

Appeal Decision

Site visit made on 20 September 2016

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 3 October 2016

Appeal Ref: APP/T3535/W/16/3150614

Land at Mutford Wood, Mutford, Suffolk.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr J Betts against the decision of Waveney District Council.
 - The application Ref DC/16/0688/FUL, dated 17 February 2016, was approved on 7 April 2016 and planning permission was granted subject to conditions.
 - The development permitted is a timber cabin to replace existing static caravan.
 - The condition in dispute is No.1 which states that: "The development hereby permitted shall be for a maximum of 5 years from the date of this permission, after which time the structure shall be removed to the satisfaction of the Local Planning Authority and the land reinstated to its former condition, unless a further application is submitted and approved to renew the permission for a further period of time."
 - The reason given for the condition is: "Having regard to the non-permanent nature of the structure."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner above is taken from the application form and appeal form. Both of these documents also provide a grid reference (648893/289700) to locate the site for the avoidance of doubt.

Background and Main Issue

3. This is an appeal directly following a conditional grant of planning permission to replace an existing static caravan with a timber cabin on a modestly sized field used as private amenity area in the countryside between the villages of Mutford and Barnby/North Cove. From the submitted plans the timber cabin would be of approximately similar dimensions to that of the caravan and would perform a similar function in terms of providing occasional shelter and the storage of equipment for the upkeep of the site. The static caravan was agreed by both parties to be in a dilapidated condition when the planning application was being determined and at the time of my site visit the caravan had largely been deconstructed although the base remains in situ.
4. The appellant acknowledges that the cabin is a temporary structure with a time limited life but considers the imposed condition for a 5 year time limit to be unjustified given the long-standing use of the caravan at the site and that planning permission would be required when the cabin reached the end of its life. Consequently, he seeks the removal of the time-limit condition.

5. The main issue is whether the condition is reasonable or necessary having regard to the nature of the development and the character and appearance of the locality.

Reasons

6. The appeal site is remotely situated in the countryside and is accessed off a quiet country lane via a grass track. There are occasional farmsteads in the vicinity of the appeal site although distance and intervening hedges and woodland restrict any meaningful inter-visibility. Big Mutford Wood provides a backdrop to the south of the site and between the appeal site and the highway to the north there is a patchwork of smaller fields mainly in equestrian use with a variety of low-key outbuildings and stabling. Consequently, there is a strong rural and tranquil character at the appeal location.
7. From the evidence before me there is agreement that the static caravan was at the appeal site for some considerable period of time (>30 years). The appellant refers to it as "an established use" however there is little evidence to support this in terms of an established use certificate and little to refute the Local Planning Authority's (LPA) submission that the caravan was an unauthorised structure. Indeed, the weight of the evidence before me is that the cabin proposal came forward at a point when the caravan had reached the end of its practical life. Consequently the timber cabin has enabled, for the first time, a more formal planning position for a non-permanent structure to be recognised at the appeal site.
8. The site is in the open countryside where planning policy more generally requires development needs to be carefully managed if the verdant and tranquil character of this rural part of north Suffolk is to be protected and enhanced. The LPA has recognised that the cabin would be discreetly located. However, the cabin would not have the look or form of a characteristic rural building and would introduce a structure which by virtue of its materials and glazing would have an obvious appearance of a large domestic summerhouse or shed. In approving this style and type of replacement structure I consider the LPA has taken a pragmatic approach with due regard to the previous use and condition of the caravan.
9. At present the site is concealed by tall hedging, however, there is nothing to prevent this hedging being reduced in height at any future point. As such the cabin would become conspicuous from the quiet, rural public highway. Additionally, despite there being no recorded complaints, I share the view of the LPA that the extent of activity and the use of a formalised non-permanent structure at the very rural appeal site would remain to be gauged. Taking all of these factors into consideration points to a precautionary approach.
10. Whilst there is agreement that the cabin would represent a visual improvement on the appearance of the caravan it is nonetheless a non-permanent structure with its own lifespan. Whilst I noted the appellant currently keeps the site well maintained there is no certainty that the necessary maintenance of the timber cabin would take place over its lifetime. Again a precautionary approach would enable the situation to be monitored to avoid a scenario of a decaying domestic structure cluttering the countryside.
11. Consequently, a time-limit condition is reasonable and necessary given the non-permanent structure of the cabin and the identified need for a

precautionary approach. The development without the condition has the real potential to adversely affect the rural character and appearance of the locality. This would be contrary to Policies DM01 and DM02 of the Waveney Local Development Framework Development Management Policies Development Plan Document 2011. These policies seek to preserve the character of the countryside and ensure development is of design sympathetic to its site and surroundings respectively.

12. I therefore conclude that the condition in dispute serves a useful planning purpose and that it fairly and reasonably relates to the development. I am also satisfied that the condition as worded meets the tests set out at paragraph 206 of the National Planning Policy Framework including the test of necessity given the time limit imposed would allow for a precautionary approach, including the potential for renewal, in a location where development needs to be carefully managed.
13. For the reasons given above the appeal does not succeed.

David Spencer

Inspector.