



Appeal Decision

Site visit made on 4 December 2023

by James Blackwell LLB (Hons) PGDip, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/H1840/W/23/3323582

The Willows, Upton Snodsbury Road, Pinvin WR10 2LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (1990 Act) against a refusal to grant planning permission.
 - The appeal is made by Mr H Carroll against the decision of Wychavon District Council.
 - The application Ref W/23/00307/FUL, dated 9 February 2023, was refused by notice dated 28 April 2023.
 - The development proposed is storage shed for fodder and equestrian equipment and storage of touring caravan.
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Decision

1. The appeal is dismissed insofar as it relates to the storage of touring caravan. The appeal is allowed insofar as it relates to storage shed for fodder and equipment and planning permission is granted for storage shed for fodder and equipment at The Willows, Upton Snodsbury Road, Pinvin WR10 2LB in accordance with the terms of the application, Ref W/23/00307/FUL, dated 9 February 2023, so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The storage shed hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the equestrian use of the adjacent stables.

Preliminary Matters

2. The proposal comprises two distinct elements: the first is a storage shed for fodder and equestrian equipment; and the second is storage of a touring caravan. These two components are seemingly unrelated, and are clearly severable from one another, both physically and functionally. I am therefore satisfied that a split decision is possible and appropriate, in accordance with my powers under s79(1)(b) of the 1990 Act.
3. The storage shed has already been built and the touring caravan is already in situ within the appeal site. The appeal is therefore retrospective in nature, and references to the development should be construed accordingly.
4. The appellant says that the siting of a touring caravan would not constitute operational development. Whilst nothing is said about use, within the context of an appeal under section 78 of the 1990 Act, it is not within my remit to formally determine whether the development requires planning permission. If the appellant wishes to ascertain whether this element of the development is lawful, he can make an application under section 192 of the Act. I have therefore considered the storage of a touring caravan on the planning merits before me.

5. There is a lawful development certificate appeal relating to the same appeal site (appeal reference APP/H1840/X/22/3311349), which concerns a separate static caravan. Whilst I have also determined this other appeal, it is dealt with in a separate decision.
6. Since submission of the appeal, the National Planning Policy Framework (2021) has twice been superseded. Nonetheless, I am satisfied that the updates do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the latest version, published in December 2023 (Framework).

Main Issues

7. The main issue is the effect of the development on the character and appearance of the area, having regard to need and justification.

Reasons

Storage Shed

8. The storage shed is located in the south-eastern corner of the appeal site, and sits adjacent to some stables which are currently under construction. The stables were approved under planning permission ref 19/01528/FUL, and include four stables, a feed store, a boot room and a WC. The site is therefore equestrian in character, at least in part, commensurate with its wider rural setting.
9. In terms of its physical features, the shed is modest in size and is built to a high standard. It is clad in timber, incorporates UPV windows and doors, and has a shallow pitched roof. It sits at broadly the same height as the adjacent stables, and incorporates brick pillars along its frontage, which match those used along the frontage of the stables. Visually, these features complement the appearance of the stables, which allows the two buildings to integrate effectively. In turn, the shed assimilates well with the wider equestrian character of the appeal site.
10. The appellant says that the shed is needed to provide adequate storage for equipment, fodder and bedding associated with the keeping of horses within the appeal site. Whilst the stables do already provide a feed store and boot room, it is conceivable that additional storage space could be required, particularly as the number of horses kept within the appeal site is said to fluctuate. However, any requirement for additional storage space is likely to be modest, as the number of horses kept within the site is likely to correlate with the modest size of the stables.
11. Nonetheless, the site's equestrian use could necessitate a need for this additional space. Moreover, the shed complements the site's character and appearance without harm to the surrounding countryside. In the absence of identified harm, this part of the development is therefore consistent with Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP), which seeks to safeguard the countryside from inappropriate development. It is also consistent with Policies SWDP21 and SWDP25 of the SWDP, which seek to ensure development is appropriate to its setting and achieves a high quality of design.

Caravan

12. The touring caravan is sited to the northern side of the stables. Whilst the appellant says that the caravan is used for travelling, he has not indicated how often the caravan will be stored within the site, nor how it will be used when it is on site.
13. This is problematic, as there is a history of enforcement action being taken in respect of the appeal site, which concerns caravans allegedly being used for residential purposes. There is also a pending planning application which seeks a change of use of part of the wider appeal site from equestrian use to a traveller site with two pitches. In light of these factors, I must consider the possibility of the caravan being occupied for residential use when stationed within the appeal site.
14. The impact of a caravan used for residential purposes is likely to be materially different to a caravan which is stored solely for travelling purposes. In its current location, any residential use would also need clear and convincing justification to meet the overall settlement strategy for the district. Without sufficient detail of the caravan's intended use, I am therefore unable to properly assess the impact of the caravan, nor consider whether its use would be justified with regard to development plan policy.
15. Whilst I have considered whether use of the caravan could be restricted by condition, I question how effectively this could be enforced in practice. This is because it would be difficult to monitor compliance, as so much of the site is screened from public view by tall fencing and secure entrance gates. In turn, I am not convinced that a condition could adequately address the risk of the caravan being used for residential purposes.
16. Notwithstanding its proposed use, storage of the caravan does harm the appeal site's character. Indeed, there is already a static caravan along the eastern side of the site, and storage of a second adds an overly cluttered and domestic appearance to the site. In turn, this aspect of the development undermines the site's equestrian credentials, as well as its prevailing rural character.
17. In the absence of sufficient detail of the caravan's proposed use, I am unable to properly assess its impact. Irrespective of use, storage of the caravan also harms the character and appearance of the site and the surrounding countryside. In turn, I must conclude that this part of the development conflicts with Policy SWDP2 of the SWDP, which sets out the overall settlement strategy for the district. It also conflicts with Policies SWDP21 and SWDP25 of the SWDP, which as highlighted above, seek to ensure development is appropriate to its location, both in terms of form and function.

Other Matters

18. It has been suggested that the site is not actually used for the keeping of horses. However, the consented stables establish the lawful equestrian use of the site, and the appeal must be determined within this context.

Conditions

19. The structural integrity and quality of the storage building means it could conceivably be used for some other purpose, independent of the use of the stables. To ensure a functional link with the stables is retained, I have

therefore included a condition which requires its use to remain ancillary to the adjacent stables.

Conclusion

20. Insufficient detail of the proposed use of the touring caravan has been provided as part of this appeal. It also harms the character and appearance of the appeal site and its surroundings. On the evidence before me, this element of the development therefore conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh this finding. The appeal is therefore dismissed insofar as it relates to the storage of a touring caravan.
21. However, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the storage shed for fodder and equestrian equipment.

James Blackwell

INSPECTOR