



Appeal Decisions

Site visit made on 24 August 2023

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04/10/2023

Appeal A Ref: APP/F4410/C/23/3322012

Bethel House Moss Road, Moss, DONCASTER, DN6 0HN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Steven Mason against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The notice was issued on 30 March 2023.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the land to a mixed residential and use for the commercial sale of caravans and mobile homes.
- The requirements of the notice are:
 - a) Remove all caravans and mobile homes located on the Land for commercial sale from the area marked in blue on the plan.
 - b) Cease the use of the Land from commercial sales of caravans and mobile homes.
- The period for compliance with the requirements are two months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal succeeds in part and the enforcement notice is upheld with correction and variation in the terms set out below in the Formal Decision.

Appeal B Ref: APP/F4410/W/23/3315682

Bethel House Moss Road, Moss, DONCASTER, DN6 0HN

- 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 Stephen Mason of Sunway Caravans against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 22/01034/FUL, dated 22 April 2022, was refused by notice dated 30 November 2022.
- The development proposed is a material change of use to a mixed use of residential and commercial sale of caravans and mobile homes purposes.

Summary of Decision: The appeal is dismissed.

Appeal A:

Procedural Matter

1. The enforcement notice (the Notice) alleges a 'change of use' of the Land. S55(1) of the 1990 Act as amended¹ confirms that for a change of use to be 'development', it must be material. It is clear from the evidence before me that the appellant understands that the introduction of caravan and mobile home sales from the residential property known as Bethel House, constitutes a material change of use from use as a single dwellinghouse to a mixed use of residential and commercial caravan and mobile home sales purposes. Correcting the Notice accordingly would not cause injustice.

¹ Town and Country Planning Act 1990 as amended

Reasons

2. An appeal on ground (g) is that the period specified in the Notice falls short of what should reasonably be allowed. The appellant requests that the period be increased from two months to five months to allow the s78 appeal to run its course and to provide a sufficient period for suitable alternative premises to be found from which to conduct the caravan and mobile home sales business.
3. As no other grounds have been pleaded, the harms identified in the Notice represent the public interest, which I must weigh against the business and personal needs of the appellant and his family. Given the scale of the commercial activities and the appellant's caring responsibilities requiring him to be close to home, it may take longer to find suitable alternative premises. Extending the period for compliance to five months would strike a reasonable balance between the public interest in the Notice being complied with expeditiously and the private interests bound up with the development subject to the Notice.
4. The appeal on ground (g) succeeds to this limited extent.

Appeal B:

Procedural Matter

5. The application form and the Council's decision notice identify the development being applied for as 'Regularise the sale of caravans'. As already mentioned, the meaning of development as set out in s55 of the 1990 Act as amended states at s55(1) "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'. While the purpose of the planning application may be to regularise the sale of caravans, that does not of itself amount to development.
6. Furthermore, taking the ordinary meaning of the description set out, it would mean that the land within the red lined application site could only be used for caravan sales, if I was to allow the appeal. Given that the appellant's home is located within the land, this was clearly not intended as the residential use of the dwelling and garden would be lost. It is clear from the evidence that the appellant intended to continue residing at the property while running his commercial caravan and mobile home sales business from the land. I sought the parties' views on this matter, and they have confirmed they would have no objection to the description of development being amended to reflect the wording of the corrected allegation. The description of development in the banner heading above is amended accordingly and I shall proceed on that basis.

Main Issues

7. The main issues are the effect of the development on:
 - The character and appearance of the countryside;
 - Highway safety; and
 - The living conditions of neighbouring occupiers.

8. The part of the site identified as accommodating the caravan sales area lies in a Countryside Policy Area, while the remainder of the site lies in a Residential Policy Area. As the development does not relate to the provision of new residential development, I find that Policy 10: Residential Policy Areas of the Doncaster Local Plan (2021) (the DLP) is not relevant. Policy 25 of the DLP identifies the forms of development that are appropriate in the Countryside Policy Area and Part 4 deals specifically with new non-residential development.
9. The appellant expresses personal and economic preferences for locating the business at his home. These do not amount to a justifiable need to locate the business in a rural location, nor do they demonstrate support for a prosperous rural economy. While the size of the site may not be large, the number of caravan and mobile homes displayed for sale is significantly greater than what would normally be associated with the host dwelling. The size and scale of the development is therefore not commensurate with the existing use or the rural character of the location. For these reasons the proposal is contrary to policy 25 Part 4(A) and (C) of the DLP.

Character and appearance

10. Moss is a modest settlement of a predominantly residential nature, although I saw there are several farmsteads and other businesses. Existing development follows a mainly linear pattern, fronting on to several roads. The surrounding countryside is characterised by a mosaic of arable fields separated by native species hedgerows and field drains, interspersed with sporadic farmsteads.
11. The land around the host dwelling has been extended backwards into the adjoining field to create the gravel hardstanding upon which the caravans and motor homes are displayed for sale. The caravan sales area is therefore located in a backland position and has introduced activity into an area of the countryside largely devoid of activity previously. While the nature conservation value of the former field may have been low, the laying of hard standing and introduction of activity will, in my judgement, most likely have adversely affected its nature conservation value.
12. Caravans and motorhomes are visible between the host property and its immediate neighbour. The new boundary post and rail fence does not screen the use from adjacent properties or Old Lane. The substantial roadside hedgerow along Moss Road provides a degree of screening, however the caravans and motorhomes remain visually prominent in the landscape due to their materials and colour finishes, detracting from the distinctive setting of the settlement.
13. While caravans and motorhomes are not an uncommon feature of the countryside, they would normally be used for residential purposes associated with agriculture or tourism/leisure purposes. In such circumstances they would be singular units or multiple units would be spaced out around a landscaped site with associated amenity space. Conversely, caravan and motorhome sales sites are not an essentially rural enterprise nor are they commonplace within the countryside. Furthermore, the caravans and motorhomes being displayed for sale are closely spaced to maximise the number of units for sale. While turnover may not be high, the presence of so many units in such a confined space, portrays a visual over development of the site.

14. The development is visually incongruous within the local landscape, therefore harmful to local distinctiveness, landscape character and nature conservation. For these reasons, the proposal is contrary to policies 25 Part 4(D), 33 (A), (B) and (C), 41 and 46(A)6 and 9 of the DLP and paragraph 174(b) of the Framework, which seeks to preserve and enhance local distinctiveness, landscape character and nature conservation.

Highways

15. The caravans and mobile homes sales area is located to the rear of the dwelling and its associated garden. The area to the front of the dwelling is hard surfaced and used to accommodate vehicle parking. Business customers are by appointment only. The parking area is sufficient to accommodate the appellant's personal vehicles and visitors' vehicles.
16. The existing access may not be sufficient to accommodate two-way traffic. It could therefore lead to stationary vehicles obstructing the free flow of traffic on Moss Road. No concerns have been raised in respect of visibility for vehicles emerging from the access. The site frontage is such that alterations to the access could be made to remove any potential for vehicles waiting on Moss Road. Details of such alterations would however have to be in accordance with a scheme that had previously been agreed and implemented.
17. Subject to any necessary alterations to the access being secured, the development would have no significant effect on highway safety in accordance with policies 13(A)4 and 6, 25 part 4 (B), and 42(B)4 of the DLP, which amongst other things, seek to facilitate adequate parking provision and preserve highway safety. As such the development would also accord with paragraph 111 of the Framework.
18. Paragraph 112 of the Framework requires developments to prioritise pedestrian and cycle movements, facilitate and encourage the use of public transport, address the needs of people with disabilities and reduced mobility, minimise conflict between differing modes of transport, be accessible by delivery vehicles, service and emergency vehicles, and provide charging points for vehicles. Given the scale and nature of the development, I find that paragraph 112 is not applicable.

Living conditions of neighbouring residents

19. Unlike the area identified on the plan attached to the Notice, drawing ref: DNMR 002, shows the caravans and mobile homes sales area being located to the rear of the appellant's dwelling and garden only. As such, caravans and mobile homes would not be located behind neighbouring properties.
20. There is a brick boundary wall located between the appeal property and its immediate neighbour to the west and that property has a substantial hedgerow to its rear garden boundary. Furthermore, its vehicular access is effectively paired with that of the appeal property and its attached garage is located nearest to the appeal property. Albeit there appears to be residential accommodation in the roof space over that garage.
21. Having regard to the above, the development would cause a negligible loss of outlook at an oblique angle from the neighbouring property. The development may also generate limited traffic noise and other disturbance. In my judgement any harm arising would however be less than significant. There would be no

conflict with policies 25 Part 4 (b) and 46(A)2 of the DLP, which requires there to be no unacceptable negative effects on neighbouring land uses, amongst other things.

Other Matters

22. I am told the caravan sales area forms part of a larger area that was granted planning permission, on 24 April 2019, for the construction of a menage, erection of stables, including use of the land for the keeping of horses. Planning permissions would normally be required to be implemented within 3 years of their approval. I saw no evidence of a menage, stables or horses on the land at the time of my site visit. There is nothing before me to suggest that this planning permission was implemented and that it therefore remains extant. Even if there was, equestrian activities are an essentially rural activity, which would not look out of place in the countryside. It would be reasonable to conclude that the use of the land for equestrian purposes and associated development would be policy compliant. I therefore find the granting of planning permission for equestrian development does not lessen the landscape harm or policy conflict I have identified above.

Conditions

23. Conditions could be imposed to reduce the effects of the development on neighbouring occupiers, the street scene and to secure boundary screening, along with others to control the scale of the development and the way the business is operated, as suggested by the appellant. However, such conditions would not overcome the lack of justifiable need for the development to be in the countryside or its adverse impact on local distinctiveness. All the harms previously identified would not therefore be overcome by the imposition of conditions.

Conclusion on Appeal B

24. For the reasons given above I conclude that the appeal shall be dismissed.

Formal Decisions

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

In section 3 THE BREACH OF PLANNING CONTROL ALLEGED, the deletion of all the words and the substitution of the words 'Without planning permission, the material change of use of the Land to a mixed use of residential and commercial sale of caravans and mobile homes purposes.'

And varied by:

In section 5 TIME FOR COMPLIANCE, the deletion of two months and the substitution of five months as the time for compliance.

Subject to the correction and variation, Appeal A is dismissed, and the enforcement notice is upheld.

26. Appeal B is dismissed.

M Madge

INSPECTOR