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## Appeal Decisions

Hearing and site visit held on 22 July 2025

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 September 2025**

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### **Appeal A Ref: APP/L3245/C/25/3363600**

#### **Land south of Tong Forge, Shifnal, Telford, Shropshire**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
  - The appeal is made by Mrs E Quinn against an enforcement notice issued by Shropshire Council.
  - The notice was issued on 3 March 2025.
  - The breach of planning control as alleged in the notice is "Without planning permission:
    - i. Material change of use of land to a mixed use of Agriculture and a Residential Gypsy and Traveller Caravan Site including the importation and laying of hardcore material to form a hardstanding area in the approximate location identified with a hatch symbol on the attached plan and formation of concrete pads all in connection and to facilitate the unauthorised use of land as a residential Gypsy and Traveller Caravan Site."
  - The requirements of the notice are:
    - 1) Cease the use of the Land as a residential gypsy and traveller caravan site (to remedy the breach of planning control).
    - 2) Remove from the Land all caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) brought onto the land in connection with the unauthorised use of the land as a residential gypsy and traveller caravan site (to remedy the injury to amenity).
    - 3) Remove from the Land all hardstanding material including (in the approximate location identified with a hatched symbol on the hatched plan) and concrete pads brought onto the land in connection with the unauthorised residential use and restore the Land to a condition before the breach took place (to remedy the injury to amenity).
    - 4) Remove from the Land including but not limited to; amenity blocks, structures, septic tank and associated drainage pipes, materials, equipment, post and rail boundary fencing defining the residential area brought onto the Land in connection with the unauthorised use as a residential gypsy and traveller caravan site (to remedy the injury to amenity).
    - 5) Remove from the Land all domestic paraphernalia and vehicles brought onto the Land in connection with the unauthorised use as residential gypsy and traveller caravan site (to remedy the injury to amenity).
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in sections 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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### **Appeal B Ref: APP/L3245/W/25/3363263**

#### **35 The Caravan, Tong Forge, Shifnal, Telford, Shropshire, TF11 8QD**

- 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 Mrs E Quinn against the decision of Shropshire Council.
  - The application Ref is 24/01534/FUL.
  - The development proposed is change of use of land to Gypsy/Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area.
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## Decisions

### Appeal A

1. It is directed that the enforcement notice is corrected by:

- *In section 2: the deletion of the words “Land to the south of Tong Forge, Shifnal, Shropshire” and the substitution of the words “35 The Caravan, Shifnal, Telford TF11 8QD”; and*
- *In section 3, the deletion of all the words and their substitution with the words “Without planning permission, the material change of use of the land to a Residential Gypsy and Traveller Caravan Site including the importation and laying of hardcore to form a hardstanding area and the laying of two concrete pads to facilitate the unauthorised use in the area shown hatched on the attached plan.”*

And varied by:

- *In section 5. 1), delete the words “of the Land as a residential gypsy and traveller caravan site (to remedy the breach of planning control)”;*
  - *In section 5. 2), delete the words “(as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) brought onto the land in connection with the unauthorised use of the Land as a residential gypsy and traveller caravan site (to remedy the injury to amenity)”;*
  - *In section 5. 3), delete all the words after “hardstanding material” and substitute the words “and concrete pads, and restore the Land to its condition prior to the unauthorised development took place”;*
  - *Delete section 5. 4); and*
  - *Renumber section “5. 5)” as “5. 4)”, and after the words “domestic paraphernalia” insert the word “, structures”, and delete the words “as residential gypsy and traveller site (to remedy the injury to amenity)”.*
2. Subject to the corrections and variations, 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 the land to a Residential Gypsy and Traveller Caravan Site including the importation and laying of hardcore to form a hardstanding area and the laying of two concrete pads to facilitate the use at 35 The Caravan, Shifnal, Telford TF11 8QD as shown on the plan attached to the notice and subject to the conditions in the attached Schedule 1.

