



Appeal Decision

Site visit made on 15 September 2020

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/B3438/C/20/3251150

Land at New Springs Farm, Sandy Lane, Longsdon ST9 9QQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Ian Salt against an enforcement notice issued by Staffordshire Moorlands District Council.
 - The enforcement notice was issued on 16 March 2020.
 - The breach of planning control as alleged in the notice is: *Without planning permission, the erection of a single storey dwellinghouse made up of a caravan and extensions ('the Dwellinghouse') on the Land.*
 - The requirements of the notice are:
Restore the Land to its condition before the breach took place by:-
 - i. Dismantling and removing all the extensions from the caravan
 - ii. Removing all extensions and caravans from the Land
 - iii. Removing any substructures or hardstandings from the Land, and
 - iv. Re-seeding the Land to grass.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (d) of the Town and Country Planning Act 1990 as amended (the 'Act'). Since an appeal has been brought under ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The Council has confirmed that the alleged breach is concerned only with operational development and that any residential change of use, for which there is a 10 year immunity period, is not under attack. Therefore, I am only dealing with the alleged operational development in relation to the erection of a dwellinghouse made up of a caravan and extensions. Consequently, any evidence which deals with the residential use of the land, such as when the caravan was first lived in, is not pertinent to my decision on operational development.
3. In his ground (a) appeal the appellant refers to paragraph 55 of the National Planning Policy Framework (the 'Framework') in relation to isolated dwellings in the countryside, and Green Belt paragraphs 89 and 90. However, a revised version of the Framework was published in July 2018 and paragraphs 55, 89 and 90 became paragraphs 79, 145 and 146 respectively. The Framework was

further updated in February 2019 but the paragraphs remained unaltered. As these policies have not fundamentally changed with the Framework revisions and updates I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

4. On my request, the appellant has submitted a complete version of his Appendix 15 containing photographs.
5. Both parties were invited to comment on the recent adoption of the Staffordshire Moorlands Local Plan (the 'Local Plan'). The parties agree that the new Local Plan policies relevant to the appeal are SS1, SS9, SS10, DC1, DC2 and DC3.

The Appeal on Ground (d)

6. Ground (d) is that, at the date when the notice was issued, it was too late to take enforcement action against the matters stated in the notice. This is a legal ground of appeal and the burden of proof rests with the appellant¹.
7. The construction of a dwelling is a building operation, as defined in section 55(1) of the Act. Section 171(B)(1) goes on to state that "*Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four (4) years beginning with the date on which the operations were substantially completed.*"
8. In order for the ground (d) appeal to succeed, the appellant must show, on the balance of probability, that the dwellinghouse as enforced against was substantially completed more than 4 years before the date the notice was issued so as to be immune from enforcement. Hence there needs to be a consideration of whether what existed on 16 March 2016 amounted to a dwellinghouse erected on the land.
9. In summary, the Council allege the dwelling was substantially completed after 26 August 2017 when the conservatory was added i.e. less than 4 years before the issue of the notice. The appellant alleges that, with the exception of the conservatory, the appeal dwelling was substantially completed (and occupied since 2013) for a period in excess of 4 years.
10. There is no dispute between the parties that the alleged dwellinghouse comprises a caravan and extensions, sited on hardstanding, and that extensions have been added to the caravan over time since it was first brought onto the land. There is also no dispute that the conservatory was added sometime by the end of August 2017. Nonetheless, it is necessary to embark on a chronological sequence of events to establish the various building operations that have been undertaken in order to determine when the dwelling was substantially completed² as a matter of fact and degree.
11. According to the appellant's evidence, including his own sworn affidavit, the caravan was brought on to the land in July 2012 and over the next few months he added timber cladding to the outside of the caravan and a fenced

¹ *Nelsovil v MHLG* [1962] 1 WLR 404

² *Sage v SSETR & Maidstone BC* [2003] UKHL 22

enclosure. This is verified in a sworn affidavit made by a friend of the appellant. A photo, dated 2 February 2013, submitted with the appellant's Final Comments shows the timber clad caravan. The appellant started living in the caravan from October 2013.

12. The appellant states that during 2014 he "extended the fence posts to the enclosure and fitted roof sheets to create a covered yard. This was later improved by adding a new concrete floor and side walls to create an enclosed space for a boot room/wet weather storage, WC and porch to caravan". Photo 2 referred to is dated October 2014 but shows a microwave.
13. Later the appellant states he "divided this area into a bathroom and second bedroom with the aid of timber partitions", but does not say when. A sworn affidavit from a friend of the appellant confirms these works were completed by June 2014, as he recalled being at the caravan on several occasions watching the Brazilian World Cup on the television whilst having a BBQ. There are other sworn affidavits from other friends who helped the appellant expand the caravan, but the dates of when they helped with the various extensions are vague.
14. Photos 5A and 5B, dated January 2015, are described as showing 'the side extension on the side elevation'. Photo 5A appears to be a zoomed-in version of Photo 5B. However, because of the poor quality of the images and the angle at which the photo was taken, I find there is not enough context to make out the presence of the side extension in relation to the caravan with sufficient certainty.
15. Photos 6A and 6B, dated 13 February 2016, are listed as showing 'external views of the mobile home'. Photo 6A looks towards the front of the caravan and a lightweight timber frame can be seen to the left with a bright green tarpaulin over. However, the side extension for the second bedroom with ensuite in place is not visible, which according to the submitted affidavits had been erected by the time of the World Cup in June 2014. Photo 6B does not help on this matter - it is taken from the listed bridge over the canal and looks towards the side of the caravan and shows the same red car. However, the bright green tarpaulin and most of the caravan, and any possible extensions, are obscured from view by another sizeable khaki/muted-green tarpaulin. I therefore find there is no meaningful photographic evidence that clearly shows the location and appearance of the side extension erected for the second bedroom and ensuite.
16. The appellant refers to Photos 3 and 4 showing the concrete base for the conservatory along with a friend's car. However, Photo 3 shows a grainy image of inside a kitchen and Photo 4 shows the walk-in shower extension, both dated November 2014.
17. The appellant then refers to a second-hand conservatory being fitted on 26 August, but doesn't state the year. One of the appellant's friends confirms in his sworn affidavit that he helped dismantle and transport the conservatory to the appeal site on 26 August 2017, a very hot Bank Holiday Monday, and later helped him install it (although it's not clear if this was the same day, or later on in the year). Two other friends confirm in their sworn affidavits that they helped install the conservatory in 'August 2017' and 'late on in 2017'. I note the August bank holiday Monday in 2017 in fact fell on the 28th August, not the 26th, but the difference of a day or two is not critical in this instance.

18. On my visit, I saw that the conservatory has a distinct shape with a bay front and panelled glazed roof, with white glazing bars and a decorative white roof ridge. Looking at the detail on the various aerial images submitted by the appellant and Council, no such white structure is apparent, even from 2018. This makes me doubt if the dates of the aerial images can be relied upon. The appellant refers to a certification of authenticity for the Get Mapping images. The email from Get Mapping says only that they can provide a confirmation letter, but a confirmation letter has not been submitted. Nonetheless, there is no dispute between the parties the conservatory was added at and around August 2017.
19. From my site visit I saw the covered walkway, with the boot storage area leading to the small front porch with a small bathroom leading off straight ahead. This extension provides integral accommodation and circulation space to the dwelling. Turning to the left one enters the former caravan, which has an open-plan kitchen/dining area and a separate bedroom. From the open plan area, a double-width opening has been created in the wall that would have been the side of the caravan. This leads through and down a step into what is clearly the conservatory, with its two sides of glazing and polycarbonate roof. There are no doors to divide the conservatory from the kitchen/dining area. From inside the conservatory, a door leads directly into the second bedroom with ensuite bathroom at the far end. Patio doors also lead from the conservatory to outside.
20. In his sworn affidavit, one of the friends describes that the conservatory was erected "at the end of the extension enclosing the second bedroom in place of the outside door". This indicates to me that up until this point the extension for the second bedroom and ensuite bathroom, even if physically attached to the former caravan, was accessed from outside and not integrated internally with the former caravan.
21. It was apparent to me on my visit that the former caravan and extensions have been remodelled and the conservatory now provides internal access between the bedroom extension and the former caravan. The conservatory is furnished and appears to be used as a living room with a large sofa and TV. Internally, the two non-glazed walls of the conservatory are plastered and painted as a composite whole. In my mind the conservatory clearly functions as an integral part of the layout and circulation space of the dwelling and has provided the means to link the second bedroom and ensuite internally to the rest of the former caravan, creating a substantially completed dwelling.
22. Furthermore, externally the conservatory is taller than the adjacent timber clad extension and former caravan. Where it meets these structures it has been made good. Inside the conservatory, the non-glazed walls blend seamlessly with the extension and former caravan part.
23. *Gravesham*³ refers to the necessary facilities for day-to-day living such as required for cooking, eating, washing and sleeping. I have no reason to believe that the caravan that was brought onto the land was not capable of being lived in. But occupation of a caravan is a use of land rather than a dwellinghouse. The crux of this appeal is the point in time when building operations were substantially completed to form a dwellinghouse.

³ *Gravesham BC v SSE and O'Brien* [1982] 47 JP&CR 142; JPL 307

24. From the evidence submitted and from what I saw on site, in my judgement and on the balance of probability, the addition of the conservatory in or around August 2017 was the earliest date at which the dwellinghouse was 'substantially completed'. This is less than 4 years from when the enforcement notice was issued and is therefore not immune from enforcement.
25. In addition, the appellant describes how further works were done, after the conservatory was installed, to replace the tin roof sheets over the bedroom and ensuite with a "proper flat roof and more insulation fitted". This indicates to me further building operations were undertaken to create a substantially completed dwelling. No date is given to when this roofing work was done, but in any event it is after the conservatory was installed in August 2017 and further reduces the 4 year immunity period further.
26. The appeal on ground (d) fails.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issues

27. The deemed planning application arising under the ground (a) appeal is for the erection of a single storey dwellinghouse, as enforced against. As the site lies within the North Staffordshire Green Belt, I consider the main issues are:
 - a) Whether the dwellinghouse is inappropriate development in the Green Belt having regard to the Framework and the development plan,
 - b) Whether there is a need for an agricultural worker's dwelling,
 - c) Whether the dwellinghouse preserves or enhances the character or appearance of the Caldon Canal Conservation Area (CA),
 - d) Whether the dwellinghouse preserves the setting of the listed canal bridge, and
 - e) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations which amount to very special circumstances required to justify a grant of planning permission for the dwellinghouse.

Reasons

Inappropriate Development in the Green Belt

28. The Framework advises at paragraph 133 that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Accordingly, paragraph 143 states that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Plan Policies SS9 and SS10, which seek to protect the Green Belt, are in general accordance with national planning policy.
29. Paragraph 145 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, unless it falls under

one of the listed exceptions. The appellant alleges that the appeal dwelling is for an essential agricultural worker and hence falls under exception 145 a) as a building for agriculture and forestry.

30. But what has been built is a dwelling. Dwellings for rural workers in agriculture or forestry are primarily intended for residential use. Consequently, the appeal dwelling is not a building for agriculture or forestry, even though it is intended to support such a use and be occupied by someone who works in agriculture.
31. Hence the appeal dwelling does not constitute a Green Belt exception under 145(a). Nor does the dwelling fall under any of the other exceptions set out in paragraphs 145 or 146 of the Framework. Whilst the appeal development is sited within an existing yard with existing buildings around, it still reduces the openness of the Green Belt by its physical and spatial presence and encroaches into the countryside. Thus, the appeal development constitutes inappropriate development in the Green Belt.

Need for an agricultural worker's dwelling

32. The appeal site lies within New Springs Farm, which comprises a detached farmhouse, associated buildings and some 20 acres (8.09 hectares) of attached pasture land. It is located along Sandy Lane, a narrow single width track serving a number of dispersed properties. Local Plan Policy SS9 identifies Longsdon as a 'smaller village' which is only for appropriate development which enhances community vitality or meets a social or economic need of the settlement and its hinterland against a list of criteria. I saw from my visit that there are no services or facilities nearby, with the main part of Longsdon being located some distance away on the A53. Apart from the adjacent dwelling and farmhouse, the site is surrounded by fields and is clearly in open countryside.
33. In 'other rural areas' Local Plan Policy SS10 will only provide for development which has an essential need to be located there and which supports rural diversification and sustainability of the rural area. Any new housing will be restricted to that which is essential in accordance with Local Plan Policy H1.
34. The restriction on the location of housing in the countryside is in general accordance with paragraph 79 of the Framework which states that isolated dwellings in the countryside are to be avoided. Exception 79a) does allow for dwellings where there is an essential need for a rural worker to live permanently at or near their places of work in the countryside.
35. The appellant's case, in summary, is that the 20 acres of improved pasture land are rented out to a nearby farmer who grazes his 25 cattle on the appellant's land. The appellant is a 'watchman' providing round the clock care and surveillance for when the farmer's animals are on his land, which is around 9 months of the year. The appellant needs to be within 'sight and sound' and checks the cows at 10pm. When they are close to calving they are checked again at midnight and between 2-3 am. There may be times when the appellant resides with an animal throughout the entire evening, as early attention to any health problems during calving or with young calves is important. He also carries out other general livestock management duties such as foot trimming and hair removal.

36. It is not clear where this night-time attention is given, although the appellant advises the animals are of a breed appropriate to their setting and beef cows are generally kept and reared outside. Cows were present in a field during my visit. I did not see any buildings that looked to be in use for looking after livestock, or could easily be used for such. Most of the buildings on the site were in use predominantly as workshops and for the storage of vehicles in various stages of repair. A larger building on the opposite side of the lane was in use at the time of my visit by the appellant's nephew who was working on a car and there was a raised car ramp inside, with domestic storage in the other part of the building. The part open-sided farm buildings in the field south of the canal bridge were in use to store a car, sawn tree logs and other miscellaneous items.
37. I saw some plant and machinery around the farm and fields, such as a dumper truck, several trailers, an excavator and other miscellaneous plant and machinery. But in my view, this does not constitute the 'large quantity' the appellant alleges he requires for the maintenance and upkeep of the farm. The presence of plant and machinery on the land does not require a new dwelling for security reasons. And in any event, there is an occupied farmhouse by the entrance into the yard that already provides the opportunity for general observation and security. Furthermore, no evidence or crime reports have been presented to indicate to me there is a theft or security problem on the land.
38. The farmer confirms he has rented the land from the appellant for over 5 years. Tenancy agreements from 2015-2019 have been submitted and I understand the land was rented before this on a gentleman's agreement. Nonetheless, the submitted evidence only serves to show what has happened to date, and for only 9 months of each of those years. There is no indication or reassurances that this tenancy arrangement will continue or that there will be a continued need to utilise the appellant's grazing land to serve the needs of a nearby farm. Equally there is nothing to indicate that the tenancy arrangement could not be terminated at any time. These scenarios would leave the appellant without a herd to be watchman over and hence no need for him to live in a new dwelling at the appeal site.
39. Whilst previous national policy guidance and the 'financial and functional' tests for rural workers' dwellings are no longer required, the national Planning Practice Guidance (PPG) sets out some of the considerations⁴ that may be relevant to take into account when applying Framework paragraph 79a). This includes considering the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
40. There is insufficient evidence before me that the 5 or so years that the appellant has rented out his grazing land represents a viable farming enterprise for the foreseeable future that would justify a new dwelling in the countryside as a housing exception. I cannot therefore be satisfied that there is a longer term need for the appeal farm enterprise.
41. I acknowledge that looking after livestock requires good animal welfare and sufficient staffing levels to do so properly. The appellant has not indicated what staffing levels are required for the size of farm and the number and type of animals, only to say that based on the size of the farming operation it is

⁴ PPG Paragraph: 010 Reference ID: 67-010-20190722

considered essential for a full-time worker to be present on the site at all times. But the animals belong to another farmer who runs a farm elsewhere. It seems to me that the staffing levels and needs of the farm should relate to the needs of that other farm, not the appellants.

42. The main farmhouse is occupied by members of the appellant's family. They have no day-to-day management of the farm. I accept that these family members could not be required to vacate the main farmhouse⁵ and note the Baxenden appeal decision⁶. I also accept that the main farmhouse is large and unlikely to be affordable for a single agricultural worker. Nonetheless, the PPG suggests that consideration should be given to whether the housing need could be met through improvements to existing accommodation on site. There is no substantive evidence before me that this has been explored and discounted for whatever reason.
43. The appellant has provided details of houses for sale nearby to demonstrate they are not affordable and that there are no other dwellings nearby that could be used. I am not aware that they would be geographically unsuitable. The cheapest one, at £189,500, is apparently beyond the means of someone on a low farm-worker's wage, but I have limited information before me to indicate that it would be unaffordable.
44. I accept that the dwelling is relatively modest and that temporary dwellings can be used for a trial period for new enterprises. But the appellant is not suggesting the appeal dwelling is needed as a temporary measure for a trial period in order to establish a new enterprise and the application is for a permanent dwellinghouse.
45. In conclusion on this main issue, I am not satisfied that the evidence is sufficient to demonstrate the need for a full time worker to live at the appeal site in a new dwelling, or that there is a viable farming enterprise for the foreseeable future. Nor am I satisfied that suitable alternative accommodation does not exist. Accordingly, the appeal development is contrary to Local Plan Policies SS9 and SS10.

Character and appearance of the area and CA

46. The appeal site lies either side of the Leek branch of the Caldon Canal linked by the Grade II listed canal bridge that spans it. Both branches of the Caldon Canal are in the CA, a designated heritage asset, to which special attention must be given to the desirability of preserving or enhancing the character and appearance of the CA, under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act).
47. The CA is tightly confined to the canals and their towpaths. I walked the towpaths of both canal branches between Sutherland Road and Denford Road. Whilst I have not been provided with a CA appraisal, from my site visit and reading the interpretation board alongside the towpath, I gather that the canal was built in the 1800s to transport coal and limestone, used for pottery making in Stoke-on-Trent. I find its significance is therefore both architectural and historical reflecting the economic, industrial and social development of the wider area.

⁵ *John Keen v SSE & Aylesbury Vale DC* QBD 1995

⁶ Appeal ref: T/APP/C/97/R2330/647276, T/APP/R2330/A/97/283405 and T/APP/R2330/A/98/291659 dated 21 May 1998

48. Whilst views of the largely linear CA are mainly experienced close-up by boat users on the canals, from users of the towpaths, and from Sutherland Road and the road bridges over the canals, the setting of the CA is much wider. The canals and CA follow the line of the River Churnet, which sits within a wider countryside and wooded setting that is part of the 'Dissected sandstone cloughs and valleys' landscape character type. Despite their industrial connections these canal stretches of the CA, and the countryside through which they pass, are rural and peaceful.
49. New Springs Farm is a large stone dwelling and there are a range of generally flat-roofed buildings around the yard, including taller buildings on the opposite side of Sandy Lane. All of the buildings occupy an elevated position above the Leek branch of the canal. The site and buildings also stretch along the canal bank itself and also into the adjacent field south of the canal bridge.
50. Due to this elevated position and general lack of vegetation and screening along this part of the Leek branch of the canal, the farmhouse, buildings, machinery and vehicles are already visible from the towpath, from the water, and from the Fishing pool to the south east of the site. Even from the lower canal branch and towpath, which is further away, the site is clearly visible for prolonged stretches above the hedge, even in full leaf, as was evident on my visit.
51. The appeal dwelling, with its single-storey, flat-roof design and muted palette of timber cladding, is read against the existing buildings to the western edge of the yard. Nonetheless I disagree with the appellant that it is akin to a stable block because of the white uPVC windows. The conservatory element, with its Victorian style and shape, bay window, white windows frames and white structural membranes on the roof together with a decorative white ridge and finial, is very visible. The appeal dwelling does not have a close relationship to the main farmhouse as it sits some distance away across the yard. As a result, the design of the appeal building reads almost as a detached domestic conservatory in amongst a range of workshop buildings. Whilst the timber cladding seeks to unify the various additions and extensions to some extent, the overall structure is of poor quality design and appears unduly prominent and incongruous in a farmyard setting. Consequently, it is a discordant form of development that is not in keeping with the general character and appearance of the area and harms the character and appearance of the CA.
52. It follows that the proposal would neither preserve or enhance the character or appearance of the CA. Paragraph 193 states that 'great weight should be given to the asset's conservation'. Whilst I find the harm to the heritage asset would be less than substantial within the meaning of the term in paragraph 196 of the Framework, the harm still needs to be weighed against the public benefits. There would be some public benefit from the provision of a dwelling towards the borough's housing supply. But the contribution of a single dwelling, and any associated economic and social benefits, would be modest. It would not amount to a public benefit of sufficient weight to overcome the harm to the CA as it would be contrary to the Council's spatial housing strategy in the development plan.
53. For the reasons above, I conclude that the appeal development harms the character and appearance of the area and fails to preserve or enhance the

character or appearance of the CA. Therefore, the development is contrary to Local Plan Policies SS1, DC1, DC2 and DC3. These collectively seek, amongst other things, to ensure new development enhances the significance or setting of a heritage asset and complements its historic surroundings, responds to the site's context and protects local landscape character.

Setting of the listed building

54. The Grade II listed bridge is described in the Historic England listing as an early 19th century road bridge that is 'Coursed, squared and dressed rubble' with slightly concave sides and elliptical arch. There is also reference to the Leek branch of the Caldon Canal, which it spans, and which was opened circa 1801 by engineer John Rennie. It is listed for its special architectural and historic interest associated with the canal. Being a designated heritage asset special attention is required to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest under s66(1) of the LBCA Act.
55. The setting of the bridge includes land that has a visual and functional relationship due to the canal water of the Leek Branch itself, over which it spans, and the towpath that approaches it from both sides and briefly passes beneath the bridge. The bridge is best appreciated at close quarters from the water of the canal (particularly by boat users) and those using the towpath. The bridge is not easily experienced from the lower branch of the canal or from the wider area. It was evident from my visit that the bridge is a convenient route to access the southern part of the land holding, although I am not aware of there being public access across the bridge.
56. New Springs Farm and its buildings already sprawl alongside the canal and its land meets the listed bridge on both sides. The appeal dwelling reads against the backdrop of existing buildings and is some distance from the bridge. And the appeal development does not involve any works to the bridge itself.
57. Because of the fairly confined visual and functional relationship of the bridge to its setting, I find the appeal development does not harm the setting of the listed building. Accordingly, there is no conflict with Local Plan Policies SS1 and DC2.

Other Considerations and Green Belt Balance

59. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of its inappropriateness and any other harm, is clearly outweighed by other considerations.
60. Substantial weight is given to the harm caused to the Green Belt, in accordance with paragraph 144 of the Framework. The appeal development is also an encroachment into the countryside, which is contrary to one of the purposes of designating land inside the Green Belt.
61. It has not been satisfactorily demonstrated that there is an essential need for an agricultural worker to live at the appeal site in a new dwelling. The dwelling would therefore undermine the Council's spatial strategy for the sustainable location of housing and I give this significant weight. The harm caused to the character and appearance of the Caldon Canal CA, a heritage asset, is given significant weight although the harm is less than substantial.

62. On the other side of the balance, only limited weight can be given to the provision of a single dwelling and any associated social and economic benefit that may arise due to its inappropriate location with regards to the Council's settlement strategy.
63. The lack of harm to the setting of the listed bridge and the absence of harm to the amenity of any nearby residents and highway safety carry neutral weight in my consideration of the proposal.
64. Consequently, these other considerations do not clearly outweigh the substantial harm to the Green Belt and any other harm. As a result, the very special circumstances that are required to justify development in the Green Belt do not exist.

Conclusion on Appeal on Ground (a) and the Deemed Planning Application

65. For the reasons given above, I find the dwellinghouse is inappropriate development in the Green Belt in the terms set out in the Framework and very special circumstances do not exist. The appeal development conflicts with the development plan as a whole and there are no other considerations which outweigh this finding. The ground (a) appeal therefore fails.

Overall Conclusion

66. The outcome of the enforcement notice would be that the appellant would be made homeless. I have considered the rights of the appellant under Article 8 of the Human Rights Act 1998, which affords the right to respect for private and family life, home and correspondence. This is a qualified right and interference may be justified in the public interest but requires the application of proportionality to balance the fundamental rights of an individual against the legitimate interest of other individuals and the wider community and public interest. A refusal of permission would interfere with the appellant's rights under Article 8. But the interference would be in accordance with the law and in pursuance of well-established and legitimate public interest aims of protecting heritage assets and the character and appearance of the area. I therefore find the interference would be proportionate and necessary, and it would not amount to a violation of the appellant's rights.
67. For the reasons given above I conclude that the appeal made on ground (a) and (d) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

K Stephens
INSPECTOR