
Appeal Decision

Site visit made on 8 July 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/J9497/W/19/3243823

Barley Meadow Camping and Caravan Park, Road Past Hooperton Cross, Crockernwell EX6 6NR

- 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 Martin Brant against the decision of Dartmoor National Park Authority.
 - The application Ref 0464/19, dated 23 September 2019, was refused by notice dated 4 December 2019.
 - The development proposed is described as for the siting of an assistant warden static caravan on existing pitch no 26.
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. I have used the description of development contained within section E of the appeal form, in the banner heading above, rather than the description as provided on the original application form.
3. The main parties have provided me with the planning history for the appeal site. The history and evidence provided indicates that, in the years since planning permission for the original camping and caravan park was granted, further planning permission has been granted for an increase in pitch numbers at the site to sixty three¹ and that the opening season for the park is now for a period of eleven months from 5 February to 5 January².
4. The application form and supporting submissions provided by the Appellant indicate that the application would be for the siting of a caravan at an existing permitted pitch within the park, during the open season only. In this regard and as noted above, it is apparent from the planning history of the site that the park already benefits from planning permission for the siting of a caravan at the relevant pitch, for the period which is being requested on the application form.
5. Whilst I note the submissions of the main parties regarding the aforementioned permissions, as noted by the Inspector in an appeal decision at Sedlescombe³ there is no separate statutory definition for a touring or static caravan, but rather one single definition of a caravan which embraces both types of vehicle.

¹ Local Planning Authority Reference: 0765/06

² Local Planning Authority Reference: 0552/07

³ Appeal Decision Reference: APP/U1430/X/16/3164696

6. Given the above, it would initially appear that permission is being sought for the siting of a caravan at the park which would already conform with the planning permissions previously granted. It is noted that the original application form indicates that it is not the existing planning permissions, which apply to the site, that restrict the usage of caravans at the site to a period of no more than three weeks in any given three month period, but rather occupation is restricted by licence requirements. Restrictions placed under a licensing regime are not matters within my remit in considering a section 78 appeal. If planning permission is not required for what the Appellant proposes, then that position would be unaffected by this appeal.
7. However, the Council have put it to me that the proposed siting of such a caravan in accordance with the previous planning permissions, would still require separate planning permission as it would amount to a permanent residence given its intended occupation for an eleven month period in any one year. Whilst I do not necessarily agree that an eleven month period of occupation in any one year would amount to a permanent residence, the Appellant has also provided submissions that there is an established business need for a second, or assistant, warden to reside within the park at most times and that the proposal accords with the development plan.
8. Whilst I would confirm that it is not the purpose of a section 78 appeal to consider restrictions placed by local licensing requirements, given the submissions of the main parties I find it would be relevant to consider whether the siting of a permanent residence for an assistant warden at the site would accord with national and local planning policy. I have therefore considered the appeal on this basis and have used the description of development as provided by the Appellant on the appeal form in the banner heading above.

Main Issue

9. In light of the above matters, the main issue is whether the proposal would be an appropriate form of development at this location, having regard to local and national planning policy.

Reasons

10. Policies COR2 and COR15 of the Dartmoor National Park Authority Local Development Framework Core Strategy Development Plan Document 2006 – 2026⁴ (the Core Strategy) seek to steer new residential development on the basis of a hierarchy of named settlements reflecting, amongst other considerations, a policy of sustaining local distinctiveness, reducing the need to travel and achieving accessibility to daily services by non-car modes. Away from settlements in rural areas, amongst other matters, development is restricted to that serving the proven needs of a rural business.
11. The objectives and aims of Policy COR15 of the Core Strategy are reflected and reinforced by Policy DMD23 of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document⁵ (the DPD), which sets out the criteria and circumstances in which residential development may take place outside local centres and rural settlements. In this regard, and amongst other matters, new permanent residences would be permitted only where there is a clearly established existing functional need for

⁴ Adopted June 2008

⁵ Adopted July 2013

- a worker to be readily available at most times at the site in relation to a rural business, that there are no alternative buildings within the site which could be converted into accommodation and that suitable alternative permanent accommodation is not available.
12. The evidence before me confirms that the Appellant currently resides at the site and currently acts as the park's only warden. The Appellant maintains that there is a functional need for an assistant warden to be on site at most times, as a result of the practical needs of the business and given that the Appellant has other business interests which require him to be away from the site.
 13. As noted above, Policy DMD23 of the DPD requires, in part, that suitable alternative accommodation is not available and, on the basis of the information before me, I am prepared to accept that by reason of the scale of this rural enterprise, the cost of alternative accommodation could adversely and disproportionately affect the business's viability. Furthermore, it is apparent from the submissions and from observations made on my site visit, that there are no existing buildings at the site which would be suitable for conversion into accommodation.
 14. Whilst I acknowledge that it would be desirable for the site to have the support of an assistant warden during those periods when the primary warden is on holiday, is unwell or otherwise engaged in some other form of warden activity at the site on any day, the need for a second warden's permanent residence must be assessed against the business needs of the park rather than the personal circumstances of the owner.
 15. In this regard, the business appears to be well established, profitable and has a clear prospect of remaining financially sound in the future. However, based on the information and submissions before me, in my view it has not been sufficiently demonstrated that there is a need for a second warden at the site most of the time as required by the development plan, but rather that such a warden may be required during certain periods such as those described above. I have not been provided with details of when the existing warden would or would not be available to perform any necessary duties at the park, and therefore I cannot be certain that a second warden would be required at most times.
 16. I therefore find that there is insufficient information before me which would confirm that a second warden would be required to reside on site at most times. In my view, the information provided indicates that a further assistant warden could be required to assist during the day to day operations of the park, but there is insufficient information and evidence which clearly demonstrates a need for a second warden to be in permanent residence at the caravan and camping park for most of the time. Without information that confirms whether the primary warden would be at the park for most of the time, it would not be possible to assess whether a second warden would be justified.
 17. I therefore conclude that the proposal would not accord with local planning policy with regards to its location. The appeal proposal would conflict with Policies COR2 and COR15 of the Core Strategy and Policy DMD23 of the DMD. Whilst the reason for refusal refers to the English National Parks and the Broads UK Government Vision and Circular 2010, this document does not form

part of the development plan and accordingly it has limited weight in my assessment of the appeal.

18. Within the supporting statements, the Dartmoor National Park Authority also refers to paragraph 79 of the National Planning Policy Framework (the Framework), which concerns isolated homes in the countryside. In this regard, the appeal proposal would not be located far away from other places, buildings or people, and, consequently, the proposal would not be considered to be isolated in terms of the Framework. Accordingly, the provisions of paragraph 79 of the Framework do not apply in this instance.

Conclusions

19. For the reasons given above, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR