



Appeal Decision

Site visit made on 2 October 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2024

Appeal Ref: APP/X3540/W/24/3338348

The Triple Plea PH and caravan park, Broadway, Halesworth, Suffolk IP19 8QW

- 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 Mr Neil Ellis against the decision of East Suffolk Council.
 - The application Ref is DC/23/2283/FUL.
 - The development proposed is described as an “additional static caravan to the caravan park”.
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Decision

1. The appeal is allowed, and planning permission is granted for an additional static caravan to the caravan park at The Triple Plea Inn PH and caravan park, Broadway, Halesworth, Suffolk IP19 8QW in accordance with the terms of the application, Ref DC/23/2283/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended.
3. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and a written ministerial statement titled “Building the homes we need.” Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
4. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party’s interests would be prejudiced by my taking this approach.
5. While the size and location of accommodation proposed is identical to a previous planning application¹ (the previous scheme), which was refused by

¹ Planning application reference: DC/23/3067/FUL

the Council, its proposed use differs. The appeal proposal has been applied for as tourist accommodation.

6. Moreover, the static caravan was in situ during my site visit. While the Council have stated the occupancy of the caravan commenced in 2022, it is unclear, having regard to the history of the site, whether this is in respect of a permanent residency or as a holiday let. Therefore, I have determined the appeal on the basis of the development applied for and the plans submitted with it.

Main Issues

7. The main issues are:

- whether the appeal site is a suitable location for the development proposed, and
- the effect of the proposed development on the living conditions of existing occupiers of 1 Meadow View Cottages, with particular regard to privacy.

Reasons

8. The appeal site lies within the countryside. It is located to the rear of a public house, known as The Triple Plea, and close to a caravan park, which has been subject to several planning applications² for various tourist accommodation development. The appeal scheme proposes an additional static caravan to the neighbouring caravan park.
9. Policy WLP8.15 of the East Suffolk Council Waveney Local Plan Adopted 2019 (LP) seeks, among other things, to support new self catering tourism accommodation development, including the intensification of an existing site, subject to certain size dependant criteria.
10. While the Council indicate there is a lack of evidence to demonstrate the need for a static caravan, as opposed to a touring caravan, LP Policy WLP8.15 does not, other than for permanent buildings, distinguish between different types of tourism accommodation. The supporting text to this policy states that a broad spectrum of accommodation creates a richness and diversity of choice, which can serve a great variety of visitors. Therefore, evidence of need for a particular type of tourism accommodation is not required by LP Policy WLP8.15.
11. Moreover, while the history of the appeal site is a material planning consideration, there is also no requirement for the appellant to demonstrate how the temporary accommodation needs highlighted in the previous scheme have been addressed as part of this proposal.
12. Therefore, based on the evidence submitted, the appeal scheme, in combination with the adjacent caravan park, would fall within the range of a medium sized site, comprising 11-79 pitches/units as defined in LP Policy WLP8.15. For such a site, Policy WLP8.15 requires good access to A or B roads and public transport.

² Planning application references: DC/23/4232/FUL, DC/22/4065/FUL, DC/17/3531/VOC and DC/16/4287/COU

13. The appeal site is located close to the junction of the A144 with Sparrowhawk Road, where the evidence indicates that there is access to the wider public transport network, and bus routes to Halesworth, Bungay, Norwich and Lowestoft. Consequently, the appeal site has good accessibility to A roads and public transport.
14. There are concerns that the proposed accommodation is of a level and size that would enable permanent occupancy. Based on the evidence submitted, the appeal scheme offers a similar size and amount of living accommodation as that which would be provided by the holiday lodges subsequently granted planning permission³ on neighbouring land. As such, the scale of the appeal scheme is not considered excessive having regard to its intended use.
15. Moreover, the supporting text to Policy WLP8.15 states that new tourism accommodation should be restricted through planning conditions and/or legal agreements, so that it is retained for the benefit of the tourism economy. Consequently, conditions restricting the proposal for holiday use only and the duration of occupancy are necessary.
16. Even if the caravan could be, or is being, used as a permanent dwelling, such a proposal is not before me. If it is not used as proposed, then a separate grant of planning permission would be required, and the appeal scheme would be at risk of enforcement action if such permission is not granted, or the use of the caravan is in breach of a holiday occupancy condition.
17. Accordingly, I conclude that the appeal site is a suitable location for the development proposed. This accords with LP Policies WLP1.1, WLP1.2 and WLP8.15, which, collectively, set out the scale and location of growth in the District and support, in principle, the delivery of new self catering tourist accommodation.

