



Appeal Decision

Site visit made on 6 October 2020

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/X3540/W/20/3255837

South east of White House Lodges, Hevingingham Long Lane, Hevingingham, Halesworth, Suffolk IP19 0EE

- 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 Robert Keith against the decision of East Suffolk Council.
 - The application Ref DC/20/0577/FUL, dated 05 February 2020, was refused by notice dated 21 April 2020.
 - The development proposed is described on the application form as 'retrospective planning permission for the retention of a static caravan (for a period of time deemed acceptable by the Local Planning Authority), providing accommodation for an elderly gentleman.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form identified that the static caravan was in place prior to the point at which the application was made. Therefore, the plans submitted with the application are intended to be a representation of what is already there. There is nothing before me to indicate that there is any discrepancy between the plans and what is on site, and I have proceeded on the basis that they are an accurate representation. In other words, planning permission is sought for the development as it exists on the ground.
3. Since its original determination of the appeal proposal, East Suffolk Council has adopted the new Suffolk Coastal Local Plan (2020) ('the SCLP'). As such, the policies cited in the original decision notice have now been superseded. The Council has provided details of the policies from the Development Plan which it intends to rely on to support its decision to which the appellant has been able to comment upon. As such, I have considered these policies in my determination of this appeal.

Main issue

4. The main issue is whether the site is in a suitable location for residential accommodation.

Reasons

5. The appeal site is a static caravan which is located to the south east of White House Lodges. The site is around 3 kilometres outside the village of Peasenhall,

- and as such, it is outside of any defined settlement or physical limits boundary. Therefore, in terms of policy SCLP3.2 of the SCLP, it is located in the countryside. Policy SCLP3.3 indicates that proposals for new residential development outside of any physical limits boundary will be carefully managed, and policy SCLP5.3 sets out the circumstances where new housing in the countryside will be considered. In terms of the requirements of criteria of SCLP5.3, as the development is not for an affordable dwelling it does not accord with criterion a).
6. Criterion b) of SCLP5.3 allows for development to be within an existing cluster of residential development; however, the siting of the caravan would instead extend development further into the countryside beyond the adjoining holiday accommodation and therefore is not within a cluster and therefore does not accord with criterion b). The caravan is not a replacement dwelling, does not involve the subdivision of a larger dwelling, is not the conversion of an existing building or provide accommodation for an agricultural or rural worker and therefore does not accord with criteria c) to f) of the policy.
 7. Criterion g) of SCLP5.3 limits residential development to the circumstances where this would be acceptable within National Planning Policy Framework ('the Framework'). As the caravan is sited next to the holiday lodges, it would not be isolated in terms of paragraph 79 of the Framework. However, the siting of the development outside the physical limits boundary away from any town or village is not in a location that will enhance or maintain the vitality of rural communities. Therefore, it does not accord with the expectations of paragraph 78 of the Framework where rural housing would be supported. As such, the proposed development would not accord with the criteria set out in policy SCLP5.3 of the plan or the Framework.
 8. The appeal site comprises a largely green coloured static caravan with timber skirting along with a small wooden shed. In front of the caravan, aggregate has been laid to provide a parking area and the site is bound on two sides by approximately 1.8 metre high close board fencing. The western boundary fencing has a trellis added resulting in this section being around 2.5 metres high. The site is located adjacent to White House Lodges which are a complex of holiday accommodation that are finished with red brick, clay pantiles and black weatherboarding. The caravan's appearance and materials appear stark and angular when viewed alongside the adjoining development at White House Lodge where the use of traditional materials and roof designs assimilate positively with the rural character of the area. Whilst the fencing provides some screening of the caravan, the fencing itself is out of keeping with the simple low post and rail fencing that bounds the adjoining holiday lodges. As such, it appears incongruous in the landscape harming the character of the area.
 9. The site is located off Hevingingham Long Lane which is a rural road where the national speed limit of 60 miles per hour applies where it passes the appeal site. The road has sufficient width to allow two vehicles to pass simultaneously and at the time of my visit, was lightly trafficked. However, typical of many rural roads it is not lit, nor is there any footpath or cycle way. The site is around 3 kilometres away from the village of Peasenhall which is identified as a small village with limited services and facilities. As such, to meet day-to-day needs, trips would likely be required to a higher-order settlement such as Saxmundham over 9 kilometres away. The speed of the road combined with the lack of lighting or pavement significantly detract from the attractiveness of

any trips to higher-order settlements for services or facilities being made by non-vehicular modes. As such, trips to access day-to-day services would almost exclusively be made by private vehicles. Whilst the appellant initially indicated the caravan is proposed to be retained for 5 years, they have indicated a period of two years would be acceptable. However, over the proposed number of years the number of private vehicle movements would still be significant. As a result, I do not consider the site to be in a suitable location for a new dwelling.

10. In light of the above, I conclude that the site would not be in a suitable location for a new dwelling. As such, it would be contrary to policies SCLP3.1, SCLP3.2, SCLP3.3 and SCLP5.3 of the SCLP which state, amongst other things, that the Council will seek to enhance sustainable and inclusive communities through appropriate growth in rural areas, that proposals for new residential development outside of any settlement boundary will be carefully managed, that outside of the defined Settlement Boundaries, new residential development will be limited to affordable housing, replacement dwellings, the conversion of existing buildings or rural workers dwellings.
11. The scheme also fails to accord with paragraph 78 of the Framework which indicates that housing should be located where it will enhance or maintain the vitality of rural communities.

Other matters

12. Concern has been raised about the effects of the proposed development on the Minsmere-Walberswick Special Protection Area (SPA) and Ramsar. The Conservation of Habitats and Species Regulation 2017 require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where a plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects. Whilst the appellant has indicated a willingness to pay the required contribution towards mitigation, I have no agreed planning obligation or a unilateral undertaking before me. Therefore, in the absence of a contribution to the agreed mitigation, this would not enable the proposal to avoid an adverse effect on the integrity of the SPA and Ramsar sites.
13. Nevertheless, in light of the harm I have identified in terms of the suitability of the location for a new dwelling and conflict with the Development Plan, as the appeal is to be dismissed for other reasons, it is not necessary for me to address this matter further.
14. The appellant has indicated that the current occupant of the caravan is in poor health and wishes to live independently and in isolation. The appellant has also indicated that they would accept the retention of the caravan being limited to a temporary period and clarified during the appeal that a further two years to be sufficient. The occupant's poor health has been recognised by his Doctor whilst the accompanying evidence indicates it would be a positive benefit for him to remain at the site. However, there is no indication within the evidence that providing alternative accommodation for the occupant would be harmful to his existing health conditions. The caravan appears to have been in place for a considerable time within which the appellant would have had sufficient time and opportunity to make alternative accommodation arrangements for the occupant and secure the removal of the caravan. The appellant's desire to live an isolated lifestyle would not be harmed if this took place elsewhere and no

evidence has been put forward as to why this is required to take place only on the appeal site.

15. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (the PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Although the appeal is made relating to a dwelling where an occupant has a protected characteristic in relation to age, I am satisfied that due to the specific circumstances of this appeal that there would be no harm to any individual with a protected characteristic.
16. The appellant has indicated that they would be prepared to enter into a legal agreement to provide the Council with suitable control of the site in future. However, no such agreement has been put forward as part of this appeal, and as such, I do not consider that the personal circumstances of the occupant to outweigh the conflict with the Development Plan that I have identified above.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR