

Appeal Decision

Site visit made on 17 October 2016

by **P N Jarratt BA DipTP MRTPI**

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

Decision date: 3 November 2016

Appeal Ref: APP/D0840/C/16/3147857

Land opposite Sea View Farm, Old Portreath Road, Redruth, TR16 4JA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Penny Red's against an enforcement notice issued by Cornwall Council.
 - The enforcement notice, numbered EN14/01695, was issued on 8 March 2016.
 - The breach of planning control as alleged in the notice is the material change of use of the land for the stationing of a caravan for residential purposes and the stationing of a container used for domestic storage and as an additional bedroom, the building operations to erect a building in the approximate position marked in green (on the plan attached to the notice) abutting the caravan used for residential purposes, the building operations to erect a timber building in the approximate position marked in blue housing a generator and an oil tank and the building operations to erect an extension in the approximate position marked in pink used for residential purposes.
 - The requirements of the notice are:
 - 1) Cease the use of the land outlined in red on the plan attached to the notice and the caravan shown in the approximate position hatched in pink on the plan and the container coloured orange on the plan, for residential purposes;
 - 2) Cease the use of the land for the stationing of caravans and containers;
 - 3) Disconnect the services to the caravan;
 - 4) Remove from the land the caravan in the approximate position hatched in pink on the plan;
 - 5) Remove from the land the container in the approximate position marked in orange on the plan;
 - 6) Disconnect the services connected to the building in the approximate position marked in green on the attached plan;
 - 7) Dismantle and remove the building in the approximate position marked in green on the plan;
 - 8) Dismantle and remove the timber building in the approximate position marked in blue;
 - 9) Disconnect the services connected to the extension in the approximate position marked in pink on the plan;
 - 10) Dismantle and remove the extension in the approximate position marked in pink on the plan;
 - 11) Remove from the land all domestic items and chattels brought onto the land to facilitate the residential use;
 - 12) Remove from the land all materials and debris resulting from compliance with 1 – 11 above.
 - The period for compliance with the requirements is 9 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
 - **Summary of Decision: appeal dismissed, enforcement notice upheld and planning permission refused**
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The appeal site and relevant planning history

1. The appeal site, which is operating as 'Penny Red's' is an equestrian centre located in open countryside adjacent to Old Porttreath Road. Planning permission was granted in September 2013 for a stable building and amenity block for use in connection with an equestrian business. These have been constructed.
2. Within the site is a caravan with an attached blockwork extension of about 30 sq m, both of which are clad in timber and used for residential purposes; a timber building containing a generator; a steel container used for domestic storage and as a feed store, although at the time the notice was served, the Council alleged that part of it was used as a bedroom. There is also an extension to the stables that provides a toilet for customers of the equestrian business, a utility room with a washing machine and a tack room.
3. In response to a Planning Contravention Notice in November 2014, the appellant indicated that the caravan was first stationed on the land in April 2013 and that its use was for amenity purposes for children to change, as a staff room and for baby change.

The appeal on ground (a)

4. The National Planning Policy Framework (the Framework) at paragraph 55 indicates that isolated homes in the countryside should be avoided unless special circumstances prevail, such as where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
5. The appellant's interest in ponies began as a hobby which developed into a business run from her home and using rented grazing. In April 2013 she sold her home and acquired her own land. She indicates that there is a need to be on site to fulfil a duty of care to the 13 ponies and horses stabled on the site, for security and supervision and to comply with conditions attached to the riding establishment licence. It is evident from her submissions that her ponies are popular locally with children both at the stables and at events elsewhere in the County. I note that provision is made for children with disabilities.
6. The appellant has indicated that her personal circumstances have led her and her five children to live on the site, and that this has included the sale of her former home and her occupation of rented property. She is seeking permission to live in the caravan as a temporary measure as it is her intention to build a suitable dwelling.
7. Although the appellant implies that she needs to live on the site to comply with the riding establishment licence, no evidence has been submitted to indicate that this is a requirement of the licence. She has also demonstrated that it is possible to care for the ponies at a remote site from her home. No demonstration of functional need has been made and it appears that the use of the site for residential purposes arises from her personal circumstances and perhaps also, convenience or a lifestyle choice.
8. Basic accounts for 2014/2015 have been submitted which identify profit and loss for various events after accounting for food and fuel costs. However this information does not indicate whether the business is financially viable and the absence of any business plan does not suggest that the business would be

sufficiently viable in the longer term to justify either a temporary permission while the business develops or indeed the provision of permanent dwelling on the site.

9. The dispersed nature of the accommodation and its current state as observed at my site inspection indicates that it is difficult to maintain a reasonable standard of living. The container has been used for sleeping accommodation and bathroom facilities are external to the caravan. Although the caravan and extensions have been clad in timber, overall the accommodation and layout is poor and does not contribute to a sustainable form of development. This is poorly integrated with its surroundings and has an adverse impact on the character and appearance of the countryside.
10. Local residents have expressed concern about the impact that the development has on the countryside, noise from the generator, nuisance from dogs, that there is no need for the appellant to live on the site, and traffic generation, among other concerns. Support has also been expressed about the benefits that the horse riding establishment brings to the area.
11. The stationing of a caravan and its use with the extensions and the container for residential purposes is contrary to the Framework and I do not consider that the appellant's personal circumstances or other considerations amount to special circumstances justifying the development. For the reasons given above and having had regard to all relevant matters, I conclude that the appeal on ground (a) should fail.

The appeal on ground (f)

12. An appeal on this ground is that the steps required to comply with the notice are excessive and lesser steps would overcome the objections. However, the appellant has failed to indicate what lesser steps would be appropriate.
13. The purpose of the requirements of a notice is to remedy the breach by discontinuing any use of the land or by restoring the land to its condition before the breach took place or to remedy an injury to amenity which has been caused by the breach. It is necessary for the requirements to match the matters alleged and therefore I consider that the requirements of the notice in this case do not exceed what is necessary to remedy the breach. The requirements do not preclude the appellants doing what they are lawfully entitled to do in the future once the notice has been complied with.
14. The appeal on this ground fails.

Formal Decision

15. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

P N Jarratt

Inspector