



Appeal Decision

Site Visit made on 7 December 2020

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2021

Appeal Ref: APP/Z2830/W/20/3257693

Weavers Coving, Towcester Road, Whittlebury, Northamptonshire, NN12 8TD

- 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 Sky Bird Sales against the decision of South Northamptonshire District Council.
 - The application Ref S/2019/2539/MAF, dated 29 December 2019, was refused by notice dated 30 March 2020.
 - The development proposed is described as the retention of a static caravan.
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Decision

1. The appeal is allowed and planning permission is granted for a static caravan at Weavers Coving, Towcester Road, Whittlebury, Northamptonshire, NN12 8TD in accordance with the terms of the application, Ref S/2019/2539/MAF, dated 29 December 2019, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The development is described on the application form as the 'retention of a static caravan' and on the appeal form as 'static caravan (retrospective)'. However, as both 'retention' and 'retrospective' are not acts of development, I shall use 'static caravan' to describe the development in the determination of the appeal.
3. Since the application was dealt with by the local planning authority the South Northamptonshire Local Plan Part 2 (LPP2) has been adopted. As a result, the saved policies of the South Northamptonshire Local Plan 1997 referred to in the decision notice no longer apply. The appeal has been determined on this basis.
4. At the Inspector's request the local planning authority (LPA) provided a revised statement in January to take account of the fact that a static caravan is not a dwelling house. At the same time the appellant was asked to answer in writing questions regarding the use of the caravan. The appellant was invited to comment on the LPA's statement and the LPA was given the opportunity to comment on the appellant's answers in its revised appeal statement. Questions were then posed to the appellant regarding the effect that the United Kingdom's new trading arrangements in 2021 with the European Union were having on his business and the use of the buildings on the site. The LPA was invited to comment on the responses received. Comments were also invited on the wording of a suggested condition to limit the occupancy of the static caravan during the year. The responses and comments received from both parties in relation to these matters have been taken account in the determination of the appeal.

Main Issues

5. The main issues in this appeal are:

- whether there is an essential need for a static caravan on the site to provide accommodation to support the business, having regard to the development plan and Planning Practice Guidance; and,
- the effect of the development on the character and appearance of the area.

Reasons

Principle of development and whether an essential need exists for the static caravan

6. The appeal site is located within the open countryside. The development relates to the use of land for the stationing of a static caravan in relation to a rural business, Sky Bird Sales. The enterprise is a pet business that has up to 5000 birds and 3000 small animals on site at any time. The purpose of the caravan, which has been in place several years, is to provide residential accommodation for an employee for two weeks or so at a time when the owner, who lives in a house next to the site, is away on business trips or holidays. This occurs every two to three weeks over typically five months of the year.
7. The business employs fourteen people on a full time or part time basis and is well established having traded from the site for 20 years.
8. In refusing permission, the Council assessed the static caravan against policy LH4 of the South Northamptonshire Local Plan Part 2 (LPP2), on the basis that the development is an isolated dwelling in the countryside. However, as the glossary to the Local Plan defines a dwelling as a building used for residential accommodation, and a caravan is not a building, this policy does not apply to the development.
9. Nevertheless, as the use of the land for stationing the caravan amounts to residential development, policy LH1 of the LPP2 applies. This policy states that development outside settlement boundaries will not be acceptable unless it complies with certain exceptions. Given that the development would not meet any of the exceptions listed by this policy it would therefore be contrary to it.
10. As the business though has animals on site for welfare reasons it is essential that there is someone on site at all times. The National Planning Policy Framework ('the Framework') is an important material consideration. Paragraph 79 supports isolated homes in the countryside if there is an essential need for a rural worker to live permanently at or near their place of work. The development in ensuring that between the existing house and the caravan there is an ongoing continual residential presence on site is therefore consistent with this paragraph. The static caravan would also provide security for the site when the appellant is away.
11. When considering applications for isolated residential accommodation for essential workers in the countryside, whether the need can be met by what currently exists on the site is supported by Planning Practice Guidance¹. As a result, I consider that this is an important issue.
12. A number of the buildings used as part of the business have recently been granted permission for a change of use to class B1. Consequently, the view of

¹ Paragraph:010 Reference ID:67-010-20190722

the Council is that part of one of these buildings, rather than the caravan, could be used to provide residential accommodation when the owner is away.

However, when I visited the site in December 2020 I saw that these buildings were in active use as part of the busy animal business on the site. On the basis of what I have read, planning permission for a change of use of a number of the buildings to class B1 use was granted to provide flexibility in the event that the existing business did not continue to prosper after the United Kingdom (UK) left the European Union (EU) and new trading arrangements came into force.

13. Since the date of the site visit, the new trading arrangements with the EU have come into operation. On the basis of the appellant's written response to the questions that I posed regarding the effect that this has had on the activity of his business, the buildings are largely full as a result of a switch to selling small pets from this country. He also advised that it is his intention to restart importing animals from the continent if permits can be arranged. As a result, at the present point in time it is too early to find that as a consequence of these new trading arrangements spare building capacity is available that could be used to provide residential accommodation on site. On the basis of the answers received, and the fact that the business has been successfully trading for twenty years, I find that there is a reasonable prospect that the business will adapt and remain viable.
14. For these reasons, I therefore find the static caravan at the present time provides the only realistic and suitable on site accommodation.
15. In order to support a prosperous rural economy paragraph 83 of the Framework advises that planning decisions should enable the growth and expansion of businesses in rural areas. Refusal of permission would have the opposite effect by requiring the business to sacrifice in-use floorspace to provide the necessary residential accommodation.
16. The application applied for planning permission with no time restrictions attached. At appeal stage, the appellant advised that he would be willing for a condition to be attached limiting the permission to a temporary period of three years. Restricting the permission to a temporary period by condition would have the advantage of allowing the situation to be reviewed, so that if the business shrinks releasing floorspace that can be used for residential accommodation, use of the caravan ceases.
17. The essential need for residential accommodation on site, without compromising the capacity of the business and the employment that it provides, are important material considerations in favour of the appeal to which I attach significant weight.

Character and appearance

18. Of the various development plan policies I consider policy SS2 of the LPP2 to be the most relevant to this issue. This is because policy SDP1 of the LPP2 and policy R1 of the West Northants Joint Core Strategy Local Plan (Part 1), referred to by the Council in relation to this reason for refusal, respectively relate to residential extensions and the spatial strategy for new housing in rural areas.
19. The static caravan is located towards the site access next to the boundary with Towcester Road. Its rectangular shape, low pitch roof and external materials is not compatible with the form and appearance of buildings in the local area. However, as it is only occupied when the owner is away there is no domestic paraphernalia normally associated with full time residential use. This limits the

urbanising effect of the development. Hedges enclose the site with the hedge along Towcester Road being particularly tall and deep. As a result, even in winter when the hedge is bare of leaves, unless entering the site to visit the business, the static caravan is completely screened from public view. For these reasons, its use on an ad hoc basis over several months of each year has only a limited adverse effect on the character and appearance of the countryside.

20. I therefore conclude that whilst the static caravan is contrary to policy SS2 of the LPP2, which amongst other matters requires that development integrates with its surroundings and the distinctive local character, the harm it causes is limited.

Conclusion – the planning balance

21. I have found that the location of the development within the open countryside would be contrary to policy LH1 of the LPP2 and that the static caravan would not complement the character and appearance of the area, contrary to policy SS2 of the LPP2. As a result, it would be contrary to the development plan considered as a whole.

22. However, the essential need for a full time presence on the site when the owner of the business is away, combined with the lack of available vacant buildings for this purpose and the support of the Framework, is sufficient to outweigh non-compliance with the development plan and the limited harm that is occurring to the character and appearance of the area. The appeal should therefore be allowed.

Conditions

23. To clarify the permission, and to avoid doubt, the development needs to continue to accord with the approved plans.

24. Given that it is unclear how much of the floorspace on the site the business will continue to occupy in the future, the permission should be restricted by condition to a temporary period so that the use of the static caravan can be reviewed and cease if the animal business shrinks and releases building space for accommodation. As the static caravan has been in place several years, and a year has elapsed since the application was determined by the local planning authority, in my judgement a period of two years, rather than three years sought by the appellant, is an appropriate time period for the condition.

25. To ensure that the static caravan is not occupied on a full time basis, with the associated domestic paraphernalia that this would entail adversely affecting the character and appearance of the locality, occupancy needs to be restricted to someone employed in the business and to no more than half of any year.

26. In the interests of protecting the character and appearance of the countryside, the existing boundary hedging along Towcester Road needs to be maintained and external lighting needs to be subject to planning permission.

27. I have required these matters by condition, revising where necessary those of the conditions that have been suggested to reflect the advice contained within Planning Practice Guidance.

Ian Radcliffe

Inspector

Schedule of conditions

- 1) The development shall continue to accord with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are: 'S103-3 Block Plans', 'S103-2 Location Plan' and 'S103-1 Floor Plans and Elevations' all received on 31st December 2019.
- 2) The static caravan present on the site in accordance with this permission shall be removed and the land restored to its former condition on or before two years from the date of this decision.
- 3) The static caravan present on the site in accordance with this permission shall be occupied only by a person solely or mainly employed in association with a live animal business operating from the site currently known as Weavers Coving, Towcester Road, Whittlebury, Northamptonshire NN12 8TD, as edged in red on the document 'S103-2 Location Plan' received 31st December 2019, including any dependants of such a person residing with him or her or a widow or widower of such a person.
- 4) The static caravan present on the site in accordance with this permission shall not be occupied for a total of more than 26 weeks in any calendar year and a register of the names and job titles of the occupiers together with the dates of occupation shall be kept and made available to the local planning authority upon request. Within 3 months of the end of each calendar year a statutory declaration made under the Statutory Declaration Act 1835 shall be submitted to the local planning authority to confirm the details and duration of occupancy for the previous year.
- 5) The existing boundary planting along the western boundary of the site with Towcester Road shall be maintained for the duration of the development. Any trees and/or shrubs which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent for any variation.
- 6) No external lights/floodlights shall be erected on the land or static caravan without the prior express planning permission of the local planning authority.

-----End of Conditions Schedule-----