweighed by other material considerations. I also consider the effect on the significance of the nearby listed building through development within its setting.

24. There are two elements to the highway safety concerns, firstly whether adequate visibility splays can be provided at the vehicular access onto Wassell Grove Lane and secondly whether there is sufficient pedestrian infrastructure to provide safe and suitable access for all.

Visibility Splays

25. The existing vehicular access is located on a relatively straight stretch of road between two right angle bends. The carriageway is relatively narrow outside the site but can accommodate two way traffic. There is a reasonably wide grass verge to the traffic approach side of the access with a substantial hedgerow forming the highway boundary. On the traffic departure side of the access I saw there is a narrow watercourse adjacent to the appeal site boundary and that a hedgerow has grown between the watercourse and carriageway edge.

26. The appeal is accompanied by supporting technical highways information and plans showing the provision of visibility splays. The highway authority has raised concerns that the technical documents use data sources not previously agreed with them. However, they confirmed at the Hearing that they have no reason or alternative evidence to dispute the traffic speeds, vehicle numbers, accident record and other findings provided. I shall give this evidence substantial weight.

27. The highway authority also confirmed at the Hearing that the technical data provided demonstrates that the proposed visibility splays shown on drawing number 2512063-01 Revision B[1] would be adequate to address their highway safety concerns. They continue to argue however that the loss of hedgerow required to provide the visibility splay on the traffic departure side of the access would cause significant harm to the character and appearance of the highway corridor.

28. Both visibility splays were measured out during my site visit. It was agreed that the splay on the traffic approach side of the access was clear of any obstruction, and as a matter of fact, the verge is clear to the highway bend. The hedgerow on the traffic departure side of the access bulges into the splay approximately 14m from the access. A short section of the hedgerow, where it bulges towards the

[1] Motion's Highways Technical Note (20 March 2026) Appendix G

carriageway, would therefore need to be removed to accommodate the proposed visibility splay.

29. The Council's reasons for refusal do not identify any adverse impact to character and appearance. Furthermore, it is confirmed in the SoCG that '*Any identified harm to the rural character of the locality could be suitably mitigated by conditions, to secure a suitable landscaping scheme to integrate the development into its countryside location.'*

30. The limited space between the carriageway and watercourse means that replacement hedgerow planting would need to be on the appeal-site side of the watercourse, outside the visibility splay. The necessary land is within the appellant's ownership and/or the highway authority's control. Together with the measured splays and the highway authority's acceptance of their adequacy, this supports the practicability of securing the improvements by condition. The visibility works and their future management must be coordinated with replacement planting, tree protection and safe construction access.

31. Taking these factors together, I conclude the vehicular access serving the development proposal can be made safe in highway terms. Furthermore, there would be no significant detriment to the character or appearance of the highway corridor.

Safe and Suitable Access for all

32. It is generally recognised that residents of the countryside do not have the same level of access to a variety of transport modes that would be expected to serve residents of urban areas.

33. The appellant has demonstrated how medical and educational facilities can be reached via the public right of way (PROW) network accessed directly from the appeal site. The routes are unlit and their surfacing may make them unsuitable during winter months or periods of heavy rain. They nevertheless offer an alternative to private motor vehicles on some journeys. I have not treated them as providing an all-weather, universally accessible substitute for footways.

34. I acknowledge that there are no lit footways serving the site, but this is not an uncommon occurrence for developments in rural locations. The appeal site is not isolated as there are several residential properties, a business centre and Hagley Golf Club in its immediate vicinity. The development proposal may generate a limited increase in pedestrian activity along Wassell Grove Lane if residents use PROW in the wider area.

35. The surrounding PROW network provides opportunities for walking, and Wassell Grove Lane may also be used by cyclists. However, the evidence before me does not establish how frequently motorists encounter either group. The technical highway information also records vehicles exceeding the speed limit, which is relevant to assessing the safety of people using the carriageway in the absence of footways. I have therefore considered the recorded traffic speeds and flows, together with the road's physical characteristics and the likely additional pedestrian movements associated with the development, rather than assuming that all motorists would observe the speed limit.

36. Five pitches do not constitute a strategic development site and would not generate significant traffic demand. The scale of the proposal would not justify requiring the provision of extensive pedestrian or cycle infrastructure or contributions to public transport. This proportionate approach is consistent with policy BDP16: Sustainable Transport. This does not however dispense with the requirement for safe and suitable access, which I have assessed on the evidence above.

37. The absence of footways and the recorded instances of vehicles exceeding the speed limit are relevant constraints on pedestrian access, which are not overcome by the site's proximity to services or the availability of public rights of way. Nevertheless, having considered the traffic speeds and flows recorded in the submitted highway evidence, the physical characteristics of Wassell Grove Lane and the limited additional pedestrian and cycle movements likely to arise from five pitches, I am satisfied that the development would not expose those users to an unacceptable highway safety risk. This conclusion does not depend on an assumption that all motorists would comply with the speed limit. Together with the visibility and access improvements secured by conditions, these considerations lead me to conclude that safe and suitable access can be achieved for all users.

Heritage

38. *'Wassell Grove Farmhouse and Attached Wall, Railings and Gate to Front'* is a Grade II listed building located opposite the appeal site. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest it possesses. Its significance derives principally from its architectural character and historic fabric. The surrounding fields contribute to the appreciation of its rural farmhouse setting, including in views from the PROW west of the appeal site.

39. Boundary hedgerows and the proximity and alignment of Wassell Grove Lane restrict views of the proposal and listed building together, although the PROW affords views in the wider setting. The residential caravan use and associated operational development and movements introduce a domestic presence that diminishes the rural character contributing to the building's significance. I assess here the development proposed in Appeal A, rather than assuming that permission is sought for the entire mixed use alleged in Appeal B. The effect amounts to harm to significance through setting but does not seriously affect a key element of that significance and therefore does not amount to substantial harm. I give substantial weight to the asset's conservation under policy HE6(1), and considerable importance and weight to the identified harm.

40. The harm must be weighed against the public benefits under policy HE6(4). Five additional traveller pitches would address an acknowledged unmet accommodation need, providing an important public benefit to which I attach significant weight. Having applied the statutory duty and the conservation weight required by policy HE6(1), I conclude that this public benefit outweighs the identified harm. The need for accommodation, coupled with the limited effect on the appreciation of the building in its wider rural setting, provides clear and convincing justification for that harm. The proposal accordingly satisfies the policy HE6(4) balance. I carry the heritage harm forward into the overall planning balance.

Other Considerations

Intentional Unauthorised Development

41. The appellant acknowledges that development preceded planning permission. That fact alone does not establish intentional unauthorised development. For the purposes of this decision, I have nevertheless assessed the proposal on the adverse assumption that it was intentional and attracts substantial weight under policy DM8(2). Even on that basis, and taking the heritage harm into account cumulatively, the benefits identified above outweigh those adverse considerations. This alternative assessment does not depend on making an unsupported finding about the appellant's intentions.

Amenity of Neighbouring Residents

42. The appeal site does not adjoin other residential properties. While nearby residents have raised noise concerns, these are predominantly associated with the initial laying of hardstanding and occupation of the site. Some access improvements and landscaping works would be necessary to make the development acceptable in amenity and highway safety terms, which could generate a degree of noise and other disturbance. This would however be for only a limited time and is to be expected when development is approved. Noise arising from the playing of loud music or other activity associated with the residents' enjoyment of the land is controlled by other legislation.

Conditions

43. The Council's schedule of draft conditions was discussed at the Hearing. I have considered the conditions against the six tests of necessity, relevance to planning and to the development, enforceability, precision and reasonableness, having regard to the Framework and Planning Practice Guidance. I have revised their wording to clarify their operation and coordinate the outstanding works.

44. The application includes different layout configurations, so the approved drawings must be identified precisely. Restrictions on occupation, pitches and caravan numbers define the permitted residential caravan use. Restrictions on commercial activities and the stationing or storage of heavy vehicles safeguard the residential character and rural amenity of the site and prevent associated traffic effects not assessed as part of this proposal. Essential deliveries, servicing and construction traffic are distinguished from the stationing or storage of such vehicles.

45. A site development scheme (SDS) is necessary to secure satisfactory drainage, waste and recycling arrangements, ecological enhancements, landscaping, enclosure and external lighting, in the interests of amenity and pollution prevention. The SDS shall coordinate landscaping and retained vegetation with the visibility splays secured separately by condition 11. Planting maintenance is addressed by condition 7. Neither the SDS nor any other details condition authorises development outside the scope of the permission.

46. The site has no specific archaeological designation, but the appellant's heritage consultant accepts that archaeological deposits may be affected by future ground disturbance. Remaining works, including any day rooms/utility buildings and services forming part of the approved development, could disturb such deposits. A written scheme of investigation (WSI) is therefore necessary before further ground-

disturbing works. The condition controls those future operations; it does not purport to secure investigation before work already completed.

47. Because the residential use has commenced, the SDS condition includes a timetable for submission, approval and implementation, with cessation and removal requirements if its specified stages are not met. These matters are necessary to make the occupied development acceptable. The permission itself would not disappear on a breach, nor would requirements displaced by section 180 revive; non-compliance would be enforceable as a breach of condition. By contrast, a restriction on further ground-disturbing works can secure archaeological safeguards before those operations occur. It is unnecessary to attach a site-wide cessation sanction to that prospective requirement.

48. Landscaping maintenance, external finishes of the day rooms/utility buildings and protection of retained trees are necessary in the interests of amenity. Highway conditions secure the visibility splays, access surfacing and construction access arrangements. I retain the six-month implementation period for the permanent highway improvements, allowing time to obtain coordinated details and undertake necessary works; it is not an extension of the SDS timetable. Condition 6 does not provide an alternative timetable for those highway works. The archaeology, tree protection and construction-access requirements apply to relevant future operations and must be satisfied in a coordinated sequence before they begin.

Conclusion on Appeal A

49. The proposal meets the relevant traveller-site location requirements of policy BDP11 and is not inappropriate development in the Green Belt under policy GB7. Subject to the conditions, safe and suitable access can be achieved and there would be no unacceptable highway safety impact, consistent with policy BDP16 and the relevant requirements of policies TR4 and TR6. The proposal also accords with the objectives of BDP11 and policy HO12.

50. I give considerable importance and weight to the heritage harm identified. I have additionally assessed the proposal on the adverse assumption that substantial weight attaches to intentional unauthorised development under policy DM8(2).

51. Taken together, those adverse considerations are outweighed by the significant benefit of five pitches addressing the acknowledged unmet need and providing a settled base with access to education and healthcare. Even insofar as the identified harm entails conflict with protective development plan policies, those material considerations justify permission. Applying section 38(6) and considering the development plan as a whole, I conclude that Appeal A should be allowed.

Appeal B

52. Appeal A grants permission for the residential caravan-site development described in the formal decision, not expressly for every component of the mixed use and operational development alleged in the notice.

53. The mixed use as corrected comprises (i) the stationing of caravans for residential purposes; and (ii) the keeping equids. Use (i) has the benefit of planning permission and therefore the notice ceases to have effect in respect of that component. There is no need for caravans, motor vehicles or associated residential paraphernalia to be removed from the land. In terms of the operational

development, the laying of hardstanding and 1.8 metre high fencing also has the benefit of planning permission. Other elements of the operational development may be permitted to be retained as part of the subsequently approved SDS.

54. Under section 180(1) of the 1990 Act, the notice ceases to have effect so far as inconsistent with that permission. That protection arises on the grant of permission and is not postponed until conditions are discharged. Furthermore, a subsequent breach of condition does not revive the displaced requirements; it is a separate matter for enforcement.

55. The notice is not quashed by section 180 and remains effective only to the extent that its requirements are consistent with the permission. I shall therefore determine the outstanding ground (g) appeal.

The Ground (g) Appeal

56. An appeal on this ground is that the compliance period is unreasonably short. It is for the appellant to show why a longer period for compliance is justified.

57. The appellant seeks 12 months, citing the lack of suitable, reasonably available alternative accommodation and the family's educational and health needs. The Council considers six months sufficient to make alternative arrangements and carry out the physical works. Those submissions were advanced in relation to the notice as issued. Considering section 180, compliance cannot be required with any part of the notice inconsistent with the permission granted in Appeal A. This includes the use of the land for the stationing of caravans for residential purposes.

58. The grant of permission means that I do not assume the extended family must leave the authorised residential site to comply with the surviving notice. Article 8 of the European Convention on Human Rights nevertheless requires consideration of any interference with home and private and family life arising from compliance with requirements that retain effect. The scope and practical consequences of those requirements must be distinguished from obligations imposed by the new planning conditions.

59. The children's best interests are a primary, though not the sole, consideration. They favour stability and continuity of education and healthcare. In this case those interests are principally served by the permission granted in Appeal A; they do not establish that relocation is required under the surviving notice. The remaining compliance arrangements should not cause significant disruption to the occupied residential site while any unauthorised elements are removed or otherwise remedied.

60. As the appellant and his extended family no longer have to vacate the Land, I consider 6 months a reasonable period for compliance with any requirements that retain effect, allowing the remaining remediation to be coordinated with the approved site layout and outstanding works without unnecessary disruption. This does not postpone or vary the separate deadlines imposed by the conditions on Appeal A. Balancing the occupiers' circumstances against the public interest in effective planning control, an extension of the period is not justified.

