



Appeal Decision

Site visit made on 22 February 2023

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/P1133/C/22/3305173

Land at Oakmoor Touring Caravan Park, Dunley Lane, Bovey Tracey, Devon TQ13 9PW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr A Howlett against an enforcement notice issued by Teignbridge District Council.
 - The notice was issued on 18 July 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised siting of a residential mobile home in the approximate position hatched red on the attached plan.
 - The requirements of the notice are to:
 - a) Stop using the land edged blue on the attached plan for the siting of a residential mobile home,
 - b) Remove the unauthorised mobile home from the land hatched red on the attached plan.
 - The periods for compliance with the requirements is: 12 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by:

the insertion of the words “used for residential purposes” within the allegation at section 3, after “residential mobile home” so that the allegation reads “without planning permission, the unauthorised siting of a residential mobile home used for residential purposes in the approximate position hatched red on the attached plan.”
2. Subject to the correction 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.

Preliminary Matters

3. It was agreed in correspondence following the submission of the appeal, that it will continue just in the name of Mr A Howlett rather than “Mr and Mrs A and Dr Howlett and Hancock” as set out on the appeal form.
4. The alleged breach of planning control describes the siting of a “residential mobile home”. By their nature, mobile homes are designed for human habitation but they may often be used for various non-residential purposes. The way that the allegation is described is ambiguous because it does not explicitly say that the mobile home is used for residential occupation. This is

however not a matter in dispute between the parties and the appellant has understood that the reason the Council has taken enforcement action relates to the residential occupation of the mobile home. It would not cause any injustice to the appellant or the Council for me to correct this ambiguity which I can undertake using my powers under the provisions of s176(1)(a) of the Act.

5. The documents submitted along with the Council's supporting statement refer to the appeal site being nearby to the Chudleigh Knighton Heath Special Site of Scientific Interest (SSSI) and the South Hams Special Area of Conservation for Greater Horseshoe Bats (SAC). The impacts upon these protected designations within the national site network have not formed a reason for issuing the notice but I will deal with that matter below.

The Appeal on ground (a)

6. I have to consider whether planning permission should be given for what is alleged on the enforcement notice, as corrected.

Main Issue

7. The main issue is the suitability of the location for the residential mobile home given local and national policies relating to residential development including an assessment of the needs of the business.

Reasons

8. The appeal site is a touring caravan and camping site which is located within a pleasant rural area, remote from the nearest settlement. I am told that there are 48 pitches available on site along with the reception office and amenities block that I saw. There is reference to an extended area providing additional pitches and I was shown that part of the site at my visit. I am told that the site is open all year around.
9. There is no dispute between the main parties that the site is within the countryside for the purposes of planning policy and is located away from any village or town facilities. There is also agreement that saved Policy 22 of the adopted Teignbridge Local Plan 2013 – 2033 (LP) is applicable here. This states that in open countryside development will be strictly managed and limited to uses which are necessary to meet the overall policy aim to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. The policy does allow for, amongst other things, dwellings necessary for rural workers.
10. That then leads into LP Policy WE9 which provides the detailed criteria for considering rural workers dwellings. The policy is permissive on the provisos that:
 - a) there is an essential functional need arising from the business for a full time worker to be housed on the site;
 - b) the business unit is of sufficient size to require a full time employee, is economically viable and has clear prospects of remaining so; and
 - c) there are no dwellings on the holding which could meet the need, and no such dwellings have been sold in the previous 3 years.

Of these criteria, the Council considers that there is not an essential need for a worker to live on site.

11. Generally, this policy background within the LP is consistent with the advice in the National Planning Policy Framework (the Framework). This states that the development of isolated homes in the countryside should be avoided unless, amongst other things, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. LP Policies S1 and S1A provide general sustainable development and accessibility criteria.
12. The appellant states that a manager needs to live on site within the mobile home in order to provide services to campers on a 24 hour basis. This they say is to provide assistance, information and to deal with emergencies. As well as this, there is a claimed overriding need for security.
13. I have a letter which sets out some specific instances where holiday makers have been assisted and some of the appellant's general concerns. Given the number of plots on the site I can understand that the tasks involved with so many holiday makers will at peak times be demanding and will result in long and busy working hours. I am not given much detail about the daily routine, how many staff work there or how much of what normally goes on would happen during the night-time when staff are less likely to be on-site. There may be some advantage to the appellants by having a manager on site. However, the type of incidents that are specifically drawn to my attention appear to be things that have been dealt with by the site owners through a combination of means. This has included being "called out" which from the context of the letter would appear to mean from their address in Ashburton. I have no evidence about the travel time from their home but I am aware of the location of the town which is to the south-west of the site along the A38.
14. I would generally expect that people camping in families or groups include adults who look after and are responsible for younger people rather than being overly reliant upon staff of the site. Night-time patrols when some residents have caused problems with barbecues during hot weather would seem to require some night-shift working or even occasional sleeping over but is not an indication that permanent year around occupation on site by a manager is essential. Mention is also made of the involvement of security companies and occasionally bailiffs. This indicates that there are external providers who can help when incidents crop-up. I have not been provided with substantial information about whether those specific incidents are typical or whether night patrols or sleeping-over on-site is regularly essential. There is also no evidence provided regarding how any modern systems have been used or at least considered to help with security problems such as surveillance cameras.
15. With a manager living on the site, it may save some trips for the site owners from their home and for other staff or contractors having to travel from other off-site locations. However, I have no evidence about this or the number and nature of vehicular trips by the manager's household, particularly as everyday facilities such as shops and schools as well as other infrastructure are generally remote from the appeal site.
16. A previous refused planning application for the retention of the mobile home for a manager of the site was dismissed at appeal¹ as recently as November 2020

¹ APP/P1133/W/20/3256416

following a hearing where that inspector had an opportunity to interrogate the evidence by both main parties. I am considering this appeal separately and on the basis of the evidence presented to me but I have not identified any reason to reach a different view in relation to this main issue which is similar to the main issue in that previous appeal.

17. In relation to the main issue, this location is un-suitable for the residential mobile home and is not justified by the needs of the business. As the need has not been adequately justified the development does not comply with LP Policies S22 or WE9 or the advice of the Framework. Furthermore, the development is not supported by LP Policies S1 and S1A.

Other matters

18. The Council is not concerned about the impact of the mobile home on the character and appearance of the countryside. I agree that when seen alongside the caravan and camping site and in the specific location close to a substantial hedge, it is not visually intrusive within the broader landscape.
19. The appellant draws attention to LP Policy EC3 which supports rural employment including uses with a strong functional link to existing rural activities. I have limited evidence about the difference in these respects that the mobile home makes to the employment or general business benefits of the touring park. Furthermore, this policy is not directly related to the matter of living accommodation for the needs of those businesses and it therefore neither supports nor weakens the appellant's case.

Overall planning balance

20. The mobile home in this location does not comply with the development plan as a whole and there are no other material considerations that indicate that I should reach a conclusion contrary to the development plan.
21. Given this conclusion, it is unnecessary for me to consider the significance of effects of the development on the integrity and conservation objectives of protected designated natural habitats and species within the SSSI and SAC.

Conclusion

22. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Andy Harwood

INSPECTOR