



Appeal Decision

Hearing held on 26 February 2009

Site visit made on 26 February 2009

by **Gareth Symons** BSc(Hons) DipTP
MRTPI

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

The Planning Inspectorate
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Decision date:
6 March 2009

Appeal Ref: APP/R3325/A/08/2082245

Lakehayes Nursery, Axminster Road, South Chard, Chard, TA20 2NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Sarah Holdsworth against the decision of South Somerset District Council.
- The application Ref: 08/01047/FUL, dated 3 March 2008, was refused by notice dated 19 May 2008.
- The development proposed is cladding of mobile homes with thermal insulation and timber, covering of roofs and decking area with onduline roofing sheet forming a storage/potting/herb drying area between the mobile homes (retrospective application).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal I have used is that which appears on the Council's decision notice. There is no disagreement about this and I consider that it more accurately describes the works that have been carried out.
3. The Council alleges that the cladding and joining together of the two existing mobile homes, that exist by virtue of an existing temporary planning permission due to expire on 31 December 2009, means that what is now before me is in effect an application for a permanent dwelling. However there is no evidence from the Council to support this claim. It was also not what was applied for and the appellant was not advised of this approach when submitting the application or when it was determined. On this basis, the evidence that I have and what I saw at the site visit, it is my view that the appeal should be determined by considering only the effects on the character and appearance of the area of what has been constructed, and not a dwelling.
4. It is therefore not necessary to examine the tests to be applied from PPS7 Annex A relating to proposals for agricultural workers dwellings in the countryside. I also do not need to place much weight on the background that led to the appellant living on the site. In any event these matters have already been accepted by the Council. Furthermore, because the appeal has failed then, provided that the cladding and link between the caravans are removed, the site, as far as the residential use is concerned, would fall back into the lawful position established by the previous planning permission.

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Main Issue

5. Taking into account the above the main issue is the effect of the development carried out on the character and appearance of the area.

Reasons

6. The overall structure sits above the ground, has an open fronted central decking section and holes in the cladding to allow the domestic windows of the caravans behind to show through. Despite the appellant's assertions, these features mean that it looks nothing like a barn or stable. I also do not agree that the structure is better than seeing two caravans. Caravans are reasonably common in the countryside. As such they have become part of the character of rural areas. Although they often do intrude into the landscape this is frequently balanced against a justified agricultural or horticultural need. That need, which has already been established, does not support or justify what I consider is an incongruous and poorly designed construction.
7. Although what has been built is fairly discretely sited and, as such, has no harmful effect on the setting of the Tatworth Conservation Area, it pays very little attention, or respect, to the intrinsic character of its rural surroundings.
8. I acknowledge that the insulation and cladding were applied to make the caravans warmer. I also note that this was done without knowing planning permission was needed and the advice given, at the time the caravans were bought, that it is normal to apply such layers externally. However, as I said at the hearing, I am aware that caravans are manufactured with appropriate insulation built in. It maybe such caravans would have been more expensive to buy. Nevertheless I have no evidence that this was the case and, despite knowing about the appellant's personally based financial difficulties that caused changes to the business, this was a cost that should have been accounted for at that time. Furthermore while perhaps the possibility of buying well insulated caravans was not known, this should have been investigated more thoroughly when deciding to pursue living on the appeal site.
9. Preventing heat loss is understandable from cost and energy saving points of view. However I have no technical evidence that the living conditions are unacceptable or that the caravans could not be heated to make them sufficiently warm. In view of this and the above I am not convinced that the arguments put forward in favour of the proposal outweigh the harm I have found to the character and appearance of the area.
10. In terms of the covered area between the caravans, from what I heard, there is a case from a seed and fertiliser storage point of view to have a dry and well ventilated area that is also cooler than could be provided in the existing greenhouse or polytunnel. Therefore it is acceptable in principle. However, as the covered area which exists is integral to the overall structure around the caravans and I have misgivings about its design, then this is an element of the scheme that is also unacceptable.
11. I do appreciate the hiatus that the business has been in primarily due to sewage problems which have now been corrected, but only after a lengthy legal dispute that has now been settled in the appellant's favour. Therefore, finally, with the support of others the business is picking up and preparations

are underway for the new season. As such I understand the desire to focus attention on running the business without further hindrances or distractions. It is unfortunate therefore that the potential consequences of my decision have come now. However, it seems to me that by talking to the Council a sensitive way forward could be found which takes account of this background, particularly as the whole future of the caravans and the other structures at the site are due for reconsideration at the end of this year.

12. Therefore, taking everything else into account, I find that the scheme conflicts with the design and countryside protection aims of policy STR1 from the Somerset and Exmoor National Park Joint Structure Plan and policies ST5 and ME4 from the South Somerset Local Plan. Nothing else before me, or said at the hearing, outweighs this or my earlier findings. As such the appeal does not succeed.

Gareth Symons

INSPECTOR

