



Appeal Decision

Site visit made on 5 December 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/U2750/W/23/3325905

Land to the east of Common Lane, Carlton Husthwaite, North Yorkshire

- 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 Christopher Woodhead against the decision of North Yorkshire Council.
 - The application Ref 23/00672/FUL, dated 20/03/2023, was refused by notice dated 6 June 2023.
 - The development proposed is the change of use of land to allow the siting of a static caravan measuring 11.88m x 3.65m x 3m
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development and site address have been taken from the Council's decision notice as these provide more detail and better represent the proposal and site location than the details on the application form.
3. Although the original application was made to Hambleton District Council, North Yorkshire Council is now the Local Planning Authority for the area and was the Council that issued the decision notice for the original application.
4. The appellant requested a hearing on the appeal form. However, having considered representations from the main parties, I have deemed the written representations procedure to be appropriate for this case.

Main Issues

5. The main issues are:
 - whether or not it has been demonstrated that there is an essential need for a dwelling to accommodate a rural worker at the appeal site; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Essential Need

6. The site is a parcel of land on the east side of Common Lane in a notably rural area with sporadic built form, located in the open countryside. A collection of sheds runs along the western boundary of the site which at the time of my visit were in use for housing pigeons, largely screened from Common Lane by

hedging. A container unit also sits on its northern boundary of the site adjacent to a public right of way.

7. The proposal seeks to erect a static caravan at the site to house the appellant. Policy S5 of the Hambleton Local Plan 2022 (the HLP) states development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area.
8. Paragraph 80 of the National Planning Policy Framework (the Framework) states development of isolated homes in the countryside should be avoided except in certain circumstances, including where there is an essential need for a rural worker to live permanently at or near their place of work. This is echoed by Policy HG4, which sets out various housing exceptions, including homes for rural workers. It states that such development will be supported providing there is a functional need relating to a full-time worker that cannot be met elsewhere in the locality. It further states that the rural enterprise of the worker must have been operational for a minimum of three years, is commercially viable with clear prospect of remaining so, and that the size of the dwelling must be commensurate with the need of the enterprise.
9. The appellant states the proposal is needed in connection with raising, breeding, and racing pigeons; grazing sheep; and raising turkeys and chickens from September – December. They have outlined that the presence on site is required due to the labour-intensive nature of pigeon racing, including the need to be present when pigeons return and for daily cleaning of sheds, and to allow surveillance due to livestock and machinery having previously been stolen. The appellant has stated that their current accommodation is unsuitable due to mobility issues making access difficult and the need to travel to and from the site numerous times a day. It is also mentioned that a memorial to their late wife is present at the site.
10. However, the limited information provided fails to clearly establish a functional need for a continuous on-site presence that would justify the proposal. Even acknowledging the cited labour-intensive work carried out, no substantive evidence of the precise nature and level of daily activity undertaken on site, the required level of linked trips, a rural enterprise, or its commercial viability has been provided. I do not doubt that it would be more convenient for the appellant to reside at the site, but this is separate to meeting a functional need of a rural enterprise.
11. The appellant's mobility issues are noted, as is the fact that the proposal could aid in this respect by being easier to enter and exit than the current dwelling. Nevertheless, it remains that no assessment of other accommodation options within the area has been submitted. As such, even if I were to find a functional need for the proposal, I cannot be certain of an absence of suitable and available accommodation in the area, either existing or capable of conversion, that could also meet this need in accordance with Policy HG4.
12. On the information before me the requirements of Policy HG4 of the HLP as it relates to homes for rural workers have therefore not been met. There is no suggestion before me that the proposal would meet any other housing exception as listed in either this policy or the Framework.

13. For the reasons given, it has not been demonstrated that there is an essential need for a dwelling to accommodate a rural worker at the appeal site. As such, the proposal would conflict with Policies S1, S3, S5 and HG4 of the HLP and paragraph 80 of the Framework insofar as they set out the development strategy of the Council, seek to avoid development of isolated homes in the countryside, and relate to the provision of homes for rural workers.

Character and appearance

14. The proposal would be sited close to the site entrance where, due to the gap in hedgerow, it would be readily experienced from Common Lane. In addition, although some 3 metres from the boundary of the public right of way, due to the lack of planting in this area, unobstructed views of the proposal would remain from this location.
15. Submitted photographs demonstrate that the proposed caravan would be a high-quality structure. Nevertheless, it remains that its presence would be at odds with the largely rural nature of this part of Common Lane. The muted design and individually modest dimensions of the other structures currently present at the site successfully reflect the countryside location, with their subtle positioning along the hedgerow limiting the visual intrusion on the area. By contrast, the materials and colouring of the static caravan would be stark and notably out of place, failing to successfully assimilate in the immediate rural surrounds, and creating a significant visual disruption to the setting due to its prominent positioning.
16. Although the proposal would replace the container unit currently at the site, it would be of much greater dimensions such that it would read as a more dominant feature than the current situation, highlighting the visual harm experienced from both Common Lane and the adjacent public right of way. While the appellant has stated a willingness to locate the proposal elsewhere in the site, I must make my decision based on the plans before me.
17. I note reference to static caravan parks in the area. However, it remains that the proposal would be introduced in an immediate setting where such structures are not common features. I observed West View Rubbish Yard. While this comprises a variety of structures, they are largely screened by hedging and located adjacent to a range of agricultural buildings of similar materials. In addition, the static caravan in this yard is set back from the road so as not to be an overly obtrusive feature in the immediate surrounds. In any event, each scheme is decided on its own site-specific circumstances, and reference to development elsewhere carries little weight.
18. For the reasons given, the proposal would result in harm to the character and appearance of the area. As such, it would conflict with Policies IC3, E1 and E7 of the HLP insofar as they seek to ensure good design that successfully integrates with its surrounds, takes into consideration Hambleton's landscapes and protects the amenity value of public rights of way.

Other Matters

19. The Council's reasons for refusal referred to Policy E3 of the HLP, which requires development to demonstrate the delivery of a biodiversity net gain. No biodiversity net gain metric was provided with the application or appeal. However, the Council has stated that, had the proposal been acceptable in all

other aspects, this could have been dealt with by a suitably worded planning condition. Based on my observations, I have no reason to disagree.

20. The appellant has referred to various planning permissions, including a 2013 permission for a log cabin to be erected as a temporary agricultural workers dwelling in connection with a game bird rearing operation. I have limited information before me on that scheme or its comparability to the proposal. However, the evidence suggests that the demands of that particular business and the personal circumstances of the appellant at the time led to a specific set of circumstances that justified this permission. I have no substantive information before me of a rural operation or enterprise at the site in connection with the current proposal, which in any event is for a permanent dwelling. Accordingly, these previous permissions carry limited weight.
21. I acknowledge that the proposal would contribute to the housing supply and mix of the area by freeing up the appellant's current home. I further note that the static caravan would be self-sufficient, with solar panels, a battery and reference to a sewerage treatment works. However, given the overall limited contribution made in these regards, these benefits carry limited weight.
22. I note the appellant's reference to discussions with the Council that suggested permission for the proposal would be granted. However, I must decide the scheme as it appears before me in accordance with current planning policy and any such discussions also carry limited weight.

Planning Balance and Conclusion

23. I have found that the proposal would result in harm to the character and appearance of the area and due to the fact that it has not been demonstrated that there is an essential need for a dwelling to accommodate a rural worker at the appeal site. Even when taken together, the other matters outlined above would not outweigh this identified harm.
24. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR