
Appeal Decisions

Site visit made on 5 December 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 03 January 2017

Appeal Ref: APP/V2723/W/16/3158949

The Paddock, Atley Hill Road, Scorton, Richmond DL10 6EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Sybil Guthrie against the decision of Richmondshire District Council.
 - The application Ref 15/00700/FULL, dated 28 August 2015, was refused by notice dated 18 February 2016.
 - The development proposed is the change of use of the caravan/mobile home from holiday use to residential accommodation on a live/work site basis.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether or not the appeal site is suitable for permanent residential occupation, having particular regard to the location of facilities and services and the effect on the character and appearance of the surrounding area; and
 - (ii) whether or not any special circumstances exist to justify the proposed permanent residential occupancy.

Reasons

Permanent residential occupation

3. The appeal site is accessed off the B1263, via a hard core access track. The site lies to the north-east of the village of Scorton and is located within the countryside. The existing caravan is a twin unit chalet design on a concrete base. A building is located to the south of the caravan, which from the evidence before me, I understand has a lawful use for agricultural purposes. The site is bounded by a significant hedgerow and some mature trees.
 4. Scorton is defined as a primary service village within the Richmondshire Local Plan Core Strategy 2014 (the CS). From my site visit it is clear that basic services exist within Scorton. Such facilities and services include a primary school, public houses, a medical centre, post office and village store. At the time of my site visit the B1263 carried a substantial flow of traffic. Whilst I appreciate my observations were only a snapshot at a particular time of day, I have no evidence to suggest they were not representative of regular traffic
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flows. As such, due to a lack of suitable footpaths and street lighting, journeys to the services and facilities from the appeal site may be hazardous on foot. Scorton is a relatively modest sized village and I therefore consider that any permanent occupiers of the caravan would have to rely heavily on the facilities and services of other larger settlements to fully meet their daily living needs.

5. The appellant, in her submitted evidence, has stated that the village of Scorton is on a bus route. However, I have no information before me with regards to the provision of public transport within Scorton and whether such provision would enable permanent occupiers to meet their daily living needs. This therefore leads me to the conclusion that any future occupiers would inevitably rely on the private car, which is the least sustainable mode of transport. Whilst the proposal might not generate a large number of traffic movements, the proposal would, nonetheless, increase the number of unsustainable journeys.
6. I acknowledge that the proposal would not be isolated in the sense of being a stand-alone building. It would however be located some distance from larger settlements that provide a full range of local services, employment and facilities. I therefore find that the proposal would represent an isolated dwelling in the context of paragraph 55 of the National Planning Policy Framework (the Framework). The proposal therefore conflicts with both Policies CP3 and SP3 of the CS, which when taken together, amongst other things, aim to ensure that development is located so as to minimise the need to travel. Conflict is also found with and paragraph 55 of the Framework, insofar as the proposal represents an unsustainable location in the countryside.
7. With regard to the impact on the character and appearance of the surrounding area, due to the single storey height of the proposal and existing vegetation on the boundary of the appeal site, public views of the caravan are extremely limited from the B1263. I accept that with permanent residency, the level of domestic paraphernalia may increase. However, I do not find that this would be of such significance to be of detriment to the character and appearance of the locality.
8. As such, I consider that the proposal would respect the intrinsic character of the locality. Subsequently there would be no conflict with Policy CP12 of the CS which amongst other things, seeks to conserve the character of the landscape.
9. The Council has also raised concern in relation to the establishment of a permanent residency leading to a proposal for the replacement of the caravan with a permanent dwelling. However, as the proposal before me relates to a change of use of the existing caravan on site and not for the construction of a permanent dwelling, I have not found it necessary to consider this matter further.

Special circumstances

10. In seeking to promote sustainable development in rural areas, paragraph 55 of the Framework states that housing should be located where it will enhance or maintain rural communities. I have no doubt that future occupiers of the dwelling would make use of the services within the village, thereby supporting the facilities and assisting in maintaining the vitality of the community. However, paragraph 55 further states that new isolated homes in the countryside should be avoided, unless there are special circumstances such as,

inter alia, the essential need for a rural worker to live permanently at or near their place of work within the countryside.

