
Appeal Decision

Site visit made on 24 August 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 13 October 2016

Appeal Ref: APP/N4720/C/15/3141473

Land adjacent to 2 Moor Grove, Pudsey, West Yorkshire LS28 9JQ

- The appeal is made by Christopher Metcalfe under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 15/00312/USOC3) issued by Leeds City Council on 26 November 2015.
 - The breach of planning control alleged in the notice is "the material change of use of land for the siting of a static caravan used for the purposes of human habitation".
 - The requirements of the notice are as follows: -
 - "Step 1 – Cease the use of the caravan for the purposes of human habitation.
 - Step 2 – Remove the static caravan from the Land.
 - Step 3 – Remove from the site any resulting material, rubbish and equipment arising from compliance with Step 1 and 2."
 - The period for compliance with these requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g).
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 21 September 2016.

Decision

1. It is directed that paragraph 6 of the enforcement notice be varied by replacing "Two months" by "Nine months". Subject to this direction, the appeal is dismissed, the enforcement notice is upheld as varied and planning permission is refused on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990.

Reasons for the decision

Ground (c)

2. Planning permission has been granted for the erection of a pair of semi-detached houses on the land and the appellant maintains that the caravan is permitted development, because it is required in connection with that project.
 3. There are two situations in which the caravan could be permitted development in these circumstances. The first would be that it is required temporarily in connection with authorised operations being or to be carried out on the land. The second is that it is used for the accommodation of a worker employed in carrying out authorised operations on the land.
-

4. Neither of these situations exists at present, for two reasons. Firstly, the caravan is lived in by the appellant's brother for reasons that are not connected with the project. Secondly, operations relating to the project are not authorised at present, since the pre-commencement conditions on the planning permission have not been discharged.
5. The siting of the caravan on the land is therefore a breach of planning control and the appeal on ground (c) has failed.

Ground (a)

6. Under ground (a), the appellant seeks a temporary planning permission for the caravan. The main issues in deciding whether this should be granted concern its effect on the appearance of its surroundings, the possibility of it becoming permitted development in the short term and the personal circumstances of the occupier of the caravan.
7. The caravan is visible from the roadside in this residential cul-de-sac and from the rear of houses in Lumby Lane. It is a discordant feature in this location, although less so in the position where it has now been moved to within the site and following the screening measures on the roadside taken by the appellant. Nevertheless, planning permission would not normally be granted to site a caravan here, because of the conflict with Policy P10 of the Leeds Local Development Framework Core Strategy and Policy GP5 of the Leeds Unitary Development Plan, which seek to protect visual amenity. I am aware from the photographs supplied by the appellant that there are caravans on other sites in the City but, on the limited information provided, it does not appear that they have been sited in similar circumstances to the appellant's caravan.
8. The planning permission for the semi-detached houses was granted in June 2015. It is subject to the usual 3-year time limit for the commencement of development and to several conditions that preclude commencement until the Council has approved various matters.
9. I understand that this is a self-build project and that the appellant bought the caravan in March 2015 for on-site welfare and storage facilities. Whilst I can understand that he is not familiar with the intricacies of planning controls, particularly as regards permitted development rights and pre-commencement conditions, the siting of the caravan on the land at this point in time was clearly premature since it preceded the grant of planning permission by over two months.
10. The pre-commencement conditions are likely to be exacting for someone undertaking a self-build project, in view of the time and expenditure involved in complying with them. However, it appears that little progress has been made in connection with their discharge in the time that has elapsed since the permission was granted and I cannot be confident on the information available to me that these matters will be resolved in the short term.
11. The appellant indicates that shortly after the caravan was sited on the land, his brother, who has health problems, became homeless and the decision was taken to allow him to live in the caravan on a temporary basis. As the appellant lives next to the land, this was an understandable decision to take. However, I have not been provided with any medical or welfare assessments from anyone

other than the appellant and I have no means of knowing what is now in his brother's best interests. The Council state that they have offered to help him from the outset, but the offer has not been taken up. As matters stand, I am not satisfied that the appellant's brother's circumstances are a good reason for granting a temporary planning permission.

12. I have therefore come to the conclusion that the appeal on ground (a) should not succeed, because of the effect the caravan has on the appearance of its surroundings and because the available information is insufficient to support a departure from the planning policies referred to above.

Ground (f)

13. The requirements of the notice are the usual ones that are imposed in cases such as this one and the appellant has not put forward any alternatives for consideration, other than the matters taken into account under ground (a). The requirements are the minimum necessary to remedy the breach of planning control and the injury to amenity it has caused. The appeal on ground (f) has therefore failed.

Ground (g)

14. The Council consider that two months is a long enough period in which to comply with the requirements of the notice, and they point to the ongoing harm to amenity. I have come to the view that a longer compliance period would be reasonable.
15. In the first place, the harm to amenity has been reduced as a result of the appellant's actions, referred to in paragraph 7 above. Secondly, it will probably take more than two months to resolve the issues arising out of the residential occupation of the caravan. Lastly, although the appellant may have been slow in dealing with the pre-commencement conditions, the 3-year time limit for the commencement of development does not expire until June 2018. There would be little point in requiring the caravan to be removed if it could be brought back as permitted development soon after.
16. It would be reasonable to allow the appellant significantly more time to resolve the situation he finds himself in and I have therefore extended the compliance period to nine months. The appeal has succeeded on ground (g) to this extent.

D.A.Hainsworth

INSPECTOR