

## Appeal Decision

Site visit made on 20 August 2024

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 September 2024**

---

**Appeal Ref: APP/U2750/W/24/3346578**

**Bailiff Farmhouse, Hirst Road, Temple Hirst, Selby, North Yorkshire, YO8 8QN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mrs Samantha Betteridge-Townend against the decision of North Yorkshire Council.
  - The application Ref is ZG2023/0436/COU.
  - The development is described as a "static caravan in garden for Mum to live in temporarily. Once Mum can no longer live in it, either due to illness, old age or death, we would be removing it from the garden."
- 

### Decision

1. The appeal is allowed and planning permission is granted for a development which is described as a "static caravan in garden for Mum to live in temporarily. Once Mum can no longer live in it, either due to illness, old age or death, we would be removing it from the garden" at Bailiff Farmhouse, Hirst Road, Temple Hirst, Selby, North Yorkshire YO8 8QN in accordance with the terms of the application, Ref ZG2023/0436/COU, and Plan Refs: LOC01 - Location plan, 02 - Layout plan and 03 - Floor plan (all received 11 July 2023), subject to the following conditions:
  - 1) The development hereby permitted shall be occupied only by Patricia Betteridge.
  - 2) When the land ceases to be occupied by that person named in condition 1 above, the development hereby permitted shall cease and the caravan and associated development which has been brought on to or erected on the land, and works undertaken to it in connection with the development, shall be removed and the land shall be restored to its condition before the development took place.

### Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. The Council's decision notice provides a different description. The appellant has however indicated that written confirmation to agree to the different description was not provided by the appellant. The appeal therefore proceeds on the basis of the description

which is set out on the application form. The address details in the banner heading are also taken from the application form.

3. As the development is already in place, I have determined the appeal on a retrospective basis. The appellant's submissions query whether the development requires planning permission on the basis that it is in use as ancillary accommodation to the main dwelling. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 (the Act). It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

### **Main Issues**

4. The main issues are (i) whether the development accords with the spatial development strategy for the area by way of development in the countryside; (ii) the effect on the character and appearance of the area; and (iii), if harm arises, whether this is outweighed by the circumstances of the appellant.

### **Reasons**

#### *Spatial Development Strategy*

5. The development is located on land associated with the main dwelling, Bailiff Farmhouse. It lies in Temple Hirst, which is a modest sized settlement. Temple Hirst does not have a defined Development Limit under the Council's Policies Map and so for the purposes of Policy SP2A (c) of the Selby District Core Strategy Local Plan (2013) (CS), it is considered as countryside. Policy SP2A (c) sets out that development in the countryside will be limited to certain specific types that are set out in the policy. This does not include the development which is the subject of this appeal. I am not persuaded that where it concerns well-designed new buildings of an appropriate scale, this applies in this case because I find harm in relation to character and appearance matters, as I set out later in my decision.
6. Policy SP2A (c) also refers to the consideration of other special circumstances. The supporting text provides further details of what such circumstances are. The development does not fall within the types of development that are listed. The policy does not therefore support the development.
7. While I note that the Council's Planning Officer Report also considers that the development does not fall into any of the circumstances related to the development of isolated homes in the National Planning Policy Framework (Framework), it is not isolated in the sense that it adjoins other development. This does not though alter that the development contravenes the Council's own spatial strategy.
8. I conclude that the development does not accord with the spatial development strategy for the area by way of development in the countryside. As such, it does not comply with Policy SP2A (c) because it does not fall into the limited types of development in the countryside that may be permitted under the policy.

### *Character and Appearance*

9. The appeal site is located on a corner plot. The development is rectilinear in form and is sited so that one of its short side elevations faces close to a side road. It is a raised structure that is accessed via steps and is constructed of pale grey cladding with a darker pitched roof. To the front of the development, there is a garden area that appears to be associated with the main dwelling. In between the development and this dwelling, there is a single storey outbuilding and the dwelling's parking provision.
10. The immediate surroundings contain farm buildings and a small number of dwellings that comprise much of this modest sized settlement. Beyond, is a distinctly expansive agricultural landscape punctuated by farmsteads, isolated dwellings and other small settlements. It reflects the Haddlesey Farm Land Character Area, as identified by the Selby Landscape Character Assessment that I have been referred to. There is also railway and power transmission infrastructure close to this settlement. Power generation plants are distant features.
11. The development does not reflect the prevailing rural character of the area with its caravan form and so it does not integrate well with the farm buildings and dwellings in its vicinity, as well as with the wider countryside landscape. As a consequence, its design and materials do not reflect its rural setting. Other caravans in the area have not changed the character to the extent that it justifies the development. Moreover, a number of these are touring caravans in appearance and so differ from the caravan that is for my consideration, even though it appears of a higher design specification.
12. The juxtaposition of the development to the side road heightens that it appears incongruous. This road is effectively a country lane which is reflective of the rural setting, and so this extenuates the contrast of the development with these surroundings. While wider visibility is limited due to screening by vegetation and other buildings, as well as by the development's fairly subtle colour scheme, its proximity to the road junction gives it some prominence. Nor is it reasonably mistaken for a more modern farm building because it has a domestic appearance.
13. Although the site is not the subject of protective landscape and historic environment designations, character and appearance matters are still afforded protection through development plan and national planning policy. While the level of adverse effect is not great due to its specification and lack of wider visibility, harm nevertheless arises.
14. I conclude that the development has an unacceptable effect on the character and appearance of the area. Hence, it does not comply with Policies SP18 and SP19 of the CS and saved Policy ENV1 of the Selby District Local Plan (2005) where they concern high quality design and local distinctiveness; having regard to the local character, identity and context of its surroundings, including the open countryside; and the effect on local character, amongst other considerations.
15. The Council's related reason for refusal also states that the development does not comply with paragraph 130 c) of the Framework. This appears to be a reference to the previous version of the Framework. I find that it does

not accord with the equivalent paragraph 135 c) in the current version where it concerns developments that are sympathetic to the local character, amidst other matters.

#### *Circumstances of the Appellant*

16. The appellant has stated that the development has been put in place for an elderly relative that is in need of healthcare assistance that is provided by a family member who resides in the main dwelling. Clearly, there is a significant benefit to the relative because a family member is on hand to provide such assistance. Nor is their evidence to suggest that credible alternatives exist. The appellant has pointed to the limitations of the main dwelling in this regard.
17. The appellant has also stated that when the development is no longer required for its stated use, then it would be the intention of the appellant to remove it and return the site to its former condition. Hence, the development would not remain on the site in perpetuity and once it has been removed the conflicts with the development plan that I have identified would also be no longer applicable.

#### **Balancing Exercise**

18. The harm which arises in this case relates to the conflict with the spatial strategy of the development plan and the effect on the character and appearance of the area, albeit harm under the latter is limited. There is also conflict with the development plan as a whole. Set against this are the circumstances of the appellant and that the caravan would be removed once it is no longer required. These considerations are compelling for the reasons that I have set out above and outweigh the harm that arises. No other benefits need to be put forward.
19. As the balance in favour of the development rests on the personal circumstances for a development that would not normally be permitted on the site, the occupancy of the caravan must be restricted to the specified relative of the appellant. Once the occupation ceases, the land must also be restored to its former condition. These are matters which can be ably addressed through the application of planning conditions.
20. On this basis, I find this is a case where there are material considerations that indicate that the appeal should be determined otherwise than in accordance with the development plan.

#### **Conditions**

21. I have applied a condition that restricts the occupation of the development to the specified relative of the appellant. As the condition contains the name of the relative, it is enforceable. No other person would be permitted to reside in the development. A condition is also applied so that once the occupation ceases, the land shall be restored to its condition before the development took place.
22. A temporary permission requiring the development to be removed at a specific point would not be reasonable because it is not known when the circumstances might change in a particular way at the end of a specified

period. Nor is there evidence to suggest that the effect of the development on the area or the planning circumstances would change with regard to the spatial strategy or character and appearance at the end of such a period. A temporary condition on the basis of a trial run does not therefore accord with the Planning Practice Guidance: Use of Conditions.

23. A condition specifying the submitted plans is not necessary as the development has taken place. They are referred to in the decision paragraph above. As the development is the subject of an occupancy restriction condition, a condition concerning ancillary use is not required and so is not necessary.

### **Conclusion**

24. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

*Darren Hendley*

INSPECTOR