Living conditions

18. The rear boundary of the appeal site adjoins the side boundary of a neighbouring rear garden that serves a residential property, 1 Meadow View Cottages. The proposed static caravan is single storey in height and would be sited with its side, north facing elevation, close to this shared boundary.
19. No windows are proposed on the side, north facing elevation of the static caravan. While windows are proposed on the rear, west facing elevation of the static caravan, these would be at an oblique angle to the rear garden serving No 1 and would face directly towards the outdoor area located to the rear of The Triple Plea.
20. The majority of the outdoor space associated with the appeal scheme would be located to the east of the caravan, with a narrower strip located to the west. Both these areas would adjoin the shared boundary with No 1.
21. The submitted plans show a 2 metre high fence along the rear, northerly boundary of the appeal site, with a 1.8 metre high fence, with trellis above, along the side, westerly boundary.

³ Planning application reference: DC/23/4232/FUL

22. Having regard to the height and orientation of the windows within the caravan and the location of outdoor space, the boundary treatment would sufficiently mitigate against any overlooking from the appeal scheme. As such, there would be no material loss of privacy for the occupiers of No 1 as a result of the appeal scheme.
23. While it is alleged that the proposed development would cause disturbance over and above the adjacent pub, there is little evidence to substantiate this. One additional caravan, for tourism accommodation, on an established caravan park, is not likely to materially increase noise levels within the appeal site.
24. While there may be space within the wider site to accommodate the appeal scheme, nevertheless, I am required to consider the appeal based on the development applied for and the plans submitted with it.
25. Consequently, I conclude that the proposed development would not materially harm the living conditions of existing occupiers, with particular regard to privacy. This accords with LP Policy WLP8.29 which seeks, among other things, to ensure development proposals protect the amenity of neighbouring uses.

Other Matters

26. There is little substantive evidence to demonstrate that the proposal would devalue neighbouring property. Therefore, such a matter would not outweigh the conclusions in respect of the main issues.

Conditions

27. The Council has suggested several conditions. I have considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance, rewording and removing any unnecessary elements where necessary for clarity and conciseness.
28. As the development has commenced, there is no requirement for the statutory time limit condition. For the avoidance of doubt, development needs to be carried out in accordance with the approved plans. The condition has been amended, as given the caravan is on site not all the submitted plans are now relevant.
29. As set out, the proposal expressly relates to a static caravan for tourist accommodation and has been assessed and allowed on that basis. Therefore, to ensure the accommodation is secured as such, conditions are required to restrict occupation for holiday purposes only, to limit the time period for occupation and to ensure the static caravan meets the definition of a 'caravan'.
30. The Council have confirmed that the boundary treatments are in situ. However, it is necessary to ensure that they are retained and maintained in order to ensure the living conditions of neighbouring occupiers are protected. In the interests of highway safety, a condition securing a designated parking space for the development is necessary.

Conclusion

31. For the reasons set out above, and having had regard to all other matters raised, I conclude that the proposal would comply with the development plan and Framework as a whole. The appeal is therefore allowed.

S Pearce

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

AWC/23/1392 – 101A Site Location Plan
AWC/23/1392 – 102B Proposed Block Plan

- 2) The static caravan hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The static caravan shall not be occupied between 05 January and 16 February in any calendar year. The owner/occupier shall maintain an up-to-date register of all owners/occupiers of the static caravan, of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
- 3) The static caravan herein referred to shall meet the definition of a 'caravan' provided by the Caravans Sites and Control of Development Act 1960 as amended or any Order/Act revoking or re-enacting the said Act. Only structures which meet this definition shall be placed on the site.
- 4) The designated parking space for the static caravan hereby permitted shall be retained at all times and used for no other purpose.
- 5) The boundary treatments on the northern and western boundaries of the site shall be retained and maintained in accordance with the details shown on drawing no. AWC/23/1392 – 102B Proposed Block Plan.

End of Schedule