



Appeal Decision

Site visit made on 4 June 2024

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 6 June 2024

Appeal Ref: APP/K0425/X/23/3323971

Orchard Caravan, Warrendene Road, Hughenden Valley, HIGH WYCOMBE, Buckinghamshire, HP14 4LX

- 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 Richard Adkins against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application ref 23/05400/CLP, dated 10 February 2023, was refused by notice dated 3 May 2023.
 - 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 proposed use of the land for the stationing of six caravans.
-

Decision

1. The appeal is dismissed.

Reasons

2. The site already has an LDC for the stationing of 3 caravans, so this application is for 3 more to bring the total up to 6.
3. The site lies behind a line of houses that front Warrendene Road in the Hughenden Valley. The opposite side of the road is fields and open countryside. The land behind the houses slopes upward and an area of orchard on the slope forms the appeal site. The orchard is protected by a TPO. Access is gained by a narrow unmade track that leads between two houses to the orchard beyond. The whole area lies within, what was formerly called an AONB.
4. There are two single unit mobile-home type caravans at the bottom of the slope, close to the rear boundary of the houses and further up the slope a larger log-cabin style mobile home. All are set within the covering of trees. The grass of the orchard has been allowed to grow long with paths mown through it. Altogether it had a peaceful, almost bucolic atmosphere when I visited.
5. The appellant's argument is essentially that the Council have envisaged a series of worst-case scenarios, for which they have no evidence, and on that basis reached the conclusion the proposal would amount to a material change of use by way of intensification. In fact the lawful use of the land is for a caravan site, with no restrictions, and this would not change. Six caravans are little different from 3 so there would be no material change of use.

6. The caselaw for intensification is long and complex, but essentially it has been held that a simple increase in the number of caravans *can* involve a material change of use¹. The proposed situation should be compared with the current use². Offsite impacts can be relevant³. I have also noted the various appeal decisions referred to by the Council. As the appellant says, none of these are local and each case must be considered on its own merits. However, what they do make clear is that the assessment to be made is whether there is likely to be a definable change in the character of the use of the land. In order to reach that conclusion I need to take a view on what the current and future character of the use of the land is likely to be. The appellant has provided no evidence on which to base that judgement, he merely seeks an open ended agreement that 6 caravans would be lawful. Given that, I think it is sensible to base my decision on a series of assumptions as to what is likely to happen, as long as those assumptions are reasonable.
7. The current use is, as I said, very low key. Local residents note that only a few people are living there and not all of them possess a car. The access track is very narrow and leads to a sharp turn into the site which would be difficult to negotiate. There is, according to locals, no external lighting on the site, a very small area of gravelled hardstanding and no interior roads or tracks. It seems this current low key use has been going on for many years.
8. Doubling the number of caravans from 3 to 6 would be bound to have some impact. The room for new caravans is limited by the scatter of trees and I agree with the Council that the new caravans would be very likely to be placed further up the slope. This would intrude into views from across the valley and harm the character of the AONB. There would need to be more hardstandings for the new caravans and improved internal access within the site. I think it reasonable to assume it would be difficult to find new residents without cars so there would be more parking, more traffic and an increased use of the narrow access track. All of this would significantly change the nature of the current use.
9. I note there was previously an application for an LDC for 9 caravans that was refused, so it is reasonable to assume the appellant is seeking to maximise the use of the land without the need to apply for planning permission. It is again, therefore, not unreasonable to assume, as the Council did, that the larger style mobile homes could be used which would magnify the issues described above. Increased use of the site would also impact on neighbours' amenities through noise and disturbance. There is a very realistic chance that not only the land but also the caravans themselves would be used more intensively. The site would become more established with a greater chance of more domestic paraphernalia, creation of gardens, and all the activities associated with residential uses.
10. While 3 caravans on their own does not sound like very many, they represent a doubling of numbers. Without resorting to 'worst case scenarios' it is entirely reasonable to assume there would be more than a doubling of impacts, especially as the current use is so low key. In my view the cumulative changes would be significant so that there would be a change in the character of the use as compared to the previous and lawful use, so as to constitute development

¹ R (oao Childs) v FSS & Test Valley BC [2005] EWHC 2368 (Admin); [2006] JPL 1326

² Hilliard v SSE & Surrey CC [1978] JPL 840

³ Turner v SSCLG & South Buckinghamshire DC [2015] EWHC 1895 (Admin); [2015] JPL 1347

for which planning permission would be required. Consequently, the Council's refusal to issue a certificate was well founded and the appeal fails.

Simon Hand

INSPECTOR