
Appeal Decision

Site visit made on 3 October 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 20 October 2016

Appeal Ref: APP/W0910/W/16/3152134

The Caravan, Henning Wood, Lindal-in-Furness, Cumbria LA12 0LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr G Miles against Barrow-In-Furness Borough Council.
 - The application Ref 2015/0874 is dated 2 December 2015.
 - The development proposed is the siting of caravan for ancillary domestic use (retrospective) (re-submission).
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Decision

1. The appeal is allowed and planning permission is granted for the siting of caravan for ancillary domestic use (retrospective) (re-submission) at The Caravan, Henning Wood, Lindal-in-Furness, Cumbria LA12 0LT in accordance with the terms of the application, Ref 2015/0874, dated 2 December 2015, subject to the following condition:
 - 1) The static caravan hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main static caravan located on the site, there by virtue of the Lawful Development Certificate reference 1998/0315.

Application for costs

2. An application for costs was made by Mr G Miles against Barrow-In-Furness Council. This application is the subject of a separate Decision.

Main Issues

3. Although the Council did not make a decision on the application, in its evidence the Council has concluded that it does not intend to defend the appeal and that planning permission would have been granted subject to three conditions. They are that the permission should be for a temporary period, the occupation of the caravan should for ancillary domestic accommodation to the existing caravan and that it should be tied for the personal benefit of Mr and Mrs G Miles and their immediate dependents. I shall consider the appeal against this background.

Reasons

4. The appeal site is located to the west of the village of Lindal-in-Furness and is accessed via a rough track approximately 200 metres long. Due to the level of surrounding mature vegetation, the majority of the site is not visible from the
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- road or from the dwellings within the village. The site was previously used as a scrapyard, with evidence of some scrap remaining on site in a separate compound located to the rear of the appeal site.
5. At the time of my visit three static caravans were present, the main residential caravan, the caravan which is the subject of this appeal and a smaller, third caravan. The Council granted a Lawful Development Certificate (LDC) in 1999¹ for the siting of a mobile home for use as a permanent residence which relates to the main residential caravan. The third unit did not appear to be in use and I understand that this has previously been used as a rest room associated with the scrapyard business. The Council has confirmed that this caravan is exempt from any enforcement action due to the length of time it has been on the site.
 6. The additional caravan is required to provide ancillary accommodation for Mr and Mrs G Miles' two teenage children. As a result of the LDC, the lawful use of the land as a permanent residency has been established. Moreover, the Council has confirmed that the proposed ancillary caravan is located on land covered by the LDC. Provided that the additional caravan is subject to a condition that it could only be occupied for purposes ancillary to the residential use of the main caravan, this would ensure there is only one planning unit and one household on the site.
 7. I note the Council's reference to evidence of a cooker within the proposed ancillary caravan and confirm that this was in-situ at the time of my site visit. However, the presence of the cooker does not in itself demonstrate that the caravan is being occupied on an individual basis. As such, I give the presence of such domestic equipment only limited weight.
 8. Against the above background, despite the site's relatively isolated position where persons may be reliant on the private car, the appeal proposal would not generate a materially increased need to travel. Moreover, given the site's discrete location, the existing backdrop of the scrapyard and the Council's acceptance that the LDC would allow the appellant to site a caravan significantly larger than the combined area of the existing main caravan and the proposed caravan, the appeal proposal would not harm the character and appearance of the area or the nearby woodland. As such, I find that the proposal complies with the sustainable development and design aims of saved Policies B3, B13, D1, D13 and D21 of the Barrow-Furness Borough Council Local Plan 1991.
 9. Turning my attention to the three conditions suggested by the Council, guidance within PPG² confirms that in many instances the use of temporary and personal conditions rarely pass the test of necessity. Under the LDC, the main residential caravan has an unfettered residential use that would also allow the caravan to be used for holiday purposes which is still a residential use. Moreover, I am not finding the appeal scheme acceptable based on overriding or exceptional personal reasons.
 10. Therefore making the occupation of the second caravan personal to Mr and Mrs Miles and their immediate dependants is not reasonable or necessary to make the development acceptable in planning terms. Nor is it justified that it should

¹ Council reference 1998/0315

² Planning Practice Guidance – Use of Planning Conditions

be a time limited permission or that the ancillary accommodation could not be occupied the same way as the main caravan, including for holiday purposes. I do though consider that a condition restricting the use to be ancillary accommodation to the main residential caravan is necessary and appropriate for the reasons already given.

11. As the application is retrospective, conditions relating to commencement and for the development to be undertaken in accordance with the approved plans are not required.

Conclusion

12. I therefore conclude that, having had regard to all other matters raised, the appeal should be allowed.

Helen Cassini

INSPECTOR