### Appeal B

3. The appeal is allowed and planning permission is granted for the change of use of land to Gypsy/Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area at 35 The Caravan, Shifnal, Telford TF11 8QD in accordance with the

terms of the application, Ref 24/01534/FUL, the plans submitted with it, and subject to the conditions in the attached Schedule 2.

### **Matters concerning the notice**

4. Where a material change of use is alleged, it can be helpful to identify the extent of the planning unit. The land affected is edged red on the plan attached to the notice ("the EN Plan"). This land encompasses an area of hardstanding used for the stationing of residential caravans and a field. There is no dispute that the appellant owns and occupies all the land edged red on the EN Plan. While post and rail fences divide the land, it is all used for purposes physically and functionally ancillary and incidental to one another. I therefore agree with the main appeal parties that there is one planning unit.
5. The land affected by the notice is described differently to the land for which the planning application was made. This was discussed at the Hearing, and while it has no material effect on matters, for consistency, the description of the land affected by the notice shall be varied to reflect that set out in the application form, namely *"35 The Caravan, Shifnal, Telford TF11 8QD"*.
6. The notice alleges a material change of use to a mixed use of agriculture and a residential gypsy and traveller caravan site. There is no dispute that the residential gypsy and traveller caravan site occupies the hard surfaced part of the land. Mr Quinn (senior) told the Hearing that no agricultural activities are undertaken on the unsurfaced part of the land (the field). He also advised that while his family own 6 horses, they are grazed and housed away from the appeal site as the land is not secure.
7. I saw the land to be overgrown, and it clearly had not been used for grazing for some considerable time, corroborating Mr Quinn's version of events. There is no evidence that horses have been kept on the land, i.e. there are no stables or field shelters present. I also saw that there are a disused touring caravan and a disused pick-up type vehicle in the field along with a dog kennel. Also, the historic aerial imagery provided does not show any crops, livestock, agricultural buildings or structures to be present on the land.
8. From the discussion at the Hearing, along with what I saw during my site visit, in my judgement, the appellant's horses are kept for purposes incidental to the residential gypsy and traveller caravan site use. The intermittent grazing of horses on the land does not therefore amount to a primary agricultural purpose as defined in s336 of the 1990 Act. As such, while there has been a material change of use of the land, it has not been changed to a mixed use of agriculture and residential gypsy and traveller caravan site use. It is used solely for the purpose of a residential gypsy and traveller caravan site.
9. The allegation also includes reference to facilitating development. The wording of which refers to hardstanding being in the approximate location *"identified with a hatched symbol"*. The EN Plan however shows the hardstanding as a hatched area. The wording goes on to refer to *"formation of concrete pads"*, however concrete is normally laid. The words *"all in connection and to facilitate the unauthorised use of the land as a residential Gypsy and Traveller Caravan Site"* are superfluous. I shall replace them with *"to facilitate the unauthorised use"*.

10. S176(1)(a) of the 1990 Act provides for me to correct any defect, error or misdescription in the notice, provided no injustice will be caused to the appellant or Council. The Council has previously granted a temporary planning permission for the use of land to a Gypsy/Traveller Site consisting of four family pitches, to include 4No. static caravans, 4No touring caravans, 4No. amenity blocks with gravel drive and turning area. As that temporary planning permission has lapsed, the appellant knows that the notice is directed at ceasing the now unauthorised caravan site use. I am satisfied that no injustice would arise from my correction of the allegation by deleting the reference to a mixed use including agriculture and its substitution with the use of the land as a residential gypsy and traveller caravan site, along with the other deletions and substitutions set out above.
11. Turning to the requirements, the Council confirmed that the purpose of the notice is to remedy the breach of planning control. There is no need for step 1) to include the words “(to remedy the breach of planning control)” or steps 2), 3), 4) and 5) to include the words “(to remedy the injury to amenity)” and they shall be deleted.
12. In the steps required to be taken, it is sufficient for step 1 to state “Cease the use.” In step 2, it is sufficient to state “Remove from the Land all the caravans.”
13. In step 3, the concrete pads were not “brought” onto the land, the concrete was laid. Also, restoring the land “to a condition before the breach took place” lacks precision. Step 3 shall be varied to require the Land to be restored to its condition before the breach took place.
14. Step 4 includes a list of additional operational developments that may or may not exist or have been carried out to facilitate the material change of use. They also include things that have not been identified in the allegation. From the Hearing discussion it transpired that the septic tank referred to predates the development, the amenity blocks have not been erected, and the Council conceded that the post and rail fencing dividing the hardstanding area from the field need not be removed as it causes no demonstrable harm. While there remains a need to ensure any structures are removed, they can be incorporated in to step 5. Step 4 shall therefore be deleted. Step 5 shall be renumbered and varied to include the word “structures”.
15. I shall proceed to determine Appeal A on the basis of the notice as corrected and varied.

### **Preliminary Matters**

16. Since the Council refused to grant planning permission for the application the subject of Appeal B, the National Planning Policy Framework (“the Framework”) has been revised. The appeal timetables have provided for the main appeal parties to have regard to the revised Framework.
17. There is no dispute that the appellant and their family meet the definition of travellers set out in Annex 1 of the Planning Policy for Traveller Sites 2024 (“the PPTS”). Furthermore, it is a matter of common ground that the Quinn family have close family connections to Shifnal and Telford.
18. It is also a matter of common ground that the appeal site is within a reasonable distance of Shifnal, which provides access to services and facilities. It is therefore

agreed that the matter alleged and the development proposed constitute sustainable development, and I see no reason to disagree.

19. A new Gypsy and Traveller Accommodation Assessment was published by the Council in July 2025 (“the GTAA 2025”). This was prepared to form part of the evidence base to the emerging local plan. The appellant has had an opportunity to comment on this document. However, it has not been the subject of public consultation, which I was told is not likely to occur before October 2026, as part of the emerging local plan consultation.

### **The ground (a) appeal and the applications for planning permission**

20. The ground (a) appeal, and the deemed planning application, is that planning permission should be granted for the corrected matter alleged, hereafter referred to as the “EN scheme”. Appeal B is for the material change of use of land for use as a residential gypsy and traveller caravan site, with associated facilitating development, hereafter referred to as the “2024 PA”. The amount of facilitating development differs between the two appeals; in addition to the existing hardstanding and two concrete bases included in the EN scheme, the 2024 PA includes the laying of two additional concrete bases and the erection of 4No. amenity buildings.
21. The **main issues** are:
- Whether the development carried out or proposed is inappropriate in the Green Belt;
  - If the developments are inappropriate in the Green Belt, their effect on openness;
  - The developments’ effect on the character and appearance of the rural landscape of the countryside; and
  - If necessary, whether any harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations so as to amount to the necessary very special circumstances required to justify inappropriate development in the Green Belt.

### **Reasons**

#### *Relevant development plan policy*

22. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (“the CS”) confirms new development will be strictly controlled in accordance with national Green Belt policy. Policy CS5 goes on to set out various forms of development that, subject to further controls, will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The list includes “*dwelling to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and Policies CS11 and CS12.*” The Council confirmed that “*other affordable housing/accommodation*” in this policy context includes caravans for gypsies and travellers.

