



Appeal Decision

Site visit made on 16 August 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

Appeal Ref: APP/E2001/W/22/3298616

Sandwood Fields, Spaldington Road, Spaldington, Goole DN14 7NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Darren Harrison against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/01388/PLF, dated 25 August 2021, was approved on 19 November 2021 and planning permission was granted subject to conditions.
 - The development permitted is change of use of land and buildings to mixed use comprising industrial/storage and distribution and storage of personal items, with associated works including alterations and cladding of the existing barn, siting of up to 8 shipping/storage containers, siting of a portable cabin for use as an office, siting of a static caravan for use as a welfare building, installation of a septic tank and erection of steel palisade fencing and gates (part-retrospective application).
 - The condition in dispute is No 7 which states that: The caravan hereby approved shall be used for welfare facilities only in association with the business operating from the site and shall at no time be used for sleeping or overnight accommodation.
 - The reasons given for the condition is: This condition is imposed in accordance with policies S2, S2 and S4 of the East Riding Local Plan which seek to restrict residential development in the open countryside to that which is essential in order to protect the countryside for its own sake, to avoid placing demands on services, and in the interests of sustainability.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted for the development set out above, in the heading. A condition was imposed on the planning permission to ensure that the caravan is not used for sleeping or overnight accommodation. The appellant seeks to amend the wording of condition 7 so that occasional overnight stays would be allowed. I have no reason to disagree with the conclusions reached by the Council in respect of all other issues relating to the determination of the planning application.
3. Therefore, the main issue is whether condition 7 is necessary and reasonable in the interest of restricting residential development in the countryside.

Reasons

4. The appeal site is located within the countryside. The Council highlight that the condition restricting the use of the caravan was based on the submission and the description of development which sought welfare facilities only. Thus, an

assessment against the use of the caravan for accommodation was not undertaken.

5. Local and national planning policies seek to restrict new homes in the countryside. The reasons given for imposing the condition refers to Policy S4 of the East Riding Local Plan 2012 – 2029 (2016) (LP). This sets out developments supported in the countryside. The appellant considers that the proposal complies with criteria C.7. and C.11. Whilst the business may support agricultural, horticultural, recreational and sports uses, having regard to the description of the development and the information before me, I do not consider that the form of development, granted at the appeal site, relate to these uses and type of developments. The proposal would not meet any of the criteria listed in Policy S4 of the LP.
6. The appellant sets out reasons to justify occasional overnight stays. This includes to reduce travel time and costs, vehicle emissions, climate change, grow business, part-time night shift and security. The appellant states that occasional overnight stays would not place any demands on local services as they own a house elsewhere and draw my attention to the previous use of the site.
7. The appellant has also highlighted an appeal decision¹. This relates to a site in the countryside with nearby residential properties. The decision concerns a static caravan/lodge for holiday use only and therefore the relevant local and national planning policies differ to those relevant to this appeal. Accordingly, that decision cannot be directly compared to the scheme before me and in any event, each case is treated on its own merits.
8. The Council has suggested a condition should I be minded to allow the appeal which would permit the caravan to be occupied overnight for no more than 7 days in a calendar month. The appellant states that 7 days would be insufficient and would have a negative impact on productivity and finances. They have suggested that the condition should be amended to 14 days. In my view, 14 days would not represent occasional overnight stays. It is also likely that the use of the site for overnight stays, on this frequency, would result in an increased domestication of the site. Nonetheless, based on the evidence submitted, I am not convinced that an occasional overnight accommodation condition would meet the tests outlined in paragraph 56 of the National Planning Policy Framework (the Framework) in terms of being enforceable or precise.
9. Although I recognise the benefits highlighted, the appellant has not satisfactorily justified the need for amending the wording of the condition given that the proposed use of the caravan would not comply with planning policy. Moreover, the benefits of the scheme would be essentially private, whereas planning operates principally in the public interest. Amending the condition would be in conflict with Policies S2 and S4 of the LP which seek, amongst other matters, to restrict development in the countryside and direct most new development to areas where there are services, facilities, homes and jobs in order to protect the intrinsic character of the countryside. Consequently, based on the evidence presented, condition 7 is necessary and reasonable in the interest of restricting residential development in the countryside.

¹ APP/E2001/W/21/3282713

Conclusion

10. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

L Wilson

INSPECTOR