



Appeal Decision

Site visit made on 10 March 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 07 April 2020

Appeal Ref: APP/D0840/w/19/3243473

Field East of Ivydene, Dobwalls, Liskeard, PL14 6JF

- 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 Lucy McLukie against the decision of Cornwall Council.
 - The application Ref PA19/01834, dated 28 February 2019, was refused by notice dated 26 June 2019.
 - The development proposed is described as 'use of land for the stationing and residential use of a caravan, together with parking of four touring caravans'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal is considered retrospectively as the development is in situ. Notwithstanding the fact that the Council's decision notice only referred to Policies 12 and 23 of the Cornwall Local Plan, the evidence refers to other policies in the development plan that are relevant to my assessment of the appeal scheme, including Policies 3 and 7. However, the appellant has had an opportunity to respond to the Council's representations in respect of these policies and it is my duty to determine the appeal having regard to the development plan as a whole. I am therefore satisfied that no party has been prejudiced by my taking them into account in my determination of the appeal.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - The suitability of the site for the proposed development.

Reasons

Character and appearance

4. The development site is that of large sloping grassed field located at the edge of the village of Dobwalls. The field as a whole is visible from the former A38 on the approach to the village. The area in which the static caravan is sited is partially screened by hedging and below road level, the hardstanding and associated touring caravans are though more visible, particularly through the access point to the field. Beyond the development the village form starts with a terrace of

traditional stone built cottages leading to the centre of Dobwalls beyond. The site is not subject to any special designation yet the open field with views to rolling countryside beyond and the traditional built form positively contribute to the character and appearance of the area.

5. Although some of the site is partially concealed by hedgerow, when entering and leaving the village much of the site is visible from the elevated road and gap formed by the access point. The dark coloured hardstanding and light coloured touring caravans contrast with the green field and the materials used in the built form nearby, drawing the eye. The prominence of the static caravan is slightly offset by being green and it being below the hedgerow, however, the roof is still clearly noticeable from the road and there is no guarantee that the hedgerow would remain at current height in future. Therefore, the development represents harm to the character and appearance of the area as it detracts from the traditional form nearby and landscape within which it sits. Notwithstanding the appellant's comments regarding the relocation of the caravans, screening and camouflage netting, this harm would not be mitigated by imposing conditions given the fundamentally different form the development takes to that nearby.
6. The development does not accord with Policy 12 of the Local Plan which amongst other things seeks to ensure development does not harm local distinctiveness. Similarly, the development does not accord with Policy 23 of the Local Plan, which amongst other things seeks to ensure development sustains local distinctiveness and character, protecting and where possible enhancing the natural environment.

Suitability of the site

7. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-30, adopted 2016 (Local Plan) sets out how housing development should be dispersed around the main 18 towns, of which Dobwalls is not one. Outside of these main towns housing should be delivered by sites identified through Neighbourhood Plans, rounding off settlements on previously used land or immediately adjoining a settlement, infill schemes filling gaps in existing frontage and not physically extending settlements into the countryside.
8. Notwithstanding the appellant's comments regarding the suitability of the site and its conformance with the above criteria, the current location of the static caravan and touring caravans within the field do not conform with the criteria above. They are not immediately adjacent to the existing settlement form, they fill no defined gap in the settlement and appear to be in the countryside, albeit not isolated as there are some properties nearby. Therefore, the development does not accord with Policy 3 of the Local Plan
9. Policy 7 of the Local Plan details the special circumstances where new homes will be permitted in the countryside, including but not limited to temporary accommodation for workers supporting rural businesses or where involved in full time agricultural or forestry work when there is demonstrable essential need for the occupier to live in that specific location. However, there is no cogent evidence to justify the development at this specific location on the basis of an identified essential or demonstrable local need. As such the development would not accord with Policy 7 of the Local Plan.

10. I therefore conclude that the site is not a suitable location for the stationing and residential use of a static caravan. It is contrary to the development plan's strategy for the provision of housing.

Other considerations

11. I am aware that the static caravan is currently being occupied by relatives of the appellant. This was offered to them following a period of illness in which they found themselves in financial difficulties. It has therefore been suggested that the caravan could provide them with a temporary home and that this could be achieved with conditions restricting occupation to them personally for a maximum period of 2 years.
12. While I understand they have applied to the Council for housing, as they have no children, they are unlikely to be considered as a priority case and in any event are not technically homeless. However, from the evidence it appears that they have already been living in the caravan since the autumn of 2018. There is little evidence to suggest that other means of finding suitable accommodation have been fully explored during that period and there are no specific reasons why they have a need to be living in this particular location. In these circumstances, I am not persuaded that the personal circumstances of the appellant's relatives justify the imposition of a condition restricting occupancy to those named individuals.
13. Where permission is granted for a limited period by means of a condition, it must also require the removal of all the permitted structures, the discontinuation of the uses and the undertaking of any necessary remedial works. Furthermore, the Planning Practice Guidance (PPG) advises that temporary permissions are only appropriate in a limited range of circumstances, none of which appear to be directly relevant to this case.
14. While I am sympathetic to the circumstances of the appellant's relatives, the appeal proposal goes considerably beyond addressing their personal need for a home. It relates to the use of a site of considerable size not only for a static caravan but also for the storage of touring caravans, for which the imposition of a personal and temporary condition would not be appropriate. In these circumstances and having regard to the factors outlined above, I can give their personal circumstances little weight in my determination of the proposal.
15. Both parties have referred to the issue of initial pre application advice regarding potential future development in the field for housing. However, this would amount to a proposal of a different scale and nature and therefore has no bearing on my assessment of the scheme before me.

Conclusion

16. I have concluded that the development conflicts with the development plan. There are no other considerations that outweigh that conflict. For this reason and having regard to all other relevant matters raised, the appeal is dismissed.

Matthew Scriven

INSPECTOR