



Appeal Decision

Site visit made on 21 February 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/W1145/W/22/3304398

Stonechat Meadow, Winkleigh, EX19 8PR

- 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 M Baggs against the decision of Torridge District Council.
 - The application Ref 1/0043/2022/FUL, dated 12 January 2022, was refused by notice dated 4 May 2022.
 - The development proposed is change of use of existing caravan from incidental use to seasonal rural workers dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of existing caravan from incidental use to seasonal rural workers dwelling, at Stonechat Meadow, Winkleigh, EX19 8PR in accordance with the terms of the application, Ref 1/0043/2022/FUL, dated 12 January 2022, and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: QWCMB Location Plan 140521 and QWCMB Block Plan.
 - 3) The residential occupation of the caravan hereby approved shall be limited to a person solely employed at Stonechat Meadow for the purposes of the seasonal management of the existing tourism business between 28 February – 10 November in any calendar year only, and at no other time. Should the tourism business cease the caravan shall not be used for residential purposes at any time.

Applications for costs

2. An application for costs was made by Mr M Baggs against Torridge District Council. This application is the subject of a separate decision.

Main Issue

3. Whether the residential use of the existing caravan for a seasonal rural worker is justified, with regard to development plan policies.

Reasons

4. The appeal site is in a rural location that is well away from other settlements. The Council seeks to limit residential dwellings in such locations in accordance with its spatial development strategy for rural areas set out in Policy ST07 of

the North Devon and Torridge Local Plan 2011-2031 (LP). This Policy establishes that in such locations development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location.

5. Policy DM28 of the LP provides an exception to this in the case of rural workers accommodation, subject to several criteria. Although this Policy does not specifically refer to seasonal workers accommodation, I can see no reason why criteria (a)-(d) should not be considered relevant to the proposal.
6. The Policy establishes that it must be demonstrated that there is an essential operational need for a full time worker to be resident at or near the place of work. The Council's Rural Workers' Dwellings Supplementary Planning Document (SPD) 2020 provides additional guidance to support the application of Policy DM28 of the LP. This clarifies that the consideration of essential need is not about ease, convenience or personal preference, but about whether permanent on site presence is necessary for the enterprise to function properly.
7. The existing tourism business is very modest. For the most part it comprises four tent pitches, with modest capacity for additional camping and touring caravans. It is suggested that it is essential to have on site presence for safety reasons. However, evidence before me suggests that the existing business is popular and would therefore appear to already operate successfully without someone residing at the site. Furthermore, there is nothing to suggest that any safety issues have occurred already in the time that the business has been operating.
8. Many similarly sized campsites operate without full-time on-site presence. In such cases guests might rely on signage or on-line information if they arrive for the first time when no one is present, or arrangements can be made to meet a guest if an arrival is anticipated. Indeed, the furnished tents would be similar to accommodation provided in other self-catering set ups where an owner might only meet a guest at the beginning and end of a stay. Furthermore, it would appear to be the case that if the appeal is dismissed the existing caravan could still be used to allow a worker to be present for long periods, thus providing on-site presence for a large portion of the day.
9. For these reasons I find that the residential use of the existing caravan for a seasonal rural worker is not justified as the proposal would not accord with Policies ST07 and DM28 of the LP and the SPD, which seek to control dispersed development, including rural and seasonal workers accommodation, and guard against development in unsustainable locations.
10. I do however note that the Council's grant of planning permission¹ for the camping use at the site does not limit the length of time that a guest can stay, as long as it is not between 10 November and 28 February. In theory therefore a guest could stay at the site for the whole period between these dates providing they are doing so as a genuine holiday maker to satisfy condition 3 of the permission. Although a person residing at the site to manage the business during the same period would not do so as a holiday maker, they would not be residing at the site permanently. They would be present at the site in a manner that would be like someone visiting as a holiday maker for an extended period.

¹ Council Reference: 1/0577/2021/FUL

This is a matter that weighs in favour of the proposal, and to which I consider it appropriate to give considerable weight.

11. The decision must be made in accordance with the development plan unless material considerations indicate otherwise. Although I have found that the proposal would not accord with Policies ST07 and DM28 of the LP and the SPD, the considerable weight that I give to the above matter is sufficient to overcome this conflict. I therefore conclude that the residential use of the existing caravan for a seasonal rural worker is justified.

Other Matters

12. The Council refers to an enforcement notice that it issued in 2014 to require the removal of the existing caravan. This relates to a period when the caravan was brought to site in association with the erection of a building that did not accord with a planning approval. It is understood that this was remedied through the grant of a further planning permission. The appellant is of the view that the caravan is now in a lawful incidental use, and the Council has not provided anything to disprove this position, and there is nothing before me that would cause me to come to a contrary view. On this basis I am of the view that the enforcement notice should not alter my decision.

Conditions

13. I have had regard to the conditions suggested by the Council. I have considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. Although not suggested by the Council I have imposed a condition [1] to limit the time within which the permission can be implemented, as the proposal is not retrospective. I have imposed an approved plans condition [2] for certainty.
14. I have imposed a condition [3] to ensure that the residential use of the caravan is limited to a person connected with the tourism business and for a fixed period in any calendar year, to accord with the existing planning permission at the site for the tourism use.
15. I have not imposed the additional condition suggested by the Council to require the removal of the caravan outside of the tourism season as the proposal is for its use rather than its siting. Additionally, I note that the Council has suggested that this condition is necessary to limit landscape harm; however, nowhere in its submissions has the Council suggested that there is any landscape harm arising from the siting of the unit.
16. For the same reasons, I have not imposed the condition suggested by the Council to require the removal of the caravan if the tourism use ceases. The appellant suggests that in this situation the caravan could revert to its incidental use. In such circumstances the Council could exercise its enforcement powers should it consider it necessary to do so.

Conclusion

17. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR