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## Appeal Decision

Site visit made on 5 October 2022

**by J Downs BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 November 2022**

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**Appeal Ref: APP/N2739/D/22/3305332**

**Field View, Wistow Road, Selby, North Yorkshire YO8 3LY**

- 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 J Wilson against the decision of Selby District Council.
  - The application Ref 2022/0455/HPA, dated 12 April 2022, was refused by notice dated 13 July 2022.
  - The development proposed is Application for the siting of a static caravan for purposes ancillary to the main dwellinghouse.
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### Decision

1. The appeal is allowed and planning permission is granted for siting of a static caravan for purposes ancillary to the main dwellinghouse at Field View, Wistow Road, Selby YO8 3LY in accordance with the terms of the application, Ref 2022/0455/HPA, dated 12 April 2022, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: un-numbered site location plan, un-numbered layout plan; and 02 - plan and elevations as modified by un-numbered details of materials.
  - 3) Before any static caravan is sited in accordance with this permission, details of a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme prior to the first occupation of the static caravan.
  - 4) The external finish of any static caravan sited in accordance with this permission shall be BS4800 06C39 Saddle Brown and shall be retained as such at all times thereafter.
  - 5) The use of land for the siting of a static caravan hereby permitted shall be for the siting of one static caravan only, to be used in connection with and ancillary to the occupation of Field View, Wistow Road, Selby YO8 3LY.

### Main Issue

2. The main issue is the effect on the character and appearance of the surrounding area.

## Reasons

3. Field View lies on the edge of the built-up area, some distance behind the otherwise generally regular pattern of dwellings which front directly onto Wistow Road. Although the plot is bounded by open land to the west, the proposed static caravan would occupy part of the existing driveway between the house and the enclosed rear garden of the dwelling to the east. It would also sit behind a large outbuilding serving the host property.
4. The proposed static caravan would, in part, be visible from the west. However, it would be sited in the context of domestic curtilages and related structures, placing it firmly within the man-made environment. The colouring as proposed would ensure that it was not unduly prominent or incongruous in its surroundings as the surrounding development is constructed from materials in darker shades. The siting and design of the static caravan would therefore not be harmful to the identity and context of its surroundings.
5. I therefore conclude that the appeal proposal would not have an unacceptable effect on the character and appearance of the surrounding area. It would be in accordance with Selby District Local Plan adopted February 2005 Saved Policy ENV1 which requires development to be acceptable in terms of its layout in relation to the site and its surroundings, and Selby District Core Strategy Local Plan adopted October 2013 Policies SP18 and SP19 which require development to sustain the local distinctiveness of the man-made environment and have regard to local character, identity, and the context of its surroundings.

## *Other Matters*

6. I have had regard to the previous appeal decisions and note the amendments made to the appeal proposal in light of the most recently dismissed appeal which related to the same site. Notwithstanding, I have assessed this appeal on its own merits.
7. The potential for there to be two caravans on the wider site as the caravan previously refused and dismissed on appeal remains in place has been raised by surrounding residents. The documentation before me does not confirm that this proposal would be for the relocation of the existing caravan. However, if it is not, it is for the local authority to determine how to proceed in light of the previous decisions. That is also the case as regards the concerns raised about other unauthorised development that may have taken place.
8. Concern has also been raised that this decision would establish a precedent for future caravans to be sited elsewhere. However, there are very specific circumstances with regard to the size and layout of the land within the appellant's control and its surroundings that result in this development being acceptable.
9. The appeal before me is for the siting of a static caravan as ancillary to the main dwelling. If it is not used for that purpose, that will be a matter for the Council should that prove to be otherwise.
10. It has been pointed out that the flood risk assessment (which includes drainage information) submitted with the application does not appear to be specific to the development before me and includes reference to a holiday let. Given that the proposal is for an ancillary domestic use in a residential area, it is reasonable to consider that appropriate arrangements for foul and surface

water drainage can be made and this can be controlled by condition. Although the site is within Flood Zone 3a, the Council report confirms that the sequential and exceptions test were not necessary as the proposal would be ancillary to the existing dwelling where a place of safety could be sought. I have no reason to disagree with this.

11. The effect of the development on local wildlife has been raised. As the proposal would occupy a hardstanding in close proximity to the dwelling and outbuilding, I consider that there would be a neutral effect on any wildlife that use the surrounding open fields.
12. Reference has been made to covenants which may exist on the land. These are controlled through a separate legislative process and as such are not binding or determinative on decisions taken under the planning acts.

### **Conditions**

13. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within the National Planning Policy Framework (the Framework) and the Planning Practice Guidance. I have imposed standard conditions relating to the commencement of development and approved plans to define the terms of the permission.
14. It is necessary to ensure that appropriate drainage arrangements for the disposal of foul and surface water are in place prior to the caravan being occupied. As the submitted drainage information is not specific as to how this would be achieved, it is necessary that this is a pre-commencement condition. The appellant has agreed to this.
15. As the colour treatment of the caravan is fundamental to the acceptability of the appeal proposal, a condition is necessary to secure this and its subsequent retention. I have amended the suggested condition to remove the requirement for the development to be carried out in accordance with the approved method statement as this is not relevant to planning and therefore fails to meet the tests set out in the Framework.
16. It is reasonable to impose a condition confirming the caravan is to be ancillary to the use of the existing dwelling house to define the terms of the permission. There is therefore no reason to also specify that it must not be used as an independent dwelling. However, requiring the caravan to remain in a specific ownership is not enforceable, nor is it relevant to planning. There is no evidence before me as to the curtilage of Field View, nor is curtilage fixed. That aspect of the condition would not be precise, and therefore also fails the tests set out in the Framework.

### **Conclusion**

17. For the reasons given above, the appeal proposal would be in accordance with the provisions of the development plan and is therefore allowed.

*J Downs*

INSPECTOR