Conclusion on Appeal B

61. The appeal on ground (g) fails.

Formal Decisions

62. Appeal A is allowed and planning permission is granted for a material change of use of land to use as a residential caravan site for 5 Traveller Pitches, including the laying of hardstanding and construction of a 1.8m timber fence on land at Wassell Grove Lane, Stourbridge DY9 9JH in accordance with the terms of the application, Ref 25/00492/FUL, and the documents submitted with it, subject to the conditions in the attached schedule.

63. In Appeal B, it is directed that the enforcement notice is corrected and varied as follows. References to step numbers in these directions are to the original notice unless otherwise stated:

    - *In section 3.a), delete "from use for agriculture"; and in section 3.a)(ii), delete "equestrian use" and substitute "the keeping of equids";*
    - *In sections 3.b) and 4.d), and at both occurrences in step 5.4, delete "(but not limited to)";*
    - *In section 5, delete steps 1 and 2 and substitute "1. Cease the mixed use of the Land for the stationing of caravans for residential purposes and the keeping of equids.";*
    - *Delete step 5.6 in its entirety;*
    - *In step 5.7, substitute "steps 5(1) to (4)" for "steps 5(1) to (6)" and delete "and appearance"; and*
    - *Following those amendments, renumber original steps 3, 4, 5 and 7 in section 5 as steps 2, 3, 4 and 5 respectively;*

64. Subject to those corrections and variations, Appeal B is dismissed and the enforcement notice is upheld. By operation of section 180(1) of the 1990 Act, it ceases to have effect so far as inconsistent with the retrospective planning permission granted in Appeal A.

M Madge

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with drawing numbers J005472-DD-01 Site Location Plan, J005472-DD-07A Proposed Site Plan and J005472-DD-08, subject to the details expressly required to be submitted and approved under conditions 6 to 13. Approval of those details shall not authorise any development outside the scope of this permission.

2. The site shall not be occupied by persons other than gypsies and travellers within the definition in Annex B of the National Planning Policy Framework published in August 2026.

3. There shall be no more than five pitches on the site. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), shall be stationed on each pitch at any time, of which no more than one shall be a static caravan.

4. No commercial activities shall take place on the land, including the storage of materials for commercial purposes.

5. No vehicle with a maximum authorised mass exceeding 3.5 tonnes shall be stationed, parked or stored on the site, except while undertaking deliveries or collections, essential servicing or works to implement this permission in accordance with the approved Construction Access Scheme.

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 56 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:

      (a) the means of foul and surface water drainage of the site;
      (b) biodiversity enhancement;
      (c) details of external lighting;
      (d) the coordination of landscaping and means of enclosure with the visibility splays required by condition 11, without altering the dimensions or implementation deadline specified by that condition;
      (e) a soft and hard landscaping scheme, including tree, hedge and shrub species, sizes, numbers and planting densities, and identifying vegetation to be retained or removed. Retained trees and hedgerows shall be protected during the remaining works, with detailed tree protection measures provided under condition 10. Planting shall be coordinated with condition 11 so that it does not obstruct the visibility splays;
      (f) details of the means of enclosure; and
      (g) details of the proposed waste and recycling storage and collection

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

ii) If within 11 months of the date of this decision the local planning authority refuses to approve the scheme or fails 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 Site Development Scheme shall have been implemented in accordance with its approved timetable. Drainage, lighting, enclosure, hard landscaping and waste and recycling facilities shall thereafter be retained and maintained in accordance with the approved details. Biodiversity measures shall be retained and managed as approved, and planting shall be maintained in accordance with condition 7. The scheme's timetable shall not extend or replace the deadlines in conditions 11 and 12.

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. A planting-maintenance schedule shall be submitted with the Site Development Scheme required by condition 6 and approved in writing by the local planning authority before planting is undertaken. It shall provide for maintenance of each planting phase for five years from completion of that phase. Any tree, hedge or shrub removed, uprooted, destroyed or dying during that period, or becoming seriously damaged or defective in the opinion of the local planning authority, shall be replaced in the next planting season in the same position with one of the same species and size as originally planted. Maintenance and replacement shall be carried out in accordance with the approved schedule.

8. No construction of the day rooms/utility buildings shown on the approved drawings shall commence until details of their external appearance and finishes have been submitted to and approved in writing by the local planning authority. Those buildings shall be constructed and thereafter maintained in accordance with the approved details. This condition does not authorise buildings outside the development permitted by this decision.

9. No further ground-disturbing works to implement this permission, other than archaeological investigation undertaken under an approved WSI, shall take place until:

   (i) an archaeological Written Scheme of Investigation (WSI), identifying the works covered, investigation and recording methods, safeguarding measures and a timetable for their implementation, has been submitted to and approved in writing by the local planning authority; and

(ii) the archaeological investigation, recording and safeguarding measures required before the relevant works have been completed in accordance with the approved WSI.

