



Appeal Decision

Site Visit made on 26 October 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/G2713/W/21/3278297

Broad Oak Farm, York Road, Sutton On The Forest YO61 1ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jack Plowman against the decision of Hambleton District Council.
 - The application Ref 21/00356/FUL, dated 11 February 2021, was refused by notice dated 23 April 2021.
 - The development proposed is described on the application form as *"the siting of 1 x Static caravan to be used as workers accommodation to allow employee to remain on site for the purpose of providing specialist engineering skills to livestock transportation equipment as part of a 24 hours service as well as additional security support. As part of this application it is our intention to remove 4 other static caravans from the site and use the space for its intended purpose as a storage yard. Refer to supporting statement for additional information"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The static caravan is already located on the appeal site. I have taken account of the National Planning Policy Framework 2021 (the Framework) in my decision.
3. The emerging Hambleton Local Plan (the emerging LP) was submitted to the Secretary of State for examination in March 2020. The Framework advises that weight can be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the Framework. The emerging LP has not yet been found sound or adopted. Consequently, whilst the emerging LP appears to be at a relatively advanced stage in its preparation, the emerging policies cannot be given full weight.

Main Issues

4. The main issues are as follows:
 - whether the static caravan is appropriate development in the countryside; and
 - whether the static caravan provides acceptable living conditions for occupiers.

Reasons

Appropriate Development

5. The static caravan is located within the grounds of an existing commercial premise situated in the open countryside. Policy CP4 of the Hambleton Local Development Framework Core Strategy, adopted 2007 (the CS) states that all development should normally be within the Development Limits of settlements. The policy does allow for development in other locations including in the countryside when an exceptional case can be made. This includes where it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in the countryside and will help to support a sustainable rural economy. This approach is reiterated in Policy DP9 of the Hambleton Local Development Framework Development Policies, adopted 2008 (the DP) which states that permission will only be granted for development outside of Development Limits in exceptional circumstances.
6. Although not specifically referred to in reason for refusal number one on the Council's decision notice, the Council's appeal statement makes reference to the requirements set out in paragraph 80 of the Framework. Paragraph 80 seeks to avoid the development of isolated homes in the countryside unless one of the five listed circumstances apply. One such circumstance is where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
7. In summary, the policy context seeks to restrict residential accommodation in the open countryside although it does allow for a residential use where an essential need is established to support a rural enterprise.
8. From the information presented, situations may well arise which require workers at the business to be present outside normal working hours to address repairs and maintenance works required by customers. I appreciate that this is a valuable service offered to customers and one which the appellant wants to maintain, as well as the benefits it provides for livestock welfare, given that livestock transportation equipment is a part of the business. However, from the information submitted, the nature of repairs is sporadic, and the breakdown service is used once or twice a week. On this basis, although there might be a functional need for the service, I am not persuaded that there is an actual essential need for a residential presence on the site, having regard to the nature and demands of the work.
9. The appellant is concerned about security given the large amount of high value metals and materials on site and considers that the on-site accommodation offers a level of security over and above the camera system in place. However, there is no information about what other site security measures have been considered that would not involve on-site residential accommodation.
10. The appellant states that there is an agricultural holding present, and the accommodation would also support this enterprise. However, no information has been presented on what operations are undertaken as part of the agricultural holding or why on-site workers accommodation is essential to its operation.

11. The provision of on-site residential accommodation is clearly a benefit for the employer and employees. However, sufficient justification has not been presented to demonstrate that there is an exceptional case for employees to live at the appeal site as opposed to one of the nearby settlements, or that the business would be uncompetitive or unable to deliver its services without on-site residential accommodation.
12. As such, based on the information presented, it has not been demonstrated that exceptional circumstances exist to justify the static caravan for workers accommodation at the appeal site. It therefore conflicts with Policy CP4 of the CS and Policy DP9 of the DP, the aims of which have been summarised above. The location of the static caravan also conflicts with paragraph 80 of the Framework as its use as residential accommodation does not satisfy the exceptional circumstances identified for isolated homes in the countryside.

Living Conditions

13. The static caravan is sited in close proximity to the busy operational area of the business, including equipment and materials storage areas and buildings where the engineering processes take place. Whilst limited details have been provided about the exact nature of the operations at the site, given the nature of the business, some noise generation is likely from the engineering processes taking place as well as the associated equipment and vehicles. This is confirmed by what I observed when on site.
14. The Inspector for the previous proposal to retain all five caravans for use as employee accommodation¹ concluded that whilst it could reasonably be expected that living conditions on-site within employer provided accommodation would not necessarily be at the same heights as other types of accommodation, those provided on site would be below what could be considered acceptable. In this regard the Inspector noted that the accommodation is occupied for 42 weeks of the year and that employees would be likely to spend the majority of the time at the site while both living and working there.
15. The appellant's information confirms that the static caravan the subject of this appeal is used as workers accommodation for 42 weeks of the year. The appellant argues that occupants are not in the caravan whilst noise is generated by the engineering activities as they are at work and therefore not affected by the noise, and on days off the site is closed and holidays are taken away from the caravan as the accommodation is used by employees from out of the area. However, given the location of the static caravan in such close proximity to a busy engineering operation, this is not sufficient to lead me to a different conclusion from the previous Inspector about the acceptability of the accommodation provided.
16. I note that the appellant has sought to address the concern expressed on the previous proposal regarding the lack of outdoor amenity space. The amenity area identified by the appellant is located away from the main site operations. It is a reasonable size and comprises a grassed area and pond surrounded by trees and a hedgerow. It would provide an appropriate outdoor amenity area for occupiers of the static caravan. However, based on the plans submitted, the identified amenity area appears to fall outside the appeal site and the land

¹ Appeal decision APP/G2713/W/20/3258254, January 2021

edged in blue. Therefore, I cannot consider that it falls within land under the control of the appellant and so cannot regard it as an available amenity area for occupants of the static caravan.

17. Accordingly, the static caravan does not provide acceptable living conditions for the occupiers. As such, it conflicts with Policy CP1 of the CS and Policy DP1 of the DP which, amongst other matters, support proposals that promote and encourage or protect and enhance the health, well-being and amenity of the population and require that all development proposals adequately protect amenity.

Other Matters

18. Although not referenced as a reason for refusal on its decision notice, in its statement of case the Council states that the static caravan is contrary to Policies S5, E1 and E7 of the emerging LP, which set out that development in the countryside should be protected to ensure the intrinsic character of the area is protected. The static caravan is well screened from the surrounding area by trees and hedgerows and the buildings associated with the business. Whilst the static caravan is not of a high quality design, given the screening and its location within an existing commercial premise, it does not have an unacceptably harmful effect on the character and appearance of the area. Therefore, although I do not attach full weight to the emerging LP policies, I do not find conflict with Policies S5, E1 or E7.

Conclusion

19. For the reasons given above, the siting of the static caravan for use as workers accommodation conflicts with the development plan taken as a whole as well as the Framework. There are no material considerations that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR