
Appeal Decision

Site visit made on 13 April 2016

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 April 2016

Appeal Ref: APP/L3245/W/15/3140321

Pool View Caravan Park, Buildwas, Telford, TF8 7BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Sovereign Park Homes against the decision of Shropshire Council.
 - The application Ref: 14/02126/VAR dated 12 May 2014, was refused by notice dated 27 October 2015.
 - The application sought planning permission for "alteration of ground levels and the provision of 10 No plots for static caravans' without complying with a condition attached to planning permission Ref: S/88/0843/174/74 dated 27 July 1989"
 - The condition in dispute is No 3 which states that: "The static caravans shall not be occupied between 30th November in any one year and 1st January in the succeeding year".
 - The reason given for the condition is: "To maintain town planning control".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application reference number given on the application form is S88/343/174/74. However, the Council sought clarification and the appellant has confirmed that it should read S/88/0843/174/74. I have dealt with the appeal on this basis.
3. The application form states that permission is sought to vary condition Nos 1 and 3 previously imposed on Ref: S88/0843/174/74. However, the appellant has since confirmed that the application seeks removal of condition No 3 only. I have dealt with the appeal on this basis.
4. The address given on the application form is No 1 Pool View Caravan Park. However, this address refers to a plot on a different part of the site, and the address has now been amended in agreement with the appellant to read "Pool View Caravan Park, Buildwas, Telford, TF8 7BS".
5. Since determination of the application the Council formally adopted the *Site Allocations and Management of Development Plan (SAMDev)* in December 2015. This forms part of the development plan together with the *Adopted Core Strategy March 2011 (CS)*. Therefore, Policy H3 of the Shrewsbury and Atcham Local Plan, referred to in the decision notice, no longer applies.

Application for Costs

6. An application for costs was made by Sovereign Park Homes against Shropshire Council. This application is the subject of a separate Decision.

Background

7. Planning permission was granted in November 1984 for alteration to ground levels and the provision of 10 plots for static caravans (Ref: 83/1079/174/74). Condition No 3 of that permission reads: "the static caravans shall not be occupied between 31st October in any one year and 1st March in the succeeding year. It was granted subject to a Section 52 Agreement¹ which, amongst other matters, required the applicant "not to use or suffer or permit the caravans stationed on the land as permanent residential occupation" and "not to use the site for the stationing of more than 10 static caravans".
8. A subsequent application to vary condition No 3 of that permission to permit occupation of the caravans for 11 months each year was granted in July 1989 (Ref: S88/0843/174/74). The (new) condition No 3 states: "The static caravans shall not be occupied between 30th November in any one year and 1st January in the succeeding year". This permission was also subject to a Section 52 Agreement (supplemental to that previously entered into) which states: "No caravan stationed on the site shall be used for accommodation purposes from 1st to 31st December in any one year".
9. A *Certificate of Proposed Lawful Use or Development* (CPLUD) for the use of land for the siting of 20 caravans for residential purposes from January to November in any year was granted in February 2014 (Ref: 13/04043/CPL). In considering that application it was the Council's opinion that residential use of the caravans for 11 months in the year in this area would not be in breach of a planning condition, and would not amount to a material change of use of the planning unit.

Main Issue

10. The appellant now seeks to remove the disputed condition to enable unrestricted (year round) residential occupancy of the caravans. Therefore, I consider the main issue in this case is whether the disputed condition is reasonable or necessary having regard to the nature of the use, the aim national and local policy which seeks to resist residential development in the countryside, the impact of permanent (year round) residential occupation of the caravans, and the potential loss of holiday accommodation.

Reasons

11. The appeal site comprises a section of a large caravan park situated in open countryside close to the (decommissioned) Buildwas Power Station. The park is long established and comprises an area used for residential caravans, two areas used for static holiday caravans, a touring caravan area and the area which is subject to this appeal which was formerly used for holiday caravans.
12. As a result of the CPLUD it is common ground between the parties that the 10 caravans on the appeal site can be used for residential purposes, including as a person's sole or main residence, for eleven months in any calendar year. The

¹ Section 52 of the Town and Country Planning Act 1971 (now replaced by Section 106 of the Town and Country Planning Act 1990)

appellant submits that the current requirement for residents to vacate their homes for one month provides no positive contribution to sustainable development; adding that as the caravans will be present on site all year it would be more sustainable for them to be occupied year-round. On the other hand the Council considers that permanent residential use is less likely to occur if the condition is retained, explaining that permanent residential use in this location is contrary to established national and local policies which seek to resist residential development in the countryside.

13. I note that there are no specific policies within the development plan (or the National Planning Policy Framework) relating to the use of caravans for permanent residential use. However, and although the exact nature of the occupation of the caravans is not made clear, an unfettered permission would allow them to be occupied as a sole/main residence or as a second home. In these circumstances I agree with the Council that the application should be assessed against relevant locational policies concerning residential development in the countryside.
14. There is no dispute that the site is located in open countryside, is outside the closest settlement of Buildwas and is not in an identified "community hub or community cluster". As such, CS Policies CS4 and CS5 are relevant. Policy CS4 seeks to prevent development outside settlements unless it meets Policy CS5. This seeks to restrict residential development in the countryside except for accommodation to house agricultural, forestry or other essential rural workers and other affordable housing accommodation to meet a local need. The occupation of the caravans would not fall within any of these qualifying criteria, and therefore I consider the proposal conflicts with these policies.
15. SAMDev Policy MD7a also refers to housing development and supports CS Policy CS5. It states that the use of existing holiday let properties as permanently occupied residential dwellings will only be permitted where, amongst other considerations, the building is of permanent construction and has acceptable amenity standards for full time occupation. The supporting text explains that holiday lets are essentially residential properties in the countryside which are limited by conditions attached to the planning permission, and says permanent occupation of structures such as caravans and chalets will not normally be appropriate. As such, I consider the proposal is in clear conflict with this policy.
16. The caravan park includes a substantial area which is designated for permanent residential occupancy. Many of the chalets/caravans in this area have fenced-off enclosures or personalised garden spaces, together with bin storage areas and (in some instances) garages or sheds. In contrast, the appeal site and other (non-residential) sections of the park have unenclosed plots, little or no outdoor storage, and little evidence of domestic paraphernalia and, notwithstanding the permitted eleven month occupancy, the character and appearance of the appeal site has remained consistent with holiday or limited residential occupancy where everyday living needs area reduced.
17. I agree with the Council that full time residential use could significantly change this character and appearance, leading to pressures for enclosed gardens and other structures which would give a more urbanising and cluttered appearance which would be harmful to the character and appearance of the adjoining countryside. As such the proposal would conflict with SAMDev Policy MD12

which seeks to resist proposals which would have a significantly adverse effect on the landscape.

18. The Council also considers that removal of the disputed condition is likely to encourage the loss of holiday accommodation, contrary to CS Policy CS16. This policy seeks to deliver high quality tourist accommodation in accessible locations. SAMDev Policy MD11 has similar aims and states that "to retain the benefit to the rural economy conditions will be imposed to ensure that the accommodation is not used for residential occupation".
19. However, no such holiday occupancy condition has been imposed in respect of the caravans on the appeal site, and I agree with the appellant that it is no more likely that a caravan that can be occupied for eleven months of the year as a residential unit would be used for short-term holiday lets than would a caravan where year-round residential occupancy is permitted. Therefore, I am not convinced that removal of the disputed condition would have any impact on the provision of tourist accommodation in the area, particularly as tourist accommodation is available elsewhere in the park in the designated touring and holiday caravan areas.

Summary

20. Although I accept that the disputed condition serves little practical purpose in protecting holiday accommodation, I consider it is both reasonable and necessary for the following reasons:
21. Unrestricted occupancy for permanent residential use is likely to make the caravans more attractive as a main or sole residence. The current restriction, even though it applies only for the month of December, is effective in preventing permanent occupation and is consistent with the terms of the 1984 Section 52 Agreement. The appeal site is located in open countryside where residential development is strictly controlled to meet the needs of essential rural workers or an identified affordable housing need, and no such need has been demonstrated in this case. The site is relatively isolated from key services, employment opportunities and good transport links, and this would be likely to result in people whose main or sole residence is at the appeal site having to use the private car to meet the majority of their everyday needs. Furthermore, removal of the condition is likely to lead to pressure for private amenity space and domestic paraphernalia which in turn would harm the character and appearance of the countryside.
22. Consequently, the proposal would conflict with CS Policies CS4 and CS5 and SAMDev Policies MD7a and MD12. In my view no material considerations have been put forward sufficient to warrant a departure from development plan policy.
23. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR