

Appeal Decision

Site visit made on 11 January 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 24 February 2017

Appeal Ref: APP/E2530/W/16/3159587

The Whistle Stop Caravan Park, Main Road, Tallington, Lincolnshire PE9 4RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Lincolnshire Parks Ltd against the decision of South Kesteven District Council.
 - The application Ref S16/0724, dated 14 March 2016, was refused by notice dated 14 July 2016.
 - The application sought planning permission for the variation of condition 4 of SK.95/0789/75/32 to allow for 10 static holiday units without complying with conditions attached to planning permission Ref S15/0737/FUL, dated 7 July 2015.
 - The conditions in dispute are Nos 2, 3 and 6 which state that: 2. *The caravans shall be occupied for holiday purposes only;* 3. *The caravans shall not be occupied as a person's sole, or main place of residence;* and 6. *The site shall be used as a static holiday caravan site for 10 units only.*
 - The reasons given for the conditions are: 2. *To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation;* 3. *To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation;* and 6. *To ensure an appropriate level of use for the site.*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the conditions are reasonable and necessary in order to prevent the establishment of unrestricted permanent residential dwellings in the countryside in the interests of promoting sustainable patterns of development.

Reasons

3. The appeal site is a triangular parcel of land to the rear of the Whistle Stop Public House, on the south side of the A1175 (Main Road) on which there were situated five touring caravans at the time of my site visit. It is close to a cluster of mostly commercial buildings which include vehicle repair and sales, commercial cleaning and a roadside service station. It is outside of the main built up area of Tallington village, the edge of which is a short distance to the
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southwest, separated by open fields and a main railway line. Tallington is a small village with very limited services beyond a number of small businesses.

4. The proposed development seeks to vary the above mentioned conditions to allow for five of the ten permitted static caravans to be occupied all year round. The differences between touring caravans and static units aside which I shall return to later, this would in effect result in five unrestricted dwellings in the countryside.
5. The Framework¹ and the development plan² both seek to restrict isolated new homes in the countryside. This is not only for the sake of its intrinsic open and undeveloped character, but also to encourage sustainable patterns of housing development. Suggesting that it should be located where there are a range of services that residents can access via sustainable means.
6. Owing to a combination of the semi built up character of the appeal site's surroundings and the nature of the proposed development, the resulting dwellings would not be isolated in the true sense. Nonetheless, they would be in the countryside, outside of a settlement with highly limited service provision.
7. I do accept the appellant's point that the sustainability credentials of the appeal site need to be assessed in the round. In so doing I note the proximity of both a roadside service station and a public house. It seems to me however that these elements alone constitute a limited range and as such residents of the appeal site would rely mostly on the use of the private car to access the broader range of services on which they would rely for day to day living. Such as, for example, education and health care.
8. The appellant further states that the appeal site benefits from public transport but I have been provided with no further details of its location, type, route or frequency. In addition, I note the assertions of paragraph 55 of the Framework. This states that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, this could be where there are groups of smaller settlements, and development in one village may support services in a village nearby.
9. I have no compelling evidence before me which sets out to what 'group' of villages Tallington could reasonably be considered part and moreover, how the proposed development would precisely support what services in which other settlements. I can therefore afford this matter only limited weight.
10. For these reasons therefore, amending the above mentioned conditions in the manner proposed would represent the encouragement of unsustainable patterns of housing development. Further, the proposed development would not represent any type for which an essential need has been presented. It would therefore be contrary to Policies H1 and SP1 of the Core Strategy. These Policies, amongst other things and along with the Framework, seek to direct new development to sites within those settlements with services that can be accessed via sustainable means.

¹ The National Planning Policy Framework 2012

² South Kesteven District Council Local Development Framework for South Kesteven Core Strategy 2010

Other Matters

11. My attention is drawn to the detail of planning permission reference SK.95/0789/75/32. This is the original permission granted in 1995 which established the use of the appeal site as a touring caravan site. Condition 04 of the 1995 permission was varied through the granting of a further permission in 2015 (reference S15/0737/FULL). Both of these permissions are extant.
12. The appellant states that the 1995 permission does not specify by condition either precisely the occupation of the caravans nor their total number. The appellant further states that, by virtue of this permission, residents could live on the site, albeit in a touring caravan, all year round. For all intents and purpose, they would be in unrestricted dwellings, in the countryside. This has been presented to me as a material fall-back position. In coming to a view on this I also note the examples of case law that are before me.
13. It seems clear to me, that in granting permission for the use of land, this was explicitly for touring caravans which, by their very nature, are neither designed nor intended to be permanent residential dwellings. The important factor here being that permission was granted for a 'touring caravan site' and not just a caravan site. On the face of it therefore, it precludes the introduction of static caravans, for which the proposal before me seeks the permanent occupation of. The permanent occupation of static caravans on the site would be restricted by the 2015 permission.
14. There is a distinct difference between static caravans and tourers. The former on the whole are larger, more robust and less instantly mobile. In addition, tourers do not provide the same standard of accommodation as statics. Effectively, the use of a touring caravan would be less desirable as a permanent residence. Furthermore, the site's operating license prevents caravans being on the site for greater than 28 days.
15. When taking all of these matters together, I do not consider that the fall-back position carries sufficient weight to outweigh my findings on the issue of sustainability.

Conclusion

16. Conditions 2, 3 and 6 of the above mentioned planning permission seek to restrict the occupation of the approved static units to holiday use only, in effect, and when taken all together, they prevent the year round occupation of them so as to restrict new dwellings in the countryside. For the reasons given above I conclude that the appeal should be dismissed and the conditions retained in their present form.

John Morrison

INSPECTOR