



Appeal Decision

Site visit made on 14 July 2020

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 July 2020

Appeal Ref: APP/F2605/W/19/3235505

**Ashdale, Lowe Caravan Park, 134 Hills Road, Saham Hills, Saham Toney
IP25 7EZ**

- 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 Mr C Lowe against the decision of Breckland District Council.
- The application Ref 3PL/2019/0655/VAR, dated 5 June 2019, was refused by notice dated 30 July 2019.
- The application sought planning permission for variation of condition 3 of 3PL/2000/0163/F to extend number of static caravans from 4 to 8 without complying with a condition attached to planning permission Ref 3PL/2015/1059/F, dated 10 November 2015.
- The condition in dispute is No 3 which states that:
Notwithstanding Classes C2, C2A, C3 and C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the development hereby approved shall be restricted as follows:
 - (a) *The use shall be to provide holiday accommodation only and shall not be used as permanent unrestricted accommodation or as a sole or primary place of residence.*
 - (b) *No individual(s) Families or Groups shall occupy the holiday accommodation for more than one calendar month consecutively and shall not return within the following calendar month, unless otherwise agreed in writing with the local planning authority.*
 - (c) *A register of lettings, occupation and advertising shall be maintained at all times and shall be made available for inspection by the local planning authority upon request at any time.*
- The reason given for the condition is:
The site lies in an area where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition that the scheme is providing holiday accommodation in accordance with PPS7: Sustainable Development in Rural Areas and the Good Practice Guide on Planning for Tourism. This condition is imposed in accordance with Policy DC8 of the Breckland Adopted Core Strategy.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Breckland Local Plan (BLP) was adopted in November 2019 which supersedes policies in the Breckland Core Strategy and Development Control Policies Document 2009 (BCS). I have had regard to the relevant BLP policies cited by the Council in its appeal statement.

Background and Main Issue

3. The appeal site forms part of an existing caravan park and contains an existing static caravan. Planning permission was granted in 2000 (ref 3PL/2000/0163/F) to allow four seasonal pitches for static or touring caravans. Planning permission was granted in 2015 (ref 3PL/2015/1059/F) to vary condition 3 of the 2000 permission to extend the number of static caravans from 4 to 8.
4. Condition 3 of the 2015 permission limits the use of the development to holiday accommodation only, with no occupation of holiday accommodation normally allowed for more than one calendar month consecutively, and a register of lettings, occupation and advertising to be maintained at all times.
5. The appellant seeks to vary condition 3 of the 2015 permission to allow for the occupation of one static caravan permanently by a family member as an on-site warden. It is important to stress that under Section 73 of the Town and Country Planning Act 1990 I can either allow the appeal and create a new planning permission without the disputed condition or dismiss the appeal. In either scenario, the existing planning permissions would remain extant.
6. The Council has stated that the appeal proposal would be contrary to national and local planning policies which seek to restrict the provision of new dwellings in the countryside.
7. The main issue therefore is whether the disputed condition is necessary to restrict the provision of new dwellings in the countryside.

Reasons

8. The appeal site comprises an existing static caravan only within the wider Lowe Caravan Park in Saham Hills. A number of static and touring caravan pitches are set out around areas of green space, with the appeal site caravan situated midway along the northern edge of this grouping. To the rear of the caravan is an area of vegetation and beyond that the rear elevations and gardens of properties along Hills Road. To the west of the caravan is a toilet block, car park, tearoom and two residential properties known as Ashdale and Diggerdale.
9. Saham Toney is one of the Villages with Boundaries as defined by BLP Policies GEN03 and HOU2. BLP Map 13 shows the settlement boundary extending along Hills Road into Saham Hills. The caravan park straddles the settlement boundary. Ashdale and Diggerdale, along with the car park and tearoom, are within the boundary while the caravan pitches, including the appeal site, are beyond it.
10. BLP Policy HOU04 states that appropriate development will be allowed immediately adjacent to the settlement boundary, subject to being supported by other policies in the development plan (excluding Policy GEN05) and where a number of criteria are satisfied. BLP Policy HOU05 applies to development in smaller villages and hamlets outside of settlement boundaries. As there is a settlement boundary for Saham Toney that extends into Saham Hills, the policy is not applicable to this case.
11. The use of the static caravan as a residential dwelling would not represent an isolated home in the countryside given the proximity of housing in Saham Hills. As such, NPPF paragraph 79 is not applicable. However, the redline site boundary is tightly drawn around the existing static caravan. It is located

midway along the grouping of caravan pitches, while the vegetation to the rear is also outside the settlement boundary. Therefore, the appeal site is not immediately adjacent to the settlement boundary and so would not accord with BLP Policy HOU04.

12. The proposal is intended to support the existing caravan park with the appellant looking to gradually retire. The appellant's daughter currently lives with her family in the existing static caravan and would act as site warden. The appellant's existing property is not large enough to provide accommodation for the daughter and her family. The presence of a site warden would help with visitors to the caravan park and the tearoom as well as maintenance tasks. BLP Policy EC07 supports the enhancement and expansion of existing tourism attractions and tourism infrastructure. BCS Policies CP14 and DC08 previously supported dwellings for existing rural enterprises and tourism related development respectively. The proposal would also provide additional surveillance bearing in mind two burglaries in recent times.
13. However, the existing residential property enables these roles to take place already. The existing property along with neighbouring houses provide some surveillance of the caravan park in addition to CCTV cameras and alarms. The evidence before me is limited in terms of the amount of additional work involved in running the caravan park and how much the proposal would benefit the business including the tearoom. I also have little information on the availability of alternative accommodation for the daughter and her family. Therefore, the weight I can afford to the above considerations is limited.
14. The disputed condition seeks to prevent permanent residential occupation of the caravan park. Given the location of caravan pitches beyond the settlement boundary, it is necessary and relevant. The wording is also enforceable, precise and reasonable. It continues to serve a useful purpose having regard to the current development plan.
15. The appellant seeks an amended version of the disputed condition that explicitly excludes the site warden's static caravan. However, this would allow the provision of a new dwelling beyond, and not immediately adjacent to, the settlement boundary, contrary to the development plan policy. Therefore, an amended condition would not be reasonable and would not make the proposal acceptable.
16. The appellant has suggested a temporary permission for 10 years. However, temporary permissions are normally only appropriate where a trial run is needed in order to assess the effect of a development on an area, or where it is expected that the planning circumstances will change in a particular way at the end of that period. The development plan already seeks to prevent new dwellings in the countryside and so the effects are already known. I have little evidence that circumstances will change after 10 years. Therefore, it has not been demonstrated that a temporary permission would be appropriate.
17. The appellant has also suggested limiting the occupation to 11 months, but it is not clear what would happen in the one month in-between or how such a condition could be enforced. Therefore, it has not been shown that such a limitation would be suitable.
18. Interested parties have identified that an alternative location for the site warden caravan could be provided closer to the settlement boundary. However,

that does not form part of the proposal before me and would require separate discussions between the appellant and the Council. I note the support that has been expressed for this proposal, but this does not alter my findings.

19. I have taken into account Article 8 of the Human Rights Act 1998 which states that everyone has the right to respect for his private and family life, his home and his correspondence. However, it is not evident that dismissing this appeal would lead to the appellant's daughter being unable to find suitable alternative housing within the surrounding area. Therefore, there would be no interference with the Article 8 rights.
20. In conclusion, while there is no conflict with NPPF paragraph 79, the proposal would conflict with BLP Policies GEN01, GEN03, HOU2 and HOU4 which seek to direct development to the most sustainable locations including within or immediately adjacent to specific settlements. Therefore, the disputed condition is necessary to restrict the provision of new dwellings in the countryside and meets the other tests for conditions set out in NPPF paragraph 55.

Conclusion

21. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR