Planning Inspectorate

Appeal Decisions

Site visit made on 17 November 2026

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2026

Appeal A Ref: APP/C1625/C/26/3377821
Appeal B Ref: APP/C1625/C/26/3377822
Land and premises at Krate Village (Adjacent to Whistminster Inn), Bristol Road, Whitminster, Gloucester, Gloucestershire

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Jordan McGoldrick (McGoldrick Guo Ltd) and Appeal B is made by Mr Ben Guo against an enforcement notice issued by Stroud District Council.
- The notice was issued on 22 January 2026.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of land from public house carparking and service area to a mixed commercial use and for the siting of multiple fifty one (51) shipping containers and two (2) timber cabins for use as accommodation for individual commercial businesses (including but not limited to retail shop, beauticians barber shop, uPVC window supply/storage, office spaces, dog grooming, hot food takeaways, toilet facilities, enclosed/secure compound area, and raised timber decking/platforms and fencing associated and car parking (mixed use/ Sui Generis).
- The requirements of the notice are to:
  i) Cease the use of the land (with the exception of the part of the site edged in blue on the attached plan) as a mixed-use commercial area (including but not limited to retail shop, beauticians barber shop, uPVC window supply/storage, office spaces, storage (associated with businesses on site and for private storage use), dog grooming, hot food takeaways, toilet facilities (mixed use - Sui Generis).
  ii) With the exception of the timber building currently used by Joe's Pizza (as a fast-food takeaway) and identified as being edged blue on the attached plan (Plan A), remove all shipping containers and other structures (including supporting structures) and associated services from the land.
  iii) Remove all compound fencing, gates and enclosures.
  iv) Remove all decking and associated balustrading.
  v) Restore the land to its condition prior to the development taking place.
- The period for compliance with the requirements is: Six months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended) (the Act) and Appeal B is proceeding on the grounds set out in section 174(2)(f) and (g) of the Act. Since an appeal has been brought on ground (a) for Appeal A, an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: Appeal A is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision. Appeal B is dismissed but the notice is quashed as set out in the Formal Decision for Appeal A.

Application for costs

1. An application for costs has been made by McGoldrick Guo Limited against Stroud District Council. This is the subject of a separate decision notice.

Preliminary Matters

2. A Transport Statement (TS) has been submitted with Appeal A. No injustice would be caused by considering the TS in my assessment of Appeal A as the Council has had an opportunity to comment upon it through the appeal process.

3. The government issued a revised version of the National Planning Policy Framework (the Framework) in August 2026. I have invited comments from the main parties on the Framework and I have considered the responses in my assessment of the appeal made under ground (a) of section 174(2) of the Act.

The Enforcement Notice

4. Under section 176(1) of the Act, I may correct any defect, error or misdescription in the Notice, or I may vary its terms, provided any such amendment causes no injustice to the appellant or to the Council. The address in the header of this decision is taken from section 2 of the enforcement notice (the Notice). It is evident that there is a spelling error in that "Whistminster Inn" should read "Whitminster Inn". Correcting this minor error would cause no injustice to the main parties.

5. Section 3 of the Notice sets out the matters which appear to constitute the breach of planning control. There are grammatical errors in the wording of the allegation that leads to a lack of clarity over its precise meaning. I have sought the main parties' views on a corrected wording to the alleged breach to read:-

> *Without planning permission, the material change of use of land from public house carparking and service area to a mixed commercial use and for the siting of multiple fifty one (51) shipping containers and two (2) timber cabins for use as accommodation for individual commercial businesses (including but not limited to retail shop, beauticians, barber shop, uPVC window supply/storage, office spaces, dog grooming, hot food takeaways) (mixed use/ Sui Generis) with associated toilet facilities, car parking, enclosed/secure compound area, raised timber decking/platforms and fencing.*

6. This correction clarifies the alleged breach of planning control and the purpose of the Notice. No objections have been raised by the appellants' representative nor the Council to the revised wording and I am satisfied the correction would cause no injustice to either party.

Appeal A - The appeal made on ground (a) and the deemed planning application (DPA).

7. An appeal on ground (a) of section 174(2) of the Act is made on the basis that planning permission ought to be granted in respect of the breach of planning control alleged in the Notice.

Main issues.

8. The main issues in the determination of the ground (a) appeal and the DPA are (i) the effect of the development on the character and appearance of the land and the surrounding landscape, (ii) its effect on highway safety, and (iii) whether the development is in a suitable location having regard to the policies of the Stroud District Local Plan 2015 (the LP). If the development is unacceptable in any of these regards it follows to consider whether there is justification to grant permission contrary to the LP.

Character and appearance.

9. The land subject of the Notice has a wide front boundary on the A38 Bristol Road. It was previously used as a car park and service yard associated with a public house at the adjacent Whitminster Inn. The Inn building is now used by separate

restaurant, physiotherapy and hot food takeaway businesses. The Inn lies at the end of a line of properties on the same side of the road that include single storey commercial units, a village store and the Old Forge public house. Continuing the line of properties is a row of business units on the other side of Grove Lane.

10. To the rear of the land is a holiday cabin site. The main residential part of Whitminster lies on the opposite side of the A38. Further down the road is a large garden centre site called Highfield. A signalised crossing outside the former Inn building provides a pedestrian link between pavements on both sides of the A38.

11. On the opposite side of the land to the Inn is a large field that allows open views from the road across to distant hills. There is also a field behind the Old Forge with a roadside hedge on Grove Lane. Notwithstanding the rural nature of these features, the locality has a developed and busy feel due to the obvious presence of the businesses as well as the influence of traffic on the A38.

12. I saw the front part of the land being used as car parking with a row of shipping containers and timber cabin structures being used by a variety of businesses. Behind these is another parking area with some more containers to the side adjoining the adjacent field. To the other side of the rear car park is a gated access leading to a compound area behind the Inn building. Additional shipping containers are within the compound, some of which are occupied by businesses.

13. The front car parking area and the front line of containers and cabins can be clearly seen from the road. However, these features are seen alongside the former Inn, which is a prominent building, near to the carriageway and of a significant height and depth. Compared to the Inn building, the front line of containers and cabins are far less conspicuous as they are set back from the road and markedly lower. The car park, the compound and containers to the rear of the land are not readily apparent from the A38 due to the screening effect of the front row of units and the Inn.

14. Containers on the land can be seen when approaching Whitminster along the A38 from the direction of Gloucester. However, vegetation along the northern boundary of the land largely screens the units so they are not prominent from these viewpoints. I also saw that the containers are visible from Grove Lane. However, such views are at a distance and the units are heavily veiled by hedgerow along the road as well as on the southern boundary of the land. As such, the development has no meaningful visual effect on the rural aspects of Grove Lane.

15. From where they are visible, the containers and cabins appear modern, block-like and commercial in nature. However, they do not stand out as being incongruous to the locality given the broad range of nearby commercial properties. Indeed, to a degree, the containers reflect the form and appearance of the flat roof village store and the corrugated metal clad business units on the corner of Grove Lane.

16. To a minor level, the development interrupts and spoils views from the A38 of the distant hills. However, I envisage the previous use of the land as a car park and the stationing of vehicles on the land would have a similar impact on such views. In any event, the development is separated from the adjoining fields by boundary vegetation. It is seen as a logical visual extension of the commercial activities at the Inn and the adjacent row of properties rather than an encroachment into open countryside. Additional planting could be reasonably secured through the imposition of a planning condition to soften the visual effects of the development

and to ensure it integrates appropriately to the area without harm to the rural nature of the adjoining open land.

17. For the above reasons, I conclude the development has an acceptable effect on the character and appearance of the land and the surrounding landscape. In these respects, it accords with LP Delivery Policy ES7 and LP Core Policy CP14. As far as it is relevant, the development also accords with part 2 of LP Delivery Policy EI4. Together these policies seek to ensure development has an acceptable visual effect on local character and the landscape.

Highway safety.

