



Appeal Decision

Site visit made on 24 September 2024

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/W3520/C/23/3329096

Honeysuckle Farm, School Road, Monk Soham, Suffolk

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Matthew Reed against an enforcement notice issued by Mid Suffolk District Council.
- The notice was issued on 16 August 2023.
- The breach of planning control as alleged in the notice is, without planning permission, the unauthorised change of use of the land from campsite to mixed use involving part residential; the siting of a static caravan for residential use; and the unauthorised operational development involving but not limited to the creation of a pathway, and steps to the caravan.
- The requirements of the notice are:
 - a) Cease the use of the static caravan for residential purposes and remove the caravan from the land.
 - b) Remove all development relating to the static caravan, including but not limited to the drainage, pathway and steps and return the land to its original condition prior to the stationing of the static caravan.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: The appeal is dismissed, and the enforcement notice is upheld with a correction and variation in the terms set out below in the Formal Decision.

Preliminary Matters

1. In November 2023 Part 1 of the Babergh and Mid Suffolk Joint Local Plan (2023) ("LP") was adopted by the Council, and its policies supersede those listed in the Enforcement Notice. The parties have had the opportunity to comment on them through the appeal process.

The Notice

2. I am required to ensure the Notice is in order, considering Section 173 of the Town & Country Planning Act 1990 which, among other things, requires an enforcement notice to state the matters which appear to the LPA to constitute the breach of planning control. A notice complies with that

requirement if it enables any person on whom it is served to know what those matters are.

3. In Section 2 of the Notice, part of the breach of planning control alleged is the “unauthorised change of use” of the land, but only a material change of use constitutes development requiring planning permission. The use alleged also omits reference to all the elements of the mixed use.
4. In 2017 planning permission (reference: 4675/16) was granted for use of the land as a campsite. That use was continuing at the time of my visit, and the addition of the stationing of a static caravan for residential use is a material change to a mixed use comprising campsite and the stationing of a static caravan for residential use.
5. Reference to operational development “involving but not limited to” specified works, also introduces ambiguity.
6. The Notice should therefore be corrected, but I may only do so if it can be done without injustice to the appellant or the Council. Injustice would be caused to neither party were I to correct the breach of planning control to:
7. “Without planning permission, the material change of use of the land from a campsite to a mixed use comprising campsite and the stationing of a static caravan for residential use, and operational development facilitating the use, including the creation of a pathway and steps to the caravan.”
8. In relation to the requirements, in Section 4 of the Notice, requirement (b) relates to physical works undertaken in association with the development. There would be no injustice to either party were I to vary it to, “Remove the operational development facilitating the mixed use, including the drainage, pathway and steps to the caravan, and return the land to its condition before the breach took place”, to reflect the breach of planning control as corrected.

The appeal on ground (a)/the DPA

9. Appeals on ground (a) are made on the basis that planning permission ought to be granted for the matters alleged in the breach of planning control in the Notice, as amended.

Main Issues:

10. The main issues are:

- Whether there is an essential need for residential accommodation for a rural worker on the Land; and
- The effects of the development on the character and appearance of the area.

Need for a rural worker:

11. The Land is a ‘glamping’ camping site comprising 9 ‘shepherds huts’ with access driveway and parking areas. It is part of a wider parcel of land which incorporates a small area of agricultural land (“the adjacent agricultural land”). Since November 2022 the appellant has lived in a static caravan in a

corner of the caravan site. Prior to that he lived in a dwelling around 350m away beyond a field, accessible via a public footpath.

12. At the heart of the appellant's case, he runs a caravan site which offers close contact with farm animals, seeks to ensure care for the animals, the success of the camping business, and a quick response to any incidents.
13. The appellant describes the land adjacent to the caravan site as a smallholding, and there is no boundary between the two areas. At the time the Notice was issued and the appeal was lodged the appellant advises that goats, cows, pigs, geese and poultry were kept on the adjacent agricultural land, with which campsite users could interact. But the appellant advises a fire destroyed his buildings and, given the uncertainty associated with his ability to remain on the land, he has not invested in new buildings and equipment, and does not keep animals on the adjacent agricultural land, pending the outcome of the appeal.
14. Residential use is distinctly different from holiday use for short periods in relatively small shepherd huts, and that is demonstrated by the appellant's use of a static caravan; the residential use is materially different in character from the campsite use for holidaymakers.
15. Regarding farm animals, there are currently none on the camping site or the adjacent agricultural land associated with it. I have seen no details of the numbers of animals previously kept on the adjacent agricultural land, but its area is very small, and not significantly larger than the camping site itself.
16. The appellant advises that, when present on the adjacent agricultural land, the farm animals needed feeding twice a day, and that they were at risk from vermin and predators and inappropriate interactions between campers and users of the public footpath which runs across the agricultural land. But livestock is commonly kept on land without an immediate residential presence, with a temporary presence during periods associated with lambing, calving, etc. The onus is on the appellant to make his case, and I have been provided with no information relating to the viability of the smallholding as a farming enterprise. In my experience it would be unusual for a dwelling to be required associated with such a small agricultural unit, and I have not seen a compelling case that a full-time residential presence is essential on agricultural grounds.
17. Regarding the caravan site, from 2017 to 2022 the appellant managed it, and indeed the animals, from a dwelling a short travel distance from the Land, but not within sight or sound of it. I note the appellant's circumstances now mean he no longer lives at that dwelling, and he advises he is unable to buy a dwelling locally, but I have seen no information relating to his ability to rent one.
18. One of the shepherd huts is a site office and campsite shop which would allow daytime occupation by staff. Recent use of a 24/7 management company also demonstrates that a point of contact can be provided without a permanent onsite presence, even if referrals must be made to a manager living offsite. I have not seen a compelling case that a year-round permanent overnight residential presence is justified to service the eight

letting units, or evidence that 24-hour access to the animals is fundamental to the camping site's success.

