



Appeal Decision

Hearing held on 22 April 2009
Site visit made on 22 April 2009

by Sue Glover BA (Hons) MCD MRTPI

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

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Decision date:
19 May 2009

Appeal Ref: APP/B2355/A/08/2089125

Green Acres, Far Fold Farm, Cowpe Road, Rossendale, Lancashire BB4 7AE

- 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 Mr Graham Chown against the decision of Rossendale Borough Council.
- The application Ref 2008/0564, dated 1 August 2008, was refused by notice dated 27 October 2008.
- The development proposed is a replacement dwelling (caravan) with a bungalow.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is whether the proposal constitutes an exception to planning policies that are designed to protect the character and appearance of the countryside.

Reasons

3. An application for a certificate of lawful use has been refused by the Council, and notwithstanding the reason for its refusal, no appeal was subsequently lodged. This appeal is not an appeal in respect of that lawful use application, but it is clear from the evidence that there is a substantial degree of doubt about the continuous occupation of the caravan for residential purposes over a significant period. The appellant's Design and Access Statement indicates that the caravan was vacant from July 2004 to March 2007. Council tax returns for the periods 2004 - 2005 and 2006 - 2007 also suggest that the caravan was empty during these periods. The appellant states that he has a dwelling elsewhere in which his wife and children live.
 4. I am mindful that there is electricity, a water supply, a septic tank, and a post box. Furthermore, the caravan is positioned within mature landscaped grounds and the furniture is fixed as is the case with most caravans. Nonetheless, these matters do not provide the evidence base for a continuous residential use at the caravan. Moreover, the evidence from local residents does not refer to any residential use at the property.
 5. Therefore, as there is no substantive evidence of a lawful use of the caravan as a dwelling, the appeal proposal cannot be considered as a replacement dwelling. It must therefore be judged against policies designed to protect the character and appearance of the countryside.
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6. Policy DS.5 of the *Rosendale District Local Plan (LP)* indicates that in areas outside the urban boundary and green belt, development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, or the rehabilitation and re-use of buildings provided that they comply with Policies DC.1 and C.6. The text to Policy DS.5 says that there are strong pressures for development in the countryside which must be strictly controlled in order to conserve the character of rural areas. Policy DC.1 indicates that all applications for planning permission will be considered on the basis of criteria, which includes the location and nature of the proposed development. Policy C.6 is not a saved policy.
7. Policy RDF 2 of the *North West of England Plan Regional Spatial Strategy to 2021 (RSS)* sets out exceptions where new development will be permitted in the open countryside. The appellant has made no case for an essential requirement in a rural area, a need to sustain a business or an exceptional need for affordable housing. Whilst there are 2 poly tunnels, a greenhouse and a small raised bed, there is no substantive evidence of any significant recent use of the site as a wholesale gardening business.
8. The proposal would introduce a building of a permanent nature onto the site. Whilst the caravan is fixed to the ground by 4 chains at each corner set in a concrete hard standing, the chains could be cut and the caravan could be removed from the site. The small timber steps / balustrades could also be removed.
9. The appellant's reasons for wishing to live at the appeal site do not override the strong policy presumption in the development plan and national planning policy to strictly control development in the countryside. Furthermore, RSS Policy L 3 expects plans and strategies to manage the delivery of new build and its impacts on the existing housing stock. The Council's Interim Housing Policy Statement is now superseded by the RSS and at the Hearing I was provided with more recent data on housing supply in Rosendale. Whether or not the Council has a 5 year supply, the countryside is an inappropriate location for general housing development and no case has been substantiated for an exception to policy.
10. It may be possible to import a caravan with a larger floor area but a lower height than the proposed dwelling. There may also be an opportunity to tidy up the site should a dwelling be allowed. However, these matters provide insufficient grounds to justify the erection of a new dwelling in the countryside contrary to LP Policies DS.5 and DC.1, and to the objectives of the RSS and national planning policy. The proposal if allowed would be harmful to the character and appearance of the countryside.
11. Local residents raised the matter of the potential contamination of and access to a water supply. However, I am satisfied that these matters could have been dealt with by conditions should the appeal have been allowed. For the reasons given above and having regard to all other matters raised, the appeal therefore fails.

Sue Glover INSPECTOR
