



Appeal Decision

Site visit made on 14 February 2012

by R E Watson BA (Hons)

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

Decision date: 23 February 2012

Appeal Ref: APP/C2708/C/11/2162783

Turnerford Fold (Cottage Meadow field number 3428), Keasden, Clapham, Lancaster, LA2 8EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms J Walden against an enforcement notice issued by Craven District Council.
 - The Council's reference is 281/08.
 - The notice was issued on 9th August 2011.
 - The breach of planning control as alleged in the notice is the change of use of the land from a mixed use of agriculture/equestrian to a mixed use of agriculture/equestrian and residential caravan site.
 - The requirements of the notice are to take the following steps within a period of four months from the date on which the notice takes effect:- permanently remove from the land the static caravan together with any associated domestic items and permanently cease to use the land for the siting of caravans for residential purposes. The notice takes effect on 20th September 2011.
 - The appeal is proceeding on the grounds set out in section 174(2)[b & f] of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld, with the four month period specified in section 6 of the notice to run from the date of this decision.

Appeal made under ground (b)

2. I have carefully considered the detailed written evidence presented by both parties regarding the question of the alleged residential use of the caravan. I accept that some elements of the various witness statements submitted in support of the Council's case are based on evidence which could be described as circumstantial. I also acknowledge that all the evidence points towards a lesser degree of residential use of the caravan in recent times, with the Appellant perhaps residing to a greater extent at the family home at Cantsfield.
3. However, the weight of evidence from a range of sources submitted by the Council is strong and largely convincing that the caravan has been used for long periods for permanent residential occupation. The details contained in the evidence of observations made by neighbours, the police and others demonstrate the scale of the occupation by the Appellant and her family.

4. I find this evidence plausible and soundly based, particularly, as the site, with its equestrian use, is in a remote location, reached by a long, rough access track with steep gradients in places. Furthermore, even with the equestrian activity limited to private use by the Appellant, the extent of the stable development and the number of horses present is considerable. My judgement is that the amount of care and attention involved in ensuring that the health and well being of these horses on site is maintained to a high standard will be significant and time consuming. The Appellant's evidence suggests that, given this background, use of the caravan for overnight stays has been occasionally necessary. However, the evidence of much longer and more extensive occupation by the family is compelling. Finally, from my internal inspection of the caravan, it was clear to me that the accommodation, although somewhat spartan, was focused on the provision of residential use, as opposed to providing ancillary space for the operation of the stables and staff facilities, as argued by the Appellant.
5. I am satisfied, therefore, that the caravan has been used for permanent residential purposes. The breach of control has occurred as a matter of fact. The appeal made under ground (b) must fail.

Appeal made under ground (f)

6. The Appellant argues that the requirement of the notice should merely require the cessation of the residential use and that the additional requirement to remove the caravan is excessive. It is clear from section 4 of the notice that the stationing of a caravan for residential purposes in this area of open countryside is fundamentally at odds with the thrust and imperatives of Development Plan policies which seek to protect the character and amenity of the area. The breach of control here conflicts with this purpose. Consequently, the breach of control encompasses not only the use, but also the physical presence of the caravan. The breach can only be overcome by the cessation of the use and the removal of the caravan. I conclude that the appeal made under ground (f) cannot succeed.
7. In reaching that conclusion, I have noted that within the written submissions there is considerable discussion as to whether the stables are being operated on a commercial basis, contrary to the original planning permission. I note that this has been the subject of a earlier Enforcement Notice which has taken effect and is also currently the subject of a planning application, yet to be determined. These matters are not before me. However, the Appellant is suggesting that the caravan is being used, in part, as an ancillary facility for the commercial use of the stables and, therefore, ought to remain in situ. This is not a consideration which has influenced my decision. The extant planning permission for the stables explicitly precludes their commercial operation. I have assessed the use of the caravan against the current planning background.

RE Watson

Inspector