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## Appeal Decision

Site visit made on 21 October 2019

**by Laura Renaudon LLM LARTPI Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 January 2020**

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**Appeal Ref: APP/N2739/W/19/3234652**

**Horseshoe Fishing Pond and Caravan Park, Balne Moor Road, Balne, Goole, East Yorkshire DN14 0EN**

- 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 Thomas Heckingbottom against the decision of Selby District Council.
  - The application Ref 2019/0084/FUL, dated 25 January 2019, was refused by notice dated 6 June 2019.
  - The development proposed was described in the application form as being to re-site mobile home unit from storage area to caravan parking area.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The development proposal was described as above on the planning application form, and the application details also refer to the installation of a wastewater treatment plant. Merely siting a mobile home does not necessarily result in development requiring planning permission, however. That will depend on the extent to which built development results, or whether there is any change to the underlying land use. Correspondence during the course of the application (the Council's Appendix S; subsequent references in this decision to appendices will be those of the Council, unless otherwise specified) makes it clear that the mobile home is proposed to be used for residential tourist accommodation.
3. Although the Council's second reason for refusing the application refers to the development resulting in 'built form', I do not consider that this is the case. At my site visit I saw that the mobile home remained on blocks and was not affixed to the land. Its dimensions fall within those defined by legislation relating to caravans. I therefore consider that no operational development has occurred, and that the appeal proposal involves a use of land.
4. As to whether the proposal involves a material change of use of land requiring planning permission, I consider that it does. The land where the mobile home is sited is described in the application form as being an 'unused grass area' adjacent to a caravan park. I saw on my site visit that the site is divided into four main areas. First, a house (Appendix N) ('Area 1'). Then, the site of a former house where permission exists for a replacement dwelling (Appendices O and R, as well as previous permissions concerning a temporary mobile home)

(‘Area 2’). Next, a leisure area consisting of a fishing pond with a number of caravan hook ups, for which no express permission has been supplied to me, although permissions have been granted for ancillary facilities such as a toilet block, office and a static caravan to provide overnight fishing accommodation (‘Area 3’). Fourthly, a storage area, mainly for caravans (Appendices P and Q, but with some additional overspill to the north at the time of my site visit) (‘Area 4’). The mobile home is situated away from all of these main areas although close to Areas 3 and 4, to the south of the fishing pond.

5. The appellant describes the site as ‘brownfield’, but it is not stated what building the land used to site the mobile home lies within the curtilage of, for the purposes of the definition of previously developed land found in the National Planning Policy Framework (‘the Framework’). A number of planning permissions and lawful development certificates have been granted at the site, some of which are referred to above. I am also aware that a caravan site licence exists at the site. However, I am not informed as to the extent of the site to which the site licence relates, and I have not been supplied with any planning permission that authorises either the number of caravans to which the site licence relates, or the use as residential accommodation of any caravans in this particular part of the site. To use this part of the site for residential tourist accommodation, in the form of the present mobile home, therefore constitutes a material change of use in the land that requires planning permission.

## **Main Issues**

6. The appeal site lies in the countryside within an area of designated Green Belt. Accordingly the main issues arising in the appeal are:
  - The effect of the proposal on the openness of the Green Belt and its compatibility with the purposes of including the land within the Green Belt; and, consequently:
  - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (‘the Framework’) and any relevant development plan policies; and
  - whether, if it is inappropriate development in the Green Belt, any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

## **Reasons**

### *Effect on openness and purposes of Green Belt*

7. As I have found that the mobile home does not amount to a building, paragraph 145 of the Framework has no application to the proposal. Paragraph 146 provides that material changes in the use of land are not inappropriate development in the Green Belt subject to 2 provisos. They are that the openness of the Green Belt is preserved, and that no conflict with Green Belt purposes arises. Those purposes include assisting in safeguarding the countryside from encroachment.
8. The principal relevant local development policies are SP3 of the Selby District Core Strategy, and RT11 of the Selby Local Plan. SP3 mirrors national policy found in the Framework for the determination of development proposals in the Green Belt. Outside of development limits, policy RT11, concerning proposals

for tourist accommodation, is directed towards proposals for built development rather than changes of use.

9. The appellant describes the mobile home as having been re-sited from elsewhere within the site. An application plan shows it having been moved from the caravan storage area, Area 4, whereas the appellant's statement describes it as having been moved from the site of the former dwelling at Area 2. Either way, I consider that it amounts to additional development within the overall site rather than a replacement. Vacant spaces in the caravan storage area can be filled again for that purpose, whilst a permission has recently been granted for the erection of a replacement dwelling in Area 2.
10. The appellant considers it clear that the site overall is a brownfield site. The Council has previously considered the caravan storage area (officer's report at Appendix P) to form part of a previously developed site. Although the part of the site housing the mobile home does not appear to me to fall within the curtilage of an existing or former permanent structure, so not amounting to previously developed land for the purposes of the Framework, the site as a whole is in uses for which planning permission is required, rather than for agriculture or forestry. Nonetheless it lies in the open countryside.
11. As the Council point out, the site is laid out in distinct areas, within which the residential northern parts and the storage southern part appear more intensively developed. The middle section including the pond and the land adjacent to it is a relatively open area that is available to touring caravans. Beyond the dwelling situated to the front, the site as a whole is well-screened by vegetation, although with views into the site from the road passing to the north. Although views of the mobile home are thus very limited from public vantage points, the openness of the Green Belt is to be assessed by reference to spatial impacts as well as visual ones. Here, I am informed that a site licence exists for 11 touring caravans and 1 static, although have not been provided with the extent of the site to which the licence applies and no comprehensive application is before me. Although the site is available to 11 touring caravans, there were few on the site at the time of my visit, and the mobile home appeared as an isolated unit in an otherwise open part of the site. The addition of the mobile home introduces a limited residential (albeit tourist) use onto what was previously an open part of the site, with that use physically manifested by the presence of the mobile home. This by its presence would not preserve the openness of the Green Belt in this location. Although limited in nature, the residential use is not consistent with the purpose of safeguarding the countryside from encroachment.
12. Therefore, although the effects are limited having regard to the existing uses of the site, I find that a loss of openness and conflict with Green Belt purposes arises from the development.

#### *Whether inappropriate development*

13. It follows from the above that the proposal amounts to inappropriate development in the Green Belt, because it does not preserve openness and conflicts with the purpose of including the land within the Green Belt. By definition this is harmful, and I give substantial weight to this harm by reason of inappropriateness.

*Whether other considerations outweigh the harm by reason of inappropriateness and any other harm*

14. The appellant considers that a review of the planning history including the 2014 permission and the related officer report would reveal that the Council have consistently accepted compliance with development plan policy and expansion of the commercial use of the site in terms of rural enterprise and tourism.
15. The various officer reports on past applications reveal different analyses of the appropriateness of the various developments to the site's location in the Green Belt. None of those are however concerned with the siting of a tourist mobile home in the location now proposed and thus no precedent arises for my consideration. No case has been made by the appellant as to the need for the mobile home.
16. As a result I am unable to conclude that circumstances of sufficient weight exist to overcome the harm to the Green Belt arising by reason of inappropriateness. Although no other harm arises, I attribute substantial weight to the harm to the Green Belt. Very special circumstances to justify a grant of planning permission have not been shown to exist.

**Conclusion**

17. In the light of these findings I cannot conclude that there are sufficient considerations to outweigh my findings on the harm to the Green Belt that arises from the development. No very special circumstances exist to justify the development, and therefore the appeal is dismissed.

*Laura Renaudon*

INSPECTOR