



Appeal Decision

Site visit made on 1 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/C3430/D/19/3232806

Southfork, Holyhead Road, Kingswood, Wolverhampton WV7 3AP

- 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 Mr Mubashir Ahmed (Johnson Design Partnership) against the decision of South Staffordshire Council.
 - The application Ref 19/00037/FUL, dated 16 January 2019, was refused by notice dated 13 May 2019.
 - The development proposed is replacement of existing Annexe to Southfork.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing annexe to Southfork at Southfork, Holyhead Road, Kingswood, Wolverhampton WV7 3AP in accordance with the terms of the application, Ref 19/00037/FUL, dated 16 January 2019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the approved plans as follows:
 - PL001 – Location Plan
 - PL002 – Existing Floor Plan
 - PL003 – Existing Elevations
 - PL004 – Proposed Ground Floor Plan
 - PL005 – Proposed Elevations
 4. The residential unit hereby approved shall only be occupied by relatives, dependants or members of the household staff of the occupants of the existing main dwelling (Southfork) on the site.

Main Issue

2. I consider that the main issue in this case is whether the proposed development represents inappropriate development within the Green Belt, and, if so, whether there are any material considerations that outweigh the harm

caused by such development, and any other harm, and are sufficient to justify the proposal on the grounds of very special circumstances.

Reasons

3. The appeal structure is located within the grounds of "Southfork". It is located approximately 30m to the Northeast of the main dwelling. The site is located within the Green Belt. From the evidence in front of me, it would seem that no planning permission has been sought, as the structure was brought on to the site under the definition of a caravan, and there appears to be no dispute between the parties that it meets that definition, as set out by law.
4. The statement of the appellant confirms that the occupants of the appeal structure use the facilities of "Southfork" in terms of cooking and laundry and the annexe is also connected to the main dwelling in terms of services, so therefore does not generate separate utility service bills. The structure shares the same access as the main dwelling.
5. The appeal proposal seeks to replace the annexe with a replacement structure in more durable materials and maintain its current use as ancillary living accommodation. It would remain on the same footprint as the existing structure.
6. Policy GB1 of the South Staffordshire Core Strategy Development Plan Document (2012) (the CS) states that development acceptable within the National Planning Policy Framework (the Framework) will normally be permitted provided that it meets certain criteria, including where a replacement building is not materially larger than the building it replaces.
7. The Council contend that the appeal proposal is a mobile home, and Paragraph 145 of the Framework is clear in excluding temporary buildings from an exception to inappropriate development in the Green Belt.
8. The appellant has quoted several aspects of case law in support of the proposals, in terms of the use and the nature of the structure.
9. From my site visit, it is apparent that the structure has been modified and amended to such a degree that it no longer could be identified as a caravan. The Oxford Dictionary defines 'foundations' as 'solid ground or base, natural or artificial, on which a building rests'. Such a base is normally below ground, but this is not necessarily the case. Many light, but nonetheless permanent structures can be supported on a concrete raft or similar base at ground level. It was clear from my site visit that the structure is sat on a base which is enclosed by substantial brick walls and it is clear that the structure would have to be dismantled before it could be moved, and could not be transported off the site in two pieces, as is set out in the definition of a caravan.
10. There is no dispute that the structure is in use as a dwelling and has been so for a number of years. Despite the Council's view that the unit was originally brought in as a temporary structure, I consider that the modifications that have been undertaken to it, and the length of time that it has been in use now means that it is established as a permanent building, albeit not having a high standard of construction that would normally be expected.
11. As the proposal would be sat on the same footprint as the existing structure, and its appearance would be an improvement over the existing, I therefore find

no reason to reject the application on the ground of its effect on Green Belt openness or visual intrusion.

12. Based on the individual merits of this application, as a matter of fact and degree, I find that the appeal proposals meet the criteria set out in Policy GB1 of the CS, and the Green Belt aims of the Framework, and is consequently not inappropriate development in the Green Belt.
13. In addition to the standard commencement condition, and those relating to matching materials of construction and that it is constructed in accordance with approved plans, in accord with good planning. The Council have also suggested that a condition be added to ensure that the occupants of the approved building have some tie to the main dwelling, which I consider to be reasonable.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR