



Appeal Decision

Site visit made on 6 October 2008

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
29 October 2008

Appeal Ref: APP/B3410/C/08/2078321

Saints Meadow Farm, Stoneyford, Barton under Needwood, Staffordshire DE13 8BW

- The appeal is made by Gail Plested under section 174 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) against an enforcement notice issued by East Staffordshire Borough Council.
- The notice was issued on 6 May 2008 and the Council's reference is EN/04898/008.
- The breach of planning control alleged in the notice is the change of use of land from use for agriculture to a mixed use for agriculture and the stationing of a static caravan.
- The notice requires the permanent removal of the static caravan.
- The period for compliance with this requirement is 90 days.
- 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.

Summary of Decision: The notice is upheld with an extension to the compliance period. Planning permission is refused.

Ground (a)

1. The main issue under ground (a) is whether there is a recognised need to keep the caravan in connection with the agricultural business carried on at the site and, if not, whether the caravan is in a location where its retention should be allowed, having regard to countryside protection and sustainability policies.
2. The site is in a countryside location beyond development boundaries. Policy NE1 of the East Staffordshire Local Plan states that permission will not be granted for development here unless it cannot reasonably be located within development boundaries and it is either essential to the efficient working of the rural economy, or is development otherwise appropriate to the countryside, or it provides public or community facilities. Policy H7 provides for new housing here only if it is required to meet recognised local needs or provide essential dwellings for rural workers and rural enterprises, or is an acceptable conversion of a rural building. Policy H19 states that permission will not normally be granted to use land for a mobile home where it would have a detrimental impact on landscape character.
3. The caravan is the home of the appellant's parents who are engaged in the agricultural business carried on at the site. The main activities are growing fruit, vegetables and garden plants in the open and in a glasshouse and keeping a few fowl.
4. No part of the business is likely to require essential care at short notice and circumstances are unlikely to arise that would cause a loss of produce if action

were not taken quickly. There are no plans before me that show an intention to expand the business or change it in a way that could require greater care. The necessary level of supervision could be provided from approved accommodation in the area, as I understand it was in the past. The caravan is not essential for the functioning of the business.

5. The Council's assertion that the caravan would be an unsustainable form of development, because of its distance from shops and services, is not convincing since the occupants could travel more if they lived elsewhere and had to drive each day between their home and the business. However, the caravan does not fall within any of the categories recognised by the Local Plan as appropriate in a countryside location and, although little of it can be seen from the road, it is open to view from the adjoining countryside and harms its landscape character. The protection of the character and appearance of the countryside is the most important factor in the appeal and I conclude that permission should not be granted to retain the caravan.

Ground (g)

6. The appellant seeks an extension of the compliance period to 12 months in order to make arrangements for rehousing. I am also aware from the grounds of appeal and the Council's Delegated Recommendation Report that there is a possibility that the brick-built barn on the site could be converted into a small dwelling. I recognise as well that upholding the requirement of the notice will interfere with the appellant's parents' home and family life. However, this must be weighed against the wider public interest in protecting the countryside from development that harms its character and appearance.
7. On balance, I consider that the notice will not have a disproportionate effect on the appellant's parents if I extend the compliance period to 12 months, since this will give them enough time to look further into the possibility of converting the barn or to make other arrangements for alternative accommodation. The appeal on ground (g) succeeds to this extent.

Formal decision

8. I direct that the enforcement notice be varied by substituting "12 months" for "90 days" in paragraph 6. Subject to this variation, I dismiss the appeal, uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended.

D.A.Hainsworth

INSPECTOR