19. An onsite residential use would remove the need for the site manager to travel to and from the site daily, which would be a limited environmental benefit. But I have not seen a sustainable business plan to ensure the enterprise will remain financially viable for the foreseeable future. I note the general economic contribution of the UK holiday park and campsite sector, but have not seen evidence of the economic benefits of this particular caravan site, other than that there would be some spending in the local economy and support for local facilities by guests. The social benefits of the existing campsite would also not be substantially increased by a permanent onsite presence.
20. Despite the recent fire in the appellant's workshop on the adjacent agricultural land, I am aware of no reason why guests of the shepherd huts would be particularly at risk from fire in future, or that there would be no means of limiting fire risk from any replacement buildings on the adjacent land. Neither am I aware of any particular security risks, or of any other means taken to seek to address any such risks.
21. Overall, an essential need for residential accommodation for a rural worker on the Land has not been demonstrated. The development conflicts with LP Policies SP03, LP05 and LP13. Together these policies make provision, in specific circumstances, for rural worker accommodation for which there is an essential need at or near their place of work, and facilitate consideration of extension or upgrade of tourism accommodation where it provides a balanced mix of economic, social and environmental benefits.

Character and appearance:

22. The Land is a small parcel of land that was once part of a field on the northern side of School Road. It lies within a rural area predominantly characterised by agricultural fields and woodland and native trees and hedgerows.
23. The static caravan has been installed behind the frontage hedgerow and adjacent to a substantial woodland. It is a standard-sized single unit caravan with pale coloured metal exterior sheeting, large windows and a shallow convex roof.
24. Although the caravan itself is not a traditional feature or particularly sympathetic in its design in an agricultural landscape, it is fairly discreet, even within the camping site, and is barely discernible from beyond the site boundaries. There is some limited visibility from the public footpath which runs across the wider land parcel to the west, but it is seen at a distance and between vegetation, which could be supplemented with further landscaping.
25. The hedgerow along the boundary with the road is deciduous, and will lose its leaves in the winter months, but it is also of a substantial height and depth, and is likely to afford a degree of screening throughout the year.
26. Subject to a suitable landscaping condition, the development would respect the character and appearance of the area and accord with the relevant provisions of LP Policies SP07, SP09, LP12, LP13, LP17 and LP24, which

require development to integrate successfully with the existing landscape character of the area.

Other Matters:

27. Primrose Farmhouse, a Grade II Listed Building, stands around 150m to the west. It is a 16th Century timber-framed, thatched building set within an area surrounded by mature trees. There are two hedgerows containing belts of mature trees between the caravan and the listed building, and the development does not harm the setting of the listed building.
28. Dismissing the appeal and upholding the Notice would result in the appellant losing his home. It would interfere with the appellant's right to his private and family life and home, under Article 8 of the Human Rights Act 1998 (HRA). However, those are qualified rights, and interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim: the protection of the countryside from development.

Conclusion on Ground (a)/the DPA:

29. Subject to conditions, the development would not harm the character and appearance of the area, and does not harm the setting of the listed building, and these matters are therefore neutral in the planning balance.
30. The development is residential development in the countryside without an essential need for a rural worker, and therefore conflicts with the development plan. I attribute substantial weight against the development to this conflict.
31. I attribute significant weight in favour of the development to the appellant's right to his private and family life and home, under Article 8 of the HRA. However, it is proportionate and necessary to refuse to grant planning permission, and the protection of the public interest cannot be achieved by means that are less interfering with his rights.
32. The development therefore conflicts with the development plan, and there are no other material considerations that require a decision to be made other than in accordance with the development plan.
33. The appeal on ground (a) therefore fails, and the DPA is refused.

The appeal on ground (g)

34. Appeals on ground (g) are made on the basis that the time period for compliance with the requirements of the Notice fall short of what should reasonably be allowed.
35. The Notice requires cessation of the residential use and removal of the caravan and associated works within 3 months.
36. The appellant's case is that there is a severe shortage of affordable accommodation in the area, and that 12 months would be more suitable.
37. However, that case is unsupported by compelling evidence. The Council advise that a variety of rental properties are available within easy travelling

distance of the Land. The absence of any consideration of properties for rent by the appellant makes the case on ground (g) unconvincing.

38. The appeal on ground (g) therefore fails.

Conclusion

39. For the reasons given above, I conclude the appeal should not succeed. I shall uphold the enforcement notice with corrections and a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Decision

40. It is directed that the enforcement notice is corrected by:

- in Section 2, the deletion of the words:

“The breach of planning control as alleged in the notice is, without planning permission, the unauthorised change of use of the land from campsite to mixed use involving part residential; the siting of a static caravan for residential use; and the unauthorised operational development involving but not limited to the creation of a pathway, and steps to the caravan”,

and their substitution with the words,

“Without planning permission, the material change of use of the land from a campsite to a mixed use comprising campsite and the stationing of a static caravan for residential use, and operational development facilitating the use, including the creation of a pathway and steps to the caravan”;

41. And varied by:

- In Section 4(b), deletion of the words,

“Remove all development relating to the static caravan, including but not limited to the drainage, pathway and steps and return the land to its original condition prior to the stationing of the static caravan”

and their substitution with the words,

“Remove the operational development facilitating the mixed use, including the drainage, pathway and steps to the caravan, and return the land to its condition before the breach took place”.

42. Subject to the correction and variation, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Peter White

INSPECTOR