11. The appellant considers that the proposal would give the opportunity for future occupiers to both live and work on the site, as the adjacent building could be used as a rural business. I further note that the appellant is proposing that this structure could be converted for use as a workshop. I am not aware of any planning permission for the change of use of the existing agricultural building to a workshop and the change of use of the adjacent building does not form part of the proposed scheme under consideration.
12. In addition, no evidence has been provided in relation to a proven agricultural need or any other essential need for a rural worker to either live permanently at or near their place of work.
13. The appellant also contends that there is a shortage of housing supply within Scorton. However, from the evidence submitted by the Council, I note that there are sites within the village which have planning permission for residential development. I therefore have attached limited weight to this matter in reaching my decision.
14. In this instance I have not been made aware of any special circumstances that would justify an exception to the principle set out in Paragraph 55 and therefore the proposal would be a form of development which the Framework seeks to avoid. In addition, the proposal is contrary to the aims of achieving rural sustainability as detailed by Policy CP8 of the CS.

Other Matters

15. I am aware of the Inspector's decision to uphold an appeal against an Enforcement Notice for the permanent residential use of a caravan on the appeal site in 1998¹. The requirements of the notice required the appellant to stop using the land for the siting of a mobile home and caravan used for residential purposes, remove from the land all caravans and mobile homes, remove from the land the small block work shed and LPG tank and restore the land to its condition before the breach took place.
16. Prior to the expiry of the compliance period, an application for a Certificate of Lawfulness for the stationing of one holiday caravan was submitted to the Council². A Certificate of Lawfulness was granted in 2000 for the occupation of one holiday caravan between the periods of 1 March to 31 October, in any year.
17. I accept that the Certificate of Lawfulness establishes a lawful use of the land and occupation of the caravan. However, this was only for holiday let purposes and not for permanent residency. Whilst I have taken account of the Certificate of Lawfulness, the harm I have identified is in relation to the permanent residency. As such, I do not find that the existence of the Certificate of Lawfulness outweighs the harm identified. Furthermore, I have not found that the circumstances have changed so significantly or a sufficient case made to justify overriding the live Enforcement upheld at appeal.
18. I am also aware of the current investigation regarding a possible breach of the Certificate of Lawfulness regarding an alleged permanent occupancy of the

¹ Appeal Reference: T/APP/C/98/V2723/650575 and T/APP/C/98/V2723/650576

² Council reference 1/39/103C/CLE

caravan and occupancy outside the permitted time periods. I have given this matter limited weight as this is a matter to be resolved between the Council and appellant outside of this appeal.

19. With regard to the dispute in relation to the blue line, this issue has very little bearing on the planning merits in relation to the main issues identified. Also, as I am dismissing the appeal I do not find that the matter needs to be considered any further. Moreover, this is an issue which can be resolved between the relevant parties away from this appeal.
20. The concern raised by the appellant regarding the delegated application report is acknowledged. However, this is a procedural issue which does not concern the planning merits of the case. Accordingly, I have not attached any weight to this matter.

Planning Balance

21. Paragraphs 6, 7 and 8 of the Framework indicate that the purpose of the planning system is to contribute to the achievement of sustainable development, with sustainable development having three roles; economic, social and environmental. None of these roles should be undertaken in isolation as they are mutually dependent.
22. In terms of the economic and social roles, benefits through enhancing and maintaining local services and the vitality of village life would result.
23. However, I have found that occupiers of the proposal would be heavily reliant upon the private motor car. Accordingly, this would be contrary to the environmental dimension of sustainable development in terms of requiring development to mitigate and adapt to climate change by moving to a low carbon economy.
24. I have found no harm in relation to the character and appearance of the surrounding area. However, as the proposal represents an unsustainable location in the countryside, the adverse effects of the proposal significantly and demonstrably outweigh the limited benefits I have identified.

Conclusion

25. For the above reasons, and having regards to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR