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## Appeal Decision

Site visit made on 2 March 2026

by **Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2026

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### Appeal Ref: 6003167

#### 1A The Lodges, Main Street, Carlton Scroop, Grantham, Lincolnshire NG32 3AY

- 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 Tony Doherty against the decision of South Kesteven District Council.
  - The application Ref is S25/0403.
  - The development proposed is the use of land for the stationing of caravans for residential purposes and the laying of hardstanding and erection of a dayroom ancillary to that use.
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### Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes and the laying of hardstanding and erection of a dayroom ancillary to that use at 1A The Lodges, Main Street, Carlton Scroop, Grantham, Lincolnshire NG32 3AY in accordance with the terms of the application, Ref S25/0403, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Planning permission was granted for a temporary Gypsy & Traveller (G&T) site on the appeal site under reference S22/0091. The development this permitted included a change of use to allow use as a caravan site for two gypsy families, each with 3 caravans, and the erection of two utility buildings. By virtue of condition 10 the permission that was granted expired on 3 May 2025, with condition 8 requiring that the land be restored to its condition before the development took place within 6 months of the cessation of the use. The appeal before me seeks permission for a single pitch, with the plans submitted showing one mobile home, one touring caravan, one day room and a reduced hardstanding area. This differs to what was previously permitted, and hence I have referred to the development before me as the 'proposed development' throughout this decision.
3. The main parties disagree as to whether Policy SP4 or SP5 of the Local Plan 2020 (LP) is the relevant strategic development plan policy. The existing pattern of development in this area takes a linear form along the northern side of the A607. In the immediate surroundings, the appeal site is a standalone feature on the southern side of that road and is not adjacent to the existing pattern of development. It is also not adjacent to a developed site allocation. It would not accord with Policy SP4c of the LP in either of those respects. It also does not fall within any of the exceptions listed in Policy SP5 of the LP. I therefore proceed on the basis that there is a strategic policy conflict, whichever of those development plan policies is applied.

## Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the surrounding area and (ii) existing habitat and protected species.

## Reasons

### *Character and appearance*

5. The appellant and Council disagree about whether the appeal site is in the 'countryside' or the 'open countryside'. However, in making an 'on the ground' assessment of the impact of the proposed development on the character and appearance of the area, it is of no real consequence which classification is preferred. The appeal site is close to existing built form in Carlton Scroop, that being dwellings located predominantly to the north of the A607, on the opposite side of the road to where the proposed development would take place. It is understood that the appeal site was previously in agricultural use, which is the prevailing land use to the south of the A607 in the area closest to the appeal site.
6. The entrance to the settlement on the approach from the south includes views of the appeal site taken from both the A607 and the public footpath which runs across the fields behind the site. In those views the appeal site is predominantly framed in the foreground of the linear development of dwellinghouses on the opposite side of the main road. This reduces both its impact and the sense of visual isolation when viewed from that direction. The separation from the existing built development is more starkly appreciated in views looking west along the A607 but even then, the proximity of the site immediately adjacent to the hard surfacing of the road, which curves at this point, lessens the impact. Its separation from the settlement is most apparent when looking west along the public footpath, where its separation from the built form of the settlement and from other man-made features is most noticeable.
7. Nonetheless, the appeal proposal would from many viewpoints have a visual association with the settlement. As a single pitch development, there would be only one built structure in the form of the single-storey dayroom alongside one mobile home and one touring caravan. Established tall trees are already present adjacent to the northern and western boundaries, and there is a reasonable prospect that some additional landscaping could be achieved close to the eastern and southern boundaries, notwithstanding that the plan submitted shows this indicatively to be situated outside of the red line site area. The fencing that has been erected is not shown on that plan nor referenced in the description of development, and as I will come to later in my decision, it is the appellant's position that the fencing is permitted development. I have not therefore considered the fencing as being part of the proposed development that is before me.
8. In conclusion, the proposed development would be a standalone development on the southern side of the A607 and it would represent an encroachment into what is a large expanse of agricultural land which is for the most part devoid of any type of built development. For those reasons alone, it would result in harm to the character and appearance of the surrounding area. Whilst I would classify the harm caused as moderate because of the mitigating factors that I have outlined above, it would nonetheless mean that the proposal would fail to accord with

Policies SP4, SP5, EN1 and DE1 of the LP, where collectively they seek to safeguard character and appearance.

*Existing habitat and protected species*

9. This reason for refusal refers to the impact of the proposed development on existing habitat and protected species. The Council's Delegated Report refers to their concern that the proposed development would involve the removal of hardstanding and fencing which is currently located close to the mature conifer hedgerow on the north and west boundaries of the site. They consider this to be an engineering operation which would involve excavation close to that hedgerow and field margin, which both provide potential habitat for protected species. There appears however to be an inherent inconsistency in their approach to this matter, as they seek to resist the proposed development because of this concern. Yet the dismissal of this appeal would in all likelihood lead to the removal of the entire hardstanding in compliance with Condition 8 on S22/0091.
10. In any event, I see no reason why the removal of any of the hardstanding would cause harm to existing habitats or protected species, given that works would take place entirely within the perimeter of the fencing that has been erected. The appellant states that the existing fencing is not proposed to be removed as it is permitted development. They point to what they refer to as an extract from the report for S22/0091 which appears to accept this position. Whatever is the case, I note that the fencing is not shown on the plans submitted as being part of the proposal. If the Council ultimately took a different view, it would be within their gift to instigate enforcement proceedings to secure the removal of the fence. But again, in doing so, they would be instigating the same effect that they raise objection to in respect of the appeal proposal. The appellant states that no trees would be removed as part of the proposal, and I see nothing to suggest that this would be necessary in order to implement it.
11. On their application form the appellant claimed an exemption from statutory Biodiversity Net Gain (BNG) on the basis that it would fall within the de minimis exception. The Council does not appear to have challenged this on receipt, and they accepted the application as valid, did not request further information and proceeded to determine it. Their position now is that the baseline is that which existed before the temporary permission was granted, which they consider would be returned as a result of compliance with condition 8. However, with reference to Schedule 7A of the Town & Country Planning Act 1990, in relation to any development for which planning permission is granted, the pre-development biodiversity value of the onsite habitat is the biodiversity value of the onsite habitat on the relevant date. It further defines the relevant date as, in a case in which planning permission is granted on application, the date of the application.
12. The relevant date would be the date on which the planning application was submitted. At that time the temporary planning permission had not expired. It does not appear that there is any suggestion that the works that had taken place at that time were otherwise than in accordance with the permission that was extant then. The de minimis exemption was as a result open to the appellant at the point that they made their application, and the baseline should be taken to be what existed at that point in time. In terms of the specific impact of the proposed development, I have found that removal of the hardstanding would not be likely to result in any loss or degradation of biodiversity, and it is intended that the fencing be retained

whatever the outcome. Therefore, taking all considerations as a whole, the statutory BNG requirement would not be necessary as the de minimis exception would apply.

13. In conclusion, I do not consider there to be a reasonable likelihood that habitats or protected species would be affected by the proposed development. Consequently, the proposal would not conflict with Policy EN2 of the LP where it seeks to protect biodiversity. The proposal is also exempt from the statutory BNG requirement.

## **Other Considerations**

### *Need and supply*

14. The Council sets out that 7 pitches have been consented out of the 20 pitches required for the period to 2026, meaning there is an immediate unmet need of 13 pitches. The Gypsy & Traveller Accommodation Assessment (GTAA) 2024 identified a further need of an extra 20 pitches in the period between 2026 and 2041. In addition, the LP does not allocate any G&T sites, and the Council cannot demonstrate a 5 year supply of deliverable sites.
15. Whilst the Council highlights that the emerging local plan (eLP) includes a proposed allocation of at least 20 G&T pitches/plots, the process is in the initial stages and the eLP has not undergone examination. Accordingly, I attribute only limited weight to this. The reason given for Condition 8 on permission S22/0091 was *to allow the Council to re-assess its planned allocation of gypsy and traveller sites as required by the early Local Plan review*. Even if this has been done, the need and supply situation does not appear to have materially improved, if it has improved at all. There has been no allocation of sites, and even if the eLP was to allocate sites it would be likely to be some years before they were available.
16. There is clearly an identified need for G&T sites at the present time, and this is a substantial need. This carries significant weight in favour of the appeal proposal.

### *Alternative sites*

17. The appellant is not obliged to identify alternative sites but nonetheless they state that there are no vacancies at the Traveller's Rest public site. The Council does not put forward any alternative options for consideration. I therefore conclude that there are no alternative sites which could be lawfully used and this too is a matter that carries significant weight in favour of the proposal.

### *Policy failure*

18. It has been put to me that the Council's failure to provide G&T sites extends beyond just an existing unmet need and instead it amounts to a policy failure. The evidence presented relates to the absence of a supply of sites, the delaying of the eLP and the absence of a 5 year supply. The appellant also considers that the GTAA 2024 underestimates the need, but that is not an aspect of their case that has been tested.
19. I have identified matters relating to need and supply and alternative sites, and I acknowledge the delays to the eLP and the 5 year supply position. I am not persuaded however that, even taken cumulatively, this represents a sustained policy failure, and I do not weigh this in support of the proposal.

### *Sustainable location and compliance with Policy H5*

20. The Council considers that the appeal site is located within reasonable proximity to shops, schools and health facilities and therefore complies with Policy H5c of the LP in that respect, and also with paragraph 26 of the Planning Policy for Traveller Sites (PPTS). A bus stop is located very close to the site entrance. I acknowledge that the interested parties refer to there being only limited services and facilities in Carlton Scroop, but I have no reason to doubt that the appeal site can be deemed to be in reasonable proximity to shops, schools and health facilities, which is the relevant test set out in H5c. Whilst this is in effect a matter of policy compliance, it would mean that future occupants had access to such facilities.
21. I am satisfied that the proposal would comply with all other criteria of policy H5, including that it would respect its relationship with the residential (settled) community and not place undue pressure on the local infrastructure. The fact there would be a compliance with the criteria based local plan policy for G&T development weighs positively in favour of the development.

### *PPTS*

22. The PPTS does not preclude G&T development in rural areas or the open countryside. Given the proximity of the appeal site to Carlton Scroop I do not consider that this is an instance where development would take place away from existing settlements. As the proposal is for a single pitch, it would respect the scale of, and not dominate, the nearest settled community. The PPTS does not therefore convey any 'in principle' objection to the location of the appeal proposal.

### *Paragraph 11d)*

23. In circumstances where the most important policies for determining the application are out of date, which includes situations where the local planning authority cannot demonstrate a five year supply of deliverable G&T sites, Paragraph 11d) of the National Planning Policy Framework (the Framework) advocates for the granting of planning permission unless the application of either criteria 11d)i) or 11d)ii) indicates otherwise. There is no suggestion that criterion 11d)i) should apply in this instance.
24. Under paragraph 11d)ii) planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
25. I have found that the appeal site is located in a sustainable location and that it would contribute towards meeting the unmet need for G&T pitches and therefore help to deliver a sufficient supply of homes for a group with a specific housing requirement. These are matters of considerable importance. There would be an adverse effect in so far as there would be harm caused to the character and appearance of the countryside. This harm I have found would be of a moderate level, and it would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore applies.

## Other Matters

26. The Council accepts that the appellant meets the G&T definition set out in the PPTS, but they have highlighted concern as to whether it is the appellant that would ultimately live at the appeal site. This is because it would seem that the land ownership has recently changed hands, and they consider that the appellant may have other living accommodation in a bricks and mortar dwellinghouse. However, given the matters relating to need, supply and a lack of alternative sites for G&T development, the proposal would be meeting an identified need even if the proposed pitch was not to be occupied by the appellant.
27. Any breach of conditions attached to the previous planning permission that may have occurred does not justify the refusal of any further planning permissions on the appeal site. Nor does the Council's suggestion that any conditions imposed on a new planning permission might not be adhered to. In both instances, planning enforcement powers are available to the Council.
28. The number of caravans permitted would be controlled by way of a condition, based on the proposal that is before me and the plans submitted. Matters of sewage disposal could reasonably be addressed by way of a planning condition. The proposal is for a change of use to residential purposes and not commercial purposes and again the Council would have powers to enforce if any breaches of planning control occurred. As a residential use it would not be expected that noise or light levels would occur at harmful levels, although it would be reasonable to control external lighting given the separation of the site from the immediate existing built form.
29. There was no objection from the Highway Authority in terms of highway safety or the impact on the surrounding public highway network. I find no reason to take a different view in those respects. A proposal for a residential use would not be expected to generate concern regarding littering in the area. The proposal would be for one pitch and the appeal site area is of a size that would provide appropriate living conditions for the future occupants. There is no substantive evidence to suggest that the appeal site is at risk of flooding or would lead to flooding elsewhere, and it lies within flood risk zone 1. Likewise, there is no substantive evidence to suggest that crime or anti-social behaviour would be an issue from a residential use.
30. In its appeal submissions the Council raises a view that the appellant has undertaken intentional unauthorised development (IUD). The Written Ministerial Statement of 17 December 2015 sets out changes to national planning policy to make IUD a material consideration. However, the planning application subject to this appeal was made eight weeks before the temporary permission expired. The appellant then had a further six months to restore the site. In those circumstances there is no case to be made that IUD has taken place.

## Planning Balance

31. The proposed development would be contrary to Policies SP2, SP4, SP5, EN1 and DE1 of the LP where they set out the strategic approach for new development and seek to safeguard character and appearance. Whilst the proposal would comply with all of the criteria of Policy H5, which is the policy which specifically refers to G&T development and would not conflict with Policy EN2 in terms of the

impact upon habitats and protected species, it would fail to accord with the development plan taken as a whole.

32. Balanced against this is the significant weight afforded in its favour because of the matter of need and supply and a lack of alternative sites. The PPTS also does not preclude this type of development in this location and I have found that the proposal would be in a sustainable location and that it would benefit from the presumption in favour of development set out in the Framework. Taken collectively, these considerations outweigh the conflict with the development plan and the moderate harm to character and appearance, and they are material considerations which indicate that a decision should be made otherwise than in accordance with the plan.

### **Conditions**

33. As I have determined that this is an application for a proposed development, a condition setting out the time period to commence development is needed. Along with a condition setting out the approved plans, this is required to provide certainty. A condition restricting occupation to those meeting the definition of Gypsy and Travellers set out in the PPTS is required as this is where the need and justification for the development arises. It is necessary to impose a condition setting out the number of caravans permitted and setting out what a caravan is, to define the permission in accordance with what was applied for.
34. Details of sewage/foul water disposal are required to ensure appropriate provision is put in place and details of landscaping, including biodiversity gain proposals, are needed to accord with the requirements of Policy EN2 of the LP. Details of external lighting are required given the location of the appeal site outside of the settlement.
35. The external facing materials proposed to be used in the construction of the dayroom are shown on the plan submitted and I am satisfied that these would be visually acceptable. It is not necessary to require samples of these to be provided for approval. Given the scale of built development that is proposed and that it would not take place immediately adjacent to existing dwellings, I do not consider that it is necessary to impose a condition restricting hours of construction.

### **Conclusion**

36. For the reasons given above, the appeal should be allowed.

*Graham Wraight*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 001 Rev P01, 003 Rev P01 and 005 P01.
- 3) 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, 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, in accordance with Planning Policy for Traveller Sites or replacement planning policy or guidance.
- 4) No more than 2 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a mobile home) shall be stationed on the land at any time.
- 5) Neither the mobile home nor the dayroom shall be occupied or brought into use until works for the disposal of sewage/foul water have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) Neither the mobile home nor the dayroom shall be occupied or brought into use until a scheme of landscaping and biodiversity enhancement together with a timetable for its implementation has been submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented as approved and in accordance with the approved timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Details of any external lighting to be erected shall be submitted to and approved in writing by the local planning authority before the mobile home is occupied or the dayroom is brought into use. Development shall thereafter be carried out in accordance with the approved details.