



Appeal Decision

Site visit made on 19 September 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/X/22/3311349

The Old Piggeries, Upton Snodsbury Road, Pinvin, Worcestershire WR10 2LB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr H Carroll against the decision of Wychavon District Council.
 - The application ref W/22/01034/CLPU, dated 2 May 2022, was refused by notice dated 4 November 2022.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is the siting of a static caravan/mobile home for use as day room for personnel caring for horses.
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Background and Preliminary Matters

1. Planning permission has been granted for the construction of stables within the appeal site, together with access and hardstanding¹ (Stables Permission). The stables are currently under construction in the south-western corner of the appeal site.
2. There is an existing caravan sited on the eastern side of the appeal site, which is understood to benefit from permitted development rights in conjunction with the construction of the stables, but only whilst construction works are ongoing.
3. The primary use of the appeal site is described by the appellant as equestrian, which is consistent with the Stables Permission and my own observations during my site visit. A Lawful Development Certificate (LDC) has been sought for the siting of a caravan/mobile home in the same location as the caravan currently in situ, for use as a day room for personnel caring for horses. The appellant contends that this use would be incidental to the primary use of the appeal site, and would therefore be lawful without needing planning permission.
4. In physical terms, the Council is satisfied that the proposed structure would meet the characteristics of a caravan, as prescribed by statute and caselaw. There is no evidence before me to suggest I should reach any other conclusion, so I have proceeded on this same basis. However, in terms of use, the Council contends that the proposed siting of the static caravan for use as a day room would not be incidental to the primary use of the appeal site, and would instead constitute a material change of use (MCU) requiring planning permission. This forms the basis of the dispute between the parties.
5. As this appeal concerns an application for a LDC, the burden is on the appellant to demonstrate, on the balance of probability, that the proposed use would be

¹ Reference 20/01133/FUL

lawful. As an application for a LDC, the planning merits of the proposed development are not relevant.

6. The appellant has submitted a separate appeal following refusal of a retrospective planning application for a storage shed for fodder and equestrian equipment, as well as storage of a separate touring caravan (appeal reference APP/H1840/W/23/3323582). The outcome of this other appeal (Concurrent Appeal), which I have also determined, is relevant to my findings in this decision. I should highlight that the storage shed which was subject of this other appeal was present on my site visit, and in the absence of anything to indicate otherwise, I have worked on the assumption that it had been constructed at the time the LDC application was made.
7. In any event, as per s192(4) of the 1990 Act, the lawfulness of any proposed use confirmed by a LDC under this section, will be conclusively presumed unless there is a material change in the circumstances relevant to the determination of lawfulness, before that use is instituted. So even if the outbuilding approved under the Concurrent Appeal was built after the present application was made, this could amount to a material change in circumstances, that would potentially have affected the lawfulness of the proposed use after the date of the present application.

Main Issue

8. The main issue is whether the proposed siting of a static caravan for use as a day room for personnel caring for horses would constitute a material change of use (MCU) of the appeal site.

Reasons

9. The appeal site is described as a former paddock, which previously comprised part of a larger agricultural field on the western side of Upton Snodsbury Road. The stables form an L-shape in the south-western corner of the appeal site and appeared to be nearing completion on my site visit. As mentioned, there is already a static caravan in situ along the eastern boundary of the site. There is also a separate timber-clad building adjacent to the stables, which has been approved under the Concurrent Appeal. Aside from an area of pasture to its north, the remainder of the site is laid to gravel, which is used as a parking and turning area.
10. The proposed static caravan would be sited along the eastern boundary of the site. It would include a kitchen, living/dining area, at least one bedroom and a bathroom. The appellant says that the space within the static caravan would provide various facilities for personnel in conjunction with the care of horses at the site, including space to cook and eat; facilities for cleaning equipment, washing and showering; toilet facilities; space to store animal welfare and agricultural paraphernalia; space for meetings with the vet; and sleeping space for times when the horses require round-the-clock care.
11. The proposed use of the caravan as a day room facility must be considered within the context of the site's overall equestrian use and purpose, including the size and capacity of the stables. In this instance, the stable building includes four stables and the number of horses that could be accommodated within the stables would therefore be limited. Consequently, the associated

needs of any people caring for the horses, particularly in terms of space, would also be relatively modest.

12. As mentioned, the separate timber-clad building which has been approved under the Concurrent Appeal sits immediately adjacent to the eastern end of the stables. It is said to be used for additional storage space in conjunction with the stables. Whilst modest, the building appears to be of sufficient size to accommodate typical uses that may be required in conjunction with the stables, as outlined by the appellant. The build quality, which includes UPV windows and glass fronted doors, is also indicative of the building's capability of being used in this way.
13. In terms of the stables, the approved plans show that the stables include a boot room, a large fodder store and facilities for cleaning or washing equipment. There is also a WC. Between the stables and the outbuilding approved under the Concurrent Appeal, it therefore appears that the requirement for a day room could already be accommodated within the appeal site, without any additional need for the static caravan.
14. In this context, the proposed caravan would go beyond what is necessary for use as a day room in order to meet the welfare needs of the horses and any associated people caring for those horses. Indeed, the static caravan would include all of the facilities associated with day-to-day living, and would be more akin to a single residential dwelling rather than a day room. Given the modest size of the stables and their associated capacity, I consider that the size and scale of the proposal would therefore exceed what could reasonably be considered incidental to the primary equestrian use of the site.
15. For these reasons, the proposed siting of a static caravan/mobile home for use as a day room for personnel caring for horses would not be incidental to the primary equestrian use of the site. The proposal would therefore constitute a MCU, and would not be lawful unless planning permission was granted.

Conclusion

16. For the reasons given, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the siting of a static caravan/mobile home for use as day room for personnel caring for horses was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Formal Decision

17. The appeal is dismissed.

James Blackwell

INSPECTOR