



Appeal Decision

Hearing Held on 20 April 2021

Site visit made on 21 April 2021

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/C3105/C/20/3248386

Land at OS Parcel 3349, Spruce Meadows, Cropredy Lane, Williamscott OX17 1AF

- 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 Tony Featherstone against an enforcement notice issued by Cherwell District Council.
- The enforcement notice was issued on 11 February 2020.
- The breach of planning control as alleged in the notice is: *Without the benefit of planning permission the change of use of the land to use as a caravan site accommodating one mobile home type caravan designed and used for human habitation together with associated parking and storage of motor vehicles and a trailer, storage of shipping containers, erection of a summer house/shed type wooden structure, erection of a free-standing canvas shelter and associated domestic paraphernalia in current locations of these elements being shown on the attached Plan.*
- The requirements of the notice are:-
 1. Cease the use of the land as a caravan site.
 2. Remove from the land the mobile home style caravan currently in the approximate location shown in Blue on the attached plan.
 3. Remove from the land the shipping containers in the approximate location shown in Green on the attached plan.
 4. Remove from the land the summer house/shed-style wooden structure in the approximate location shown in Yellow on the attached plan.
 5. Remove from the land the canvas shelter in the approximate location shown in Orange on the attached plan.
 6. Remove from the land the motor vehicles and trailer currently parked or stored on the land in the approximate location shown in Purple on the attached plan.
 7. Remove from the land all other materials, equipment and other paraphernalia brought onto the land in connection with the residential use of the land, and
 8. Return the land to its previous condition before the breach took place.
- The period for compliance with the requirements is 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (g) of the Town and Country Planning Act 1990 as amended. 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.

Summary decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Background

1. At the Hearing the appellant explained that about 5 years ago he bought the appeal site and adjacent land as a small-holding with a number of animals, as well as the existing certificated Caravan and Camping Site (CCS) for

5 caravans and 10 tents. The previous owner left a mixture of animals and a variety of items on the land. According to the planning history, the existing stable building on the appeal site already has planning permission.

2. According to the appellant, he started living on the appeal site as soon as he bought it, first in a touring van which he later replaced with a mobile home about 2 years ago and which I saw on my visit. He looks after a number of animals (cows, sheep, alpaca and pigs) and various free-range poultry as part of his small-holding. He also oversees the adjacent CCS, including meeting and greeting caravaners and campers and providing site security. The small-holding and CCS make up his combined rural enterprise. The overall site, as shown on the Location Plan as the red and blue land, measures approximately 5 hectares (12.5 acres) of which the appeal site is about 0.12 hectares (0.3 acres)
3. A single vehicular access off Cropredy Lane serves both the appeal site and the adjacent CCS. Branching to the left one enters the red-edged appeal site comprising a number of motor vehicles, a wooden summer house/shed type structure, two shipping containers, a mobile home and a stable building. Branching to the right, one passes through double metal gates into the CCS. From the appeal site, there is also a five bar metal gate giving direct access into the CCS site. From the CCS there is gated access to the appellant's larger field. The CCS is laid to mown grass with hardstanding areas for the access track and the caravan pitches. The toilet block is in the north western corner close to the stable block. The CCS is bounded externally by the roadside hedge along Cropredy Lane. There is post and rail fencing inside the site to separate the CCS from the sheep and poultry runs to the north and the larger grazing field to the north east. The boundary between the CCS and the appeal site is a mixture of post and rail fence, green painted timber close board fencing and metal gates.

Matters Relating to the Notice

Which notice?

4. Due to a typographical error, the enforcement notice bears two different references: 19/00128/ENFC and 19/00395/ENFC. The Council has confirmed the correct reference is 19/00128/ENFC and that the notice was correctly served on interested parties. I am satisfied that the error does not affect the validity of the notice, and at the Hearing both parties agreed there would be no injustice if the reference numbers were corrected. I shall correct the notice accordingly.

The allegation

5. There are a number of issues with the allegation, which are addressed below.

Change of use

6. There is no dispute between the parties that the land is being used to site a caravan for residential purposes and that the appellant lives in the caravan on the appeal site. Following discussion at the Hearing it was agreed that the first part of the allegation would benefit from correction to say "*material change of*

use of the land by the stationing of a caravan and using it for residential purposes". It follows that there is no need for "mobile home style" to describe the caravan. The Council suggested that the word "it" be replaced with "the caravan" for the avoidance of doubt. As it is both the land and caravan that are being used for residential purposes, I can replace "it" with caravan and land.

