



Appeal Decision

Hearing held on 24 March 2026

Site visit made on 24 March 2026

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal Ref: 6003194

Hengoed Fields, Upper Hengoed, Oswestry SY10 7EY

- 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 Michael McDonagh against the decision of Shropshire Council.
 - The application Ref is 25/03156/FUL.
 - The development proposed is change of use of land to use as a residential caravan site for two Gypsy/Traveller families with a total of 4 caravans, including no more than 2 static caravans/mobile homes, together with the laying of hardstanding, erection of ancillary amenity building and improvement of the access.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of land to use as a residential caravan site for two Gypsy/Traveller families with a total of 4 caravans, including no more than 2 static caravans/mobile homes, together with the laying of hardstanding, erection of ancillary amenity building and improvement of the access at Hengoed Fields, Upper Hengoed, Oswestry SY10 7EY in accordance with the terms of the application, Ref 25/03156/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The address for the appeal site in the header and my decision is taken from the application form. However, I have omitted reference to the site being to the west of an un-named road as the site lies to the east of the adjacent highway.
3. The submitted site layout plan shows the various elements referred to in the description of development. The drawing also shows the position of post and rail fencing and screen fencing on the site. At the hearing, I was provided with elevation plans that show these fence types. No injustice or prejudice would be caused to any party by treating the fences as part of the appeal development.
4. The site layout plan also shows an “existing stables” building on the defined appeal site. However, no such building exists and the appellant’s agent indicated that the erection of this building does not form part of the appeal development. As such, I have disregarded the stables building in my assessment.
5. On my visit, I saw a residential use of the site has commenced with caravans and mobile homes positioned on the land. The appellant and their family members are living on the site. Also, stone surfacing has been laid and fencing erected. As such, the development has commenced, although the site was not laid out in

accordance with the submitted plans. For clarity reasons, I confirm that my assessment is based on the development as shown on the drawings.

6. I am advised the Council has served a planning enforcement notice on the owners of the appeal site and that an appeal has been lodged against the serving of this notice. However, this decision only relates to the appeal against the Council's decision to refuse planning permission as indicated in the header.

Main Issues

7. Having regard to the Council's refusal reasons and concerns raised by interested parties, I consider the main issues are (i) the effect of the development on the character and appearance of the area, (ii) the issue of intentional unauthorised development (IUD), (iii) whether the scale of the development is acceptable having regard to need, (iv) whether the development could be served by suitable foul and surface water drainage, and (v) whether it is served by a suitable and safe means of access. If the development is unacceptable in any of these respects, it follows to consider whether the general need for Gypsy and Traveller pitches and the supply of sites justify granting planning permission.

Reasons

Effect on character and appearance of the area.

8. Previously, the appeal site was grassed and formed part of the wider field. It was served by a gate and informal access leading out onto the road. The surrounding area mainly consists of open fields, hedgerows and trees. The site is fairly close to Upper Hengoed and the southern edge of the village is seen from the plot. However, the development is separated from the settlement by intervening fields. The surrounding area includes isolated houses and farmsteads but it has a strong rural feel. The site prior to the commencement of the development would have made a positive contribution towards the visual qualities of the countryside.
9. The development affects only a corner of the wider field and the caravans I saw on my visit were fairly low in height. Even so, they were visible above the roadside hedge when travelling along the adjacent highway. When approaching from the south, the development is screened to a degree by a nearby house called The Sycamores and by a small group of mature trees. However, there are longer distance views of the caravans when travelling from the direction of Upper Hengoed. Moreover, the caravans are seen from Garside Close, a residential cul-de-sac on the southern edge of the village. There are also views across adjoining fields from City Lane to the south as well as from the road to the west, referred to at the hearing as Mardy Lane. Also, users of a public right of way that runs across the wider field in which the appeal site lies have clear sight of the fencing and caravans that have been introduced onto the land. Therefore, the site as it stands has a noticeable visual effect from several public vantage points. It is also seen from surrounding private land and properties.
10. The development as shown on the plans is different to the situation I saw on the appeal site but it would have a similar visual effect. The introduction of the amenity building, caravans and screen fencing would erode the openness of the plot compared to its original agricultural and pastoral use. Also, the development would stand out given its position within a field and separated from Upper Hengoed and the nearest dwellings. The introduction of a residential use is not entirely alien to

the locality as the plot is near to The Sycamores. However, a residential caravan site is unusual to the area, even if similar developments are seen in rural locations elsewhere. Also, the views of caravans and buildings, the residential activities and associated lighting would undermine the site's contribution to the intrinsic beauty of the countryside.

11. The drawings indicate the provision of grassed areas to reduce the extent of hardstanding compared to the existing situation. Also, the plans show proposed hedge and tree planting around the pitches and it is suggested that further planting could be provided on land beyond the defined appeal site but within the wider field. Such planting would take time to mature and it would be unlikely to totally conceal the development, particularly during times of leaf fall. Even so, there is scope to provide a significant level of new green screening on the appellant's land that would reduce the prominence of the development and soften its visual effects. Such planting would not look out of character provided it is sympathetic to other vegetation seen on and near the site.
12. To summarise, I find the development has had a harmful effect on the character and appearance of the rural landscape. Additional planting would reduce the level of harm but the development would continue to have a detrimental impact, primarily by introducing a residential use and associated buildings and structures onto part of an open field within the countryside. In these regards, the development would not accord with policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and policy MD2 and MD12 of the Council's Site Allocations and Management of Development Plan 2015 (SAMDev). Amongst other things, these policies require development to respect locally distinctive character, to protect the natural environment and in general terms to resist significant adverse effects on the landscape and visual amenity. The Council's refusal reason also refers to CS policy CS5, although this permits development that maintains countryside character rather than restricts schemes that are harmful.
13. As the development does not comply with CS policy CS6 it does not fully accord with the final bullet point under CS policy CS12. However, through new planting secured under a planning condition, I am satisfied the development would incorporate suitable screening as required under the same part of CS policy CS12. New planting would also partially mitigate the visual effects so that the development would cause a moderate level of harm to the qualities of the landscape.

Intentional Unauthorised Development.

14. Whilst not a Council refusal reason, interested parties have raised concerns that the appeal development has commenced and proceeded without the required planning permission. A Written Ministerial Statement from August 2015 establishes IUD as a material consideration in the determination of appeals. At the hearing, the appellant's agent accepted that IUD has taken place as the development has been commenced without the required planning permission.
15. The appellant applied for planning permission at about the same time as moving onto the site. As such, there was no intention to proceed with the development without at least seeking planning permission. Moreover, the Council has not sought to dispute the appellant's claim that there is no authorised and available

Gypsy and Traveller pitches for the occupants as an alternative to the appeal site. These are mitigating circumstances to consider on this matter.

16. Therefore, I conclude IUD has occurred but this attracts very limited weight in my overall assessment of the appeal. In arriving at this view, I have noted the concerns from interested parties over breaches of planning control and a claimed failure to follow proper planning procedures. However, I am also mindful that section 73A of the Town and Country Planning Act 1990 specifically allows for planning permission to be sought for development that has been carried out before the date of a planning application.

Scale of development and need.

17. The Council is concerned that inadequate evidence has been provided to show a need for the caravans on the site. However, the submissions include information on the intended occupants and the Council do not dispute that they fall within the definition of Gypsies and Travellers as set out in the Government's Planning Policy for Traveller Sites (PPTS). The information provided also justifies the scale of the appeal development given the number of occupants.
18. The Council's second refusal reason refers to CS policy CS12 but this does not require a need for any proposed Gypsy and Traveller site to be demonstrated. CS policy CS5 is permissive of Gypsy and Traveller sites that accord with CS policy CS12 and where applicants demonstrate a need and benefit for the development. The matter of general need is considered in detail later in this decision but the Council accepts there is no alternative and available Gypsy and Traveller site that could be occupied by the appellant and their family. It would seem the same lack of alternatives would apply for any Gypsy and Traveller household looking for a new accommodation site.
19. Therefore, I conclude the need for a development of the scale as indicated has been demonstrated. Accordingly, I find no conflict with CS policies CS5 or CS12 in these regards.

Surface and foul water drainage.

20. The Council is concerned that no surface water drainage strategy has been provided. However, it is accepted that a planning condition could be imposed that requires surface water drainage details to be submitted, approved and implemented. The site is not within an area formally identified as being at risk of flooding and I anticipate the development would not lead to a significant additional surface water runoff. In such circumstances, it is reasonable to address this matter through the imposition of a planning condition.
21. The third refusal reason is also critical of the absence of a foul water drainage strategy. The application form indicates a package treatment plant would be provided to serve the development, although a septic tank has been installed in the meantime. I was also advised that there is no foul water mains system to serve any of the local properties. In such circumstances, it would seem that connection to a public foul sewer would be unfeasible and so it is appropriate for the development to include a non-mains foul water system.
22. Very limited information has been provided on the proposed foul drainage system to serve the site. In these regards, the submissions are contrary to provisions set

out in the Planning Practice Guidance that sufficient information should be provided on the potential implications of foul water systems on the water environment¹. However, it is also appropriate to consider whether concerns in respect of foul water disposal could be reasonably addressed through the imposition of a planning condition as suggested by the appellant.

23. To my mind, there is clearly sufficient scope on the appellant's land to install a foul water system to serve the development. This is not a situation where there is a restricted space available for drainage infrastructure. A package treatment plant system would require connection to electricity and water supplies but I find no substantive reason to dispute the appellant's claim that this could be provided to the site. The site's close proximity to The Sycamores indicates a strong likelihood that the appeal development would also be serviced appropriately.
24. I note the concerns raised over potential contamination to the environment through the improper treatment of waste water from the site. However, I see no significant impediment to providing an appropriate system that would hold and treat foul water without unacceptable risk of pollution.
25. Therefore, I find the development would be served by appropriate surface and foul water drainage systems. In these regards, it would accord with CS policy CS18 and SAMDev policy MD2. Amongst other things these look to ensure developments include water management measures to avoid flood risk and an adverse impact on water quality.

Whether the access to the development is safe.

26. The access to the development is in the same position as a previous gate to the field although it appears to have been widened and surfaced. It is fair to envisage the development would lead to more vehicular trips using the access compared to the site being used as part of a field. However, at the hearing the Council's representative on highway matters agreed that 2 residential pitches is likely to generate only a low level of vehicular movements. This is a factor to consider in deciding whether the access to the development would be safe.
27. The entrance to the site is on a straight part of a 2 way, single-carriageway public highway leading to Upper Hengoed. A speed limit of 60mph applies to the stretch of road directly outside the site but a 40mph restriction applies as the road approaches Upper Hengoed.
28. The appellant claims that visibility splays at the site access of 2.4m x 200m to the south and 2.4m x 178m to the north are achievable. From my observations, the claim on visibility to the south seems reasonable as the stretch of highway from the access to the junction with City Lane is quite straight with no significant interruption to views. When looking northwards from the access, I was able to see traffic travelling towards the site from the top of a rise in the road within Upper Hengoed. Roadside hedges and trees are set back from the edge of the carriageway and the highway is straight with only minor dips. As such, it is not obvious as to why visibility to the north of the access would be restricted to 178m. Indeed, from my observations a visibility well in excess of 178m to the north of the access is achievable.

¹ Planning Practice Guidance, Water Supply, wastewater and water quality, Paragraph: 020 Reference ID: 34-020-20140306, Revision date: 22 07 2019.

29. The Council refers to Manual for Streets 2 (MfS2) in support of its contention that information on actual speeds is required to arrive at a conclusion on required visibility splay measurements. No actual traffic speed data is before me. However, given the 60 mph speed limit, it is reasonable to conclude that actual vehicular speeds past the site access are above 40mph for significant periods of the day. In such circumstances, paragraph 1.3.6 of MfS2 recommends the use of parameters for stopping sight distances as set out in the Design Manual for Roads and Bridges (DMRB). It is therefore appropriate for the appellant to rely on design speed parameters as set out in Table 2.10 of DMRB CD 109 as guidance on required visibility splays.
30. With reference to Table 2.10, the appellant's agent contends that the desirable minimum visibility splay should be 2.4m x 200.45m. It is not disputed that this could be achieved to the south of the access. Using the appellant's own information, this length of visibility splay could not be provided to the north. Nonetheless, from my observations I find that views from the access looking northwards would allow unrestricted sight of on-coming vehicles from a significant distance away. Even if traffic is travelling in excess of the speed limit, there is no unacceptable risk of drivers leaving the site and dangerously pulling out of on-coming traffic due to insufficient visibility. Moreover, there is good forward visibility when travelling along the road as it is generally straight and flat. As such, I see no reason why vehicles slowing to turn into the site would lead to sudden braking by following drivers.
31. Appeal decision reference number APP/L3245/W/23/3330410 relates to the same site as this appeal although to a stables and menage development (hereafter referred to as the previous appeal). The Inspector for that appeal found insufficient evidence to show the development would avoid a harmful effect on highway safety. However, I am unclear as to the extent of evidence that was before the Inspector. Moreover, paragraph 15 of this previous appeal decision notice indicates that the stables proposal would utilise the existing field access, whereas the current appeal development includes improvement works to the site entrance. Also, the previous appeal Inspector refers to concerns over parking and internal turning areas. Similar concerns do not apply in this case as the site is of a size to allow ample parking and vehicular manoeuvring space. Therefore, I am not bound to arrive at the same conclusion as the previous appeal Inspector on this matter.
32. For the above reasons, I conclude the development would be served by a suitable and safe means of access. In these regards, it would accord with CS policy CS6 and SAMDev policy MD2. Amongst other things, these look to ensure development is designed to be safe and accessible.

Other concerns raised by interested parties.

33. Several concerns and other points against the appeal development have been raised by interested parties. The previous appeal decision refused planning permission for the stables and menage development on the site. However, this appeal is assessing a different type of development. The previous appeal Inspector did not need to consider planning policies and other factors that are relevant to my assessment. As such, I am not bound to follow the previous appeal decision in the determination of this appeal.

34. I have also been referred to various other appeal decisions and court cases in support of the concerns that have been raised. These judgements have been noted but they do not provide mandatory directions on how all other Gypsy and Traveller site developments should be decided. The weight to be attributed to the factors in favour and against this appeal development will vary to those of other schemes due to the different circumstances and policy contexts.
35. Concern is raised that allowing the development would lead to an undesirable precedent for other similar schemes. However, any future proposals that may come forward would need to be considered in light of the planning policies and pertinent factors at the time. As such, any decision made in respect of this appeal would not need to be followed with any subsequent planning application.
36. At paragraph 26, the PPTS states that new Gypsy and Traveller sites in open countryside away from existing settlements should be very strictly limited. The appeal site is in open countryside but it is fairly close and within sight of Upper Hengoed. As such, it is not so far away from an existing settlement to be clearly contrary to paragraph 26 of the PPTS. In any event, paragraph 26 of the PPTS does not entirely preclude new Gypsy and Traveller sites in the countryside.
37. Moreover, CS policy CS12 is supportive of new Gypsy and Traveller sites that are close to Market Towns and Community Hubs and Clusters. Upper Hengoed forms part of a Community Cluster and is near to the appeal site although it contains very limited facilities. A broader range of services and public transport links are at Oswestry and Gobowen, which can be fairly easily accessed by car from the site. I agree with the Council's opinion that the site's location accords with CS12 as it is sufficiently close to these identified settlements. It is unlikely that residents would walk or cycle to the nearest services given separation distances and the lack of street lights and pavements on local roads. However, there is no requirement under CS policy CS12 for new sites to be located so as to promote non-car travel.
38. Reference is made to SAMDev policy S14.2 that defines the settlements of Selattyn, Upper/Middle/Lower Hengoed and Pant Glas as a Community Cluster. I am advised this policy states that further housing development within this cluster will not be supported during the period up to 2026. Even if this policy is considered relevant to this appeal, we are now in 2026 and so the policy restriction on additional housing no longer applies.
39. The appellant's Preliminary Ecological Appraisal (PEA) was carried out after the commencement of the development but it takes account of the site's condition prior to works. The Council does not dispute the findings of the PEA that the development avoids harm to sites designated for their ecological or biodiversity interest and protected species. Any permission granted would not be subject to the statutory biodiversity gain condition as retrospective planning permission is sought. However, there is scope within the appeal site and adjacent land owned by the appellant to provide new planting and habitat enhancement measures to offset any detriment caused by the development to the biodiversity value of the land. External lighting on the site could be controlled through a planning condition to avoid unacceptable disturbance to foraging bats.
40. The site would provide a safe and suitable living environment for its residents. Also, it is a sufficient distance from the nearest properties to avoid harmful effects on living conditions at dwellings in the locality. Concern is raised over noise from a

electricity generator on the site. However, given the separation to the nearest residences I am unconvinced that this or activities associated with the development would be so noisy so as to cause unacceptable disturbance to local residents. As such, the development would not lead to an infringement to anybody's rights to peaceful enjoyment of their possessions and to respect for a private family life and a home as set out under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998.

41. There is no substantive evidence to support concerns that the generator or the laying of surfacing on the site has caused ground contamination. No unacceptable harm to the value of agricultural land would occur given the limited scale of the development and as the remainder of the field remains unaffected. There is no evidence to indicate the development affects any heritage asset.
42. The provision of 2 pitches would not dominate the nearest community of Upper Hengoed. The development as a fairly minor residential scheme would not place an unacceptable stress on local infrastructure or services. The site would provide a settled base that would allow residents to integrate with communities in the nearest villages. Therefore, I see no reason why allowing the appeal is bound to cause friction between the site's occupants and the local population.
43. None of the above concerns provide justification to refuse planning permission. As such, they do not affect my overall assessment of the appeal.

The need for Gypsy and Traveller pitches and supply.

44. I have found the development would be acceptable under the third, fourth and fifth main issues. However, the harm identified to the character and appearance of the area means the scheme does not accord with the development plan when read as a whole. It follows to consider whether other factors justify allowing the appeal contrary to development plan policies.
45. Paragraph 9 of the PPTS says local planning authorities should set pitch targets for Gypsies and Travellers that address the likely local needs. Also, paragraph 10 of the PPTS requires local authorities to identify and update annually a supply of specific developable sites sufficient to provide 5 years' worth of sites against their local targets. I am taken to no part of the CS or SAMDev that sets out pitch targets. Instead, the Council relies upon a Gypsy and Traveller and Travelling Showperson Accommodation Assessment dated July 2025 (the GTAA). This document does not form part of the development plan and it has not been the subject of any formal examination. Nonetheless, it has been recently published and it provides the only assessment before me on the local need for Gypsy and Traveller pitches.
46. Table 7.1 of the GTAA provides a summary of the demand and supply factors in relation to pitches for the 5 year period 2025/26 to 2029/30. This identifies a need in Shropshire of 158 pitches against a current supply on authorised sites of 138 pitches. The shortfall of 20 pitches represents the Council's pitch target for that 5 year period. Table 7.3 of the GTAA also identifies a longer term need from 2030/31 to 2045/46 for an additional 70 pitches. This information demonstrates a recognised short and longer term need for more authorised Gypsy and Traveller sites. This context adds support for allowing the appeal development.

47. Table 1 of the Council's Statement of Case (SoC) states that there is currently a supply of 31 Gypsy and Traveller pitches not accounted for in the GTAA. Supply at this level would address the short term need for 20 pitches. However, this figure of 31 includes a contribution of 5 pitches through "expected household dissolution". The Inspector for appeal decision reference number APP/L3245/W/25/3363263 (the Tong Forge appeal) considered that household dissolution should not form part of the 5 year supply as it does not identify specific sites and delivery cannot be guaranteed. I agree with the Tong Forge appeal Inspector on this point, for the reasons given and as it is not shown that any vacant pitches through household dissolution are available now.
48. Moreover, Table 1 of the SoC refers to the supply of 16 pitches on a site at Craven Arms. This site is owned by the Council although it is currently closed and unoccupied. The GTAA does not count the Craven Arms pitches as counting towards current supply but it suggests through refurbishment the site would lead to a source of potential future supply.
49. The Tong Forge appeal Inspector raised concerns over including the Craven Arms pitches towards supply as they are not available now and there is insufficient evidence to indicate they will come forward within the next 5 years. At paragraph 9.10 of the SoC, the Council states the Craven Arms site is not currently available to provide accommodation for the appellant and their family. Also, the Council's representative at the hearing was unable to confirm whether the site was currently being marketed or publicised as being available to the wider Gypsy and Traveller community. Moreover, no detailed timescale for the refurbishment works to the site has been provided. Indeed, it was suggested at the hearing that such works may not now be carried out by the Council but instead they would be left to others.
50. Table 4.4 of the GTAA indicates the pitches at the Craven Arms site as not contributing towards supply at the GTAA base date. There is little evidence to indicate significant progress on the refurbishment of the site since the GTAA was published. As such, it is reasonable to adopt a similar stance to the GTAA and to discount the Craven Arms site's contribution towards pitch supply.
51. The Craven Arms site has planning permission to be used for Gypsy and Traveller accommodation. Footnote 4 of the PPTS states that sites with planning permissions should be considered deliverable until permission expires. However, in light of the current closure of the site and the lack of clear information on when the pitches will be made available for occupation, I am minded to agree with the Tong Forge appeal Inspector and to disregard the Craven Arms pitches in terms of supply of deliverable sites.
52. Table 2 of the Council's Statement of Case sets out details of planning permissions granted for 10 Gypsy and Traveller pitches since the base date of the GTAA. However, it is evident from Table 2 and the Tong Forge appeal decision that planning permissions for 7 of these pitches were granted retrospectively. These permitted developments may have addressed a need for pitches as identified in the GTAA. Even so, it would seem the pitches are not available now for any Gypsies and Travellers currently looking for a new site within Shropshire.
53. In any event, discounting the 5 pitches from household dissolution and 16 pitches at the Craven Arms site from the figures in Table 1 of the SoC gives a supply

figure of 10 pitches. This is below the short term need and 5 year target for 20 new authorised pitches. Therefore, the Council is unable to demonstrate an up-to-date supply of deliverable sites as required under the PPTS.

Planning balance.

54. Paragraph 28 of the PPTS states that paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged where a 5 year supply of deliverable Gypsy and Traveller sites cannot be demonstrated. Paragraph 11(d) indicates that planning permission for the appeal development should be granted unless the circumstances under sub-paragraphs 11(d)(i) or 11(d)(ii) of the Framework apply. The Framework's policies on areas or assets of particular importance (as listed in footnote 7) do not provide strong reason for refusing the appeal development. It follows to consider the benefits of the development against its adverse impacts as required under sub-paragraph 11(d)(ii) of the Framework.
55. The contribution towards the provision of private Gypsy and Traveller pitches is generally supported under PPTS paragraph 4(e). The development would also help address a local shortfall in the supply of sites. Moreover, it would help to ensure that a sufficient amount of land is available to meet the accommodation needs of Gypsies and Travellers and so the development gains support from paragraph 61 of the Framework. The provision of 2 pitches would be a modest contribution in numerical terms but even so these benefits attract moderate weight in light of the un-met need for more authorised pitches.
56. The development would not recognise the intrinsic character and beauty of the countryside, contrary to paragraph 187(b) of the Framework. The level of harm caused in these respects would be mitigated to a degree through additional planting. Nonetheless, I attach moderate weight to the harm caused in these regards. The IUD matter adds very limited weight against allowing the appeal.
57. As such, the benefits of the development and the harm it would cause are finely balanced. Therefore, I conclude the adverse impacts of the development do not significantly and demonstrably outweigh the benefits and so sub-paragraph 11(d)(ii) of the Framework does not apply. Therefore, paragraph 11(d) of the Framework dictates that planning permission should be granted. This support from the Framework for the appeal development provides justification to grant planning permission contrary to development plan policies.

Other factors raised by the appellant.

58. In support of the appeal, details of the appellant's and their family's personal circumstances have been provided as well as the specific benefits of the development to the residents. Also, the appellant claims there has been a failure of policy in terms of the Council's approach to ensuring the sufficient supply of Gypsy and Traveller pitches. However, I need not consider these points any further as I have found that planning permission should be granted in any event.

Conditions

59. The Council has provided a list of suggested conditions. I have considered these in light of the tests for planning conditions as set out in the Framework. Where appropriate, I have amended the wording for reasons of precision.

60. Condition 1 is imposed for clarity reasons. It is worded to ensure the caravans are laid out as shown on the plans. Also, it has been revised to confirm the existing stable block shown on the site layout drawing does not form part of the permitted development.
61. Condition 2 requires the approval and implementation of a drainage scheme to ensure surface and foul water from the development is disposed of appropriately. The approval and implementation of a new planting scheme is required to minimise the development's visual effects and impact on the landscape. Details of the access apron are required in the interests of highway safety. The condition includes measures to ensure the development has an acceptable effect on the biodiversity value of the site. Also, it is worded to reflect the situation that the development has commenced and to ensure it ceases in the event of required details not being submitted, approved or implemented. I have reworded the condition so that a separate condition on landscape maintenance is not required.
62. Condition 3 is imposed in the interests of highway safety. I am satisfied that the splays would include land either owned by the appellant or that lies within the extent of the public highway. Condition 4 is imposed to minimise the visual impact of the development in the dark and to prevent disturbance to wildlife at nighttime.
63. Condition 5 is required as my assessment is based on the development providing accommodation to meet the specific needs of Gypsies and Travellers. There is limited evidence to show a wider need for the residential caravan site. Conditions 6 and 7 are imposed to minimise the visual impact of the development and the continuing use of the land for residential purposes.
64. I find no reason to impose a condition that prevents commercial activities as none are proposed. Introduction of commercial operations to a level that represents a material change of use would require planning permission in any case. Discussions were held at the hearing on conditions that would limit the development for a temporary period and restrict occupancy to the appellant and their family. However, such conditions are unnecessary as I have found a permanent permission is justified and that the appellant's personal circumstances are not determinative in reaching my decision on the appeal.

Conclusion

65. The development does and would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Accordingly, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Philip Brown	Agent
Michael McDonagh	Appellant
Mary McDonagh	Wife of appellant

FOR THE LOCAL PLANNING AUTHORITY

Mark Perry	Senior Planning Officer
Emma Green	Area Planning Manager and Enforcement Team Leader
Daniel Corden	Principal Planning Policy Officer
Christopher Mead	Senior Developing Highways Manager

INTERESTED PARTIES

Alan Heyes	Objector
Ian Lander	Objector on behalf of Selattyn and Gobowen Parish Council
Ralph Tomley	Objector
Jane McMahon	Objector
Joey Hanson	Objector
Bethan Owen	Objector
Mrs Symon	Objector

LIST OF DOCUMENTS SUBMITTED AT THE HEARING

1. Un-numbered drawing scale 1:20 showing post and rail fencing.
2. Drawing numbered PBA4 scale 1:20 showing vertical wooded boarding fencing.

SCHEDULE OF CONDITIONS

- 1) Except where required under the terms of any of the other planning conditions, the development hereby permitted shall be carried out in accordance with:-

- un-numbered plan scale 1:2500 showing the development site outlined in red,
 - un-numbered site layout plan, scale 1:500,
 - un-numbered drawing scale 1:100 showing proposed amenity building,
 - un-numbered drawing scale 1:20 showing post and rail fencing; and
 - drawing numbered PBA4 showing vertical wooded boarded fencing
- except in respect of the erection of the existing stables as shown on the un-numbered site layout plan. Mobile homes and tourer caravans shall only be positioned on the residential caravan site hereby permitted in accordance with the approved drawings.

- 2) Notwithstanding the details as shown on the approved plans listed under condition 1, the use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purpose 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 “site development scheme” shall be submitted in writing to the local planning authority for written approval. The scheme shall include details of:-
 - (a) surface and foul water drainage including a plan showing the location and size of any drainage features and supporting information to show the drainage can adequately cater for the development; and
 - (b) details of new tree and hedge planting including location, size, species and density of all species to be planted and a maintenance schedule for a period of 5 years following final implementation of the planting; and
 - (c) details of the construction of the access apron at the entrance of the development; and
 - (d) details of biodiversity enhancements including a minimum of 2 bat boxes, 2 bird boxes and 2 invertebrate boxes; and
 - (e) a timetable for the implementation of all elements of the site development scheme.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve any aspect of 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 site development scheme shall have been approved by the Secretary of State.
 - iv) The site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the site development scheme, all aspects of the scheme shall thereafter be retained and maintained in accordance with the approved details. In the event of any of the soft landscaping so planted dying or being seriously damaged or destroyed within 5 years of the completion of

the soft landscaping scheme, replacement planting, as the case may be, of a similar species shall be planted and properly maintained.

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.

- 3) Within 28 days of the date of this decision, the 2.4 metres by 200 metres visibility splay to the south of the access and the 2.4 metres by 178 metres visibility splay to the north of the access as shown on the un-numbered plan included as appendix PBA4 to the appellant's agent's statement of case shall be made free of any obstruction exceeding 0.6m in height and they shall be retained as such thereafter.
- 4) No external lighting shall be installed on the residential caravan site hereby permitted unless details of the lighting have been previously submitted to and approved in writing by the local planning authority. Any such details shall include information to show external lighting would not impact on ecological networks and sensitive features such as bat and bird boxes.
- 5) The residential caravan site hereby approved shall not be occupied by any persons other than Gypsies and Travellers, defined as, persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 6) There shall be no more than 2 pitches on the residential caravan site hereby permitted and there shall be no more than 1 static mobile home and 1 touring caravan stationed on each pitch at any time.
- 7) 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 the boundaries of the residential caravan site hereby permitted other than those shown on the approved plans listed under condition 1.