All subsequent works, archaeological recording, reporting and safeguarding shall be carried out in accordance with the approved WSI and its timetable.

10. No further site clearance, demolition, excavation or construction of day rooms/utility buildings shall take place until a tree protection plan and arboricultural method statement in accordance with paragraphs 5.5 and 6.1 of BS 5837:2012, Trees in relation to design, demolition and construction – Recommendations, have been submitted to and approved in writing by the local planning authority. They shall identify retained trees, protective measures, working methods and the sequence for any vegetation works needed to provide the visibility splays under condition 11. Protective measures shall be installed before the relevant works and maintained throughout them. The works shall proceed in accordance with the approved method statement. “Retained trees” means existing trees identified for retention in the approved plans and details.

11. Within six months of the date of this permission, visibility splays measuring 2.4m by 48.3m to the north and 2.4m by 63.7m to the south shall be provided at the access onto Wassell Grove Lane in accordance with drawing 2512063-01 Revision B and implementation and management details first submitted to and approved in writing by the local planning authority. Those details shall demonstrate:

    a) the provision of visibility splays in accordance with the details shown on drawing number 2512063-01 Revision B;
    b) the extent of any vegetation, fencing, earthworks or other obstruction requiring removal, reduction or management to achieve the approved visibility envelope;
    c) the means by which the visibility splays shall be secured and retained for the lifetime of the development; and
    d) arrangements for the future management and maintenance of all land within the visibility splays.

    The provided visibility splays shall thereafter be retained and maintained free from all obstructions exceeding 0.6 metres in height above the level of the adjacent carriageway.

12. Within six months of the date of this permission, the vehicular access improvements shall be completed in accordance with details first submitted to and approved in writing by the local planning authority. The scheme shall be coordinated with drainage under condition 6 and the safeguards required by conditions 9, 10 and 13, and shall include:
    a) a bound and consolidated surfacing treatment for the first 5 metres of the access measured from the edge of the carriageway;
    b) measures to prevent the discharge of surface water onto the public highway; measures to prevent mud, debris and loose materials being deposited onto the public highway; and

c) details of the access gradients and finished levels.

The access surfacing, drainage and other approved access measures shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development.

13. No remaining construction works to implement this permission, including associated site clearance, earthworks, deliveries of construction materials, hardstanding, fencing or access engineering works, shall commence until a Construction Access Scheme has been submitted to and approved in writing by the local planning authority. This restriction does not apply to ordinary residential occupation, routine servicing or the replacement of caravans within the limits of condition 3, unless associated construction works are required. The scheme shall include:

a) details of the temporary and permanent means of access for construction traffic;
b) details of visibility splays to be maintained throughout the construction phase; details of any temporary vegetation clearance required to facilitate safe access;
c) wheel-cleaning facilities and measures to prevent the deposit of mud, debris and loose material onto the public highway;
d) details of surface water management to prevent runoff onto the highway;
e) the routing of construction vehicles to and from the site;
f) arrangements for the parking, loading, unloading and turning of contractors' and delivery vehicles within the site; and
g) a programme for the implementation and removal of temporary access measures.

The approved Construction Access Scheme shall specify the sequence for establishing temporary access and safeguards before subsequent construction operations. Those initial measures shall be installed in accordance with the approved sequence, and all remaining construction works shall proceed in accordance with the scheme. Archaeological and tree protection requirements under conditions 9 and 10 shall be satisfied before any relevant operation. Temporary measures shall be maintained for the construction period and removed in accordance with the approved programme. The permanent access shall be completed within the deadline in condition 12.

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APPEARANCES

FOR THE APPELLANT:

Alan Masters	Barrister, One Pump Court
Brian Woods	WS Planning & Architecture
David McMurtary	Technical Director, Motion
Daniel Baty	WS Heritage & Archaeology
Patrick Donovan	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Catherine Pearce	Principal Planning Officer, Bromsgrove District Council
Toni Ainscott	Principal Officer (Planning & Enviro-Crime Enforcement), Worcestershire Regulatory Services

INTERESTED PARTIES:

Iain Martin	Neighbour

DOCUMENTS:

HD1 Letter of support from Father Philip Griffin of Our Lady and All Saints Catholic Church, 13 New Road, Stourbridge, West Midlands DY8 1PQ

HD2 Letter of support from Kim Fan of Rudgens, 78a Wynall Lane, Stourbridge DY9 9AQ