Motor vehicles & trailer

7. During the Hearing clarification was sought as to the number and type of motor vehicles and whether they were being stored or parked at the time the notice was issued.
8. The Council confirmed that two cars were being parked. The appellant confirmed these were for his own personal use.
9. The Council also confirmed that there were two vans being stored, namely a box-style white Luton van and a small white van. Their storage was confirmed by the appellant who explained he did not use the Luton van and it was awaiting scrap. He also confirmed the small white van was being sold and would be taken away in the next couple of weeks. On my visit I saw that the small van had been moved to the CCS.
10. It emerged during discussion at the Hearing that the 'trailer' was in fact a motorhome belonging to a third party who visits the site now and then. It was apparent that the term 'trailer' had also caused confusion for the agent, who had referred to the trailer in the Ground (c) appeal as being needed in association with the site for agricultural purposes and the adjacent CCS. It was agreed that the term 'campervan' or 'motorhome' would be a more accurate description. On the site visit I saw the motorhome and it is clearly a 'motor vehicle' - there is no need for it to be separately referenced in the allegation or requirements. Therefore, I shall delete reference to the 'trailer' from the notice.
11. As there is a distinction between vehicles being parked and stored, the notice needs to be corrected to refer to the parking of cars and the storage of motor vehicles, which now includes the motorhome.
12. On my visit, the enforcement officer observed that the whilst the motorhome had been moved from the appeal site onto the adjacent CCS, it had been replaced on the appeal site by a white Iveco cherry-picker van. This van is still a motor vehicle and is covered by the corrected allegation and requirements.

Shipping containers

13. Following discussion at the Hearing and inspection on site I saw that the two shipping containers, which were positioned side by side, were being used to store the appellant's belongings and as a workshop. I can correct the notice to refer to the use of shipping containers for storage, rather than them being stored on site.

Summer house/shed type wooden structure

14. There was discussion as to whether a simpler form of words could be used to describe this structure. The structure with its windows and glazed door looks more like a chalet-style summer house than a standard utilitarian storage shed. There are no other similar structures on site to cause confusion. I shall therefore refer to the structure as a 'summer house' for simplicity.

Canvas shelter

15. At the Hearing the Council confirmed that the canvas shelter had been removed from the site, and I saw this to be the case on my visit. The parties agreed that reference to the canvas shelter could be struck from the allegation without causing any injustice. I agree.

Domestic paraphernalia

16. A standard dictionary definition of paraphernalia is 'miscellaneous articles or objects or pieces of equipment' and 'domestic paraphernalia' is a generally used term in planning. The parties agreed that the term applied to domestic and residential related items such as washing lines, garden furniture. On my visit I saw items such as a rotary dryer, a BBQ and calor gas bottles.
17. The appellant also uses the site in part to store items and equipment used in association with the maintenance and upkeep of the CCS. Nevertheless, I am satisfied that the requirement to cease the residential use and remove the 'domestic paraphernalia' associated with the residential use is sufficiently understood in this context.
18. However, in the requirements of the notice Step 7 refers to the removal of "other materials, equipment and other paraphernalia". The Council confirmed that Step 7 could use the same wording as in the allegation, namely 'domestic paraphernalia'. I can correct the notice accordingly to bring Step 7 into alignment with the allegation.
19. I am satisfied that all of the corrections which were discussed and agreed at the Hearing, and the necessary consequential follow-up changes, can be made without injustice to either party.

Appeal on Ground (b)

20. Following on from the correction of the first part of the allegation relating to the stationing of the caravan, the appellant withdrew his ground (b) appeal.

The Appeal on Ground (c)

21. Ground (c) is that the matters alleged in the notice do not constitute a breach of planning control. It is a legal ground of appeal, distinct from any planning merits. The onus lies with the appellant to show that there has not been a breach of planning control, and the test of the evidence is on the balance of probabilities. The key questions are whether 'development' has taken place which requires planning permission and, if so, whether planning permission is granted or the development is otherwise deemed to be lawful.

22. The appellant's case relates to only some of the matters alleged – not the caravan.
23. The canvas shelter has been removed from the site and the parties agreed it can be struck from the allegation. The appellant refers to the 'trailer' being needed in association with the maintenance and use of the site for agricultural purposes and as a campsite. As already described, the trailer is a motorhome and one of the motor vehicles, which I deal with below. Therefore there is no need for me to address these matters separately.
24. As already described, I have found the motor vehicles fall into two parts, namely the appellants own cars which he parks, and the vans and motorhome he stores on site. The appellant states they are used in association with the use of the site for agriculture and the campsite. However, this is clearly not the case because at the Hearing the appellant himself described that he does not use the vans and they will be got rid of, so they are being stored on the site.
25. The motor vehicles may not amount to engineering works or be permanent structures. Even so, it is settled law in *Murfitt*¹ as confirmed by *Somak*² that where an enforcement notice is issued in respect of a material change of use, it can be directed at works that may not amount to development at all, but are being used as part and parcel of the unauthorised use enforced against. That is exactly the position here. The vehicles facilitate and are part and parcel of the material change of use alleged. Hence the notice can require their removal to restore the land to its previous condition to remedy the breach.
26. A similar argument applies to the shipping containers and summer house. The appellant acknowledges that they are used in association with the residential use, as well as the agricultural and CCS.
27. On my site visit I saw inside the two shipping containers and summer house. The summer house was in use as a home-style office, with various items such as computer, printer, desk, book shelves, books and files. The shipping containers were being used to store the appellant's personal belongings, including framed mirrors, pictures, cardboard boxes stacked on shelving units and a small workshop including a sewing machine.
28. The appellant has not provided any substantive evidence to show that the summer house and shipping containers were installed and brought onto the land for the lawful agricultural use of the land. The structures may be relatively small in scale, but they are being used in association with the residential use of the land and part and parcel of the material change of use. The judgment in *Bowring*³ is authority that that if works have been integral to or part and parcel of the material change of use they can be required to be removed to remedy the breach.
29. In the absence of evidence to the contrary and on the balance of probabilities, I find that these alleged matters are part and parcel of the material change of

¹ *Murfitt v SSE & East Cambridgeshire CC* [1980] JPL 598

² *Somak Travel v SSE & Brent LBC* [1987] JPL 630

³ *Bowring & Bowring v SSCLG & Waltham Forest LBC* [2013] EWHC 1115 (Admin)

use of the land to a residential use. The appellant has not discharged the burden of proof.

30. The appeal of ground (c) therefore fails.

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

31. An appeal on ground (a) is that planning permission ought to be granted for the matters alleged in the notice. As a result of my correction of the notice, the deemed planning application (DPA) arising under the ground (a) appeal for consideration is for the *"the material change of use of the land by the stationing of a caravan and using the caravan and land for residential purposes together with associated parking of cars, associated domestic paraphernalia, the storage of motor vehicles and the use of shipping containers and a summer house for storage"*.

Main Issues

32. The main issues, and which the parties agreed to, are:-

- Whether the appeal development would accord with local policies and national guidance with particular regard to location of housing and built-up limits of villages,
- Whether there is an essential need for a rural worker to live permanently at, or near the site, and
- The effect of the proposal on the character and appearance of the rural area, with regard to the location of the site adjacent to Williamscoth Conservation Area.

Reasons

Location of housing

33. Cherwell Local Plan Part 1 (CLPP1) Policy ESD1 seeks to mitigate the impact of development on climate change with a variety of measures. One such measure is to distribute growth to the most sustainable locations as identified in Policies Villages 1 (Village Categorisation) and Villages 2 (Distributing Growth Across the Rural Areas) as these settlements have a range of services and facilities helping reduce the need to travel. Policy Villages 3 (Rural Exceptions) allows opportunities for small-scale affordable housing schemes within or "immediately adjacent" to villages.
34. Policy Villages 1 is most pertinent to this case. It allows small-scale residential development *within the built-up limits of villages* [my emphasis]. The villages are categorised based on a variety of factors including population size and the number and range of services. Category A villages comprise named 'Service Villages' that are the most sustainable with services and facilities. Category B villages are those listed as 'Satellite villages' and which are associated with a larger service centre, recognising some inter-dependence of villages to form functional clusters. In category A and B villages, minor development, infill and conversions are allowed. Williamscoth falls into Category C for "All other villages", in which only infilling or conversion will be allowed within the built-up limits of the village.

35. These policies are broadly consistent with National Planning Policy Framework (the 'Framework') paragraphs 77-79. These, in summary, require planning decisions to be responsive to local circumstances in rural areas, support opportunities to bring forward rural exceptions sites, locate housing where it will enhance or maintain the vitality of rural communities and avoid the development of isolated homes in the countryside unless one of the five listed circumstances in paragraph 79 applies.
36. The parties agreed the appeal development is not infill or a conversion proposal. The area of dispute for this main issue is whether the appeal site falls within the built-up limits of Williamscott.
37. Built-up limits of villages are often used as a planning tool to restrict the location of development. Such limits may not necessarily coincide with political or administrative boundaries, or with what the local community regards as the 'village'. There is no definition of 'built-up limits' in the Local Plan, nor are there any drawn boundaries to demarcate the limit of the built-up area. It is a matter of judgement.
38. I observed that the gateway to the village of Williamscott, approaching from the A361, is demarcated by the village name sign. In addition, on the grass verges either side of the road there are white painted gates and 30 mph road signs. At the other end of the village, approaching from Cropredy, there is a similar arrangement but the village name sign is sited a short distance before the white verge gates and 30 mph road signs.
39. The appeal site is approximately 150-200 metres away from the village gateway, which is not an insignificant distance. Between the village gateway and the appeal site there is no other built development, save for an inconspicuous gable end of a building elevated above the lane by the gateway and screened by hedgerow vegetation. The only other property close to the appeal site is 'Highlands' on the other side of Cropredy Lane, but it is further away from the village gateway than the appeal site. Cropredy Lane is lined by trees, grass verge and hedgerow on either side and consequently is rural in character and appearance.
40. Approaching the appeal site from the village, built development abruptly stops a short distance before the gateway sign is reached, close to the end of a long red brick building adjacent to the road. Other properties lie to the south along a dead-end road, but these are principally obscured from view and do not diminish the cessation of built-form or the strong sense of leaving the village. Furthermore, Cropredy Lane bends and rises uphill, further emphasising the end of the village and the emergence into a rural lane where the lack of built development is noticeable.
41. In reverse, approaching the village from the A361 the property known as 'Highlands' is visible and some of the caravans on the CCS are fleetingly seen through the hedge (less so in the summer when leaves will be fully out). There is a strong sense of turning into a rural lane that sweeps downhill with no built development, until one arrives at the village gateway and enters Williamscott.
42. From my site visit observations, the appeal site is clearly located beyond the built-up limits of Williamscott. It is also approached by a rural lane and surrounded by fields, such that it is in the countryside. The appellant's aerial

view of the village and site does not alter my experience of the village's built form and what I saw on my visit.

43. The appellant suggests that the wording of Policy Villages 1 and the supporting text implies an inherently flexible approach to allowing housing outside the built-up limits and do not preclude non-infill or conversion development.
44. From my reading and what I heard at the Hearing, I find the policy and its supporting text is unambiguous and clearly sets out the village categorizations, which villages are within each of them, together with the type of residential development that will be allowed in each categorisation – i.e. minor development, infill or conversion. The only assessments to be made are whether a development site lies within the built-up limits of the village in question, and the appropriateness of proposed development within the built-up limits in relation to the character of the village.
45. On this latter point, the supporting text explains that when considering residential development within the built-up limits of the villages, CLPP1 Policy ESD 15 (The Character of the Built and Historic Environment) is to be applied in all cases. This seeks to ensure that the form and character of the village is taken into account, as not all infill gaps are suitable for development and those important for the village character and atmosphere should be retained.
46. In my view, Policy Villages 1 and its supporting text does not offer up any geographical relaxation to allow residential development beyond the built-up limits of any village. Nor does it suggest other types of development will be permitted beyond what is clearly described. There are other policies that do that.
47. Policy Villages 3 does allow opportunities for small-scale affordable housing schemes within or “immediately adjacent” to villages. However, the appeal proposal is for a single residential unit, not a housing scheme, and it has not been put forward as an affordable housing scheme to meet a specific identified housing need, even if an occupancy condition were imposed. By the appellant's own admission, if I were to find the appeal site was not within the built-up limits of Williamscott, it should be considered as an essential agricultural or other rural workers dwelling. Saved Cherwell Local Plan (CLP) Policy H18 is relevant for this and I deal with it later.
48. The appellant refers me to the *Braintree*⁴ judgment, which considered the previous Framework paragraph 55. It does not define settlements but found that a settlement does not need to have any services, specific or otherwise, in order to be a settlement or village. In this appeal, there is no dispute that Williamscott is a village - the matter centres on whether the appeal site lies within the built-up limits of that settlement.
49. *Braintree* does offer some assistance on the word “isolated” in the phrase “isolated homes in the countryside” of paragraph 79 Framework to say it simply means a dwelling that is physically separate or remote from a settlement, and that is a matter of judgement based on the particular circumstances of the case in question. However, paragraph 79 does not imply that a dwelling has to be “isolated” in order for restrictive policies to apply and

⁴ *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610

there may be other circumstances when development in the countryside should be avoided. So, a proposed development may not be “isolated” but this does not mean that it will accord with development plan policies that seek to prevent the location of new housing outside of settlements.

50. In view of the points above and my observations on site, I find that the appeal development is clearly located beyond the built-up limits of Williamscott and in the countryside. Accordingly, the appeal development is contrary to CLPP1 Policies ESD 1 and Villages 1, the aims of which are outlined above.

Essential need to live permanently at the site

51. Saved CLP Policy H18 allows new dwellings outside the built-up limits of villages if they are essential for agriculture or other existing undertakings. The policy’s supporting text explains that “essential” is where there is a proven necessity for a worker to live at or very close to the site of their work. Sufficient details should be provided to enable an assessment of the enterprise and adequate financial information should be supplied to demonstrate the proposals are sound.
52. Policy H18 pre-dates the Framework. Previous national policy guidance⁵ and the ‘financial and functional’ tests for rural workers’ dwellings that was used at the time are no longer required. In that respect, paragraph 79a) of the Framework is less onerous⁶ in that it only requires consideration of whether there is an “essential need” for a rural worker to live permanently at or near their place of work in the countryside.
53. Nonetheless, the national Planning Practice Guidance (PPG) sets out some considerations⁷ to take into account when applying Framework paragraph 79a). These include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural or rural enterprise, and the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
54. The appellant runs a combined rural enterprise comprising a small-holding and a CCS, which he says cannot be separated from each other. That may be so, but it is necessary for me to examine the different components of the enterprise to understand their inter-connection in order to fully explore the necessity for someone to live permanently on the site.

The small-holding

55. During the Hearing the appellant confirmed he has six pedigree Hereford cows with calves, an Alpaca, two Oxford pigs with a litter, about 20 sheep with lambs, and 3 geese (did have 10). Ducks have been killed by predators and he would usually have about 25-30 chickens, but there are none at present. He also has a pony and stallion, although the stable building on the appeal site was not used for them as the appellant uses it to store his belongings, as observed on the visit.

⁵ Planning Policy Statement 7: Sustainable Development in Rural Areas with Annex A

⁶ *Embleton PC & Ainsley v Northumberland County Council & Gaston* [2013] EWHC 3631 (Admin) and *Suarez v SSCLG & Others* [2017] EWHC (Admin) 1552

⁷ PPG Paragraph: 010 Reference ID: 67-010-20190722

56. The appellant explained that he feeds the animals in the morning and checks on their general health, checks them later again in the day, checks on troughs, water, fencing and pens. He spends about 3-4 hours a day tending the animals, and during lambing he would be busier. The appellant said he can manage the number of animals he has without the need for additional help. The rest of his time is spent looking after the CCS. On this matter alone 3-4 hours a day does not, in my view, generate enough work to support a full-time worker for the small-holding, let alone to live permanently on the site.
57. The extracts submitted of the Animal Welfare Act 2006 and the various DEFRA⁸ Codes for Recommendations for the care of animals, advocate measures and advice to encourage all those who care for farm animals to adopt the highest standards of husbandry. These are all good animal-husbandry requirements and practices which are not in dispute. Furthermore, I have no reason to question the appellant's skills of animal husbandry and his good intentions for all the animals in his care. Nonetheless, the above legislation and guidelines do not prescribe that someone must live permanently on site to carry out good animal welfare and husbandry. Moreover, it is fairly common for sheep, cattle and pigs to be located and grazed in fields away from the farmhouse, especially on large hectare farms or where land parcels are separated, something the Parish Council's representative explained, being a farmer himself.
58. The appellant has stated that the nature of the small-holding is not the same as usual agricultural practices. With little evidence presented to explain why this is the case, I am not satisfied that the nature and scale of the small-holding necessitates someone living permanently on site.
59. Animal security was raised including that a Public Right of Way (PRoW) runs along part of the north western boundary and crosses the larger field. The appellant described occasions when foxes and possibly mink have killed some of the poultry over time, and brazen attempts by people to steal poultry in his presence. He also referred to theft in the wider area including cats being stolen in the village. However, I have not been presented with any Police accounts or any substantive evidence from the appellant, Council, Parish Council, local residents or their representatives, that farm animal theft is a problem or that 24 hour on-site security is required that warrants someone to live permanently on site. Moreover, these anecdotal incidents have occurred while the appellant has been living on the site for the last five years. The appellant has not advised of any security measures he has considered or employed on the site. All this indicates to me that, while the appellant's presence may have deterred some incidents, and for which we will never know, it has not stopped them.
60. From the evidence I am not satisfied that there is an essential need for someone to live permanently at the site for the proper functioning of the small-holding and to provide the necessary care for the number and type of animals.

⁸ Department for Environment, Food and Rural Affairs

The CCS

61. At the Hearing the appellant described how he meets and greets the caravaners and campers, most of whom will have booked in advance, but if there is space then speculative arrivals can stay. He also checks the electrical hook-ups for essential health and safety; cleans the toilet block twice a day; cuts the grass weekly which can take a day, and attends to any general site maintenance. Being a practical person, the appellant has also helped fix some motorhome problems. He also explained how he needed to be on site during the day to keep an eye on the caravans while their owners were out and about, and to prevent unauthorised encampments. The appellant also explained that after 5pm he locks the gates to the CCS. This requires visitors to ask the appellant to be let out or in, and there is a bell to ring on the gate post to attract the appellant's attention to unlock the gates.
62. The Parish Council provided details from The Caravan and Camping Club website listing the basic requirements for a certificated site. No evidence was provided that shows a certificated site requires a person to live on the site while the site is open for visitors, or for someone to be present on site during the day to look after the tents and caravans. If such safeguarding was a requirement of CCS sites, which do not in themselves need planning permission, the scenario for needing a dwelling could be repeated too often in the countryside, undermining housing strategies and the Framework. Furthermore, there was nothing to say that the site must be locked and secured after 5pm. These matters appear to be the personal choice of the appellant and how he wants to manage the CCS.
63. The CCS is open all year round and the appellant advised that he has bookings until August. At the time of the site visit, which was a mid-week after the Easter holidays, there were two caravans. However, no substantive evidence was submitted to indicate future bookings, or the average occupancy rate of the site, to demonstrate that the same degree of maintenance/cleaning of the CCS is required at all times throughout the year.
64. I have no reason to question the appellant runs a good site. Indeed, it is clear from the submitted website reviews from visitors that they have enjoyed their stay and exploring the area. Furthermore, there are particular references to having received a friendly welcome from the owner and that the animals provided interest for the children. However, this is not a determining factor in the assessment of whether it is essential for the appellant to live on site. In my view, a friendly welcome, maintaining the site and cleaning the toilet block can be adequately done during the day without living at the site. Imposing a condition to restrict the stationing of caravans, motorhomes and tents on the adjacent CCS to no more than 28 consecutive nights would have no material effect on the appeal development.
65. The CCS has the potential to contribute to the local economy and tourism, with visitors exploring the area and helping to support local services and facilities. The appellant refers to the general support for rural development in paragraph B.36 of the CLPP1, although this is part of the preamble to a suite of policies. The appellant's reference to paragraph B.38 is taken from CLPP1 Policy SLE1 (Employment Development). As this policy only relates to Class B employment, it is not relevant to the small-holding or CCS.

66. New and improved tourist facilities are supported by CLPP1 Policy SLE3 (Supporting Tourism Growth) and paragraph 83 of the Framework supports a prosperous rural economy. However, the CCS is an existing facility that has been running for a number of years and no new or improved facilities are proposed. The new toilet block already exists and does not form part of this appeal or the DPA. The storage of motor vehicles and use of shipping containers and a summer house for domestic and other storage do not, in my view, constitute an improved tourism facility, nor does the presence of someone living at the site. I have not been presented with any substantive evidence that indicates to me that any tourism benefits of the CCS are of a scale or significance to warrant a warden living permanently on site.

Foreseeable future, finances and living nearby

67. In addition to the appellant dedicating most of his time to the CCS, he also confirmed at the Hearing that he generally accrues most of his income from the CCS. He hopes to increase income from the animals in due course by selling more eggs and meat from the cows and pigs.
68. Since purchasing the site the appellant has invested circa £28,000 - £35,000 in it, including resurfacing the hardstanding and providing a new toilet block for the CCS, new pig runs, buying a new digger, lawnmower, erecting post and rail fencing and undertaking general maintenance. The appellant's annual turnover varies from £6,000 - £12,000, supplemented by his State Pension that provides him with a living he regards as acceptable and viable, with sufficient income to invest in the site and business.
69. However, there is no evidence to show ongoing costs and likely investments in the business for the foreseeable future. Furthermore, the appellant confirmed he had no future projects for the land other than wanting to keep and maintain it. I acknowledge that the DPA is for the siting of a residential caravan adjacent to a CCS, rather than the erection of a bricks and mortar dwelling, and an occupancy condition could be imposed should I find there is an essential need for the rural enterprise. Nonetheless, there is little to reassure me that the enterprise will remain viable for the foreseeable future and not cease, leaving behind a residential use that would not otherwise have been approved.
70. I need to consider whether the need of the rural enterprise can be met by the rural worker living nearby and not necessarily on the site. When asked what would happen if he did not live on site, the appellant referred to illegal caravans, theft and the need to look after the animals. In response to being asked about living nearby and visiting the site each day he said it would be unworkable.
71. The appellant did not reveal if he had considered or installed alternative security measures, such as CCTV, alarms or electronic gates, other than to suggest the Police are not always able to assist. However, I am not satisfied that alternative measures to protect and secure the small-holding and CCS have been properly and fully investigated to demonstrate that someone could not live nearby.

72. The appellant has provided a map showing properties to rent or buy within a 3 mile radius of the site⁹. At the time, the nearest property to rent was in Wardington, which I drove to in under 10 minutes on my site visit, although there was no information as to what type of property this was. Cheaper properties, mainly flats, could be found in Banbury. I was advised that due to traffic it can take between 10-40 minutes to get out of Banbury and across junction 10 of the M40 motorway. However, no substantive evidence was presented to suggest that the distance or duration of the journey would jeopardise the enterprise.
73. Whilst I appreciate the appellant wants to live quietly, the need to live on the site must be essential to the rural enterprise, not just desirable, preferable or the choice of the appellant.
74. In conclusion on this main issue, I am not satisfied that the evidence is sufficient to demonstrate an essential need for a full-time worker to live at the appeal site to look after the small-holding and CCS on the adjacent land, alone or in combination. Nor am I satisfied that suitable alternative accommodation nearby does not exist or that appropriate security measures could not be installed. The imposition of an occupancy condition would not overcome these concerns to make the development acceptable. Accordingly, the appeal development is contrary to CLP saved Policy H18 and paragraph 79a) of the Framework, as outlined above.

Character and appearance

75. The appeal site lies outside but adjacent to Williamscoth Conservation Area (CA), a designated heritage asset, which includes Cropredy Lane that runs in front of the site. The site also lies within a Registered Battlefield, also a designated heritage asset, for the Battle of Cropredy Bridge across the River Cherwell in 1644 during the Civil War. King Charles is also reputed to have stayed in Williamscoth after the battle and dined under a local tree.
76. Williamscoth is a small linear village, with local vernacular cottages and properties, predominantly lined along the southern side of the road that runs through the village between Cropredy and the A361, but with further built development off to the south. I saw that the village was set in a dip within a wider gently rolling countryside landscape interspersed with villages. However, the site does not lie within any particular landscape designation.
77. The approaches to the village from either side are along verdant country lanes, edged with verges, trees and hedgerows. My observations are reinforced by the CA Appraisal¹⁰ which describes that the lane *"has not been overly urbanised. It is important to ensure that the traditional rural character and appearance of the hamlet is retained and any roadside clutter minimised."* Furthermore the CA Appraisal explains that *"the principal road leading into Williamscoth along Cropredy Lane forms a distinctive part of the plan form of the settlement"* and hence why the CA boundary has been extended to include Cropredy Lane itself. The rural and unbuilt nature of Cropredy Lane therefore positively contributes to the character and appearance of the area and to the setting of the CA.

⁹ Results from a website search undertaken on 16 November 2020

¹⁰ September 2018

78. The appeal site is screened to some extent from Cropredy Lane by the existing laurel hedge that extends along part of the roadside boundary from the site entrance as far as the summer house. Thereafter, the roadside boundary is an assortment of fencing styles with little hedgerow and the roof of the summer house protruding above. Whilst a row of conifers inside the site entrance help screen views of the caravan, summer house, shipping containers and motor vehicles, they can nonetheless be seen.
79. The appeal development represents sporadic development in the countryside beyond the built-up limits of the village. Furthermore, being located in a sensitive area adjacent to the CA, high standards of development are required. The design, form, materials and external appearance of the residential caravan and metal shipping containers are not sympathetic to the prevailing traditional built form of properties or storage buildings in Williamscott and the immediate vicinity. I find the collection of items on the appeal causes significant harm to the character and appearance of the rural area and to the setting of the CA of which Cropredy Lane forms a vital part, despite some screening from the road. The Council's suggested condition to remove permitted development rights for the erection of gates, fences, walls or other means of enclosure would not overcome my concerns.
80. Part of the site's northern boundary runs parallel to a short section of the PRoW. The Council has not raised any specific concern that the appeal development harms the setting of the registered battlefield site, and I have no reason to come to a different conclusion.
81. For the reasons above, I conclude that the appeal development is harmful to the character and appearance of the area and setting of Williamscott CA. It would therefore be contrary to CLP saved Policies C8, C28 and C30 and CLPP1 Policies ESD 13 and ESD 15. These collectively seek, amongst other things, to ensure that development respects and positively contributes to the character and appearance of the surrounding area, is of a high standard of design and is compatible with the design of dwellings in the vicinity. It is also contrary to paragraph 170 of the Framework that recognises the intrinsic character and beauty of the countryside.

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

82. It has not been demonstrated that there is an essential need for a rural worker to live permanently on the appeal site to look after the adjacent small-holding and/or CCS. Nor am I satisfied that suitable alternative accommodation does not exist or that alternative measures to protect and secure the small-holding and CCS have been properly and fully investigated. The residential use would therefore undermine the Council's spatial strategy for the sustainable location of residential accommodation. Furthermore, the appeal development would cause significant harm to the character and appearance of the rural area and the setting of Williamscott Conservation Area.
83. Accordingly, the appeal development conflicts with the development plan and there are no other considerations which indicate otherwise. Therefore, the ground (a) appeal fails.

The Appeal on Ground (g)

84. Ground (g) is that the period specified for compliance with the notice falls short of what is reasonable. In all cases the test remains whether the compliance period is reasonable, which needs consideration of what must be done in practice to carry out the remedial steps and how much time is reasonable to allow for that purpose.
85. The appellant contends that 4 months is not enough time to find alternative residential accommodation and move into it.
86. Furthermore, without living on site the appellant says he would have to commute daily, and with no facilities for rest or respite during the day, it would be untenable. Consequently, he would be forced to sell the site and this would take longer than 4 months. However, selling the site, small-holding and CCS is a separate matter and a decision for the appellant, but need not to be carried out within the period for compliance with the notice, because ceasing the use of the small-holding and/or CCS or selling them is not part of the requirements of the notice as corrected. Therefore I could not use that argument to extend the compliance period.
87. The appellant had not suggested an alternative compliance period. However during discussion at the Hearing he advised a minimum of 6 months would be needed. The Council was in agreement with this.
88. I consider an extension of the compliance period from 4 months to 6 months strikes a proportionate and reasonable balance between the public and private interests in this case. I will vary the notice accordingly.
89. The appeal on ground (g) therefore succeeds to that extent.

Overall Conclusion

90. 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. However, the interference would be in accordance with the law and in pursuance of well-established and legitimate public interest aims of pursuing sustainable patterns of development and protecting the character and appearance of the area and setting of a designated heritage asset. I therefore find the interference would be proportionate and necessary, and it would not amount to a violation of the appellant's rights.
91. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

92. It is directed that the enforcement notice is corrected and varied as follows:-

- **Delete** all references in the enforcement notice to 19/00395/ENFC and **substitute** with 19/00128/ENFC.
- Delete the allegation at paragraph 3 of the notice and, **substitute** the following text:-

"Without the benefit of planning permission, the material change of use of the land by the stationing of a caravan and using the caravan and land for residential purposes together with associated parking of cars, associated domestic paraphernalia, the storage of motor vehicles, and the use of shipping containers and a summer house for storage, as shown in current locations on the attached Plan".

- In Step 1 **delete** "as a caravan site" and **insert** "residential" before the word 'use'.
- In Step 2 **delete** "mobile home style".
- In Step 4, **delete** "/shed style wooden structure".
- **Delete** Step 5 completely.
- In Step 6 **delete** "and trailer" and **delete** "parked or" and after 'stored' **insert** "and cars parked".
- In Step 7 **delete** "other materials, equipment, and other" and **substitute** with "domestic".
- Vary the compliance period by **deleting** "4 months" and **substituting** with "6 months".

93. Subject to the corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

K Stephens
INSPECTOR

APPEARANCES:

FOR THE APPELLANT:

Mr Tony Featherstone	Appellant
Ms Angela Banks	Agent (ALB Planning)

FOR THE COUNCIL:

Ms Jane Law	Planning Enforcement Officer
Mr George Smith (MSc)	Planning Officer
Mr Nathaniel Stock BA (Hons) Dip TP, MRTPI	General Developments Team Leader (observing only)
Mr Matthew Swinford	Appeals Administrator

THIRD PARTIES:

Mr Peter Frampton	Framptons Town Planning Consultants acting for Wardington Parish Council
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Documents submitted at the Hearing:

- All You Need To Know Guide (about Certificated sites) - extract from The Camping and Caravanning Club website.
- Copy of CLPP1 Policy SLE1: Employment Development.