



Appeal Decision

Site visit made on 20 April 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2023

Appeal Ref: APP/V4250/W/22/3311205

Crompton House Farm, Hope Lane, Leigh WN7 3SF

- 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 Mrs Margaret Forsyth against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/21/91762/RET, dated 2 June 2021, was refused by notice dated 27 September 2022.
 - The development proposed is described as 'Retention of residential static caravan (fixed to hardstanding and barn building)'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The caravan is already in position. Nevertheless, I have determined the appeal based on the plans before me.
3. Reference is made by the appellant to the potential immunity of the caravan from enforcement action. However, the appealed application is not for a Lawful Development Certificate, therefore I do not need to reach a conclusion on this matter. I have considered only the proposal before me.

Main Issues

4. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (NPPF).
 - ii. The effect of the proposed development on the openness of the Green Belt.
 - iii. The effect of the proposed development upon the character and appearance of the area.
 - iv. Whether any harm by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. Policy CP8 of the Wigan Local Plan Core Strategy Development Plan Document, September 2013, (LP), sets out that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain buildings and other forms of development will not be inappropriate development, where they meet the exceptions set out in paragraphs 149 and 150 of the NPPF.
6. Both main parties agree that the proposal would not meet any of the exceptions set out within paragraphs 149 and 150 of the NPPF and I have no reason to disagree. On this basis, the proposal constitutes inappropriate development in the Green Belt, which is, by definition harmful to the Green Belt.

Openness

7. The caravan is sited partially inside an existing barn, with only a portion protruding from an existing opening. The volume of the caravan that projects out from the barn has a spatial impact on openness, albeit small. Visually, it extends the built form into an open area of hardstanding, resulting in some visual impact on openness, limited by the backdrop of existing buildings.
8. I accept that caravans and similar structures can be a feature of farmsteads and I note the example provided of a nearby farm (Morleys). However, the appeal scheme does not relate to an operational agricultural enterprise and is not intended for agricultural use. As such, whilst on occasion, such structures may be required as part of a farming enterprise and so be justified in the Green Belt, this does not lend support to the proposal, which is not for agricultural purposes.
9. As such, whilst the spatial and visual impacts of the development on the openness of the Green Belt at this location are small, nevertheless, the development harms the openness of the Green Belt at this location, contrary to one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment, as set out at paragraph 138 of the NPPF.

Character and appearance

10. The appeal site comprises a cluster of redundant barns with hardstanding, located amongst open, flat fields, interspersed with trees and hedges, pockets of woodland, dispersed housing and farmsteads. The site access track extends from the A580 to the south and is a designated Public Right of Way (PRoW).
11. The existing barns have a simple form and utilitarian appearance, with a consistent use of mainly brick and metal sheeting. In contrast, the development has a typical static caravan style and appearance, with a green colour finish. It is positioned at 90 degrees to the alignment of the barn, with one end protruding, providing partial views of window openings that are

domestic in appearance. As a result of the juxtaposition of the caravan with the barn, its partial protrusion, and the contrast in style, character and materials, the development appears incongruous in its setting, failing to integrate effectively with its surroundings.

12. The existing barns screen the development when approaching from the south and from further north. However, public views of the development are available from a short section of the PRoW, where it passes to the east. From here, the development has an adverse visual impact on the locality.
13. Whilst screening of the proposal could be secured through the imposition of a condition, no specific details as to the form this could take, or its position, have been suggested to me. As such, I am unable to conclude whether the scale and appearance of such screening would, in itself, be appropriate in visual terms, or in terms of its impact on the openness of the Green Belt.
14. Alternatively, it is suggested that the caravan could be re-sited, so as to be wholly located within the barn. However, that is not the proposal before me. Nor do I have sufficient information to confirm that this would be achievable in any event.
15. As such, the development results in harm to the character and appearance of the area, conflicting with LP Policy CP10 which, amongst other matters, requires that new development respects the character of the locality and integrates effectively with its surroundings. Furthermore, the requirements of the NPPF are not met in terms of achieving development which adds to the overall quality of the area and is sympathetic to local character.

Other considerations

16. I have been provided with some personal and financial details of the appellant, along with the appellant's concerns relating to security (theft of materials from the site and unauthorised occupation), as justification for the development.
17. The submission indicates that the caravan provides the appellant with their only place to live. However, I have been provided with no detailed financial information to demonstrate that this is the case, or any other steps that have been taken to demonstrate that other options for alternative accommodation, such as the rental market, have been exhausted. Whilst I can appreciate that the uncertainty of the present situation may have caused the appellant stress, which might exacerbate existing medical conditions, based on the information before me, I can give these matters only limited weight.
18. Nor have I been provided with any information to suggest that theft or unauthorised occupation is a particular risk at this location, or that the likelihood of such events occurring could not be prevented or reduced by other means, such as security gates or cameras.
19. The appellant awaits the outcome of a further planning application to re-develop the site for housing, which could have implications for the appellant's financial circumstances and subsequently, their means by which to secure alternative living arrangements. On this basis, the submission indicates that the appellant would accept the imposition of a condition providing a temporary permission for the static caravan, pending the outcome of that application. This is a reasonable suggestion in the circumstances, however, given the lack of certainty relating to the decision itself, as well as if and when

the re-development might take place, I do not consider that a temporary consent would be appropriate.

20. A fallback position is raised whereby it is suggested that the former use of the site for haulage, could resume. My understanding is that this use ceased a considerable time ago and whilst this may be the lawful use of the site, I have very little evidence before me to suggest that a resumption of this use is anything more than a theoretical possibility, sufficient to give it any weight.
21. The proposal has not raised any highway concerns or issues in relation to the living conditions of occupiers of neighbouring properties. These are neutral matters that carry no weight for or against the proposal.
22. Any economic or visual benefits accrued from the planning application to re-develop the site, would not be relevant to the appeal scheme.

Green Belt Balance

23. The appeal scheme is inappropriate development in the Green Belt, which is, by definition, harmful. I give this harm substantial weight as required by paragraph 148 of the NPPF. The development impacts spatially and visually on the openness of the Green Belt, albeit limited, and results in harm to the character and appearance of the area.
24. I have considered the matters put before me in favour of the scheme. However, I conclude that these other considerations taken together do not clearly outweigh the substantial weight I have afforded to the Green Belt harm and the other harm arising from the development. Consequently, the very special circumstances necessary to justify the development do not exist. The development therefore conflicts with LP Policy CP8 and the NPPF.

Conclusion

25. As the development is presently occupied by the appellant as their sole residence, then refusing the application could represent an interference with the appellant's rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. Those are the rights to respect for their private and family life, their home and their correspondence. However, a further process would be required before residential use of the property had to cease, the Council would need to consider the expediency of taking enforcement action which is not a matter for me. Furthermore, as set out above, it has not been clearly demonstrated that alternative accommodation options are not feasible.
26. Dismissing the appeal would interfere with the appellant's rights to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Right Act 1998. However, those are qualified rights; interference with them in this instance would be in accordance with the law and in pursuance of a well-established and legitimate aim: the protection of the Green Belt. It is proportionate to refuse to grant planning permission. There will be no violation of the appellant's human rights. The protection of the public interest cannot be achieved by means that are less interfering with their rights.
27. The proposed development conflicts with the development plan when taken as a whole and there are no other material considerations worthy of sufficient

weight to suggest the decision should be made other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR