



Appeal Decision

Site visit made on 21 July 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 10 September 2020

Appeal Ref: APP/X1545/W/20/3253807

Carbuncle Farm, Maldon Road, Burnham on Crouch, CM0 8NT

- 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 John Wilsdon against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00969, dated 9 September 2019, was refused by notice dated 5 December 2019.
 - The development proposed was originally described as, "to provide a temporary security caravan with security officer for 3 years to prevent theft of farm machinery to the site, and for a deterrent to the adjoining site of plant and machinery for the recent planning approval of 98 bungalows and medical. The purpose of a security caravan is to show a local presence in the area to detour theft. Within this application are photographs of the security caravan and grain store/barn with concrete yard housing farm equipment. The problem is that the time it takes for local police to arrive at the scene of the theft of farm machinery it has gone, including any cctv. Recent thefts from the site include grain trailer, diesel burner and several other items of machinery, together with damage to security doors where they have been broken."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in determining this appeal is the suitability of the site for a temporary residential caravan having regard to the security needs of the site and its effect on the character and appearance of the area.

Preliminary Matters

3. The description of development given in the application form is long and includes matters which are not acts of development. The Council, in their decision on the application have described the development as "Temporary security caravan with security officer for 3 years". This description does not refer to the proposed residential use of the caravan. I consider that neither description fully describes what is being proposed in the application and, based on the evidence supplied by the parties, I have assessed the appeal scheme as the use of land for the stationing of a residential caravan to accommodate a security officer for a temporary period of 3 years.

Reasons

4. The site lies in an open countryside location away from the settlements of the District and other dwellings. The nearest dwellings to the site appear to be at

Elm House Farm, some distance to the south, across fields towards Burnham on Crouch. The site is therefore in an isolated location.

5. The site is away from the main settlements of the District where Policy S8 of the Maldon Approved Local Development Plan 2014 -2029 (LDP) seeks to restrict new residential development to, amongst other things, agricultural and essential workers' accommodation in accordance with Policy H7. However even if a proposal is found to be in accordance with this criterion of Policy H7, Policy S8 requires it to have no adverse impact on the intrinsic character and beauty of the countryside.
6. Policy H7 allows for the provision of dwellings in the countryside, temporary or permanent, if there is an essential need for a rural worker to live in that location. This approach reflects that set out in the National Planning Policy Framework (the Framework) at paragraph 79, which allows for isolated dwellings in the countryside where there is an essential need for a rural worker.
7. The Council approved the temporary siting of a residential caravan on the land in 2013. In accordance with the guidance set out in the Planning Policy Guidance (PPG) they chose not to grant a further planning permission for the caravan. Since then the site has operated, at times, without a fulltime security presence and valuable equipment has been stored elsewhere.
8. I acknowledge what the appellant has stated about the legality of the alternative site for the storage of the valuable equipment. However, I have no details of the current planning status of that alternative location before me. Moreover, the Council state that the appeal site is open, without gates at the entrance and that the appellant has provided no details of other security measures that are in place. I noted at my site visit the lack of obvious gates or barriers at the entrance to the site from Tinkers Hole Lane.
9. I do not doubt the appellant's evidence that there have been thefts from the site. However, I have to decide whether there is an essential need for a rural worker to live on the site. I have had regard to the planning history of the site and to the site's current level of security. The appellant has had time since 2013 to examine the options for improving the security at the site and deterring thefts, such as installing gates and fences, and to find alternative sites for the storage of valuable equipment. I am not convinced that there is an essential need for a rural worker to live on the site given the availability of other options to the appellant to deter and prevent thefts from the site, such as installing gates and other security measures or storing valuable equipment elsewhere.
10. The site is accessed from Tinkers Hole Lane a minor road, not far from its junction with the Maldon Road. To the south lie covered reservoirs, whilst to the north and east is flat agricultural land. The caravan is already in position and sited against the side of a large agricultural building. The appeal proposal introduces a residential mobile home into a prominent location in the countryside away from settlements and other dwellings. It is light in colour, and of a form and design which makes it appear incongruous in a farmyard setting when viewed from Tinkers Hole Lane to the north and from the agricultural land to the east. Its position against a large, conventionally designed, agricultural building increases this prominence and emphasizes its discordant nature in this countryside location.

11. The appellant has referred to a development of 98 houses and a medical centre to be built on land adjacent to the farm. I have no details of this development before me and so can give it very little weight in the determination of this appeal. In any event I have no substantive evidence before me to explain exactly how the appeal development is in any way required for security or operational purposes of this nearby development.
12. The appellant has stated that the caravan has now been altered internally in order to reduce the number of bedrooms it contains from 3 to 1. Whilst it is noted, it is the principle of a residential use on this site which is the determining factor in this appeal. I have therefore given this internal change limited weight in this appeal.
13. I therefore find that the use of land for the stationing of a residential caravan to accommodate a security officer for a temporary period of 3 years conflicts with Policy H7 and S8 of the LDP as there is no essential need for someone to live at the site. It is therefore not a suitable location for this use. Furthermore I find that its presence harms the character and appearance of the area, such that it is in conflict with the Policies D1, H4 and S8 of the LDP which seek, amongst other things to encourage development that protects the character and appearance of the countryside and landscape, that contribute to local distinctiveness.

Conclusion

14. Having regard to all matters, the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR