



Appeal Decision

Site visit made on 2 September 2019

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/Q3630/W/19/3220303

Lynns Park, Stonehill Road, Ottershaw KT16 0EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Jean Doran against the decision of Runnymede Borough Council.
 - The application Ref RU.18/0649, dated 19 April 2018, was approved on 12 July 2018 and planning permission was granted subject to conditions.
 - The development permitted is the variation condition 2 of Planning Permission T.P.3/NO 6412 to allow 2 caravans to be stationed on the land.
 - The condition in dispute is No 2 which states that: Within one month of the site ceasing to be occupied by Mrs Jean Doran, the use for keeping more than one caravan shall cease and the second caravan hereby permitted shall be removed along with all materials and equipment in connection with the caravan. Thereafter the site shall be used by no more than one caravan at any time.
 - The reason given for the condition is: In the interests of maintaining the openness of the Green Belt and to comply with Saved Policy GB1 of the Runnymede Borough Local Plan Second Alteration April 2001 and guidance in the NPPF.
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Decision

1. The appeal is allowed and planning permission Ref RU.18/0649 for the variation of condition 2 of Planning Permission T.P.3/NO 6412 to allow 2 caravans to be stationed on the land at Lynns Park, Stonehill Road, Ottershaw KT16 0EW granted on 12 July 2018 by Runnymede Borough Council, is varied by deleting condition 2.

Preliminary Matters

2. It was clear at my visit that various developments have taken place at the appeal site. However, those developments are not before me as part of this appeal and are matters for the Council in the first instance.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Application for costs

4. An application for costs was made by Mrs Jean Doran against Runnymede Borough Council. That application is the subject of a separate Decision.

Background and Main Issue

5. In 1949 planning permission was granted for the erection of pig stys and use for caravan camping. A restriction was placed upon that permission under Condition 2 that stated, "*No more than one caravan may be kept on the site without the official approval of the Council*". Planning permission was granted in 2018 with condition 1 allowing two caravans to be stationed on the land. Condition 2 placed upon that planning permission requires the second caravan to be removed from the site, along with all materials and equipment relating to that caravan, within one month of the site ceasing to be occupied by Mrs Jean Doran. Thereafter, this condition also requires that no more than one caravan shall be kept at the site at any one time. The reason for this condition is in the interests of maintaining the openness of the Green Belt.
6. The main issue raised by the appeal is whether or not Condition 2 is necessary and reasonable to prevent harm to the openness of the Green Belt.

Reasons

7. A 2017 enforcement appeal relating to this appeal site is relevant to the consideration of this appeal. That enforcement appeal established that the 1949 planning permission allowed for the permanent occupation of the caravan site and the condition imposed meant that only one caravan could be stationed on the site. That Inspector concluded that the lawful use of the land is for a residential caravan site for the stationing of one caravan and that restriction is there by virtue of a condition attached to the 1949 planning permission.
8. The section 73 proposal before me seeks to increase the number of caravans at this lawful residential caravan site from one to two. However, the appellant contends that the Inspector, in considering the enforcement appeal, also considered that as the site is a residential caravan site, the addition of one further caravan, which would amount to more of the same activity that has also been carried on at the site, would not amount to a material change of use. It appears to me that this assessment reached by that Inspector is very relevant to the appeal before me as the conclusions reached has prompted the planning application to vary condition 2 of the original 1949 planning permission.
9. The appellant contends that the 2017 Inspector's conclusion was that two caravans at the site would not amount to a material change of use. The appellant implies that for this reason planning permission should thus be forthcoming as the stationing of one additional caravan would not be development. However, an application has been made and this is how the parties have dealt with the matter of varying Condition 2 as imposed upon the original 1949 planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts and determination must be made in accordance with the plan unless material considerations indicate otherwise. This would, therefore, include those planning applications made that seek to delete conditions.
10. The Inspector in the 2017 enforcement appeal considered the matter as to whether an additional caravan had created any material or definable change in the character of the use of the site and concluded that in the context of the lawful use of the site there would be no material change in use. However,

these judgements were reached in relation to the specific context of that enforcement appeal. The appeal before me seeks to delete Condition 2, which is a different proposal that can and should be considered on its own merit having regard to the development plan.

Openness

11. The revised Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Corresponding to this, saved Policy GB1 of the Runnymede Borough Local Plan Second Alteration 2001 (the Local Plan) reflects this fundamental objective of the Framework.
12. The original 1949 planning permission in effect granted permission for the material change of use of the land to allow a development that would now be inappropriate development in the Green Belt when assessed against paragraph 145 of the revised Framework. In granting a new planning permission under section 73 this has allowed for the stationing of two caravans at the site. This would allow for inappropriate development within the Green Belt at the appeal site that would impact upon openness. However, I am mindful that the appeal site has been a caravan site since 1949 and that is the well-established character of this site.
13. The caravan that has occupied the site will have, to some extent, had some effect on the openness of the Green Belt. In granting the section 73 application the Council has accepted a second caravan at the site acknowledging that it will have some limited harm to the openness of the Green Belt. The proposed development would reduce the openness of the Green Belt as a result of stationing a second caravan at the site.
14. The Caravan Sites Act 1968 sets out the maximum size of a caravan and this places a limitation upon the size of a second caravan that could be stationed at this site. Considering the scale of the development a caravan would be of a modest size and, as such, would not significantly encroach upon openness. In addition to this, the stationing of a second caravan at this site would not be out of character with the lawful use of the site as a residential caravan site. Furthermore, the proposal would not create development beyond the appeal site within the countryside and it would not impact upon any nearby protected trees. Taking these matters collectively I consider the stationing of a second caravan at this site would have a very limited adverse impact on openness. As such, I do not consider there would be any significant conflict with Policy GB1 in this particular case in respect of the proposal's adverse effect on the open character of the Green Belt.

Other Considerations

15. In relation to the imposition of Condition 2, the Council explains that it had regard to the 2017 enforcement appeal that concluded that the appeal site was one planning unit as it was under one ownership and the site was used for no other purpose other than the stationing of a caravan. The Council further explains that the imposition of the condition was to ensure that the planning unit is still one site and retains a link between the appellant and the occupiers

of the additional caravan and that enables the extended family to live together. This provided the very special circumstances that justified the grant of planning permission under section 73 of the 1990 Act to vary condition 2 the original 1949 planning permission.

16. The Council considers that should the site not be occupied by the appellant then the very special circumstances fall away. It is put forward that this linking of the additional mobile home to the original mobile home would ensure that the single planning unit is retained, and this would protect the Green Belt from any potential encroachment.
17. That said, the appellant points out that personal circumstances were not put forward as part of the planning application submission now the subject of this appeal. The Council has acknowledged that it has relied on evidence that was provided in relation to the 2017 enforcement appeal. I note also that the original 1949 planning permission was not subject to a personal planning condition, although subsequent temporary historic planning permissions were. Notwithstanding this, the Council has applied considerations in relation to Mrs Jean Doran personal circumstances that it considers provides the very special circumstances, however I give those personal circumstances very little weight.
18. Notwithstanding the above, the original planning permission granted the use of the appeal site, in its entirety, for the erection of pig sty and use for caravan camping. Although there may not be a pig sty at the appeal site, the Inspector in 2017 has concluded that the lawful use of the land at the appeal site was for a residential caravan site for the stationing of one caravan. In granting planning application Ref 18.0649 the Council has created a new planning permission that would allow for the erection of a pig sty at the appeal site and use of the site for caravan camping with a condition limiting the number of caravans kept on the site to no more than two.
19. In respect of both planning permissions the use of the site would only allow for caravan camping whether or not occupied by persons related to one another and/or occupied under the same or different land ownerships. In both cases the planning permission in place sets out the use of the site and the conditions imposed set out the limitations to that use. This sets out the planning land use of the entire site. I note that the Council has not suggested any other conditions in lieu of the conditions attached to the section 73 planning permission. It appears to me, on the evidence before me, that the site would remain as a single planning unit as a residential caravan site even if a second caravan were stationed at the site. I do not consider these considerations weigh substantially in favour of resisting the removal of Condition 2.
20. Local concerns have been raised to increased noise and lighting disturbance associated with a second caravan and its visibility from Stonehill Crescent footpath thus impacting upon the character and appearance of the area. This is an existing caravan site. The previous enforcement Inspector found that an additional caravan at the site would amount to more of the same activity. I do not consider that the proposal would give rise to significant additional noise or light pollution at the site. Furthermore, the proposal would not alter the character of the land use and there would be very limited harm to the appearance of this existing residential caravan site.
21. Concern is also expressed to the granting of a planning permission that may allow for multiple caravans to be stationed at the site. Any subsequent

proposals to station additional caravans at this site would be subject to individual consideration in the context of Green Belt considerations.

Conclusion

22. The proposed development would by definition be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. However, there has been a caravan site in this appeal location for over 60 years and this is a consideration that holds substantial weight. In this case I have found that the stationing of a second caravan at this site would have a very limited adverse impact on openness. This limited harm would not weigh significantly against the proposal. With regard to the other considerations upon which the Council has relied, these hold little weight and would not weigh significantly against the proposal. For these reasons, I find no significant conflict with the Framework or Policy GB1 of the Local Plan.
23. In this case I do not consider the adverse effect of stationing a second caravan at this caravan camping site upon openness to be so critical as to justify withholding permission for the removal of Condition 2. I therefore do not consider that Condition 2 as imposed upon planning permission ref RU.18/0649 is reasonable and necessary and therefore the appeal should be allowed. For the purposes of clarity, Conditions 1 and 3 of that planning permission remain unaltered and in force.

Nicola Davies

INSPECTOR