23. Policy CS12 addresses Gypsy and Traveller provision within the county. It provides a criteria basis to secure the provision of appropriate sites to meet their accommodation needs. Having regard to policy CS12's criteria:
- the Council has failed to allocate sites to meet identified needs;
  - the appeal site is close to Shifnal, an identified Key Centre;
  - the development of 4 pitches falls within the recognised threshold to comply with policy CS5, and the appellant's strong local connection has previously been demonstrated and remains agreed; and
  - the appeal site is reasonably accessible to services and facilities, can incorporate suitable design and screening, has suitable access and areas for manoeuvring and parking for all essential uses, no business use is proposed, and provision exists for recreational facilities.
24. The Council confirms that the EN scheme and the 2024 PA comply with policy CS12 of the CS. Their contention is that no mechanism is in place to ensure that the pitches provided would remain an affordable form of accommodation to meet a local need in accordance with policy CS5 of the CS. The development plan does not however define what would constitute "affordable" traveller accommodation and the Council could offer no further incite on this matter at the Hearing.
25. Paragraph 15 of the PPTS suggests that where there is a lack of affordable land to meet traveller needs, local planning authorities can allocate and release land solely for affordable traveller sites. There would however have to be a corresponding rural exception site policy for traveller sites in the relevant development plan, which would be used to manage applications for this purpose.
26. Neither policy CS5 nor CS12 of the CS are rural exception policies. Further, as already set out above, the Council has not allocated any land to provide for travellers, affordable or otherwise. I am satisfied the development plan does not provide for the provision of traveller sites in accordance with paragraph 15 of the PPTS.
27. It is generally accepted that private traveller sites will be in the countryside, beyond defined settlement boundaries. It is also generally accepted that land prices within settlement boundaries tend to be beyond the financial reach of travellers. Countryside sites, such as the appeal site, would therefore be 'affordable' to the travelling community in its widest sense.
28. I am satisfied that the appeal site's continued affordability to the travelling community can be secured through the imposition of a condition restricting occupation to those people that meet the Annex 1 PPTS definition. Furthermore, ensuring occupants of the Land continue to have a strong local connection to the area can be secured through the imposition of a personal condition.
29. For these reasons, subject to the imposition of conditions, I find that the EN scheme and the 2024 PA accord with policy CS5 of the CS.
30. Policy MD6: Green Belt of the Site Allocations and Management of Development Plan (December 2015) ("the SAMDev") sets out that, as well as meeting the requirements of policy CS5, development must demonstrate that it does not conflict with the purposes of the Green Belt. This type of development would not

assist the purpose of urban regeneration through recycling derelict or other urban land. The Council conceded at the Hearing that the appeal site makes no contribution to checking the unrestricted sprawl of Telford, to preventing neighbouring towns merging into one another or to preserving the setting and special character of historic towns.

31. The development does encroach into the countryside. However, the site is small and well-screened from public and private vantage points. The encroachment is therefore very minor. Furthermore, the Council conceded that the development does not fundamentally undermine the purposes (taken together) of the Green Belt across the area of the plan. I therefore find that the development does not conflict with the purposes of Green Belt and accords with policy MD6 in this regard.
32. Subject to meeting the criteria of policy CS5 of the CS and there being no conflict with the purposes of Green Belt, policy MD6 of the SAMDev confirms that affordable housing on previously developed sites [my emphasis], which would not have a greater impact on openness, and enhances the site's contribution to landscape setting, will be supported.
33. There is limited evidence to show that the appeal site meets the definition of previously developed land ("PDL") set out in Annex 2 of the Framework. The historic aerial images show that an area of hardstanding leading from the lane into the land has existed for some considerable time. This hardstanding area is shown to have expanded and contracted over the years. It could not however be described as 'large' at any point in time. These images do not show that there have been any permanent structures on the land, lawful or otherwise.
34. The daughter of the former landowner claims the land was used in connection with her father's business. Several of the aerial images show that a variety of lorry bodies or similar structures have been sited on the land at various times. There is however no evidence of planning permission ever being granted to develop the land for such purpose and there is insufficient evidence to show that such a use has become lawful due to the passage of time.
35. For these reasons, I find, on the balance of probabilities, that the appeal site is not PDL. The EN scheme and the 2024PA therefore conflict with policy MD6 of the SAMdev to this extent.

*Whether the development is inappropriate in the Green Belt*

36. Paragraph 142 of the Framework attaches great importance to Green Belts. It states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belt are their openness and their permanence.
37. When considering any planning application, substantial weight should be given to any harm to the Green Belt, including harm to its openness, other than in the case of development on PDL or grey belt land, where development is not inappropriate<sup>1</sup>. Paragraphs 154 and 155 of the Framework go on to identify the forms of development that are not inappropriate in the Green Belt.
38. The provision of *"limited affordable housing for local community needs under policies set out in the development plan (including rural exception sites)"* are

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<sup>1</sup> Footnote 55 of the Framework

confirmed at paragraph 154 (f) as not being inappropriate in the Green Belt. I have already established above that the development complies with policy CS5 of the CS, which seeks to provide for the limited affordable housing/accommodation needs of the local community.

39. While policy MD6 requires sites for affordable housing/accommodation development in the Green Belt to be PDL, there is no such provision in paragraph 154(f). As the CS was adopted in 2011, I find policy MD6 is not in accordance with the Framework, the latest iteration of which was adopted in December 2024. Taking these factors together, I find the development is not inappropriate development in the Green Belt as it falls within exception 154(f) of the Framework.
40. In the alternative, if the PDL requirement of policy MD6 remains effective, paragraph 154(f) would not apply. The development would therefore need to be assessed in relation to paragraph 155. This provides that *“The development of homes, commercial or other development in Green Belt should also not be regarded as inappropriate...”* and goes on to list criteria that such development would need to meet.
41. There is no dispute that the development is *“other development in the Green Belt”*. Grey belt land is defined as *“...other land that...does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143...”*, providing the application of policies relating to areas or assets in footnote 7 (other than Green Belt) would not provide a strong reason for refusing or restricting development.
42. It is the Council’s contention that defining the appeal site as grey belt land in advance of their completion of a grey belt land assessment would undermine that process. However, such a stance does not follow advice set out in the Planning Practice Guidance. It is therefore for me to determine whether the Land is grey belt land.
43. It is a matter of common ground that the areas and assets set out in footnote 7 of the Framework do not provide any reasons for refusing or restricting the EN scheme or 2024 PA. As already confirmed above, the appeal site does not strongly contribute to any of the Green Belt purposes (a), (b) or (d). The appeal site is therefore grey belt land.
44. The development does represent an encroachment into the countryside. However, even the scale of the 2024 PA is such that it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
45. Prior to publication of the GTAA 2025, the Council confirmed that there was a demonstrable unmet need for this type of development. The GTAA 2025 concludes that there is a demonstrable need for 20 pitches in the first 5 years of the emerging local plan, which includes the 4No. pitches needed to accommodate the appellant and their family. The appellant’s need would be an immediate need if planning permission were to be refused and the enforcement notice upheld.
46. It is the GTAA 2025’s contention that a five-year supply of sites can be demonstrated. The supply identified as providing a five-year supply of pitches includes:

- *16 pitches at Craven Arms:* This is a local authority site that is currently closed for refurbishment. The Council could provide no details of when that refurbishment is scheduled to be carried out or how it is to be funded.
  - *5 pitches arising from household dissolution:* There is no guarantee that any pitches will become available in the next five years as they are dependent upon the death of existing pitch residents. Furthermore, the location of these '5 pitches' is undeterminable.
  - *3 pitches granted planning permission since September 2024 (the GTAA site baseline date):* the Council confirmed that 1 of these pitches represents an extension of an existing authorised site and it would, more than likely, be occupied by an additional household arising from the existing authorised site. In respect of the other 2 pitches, the Council could only confirm that they were not the subject of personal conditions.
47. The Framework requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years supply to meet their identified need. The 16 pitches at Craven Arms are not available now and, while the GTAA 2025 says they will come forward within the next 5 years, there is insufficient evidence to show that to be the case. In my judgement, household dissolution should not form part of the 5-year supply of pitches as it is not specific and delivery cannot be guaranteed. Of the 3 pitches granted planning permission, 1 is not available as it has an occupier.
48. Even without assessing the accuracy of the identified need in the GTAA 2025, taking the above factors together 22 of the pitches identified do not represent a supply of specific deliverable sites. Furthermore, in my judgement only 2 pitches could meet the immediate needs of travellers. I therefore find that the Council has failed to demonstrate a five-year supply of deliverable sites to meet the accommodation needs of gypsy and travellers. There is therefore a demonstrable unmet need for this type of development and that need would be immediate if planning permission were to be withheld for the developments the subject of the appeals.
49. It is a matter of common ground that the appeal site is in a sustainable location. In accordance with paragraph 18 of the PPTS, the golden rules do not apply to this type of development.
50. For these reasons, the EN scheme and 2024 PA comply with paragraph 155 of the Framework. They are not inappropriate development in the Green Belt and they do not therefore harm openness. Further, there is no need for very special circumstances to be demonstrated.

#### *Character and appearance*

51. The countryside surrounding the appeal site is a predominantly agricultural landscape used for arable purposes. Large fields are divided by native species hedgerows and are interspersed with pockets of built development. The wider landscape is also bisected by busy transport corridors.
52. The reasons for issuing the notice and for refusing planning permission claim the development is or would be visible from the adjacent road network and public right

of way. As such, they are an incongruous, visually unsympathetic form of development that are out of keeping with their surroundings.

53. Caravans are not however uncommon features in rural landscapes. The site is well screened by native species hedgerows. The appeal site also sits above the adjacent Stanton Road, further reducing opportunities for it to be seen in public vistas. The amount of development currently on site and that proposed under the 2024 PA is not dissimilar in scale to other existing developments in the surrounding countryside.
54. The hedgerow along the boundary with the access lane incorporates gaps, and glimpses of the site are available. It was agreed at the Hearing that any negligible harm to character and appearance arising from these glimpses of the site can be addressed by the provision of additional landscaping and a suitable maintenance scheme.
55. For these reasons, I find that the EN scheme and 2024 PA are not incongruous or visually unsympathetic and do not cause significant harm to the character and appearance of the rural landscape of the countryside. The developments therefore comply with policy CS12 of the CS, which requires sites to incorporate suitable screening, amongst other things.

### **Other Matters**

#### *Intentional Unauthorised Development*

56. A Written Ministerial Statement (WMS) dating from August 2015 establishes that Intentional Unauthorised Development (IUD) is a material consideration to be weighed in the determination of planning applications and appeals. The WMS relates to all forms of development not just that relating to traveller sites. It places particular emphasis on IUD in the Green Belt.
57. Part of the underlying reason for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of development by using planning conditions. It is the Council's contention that the development constituted IUD prior to the temporary planning permission being granted in April 2023.
58. Planning permission, albeit a temporary permission, was granted and a further application has been submitted to retain the development beyond the expiry of that temporary permission. Opportunities to impose conditions to mitigate any effects of the development have therefore been provided.
59. I am also mindful that the 1990 Act as amended makes provision for retrospective planning permission, and that planning enforcement is remedial rather than punitive. In the light of these provisions, and having regard to the planning history, I find the harm arising from IUD to be negligible.

#### *Vehicular access*

60. I am told the lane from which the appeal site takes access is a By-way for non-motorised vehicles. There is no evidence before me to show that the appellant has no legal right to access their land by motorised vehicle via the lane.
61. The appeal site is served by a vehicular access taken from Stanton Road. Visibility for emerging drivers is to an acceptable standard. The lane can accommodate

two-way traffic between the appeal site and the junction with Stanton Road. The site provides adequate facilities for vehicle parking and manoeuvring. The developments are therefore acceptable in highway safety terms.

### *Drainage*

62. The site does not lie in a flood zone, and it is surrounded by fields. While part of the site has been laid to hardstanding there is no evidence to show the development has caused flooding elsewhere. The development is served by a pre-existing septic tank and there is no evidence to show that it is inadequate to serve the EN scheme.
63. There is also no evidence to show that the existing septic tank has sufficient capacity to serve the amenity blocks that are proposed under the 2024 PA. Mr Quinn told the hearing that he intends to install a second septic tank. While I do not doubt that a suitable foul water drainage scheme for the proposed development can be achieved, the specific details of such a scheme should be submitted for approval before being implemented.

### *Ecology*

64. The statement of common ground confirms that the development does not affect areas or assets referred to in footnote 7 of the Framework, which includes habitat sites and Sites of Special Scientific Interests. The Council also confirmed that no protected species are affected by the developments. There is no evidence before me to suggest otherwise.

### ***The planning balance***

65. Intentional unauthorised development carries negligible weight against the development. As the appeal site is not PDL, there is some conflict with Policy MD6 of the SAMdev. However, paragraphs 154(f) and 155 of the Framework make provision for the development of land in the Green Belt that is not PDL. I therefore afford the conflict with policy MD6 negligible weight.
66. The limited harm arising to the character and appearance of the rural landscape of the countryside can be mitigated by condition. This factor therefore carries neutral weight.
67. The EN scheme and the 2024 PA are not inappropriate development in the Green Belt and they also comply with policies CS5 and C12 of the CS, to which I afford significant weight. I also afford significant weight to the immediate lack of suitable alternative sites that could accommodate the appellant and their family.
68. I have balanced the harm arising from the EN scheme and the 2024 PA scheme against the supporting factors set out above. Having regard to relevant planning policies, other considerations, the Framework and the PPTS, I find the supporting factors clearly outweigh the harm identified. I therefore find the EN scheme and 2024 PA accord with the development plan as a whole.

### ***Conditions***

69. A condition confirming that planning permission is restricted for residential use by Gypsies and Travellers (as defined in the PPTS) is required to safeguard the site for this purpose. A condition restricting the occupation of the site to the appellant

and their family is also necessary to ensure that the caravan site continues to provide accommodation to meet a local need in accordance with policy CS5 of the CS.

70. Conditions limiting the number of caravans stationed on the Land and preventing commercial activity are needed to control the development in detail in the interests of residential amenity.
71. The Ecological Assessment that accompanies the 2024 PA scheme requires works on the site to accord with the specified mitigation and enhancement measures relating to protected species and birds. These mitigation and enhancement measures are necessary in the interests of biodiversity and to comply with policies MD12 of the SAMdev and CS17 of the CS.
72. A condition confirming the loss of the planning permission granted by the deemed application in respect of the EN scheme unless details are submitted for approval (including a timetable for implementation) concerning the site layout, boundary treatments, drainage details, external lighting arrangements, biodiversity enhancements and soft landscaping works, including their replacement, if necessary, is required in order to help safeguard the character and appearance of the area. This will take the form of a 'Site Development Scheme' (SDS).
73. The form of the SDS condition is imposed to ensure that the required details are submitted, approved and implemented to make the development already carried out acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
74. In respect of the 2024 PA scheme, conditions requiring the development to be completed in accordance with the submitted details and approved plans are required in the interests of residential amenity. Furthermore, conditions requiring the submission of foul and surface water disposal schemes, landscaping and lighting schemes and their respective implementation and maintenance programmes, are required in the interests of amenity.
75. Permitted development rights set out Part 1 of Schedule 2 of the GPDO<sup>2</sup> do not apply to this type of development. Imposing a condition removing Class F, Part 1 rights would not therefore meet the relevance test. Class B, Part 2 of schedule 2 of the GPDO permits works relating to the means of access to a highway, where it is required in connection with development permitted by any class in Schedule 2. It is unclear what purpose removing this permitted development right would serve. Imposing a condition to that effect would not therefore meet the necessity test.
76. While I saw that there are a variety of fences around the perimeter of the appeal site and there are gates at the entrance, exercising control over any replacement boundary features would be necessary and relevant to the development given the

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<sup>2</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

rural location. A condition removing permitted development rights for the provision of fences, gates and walls along site boundaries adjacent to a highway is therefore necessary.

### **Overall Conclusion**

77. For the reasons given above, I conclude that Appeal A on ground (a) shall succeed. I shall grant planning permission for the development as described in the notice as corrected. The enforcement notice will be corrected and quashed. Appeal B shall be allowed.
78. In these circumstances Appeal A on ground (g) does not fall to be considered.

*M Madge*

INSPECTOR

## **APPEAL A: SCHEDULE 1**

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
2. The use hereby permitted shall be carried on only by the following persons: Micheal and Emily Quinn and their dependents (Pitch 1); Margaret Kyle (Pitch 2); Patrick and Katelyn Quinn (Pitch 3); and Michael and Bridget Quinn (Pitch 4).
3. There shall be no more than eight (8) caravans, of which no more than four (4) shall be static caravans, on the site at any time and they shall only be stationed within the hatched area on the plan attached to the notice.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 28 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 the proposed and existing means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; proposed and existing boundary treatments; biodiversity enhancements including a minimum of 2 bat boxes and 4 bird boxes or their equivalent; the internal layout of the site, including the siting of caravans, plots, hardstanding, access roads, parking and amenity areas; and tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities shall have been submitted for the written approval of the local planning authority and the scheme (hereafter referred to as the site development scheme) shall include a timetable for its implementation.
  - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the site development scheme or fail 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 site development scheme shall have been approved by the Secretary of State.
  - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon completion of the approved site development scheme specified in this condition, it shall thereafter be maintained/retained/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.

6. At the same time as the site development scheme required by condition 5 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of 5 years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
7. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts and birds as provided in Section 4.5 of the Ecological Assessment (Camlad Ecology, July 2022).
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected on any site boundary fronting a highway.

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## **APPEAL B: SCHEDULE 2**

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
2. The use hereby permitted shall be carried on only by the following persons: Micheal and Emily Quinn and their dependents (Pitch 1); Margaret Kyle (Pitch 2); Patrick and Katelyn Quinn (Pitch 3); and Michael and Bridget Quinn (Pitch 4).

3. The development hereby permitted shall be carried out in accordance with the following plans:

Location Plan – Quinn/71349

Site Layout Plan Scale 1:500

Single Amenity Building Scale 1:100 (Plots 1 & 2)

Proposed Amenity Building Scale 1:100 (Plots 3 & 4)

4. There shall be no more than eight (8) caravans, of which no more than four (4) shall be static caravans, on the site at any time and they shall only be stationed within the hatched area on the plan attached to the notice.
5. No commercial activities shall take place on the land, including the storage of materials.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected on any site boundary fronting a highway.
7. Within 3 months of the date of this permission, full details, including a plan of the location and size of the existing and proposed septic tanks, shall be submitted for the written approval of the local planning authority. This should include previously undertaken percolation tests to ensure that it can adequately cater for the development, and an implementation programme. The approved scheme shall be carried out in accordance with the implementation programme and maintained for the lifetime of the development.
8. Within 3 months of the date of this permission, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority, which shall include: (i) Existing and proposed levels or contours; (ii) Proposed and existing services above and below ground; (iii) Details of boundary treatments and hard surfaces; (iv) The location, size and species of all trees to be planted; (v) The location, size, species and density of all shrub and ground cover planting; and (vi) Implementation and maintenance details for the approved scheme. The approved scheme shall be carried out in its entirety in accordance with the approved implementation programme. The completed

scheme shall be managed and maintained in accordance with the approved maintenance scheme.

9. Within 3 months of the date of this permission, a scheme for the provision of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) A minimum of 2 external woodcrete bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species;
  - b) A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42 mm hole, starling specific), sparrows (32mm hole, terrace design), and/or small birds (32mm hole, standard design); and
  - c) Details of the makes, models and locations of bat and bird boxes.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The approved scheme shall be implemented in its entirety within 3 months of the date of that approval. The boxes shall thereafter be maintained for the lifetime of the development.

10. With 3 months of the date of this permission, a lighting scheme, including details of all existing and proposed external lighting and an implementation programme, shall be submitted for the written approval of the local planning authority. The approved scheme shall be carried out in accordance with the implementation programme and shall thereafter retained for the lifetime of the development.
11. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts and birds as provided in Section 4.5 of the Ecological Assessment (Camlad Ecology, July 2022).

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## **APPEARANCES**

### **FOR THE APPELLANT:**

|                        |                                    |
|------------------------|------------------------------------|
| Philip Brown           | of Philip Brown Associates Limited |
| Michael Quinn (Senior) | Appellant's husband                |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|             |                                        |
|-------------|----------------------------------------|
| Mike Davies | Consultant Planner, Shrewsbury Council |
| Eddie West  | Policy Manager, Shrewsbury Council     |
| Anna Jones  | Policy Officer, Shrewsbury Council     |

## **DOCUMENTS**

HD1     APP/L3245/W/23/3334142