18. The A38 is a dual carriageway subject to a 40 mph speed limit as it passes the land to which the Notice relates. There is a single vehicular entrance that allows drivers coming from the north direct access onto the land. Also, there is a route outside the site and across the central reservation that allows access to the land for drivers approaching from the south. On leaving the development, drivers can only turn left and southwards. Those that want to travel northwards from the land need to carry out a U-turn at the nearby A38/Grove Lane/School Lane junction.

19. The TS refers to Department for Transport traffic count figures that show the A38 takes a significant daily flow of traffic in both directions. Surveys of traffic associated specifically with the development subject of this appeal indicate that Saturday is the busiest day and that the amount of vehicular trips to the land equates to around 6% of the daily flows passing the site. No figures have been provided on the level of traffic coming to and from the site when it was used as a car park and a service yard to the Inn. However, it seems likely the introduction of new businesses and facilities has generated more trips to and from the land.

20. The TS considers 5 recorded accidents on the nearby stretch of the A38 that occurred during the 7 year period up to the end of 2023. Most of these relate to movements at the A38/Grove Lane/Station Lane junction and none appear to be associated with movements onto or off the land. Indeed, from my observations there is good visibility of on-coming traffic from the north when leaving the site and when waiting to turn into the site from the north bound side of the A38. Whilst there have been accidents at the nearby road junction there is little to indicate that these have been caused by deficiencies in the design of the highway. Also, from my observations, the 40 mph restriction and a speed camera near to the land appear to encourage appropriate speeds as traffic passes the land.

21. The TS explains the development includes 90 parking spaces, well in excess of 15 spaces required under the Council's parking standards as set out in appendix 2 of the LP. Moreover, a survey of actual parking at the development indicates that a maximum number of 61 parking spaces were occupied at any one time. The car park areas are laid out to allow unobstructed vehicular movements onto, around and off the land. Therefore, the development avoids indiscriminate parking on nearby roads or drivers dangerously waiting on the highway to enter onto the site.

22. The Council raises concerns that the development would be highly reliant on car travel and that it does not contribute towards new or improved walking and cycling facilities. However, the TS shows that most of the residential area of Whitminster is within a short walking distance of the land. Moreover, the nearby signalised pedestrian crossing provides safe access between the 2 sides of the A38. As such, there is already adequate pedestrian linkages between the development and

the local population. Therefore, I am uncertain as to what improved walking facilities the Council considers are required.

23. Also, there are nearby bus stops on both sides of the A38 that are served by fairly frequent weekday and Saturday bus services. Moreover, the land is near to a National Cycle Network route that runs along Grove Lane and School Lane. As such, there are already facilities that allow reasonable access to the development by means other than the private car.

24. Therefore, whilst the land is on a busy road and near to road junctions, I conclude the development has an acceptable effect on highway safety. In these respects, it accords with LP Delivery Policies ES3 and EI12. Also, as far as it is relevant, the development would accord with part 5 of LP Delivery Policy EI4. Amongst other things, these policies seek to ensure development is not detrimental to road safety.

Suitability of location.

25. LP Core Policy CP2 identifies strategic growth sites. Outside of these, the policy states that development will take place in accordance with a settlement hierarchy. LP Core Policy CP3 defines Whitminster as a third tier accessible settlement with limited facilities. The same policy states such settlements will provide for lesser levels of development in order to safeguard their role, although it also allows some opportunities for growth.

26. The land subject of the Notice is near to, but outside, the settlement limit for Whitminster as defined in the LP. It is also outside, albeit adjacent to, a local centre that is drawn closely around the former Inn building, the village store, Old Forge Inn and Highfield Garden Centre. LP Core Policy CP15 resists development outside of defined settlement limits unless specified circumstances apply. The appellant claims the development would accord with this policy as it provides facilities that support the rural economy. However, it is not shown why it is essential for the development to be located outside of a defined settlement. As such, I find it does not accord with LP Core Policy CP15 and so it is also contrary to LP Core Policies CP2 and CP3.

27. Notwithstanding the referred to Core Policies, LP Delivery Policy EI4 allows for the provision of new buildings on existing employment sites in the countryside subject to various criteria. I have already found the development accords with the requirements of this policy in terms of its effect on the character of the locality and highway safety. Moreover, businesses operating from the site support 22 jobs and so the development facilitates the retention or growth of local employment opportunities. There is no indication that existing buildings or sites adjacent to the land could be used to accommodate these businesses. Also, no objection is raised by the Council to the effects of the development on the amenities of adjoining land uses. As such, the development accords with the criteria in LP Delivery Policy EI4.

28. However, I tend to agree with the Council's contention that the development is not on land that can be reasonably classed as an existing employment site. Whilst the previous car park and service areas were associated with the former Inn, these uses in themselves did not generate employment. As such, I find the development is not supported by LP Delivery Policy EI4, even though it accords with the criteria set out in the policy.

29. The Council also refers to LP Delivery Policy EI12. This requires new development to connect into the surrounding infrastructure. For the reasons outlined under the second main issue, I find the development integrates appropriately into the local transport networks. No Travel Plan has been submitted but the land is reasonably accessible by car, bus, cycling and walking. Therefore, the development accords with the locational aspect of LP Delivery Policy EI12.

30. Nevertheless, I conclude the development is not in a suitable location having regard to LP Core Policies CP2, CP3 and CP15. I also find it is not supported by LP Delivery Policy EI4 as the land was not previously an existing employment site in the countryside.

Other matter

31. The Old Forge pub is a listed building that seems to gain its significance at least partly from its historic and architectural interest. The development is set away from the Old Forge with properties in between. Therefore, it does not affect the setting of the listed building so as to have any meaningful effect on its significance. This is a neutral factor in my overall assessment.

The Framework and planning balance.

32. I have found the development is acceptable when considered against the first 2 main issues but that it is in an unsuitable location having regard to the development plan policies. It does not accord with the LP when read as a whole. In light of section 38(6) of the Planning and Compulsory Purchase Act 2004, it follows to consider whether other material considerations justify allowing the development.

33. The national decision-making policies of the Framework are material considerations of critical importance. Policy S3 of the Framework states a presumption in favour of sustainable development should be applied. For development on land outside settlements, this means applying policy S5 of the Framework. Under policy S5(1)(d) of the Framework, the redevelopment of previously developed land outside of settlements should be approved unless any benefits of doing so are substantially outweighed by any adverse effects.

34. Prior to the development, the land was occupied by a large area of hardstanding and there is nothing before me to indicate that this had been unlawfully provided. As such, the site before the development subject of the Notice met the definition of previously developed land as set out in the Glossary of the Framework. Therefore, policy S5(1)(d) of the Framework is relevant.

35. The development has made better use of underutilised land, which is a benefit that attracts substantial weight under policy L2(1)(b) of the Framework. Moreover, it has economic benefits in terms of providing facilities for businesses to invest, expand or adapt. Under Policy E2(1)(a) of the Framework, these benefits should also be attributed substantial weight.

36. The land is located where users have a genuine choice of transport modes to get to and from the development and so it accords with policy TR3(1)(a) of the Framework. Furthermore, the development gains support from policy E4(2)(a) of the Framework as it is on previously developed land that is adjacent to existing buildings and well-related to the settlement at Whitminster.

37. The development conflicts with LP Core Policies CP2 and CP3 that generally look to direct new development to settlements. LP Core CP15 allows certain types of development outside of settlements but it is materially inconsistent with Policy S5 of the Framework as it does not generally allow the redevelopment of previously developed land in the countryside. Therefore, paragraph 2 of Annex A of the Framework dictates that LP Core Policy CP15 should attract very limited weight in my assessment. Accordingly, the harm caused by the identified conflict with LP policies on the location of the development is attributed only limited weight.

38. Policy DM8(2) of the Framework states if unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission. From the evidence provided on the planning history of the land, it would appear the appellant has progressed with the development despite knowing that planning permission would be required. Therefore, I consider intentional unauthorised development has occurred and that this counts substantially against granting planning permission.

39. Nonetheless, I find the considerable benefits of the development are not substantially outweighed by the adverse effects. As such, the national decision-making policies of the Framework when considered as a whole indicate the development should be approved. This support attracts sufficient weight in the overall planning balance to justify allowing the development contrary to the LP. Therefore, I conclude the appeal on ground (a) should succeed and that the DPA should be approved.

Conditions

40. I have had regard to the planning conditions suggested by the Council in the event I allow the appeal made under ground (a) and the DPA. I have also sought views from the main parties on a single suggested condition that takes account of the fact the development has already occurred.

41. The imposed condition requires the submission, approval and completion of a scheme on the layout and landscaping of the development to ensure it continues to have an acceptable visual effect. The same condition also requires the approval and completion of a parking scheme, including cycle parking facilities. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the schemes before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met

42. In line with the Council's suggestion, I have worded the condition to require the schemes to be retained and maintained upon their completion. The appellant for Appeal A has requested a period of 6 months for the submission of details so as to allow time to survey the site and to design comprehensive schemes. However, I have already been provided with a drawing that shows how the development is laid out and I am satisfied the stipulated 3 months is a reasonable period for a landscape scheme to be designed and submitted.

43. The Council has suggested a condition that would remove permitted development rights that relate to fences and enclosures. However, policy DM6(2)(c) of the Framework states that conditions should not be used to restrict permitted

development rights unless there is a clear justification to do so. No such justification has been provided and so I have not imposed this condition.

Conclusion

44. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the development as described in the notice as corrected. The enforcement notice will be corrected and quashed.

45. In these circumstances, the appeals made on grounds (f) and (g) under Appeal A and Appeal B do not fall to be considered.

Formal Decision for Appeal A

46. It is directed that the enforcement notice is corrected by: -

- In section 2 the deletion of the words “Whistminster Inn” and their substitution with “Whitminster Inn”;

- The deletion of section 3 in its entirety and its replacement with

  “3. **The Matters Which Appear to Constitute the Breach of Planning Control**

  Without planning permission. the material change of use of land from public house carparking and service area to a mixed commercial use and for the siting of multiple fifty one (51) shipping containers and two (2) timber cabins for use as accommodation for individual commercial businesses (including but not limited to retail shop, beauticians, barber shop, uPVC window supply/storage, office spaces, dog grooming, hot food takeaways) (mixed use/ Sui Generis) with associated toilet facilities, car parking, enclosed/secure compound area, raised timber decking/platforms and fencing.”

47. Subject to the corrections Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the material change of use of land from public house carparking and service area to a mixed commercial use and for the siting of multiple fifty one (51) shipping containers and two (2) timber cabins for use as accommodation for individual commercial businesses (including but not limited to retail shop, beauticians, barber shop, uPVC window supply/storage, office spaces, dog grooming, hot food takeaways) (mixed use/ Sui Generis) with associated toilet facilities, car parking, enclosed/secure compound area, raised timber decking/platforms and fencing at land and premises at Krate Village (adjacent to Whitminster Inn), Bristol Road, Whitminster, Gloucester, Gloucestershire as shown on the plan attached to the notice and subject to the attached Schedule of Conditions.

Formal Decision for Appeal B

48. Appeal B is dismissed but the notice is quashed as set out in the Formal Decision for Appeal A.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

1. The use hereby permitted shall cease and all shipping containers, timber cabins, enclosed/secure compounds, decking, platforms and fencing brought onto the land for the purposes of such use shall be removed within 6 months 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, schemes for (a) the layout and the landscaping of the development including a landscape management plan; and (b) vehicular parking including cycle parking facilities, shall have been submitted for the written approval of the local planning authority and the schemes shall include a timetable for their implementation.
   (ii) If within 11 months of the date of this decision the local planning authority refuses to approve the schemes 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 schemes shall have been approved by the Secretary of State.
   (iv) The approved schemes shall have been carried out and completed in accordance with the approved timetables.

   Upon completion of the approved schemes specified in this condition, the schemes shall thereafter be maintained in accordance with the approved details, and retained and remain in use. 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.