

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY 20TH FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR & MRS S A WRIGHT AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE RETROSPECTIVE PLANNING PERMISSION FOR A TEMPORARY CHANGE OF USE OF LAND FOR THE SITING OF TWO STATIC CARAVANS ON LAND ADJACENT TO WOOD VIEW, LLYN HELYG, LLOC**

1.00 APPLICATION NUMBER

1.01 **048922**

2.00 APPLICANT

2.01 **MR & MRS S A WRIGHT**

3.00 SITE

3.01 **LAND ADJACENT TO WOOD VIEW, LLYN HELYG, LLOC**

4.00 APPLICATION VALID DATE

4.01 **06/10/2011**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal against refusal of retrospective planning permission under delegated powers for a temporary change of use of land for the siting of two static caravans on land adjacent to Wood View, Llyn Helyg, Lloc. The appeal was considered by Informal Hearing and was ALLOWED

6.00 REPORT

- 6.01 The Inspector noted that the development had already been carried out and proceeded on that basis. He also acknowledged that the appeal relates to the two static caravans, associated decking and small storage sheds.
- 6.02 The Inspector considered the main issue to be the effect of the proposal on policies designed to control the provision of housing and protect the countryside. He noted the criteria contained in TAN 6 for new dwellings for new enterprises and the planning history for the site. The history includes an Enforcement Notice and subsequent appeal, which was dismissed and the notice upheld. The Inspector also noted that no claim was made during the Enforcement Notice appeal that the caravans were required as temporary accommodation for an agricultural worker.
- 6.03 The appellants argued that the needs of the enterprise demand a full time worker to be present on site in order to ensure the welfare of stock and security of the enterprise and therefore the caravans were necessary to house a temporary worker. The Inspector recognised that the enterprise consists mainly of young stock requiring particular needs and demands, including intensive feeding and monitoring.
- 6.04 In his report the Inspector states that the appellants have shown there to be a substantial investment in the enterprise and it has operated at a profit for the last two years and supports a full time worker. He concluded that there is sufficient land with adequate security of tenure to sustain the enterprise. The Inspector expressed concern about the lack of a business plan and proper financial forecasts, however, he considers there to be a clear commitment and ability to grow the business. He noted that there has not been a good deal of development or growth over the last few years, which causes some concern, but accepted that the uncertainty over the grant of planning permission may have contributed to this.
- 6.05 The site is in an isolated location and the Inspector noted that it may be difficult for a worker to respond to the needs of the enterprise away from site. Although it was agreed that there were properties in the locality, they are at least 3 miles away which would not satisfy the needs of the stock or holding and for that reason the Inspector considers there are no other dwellings in the vicinity that could provide alternative accommodation. The Inspector also considers that the presence of at least one worker on site is necessary, particularly at night.
- 6.06 The Inspector concludes that there would be little impact on the area as a result of the development and considers the occupation of the caravans as a dwelling can be tied to the operation of the enterprise and that the financial and other tests set out in TAN6 have been met. However, he has concerns about the financial basis of the enterprise and future development. TAN6 states that where a case has not been

completely proven the evidence could be tested by the grant of a temporary permission. In the case of this application for a temporary period.

- 6.07 The Inspector has concerns in relation to the future development of the business and acknowledges that the business has already been operating for a number of years. The Inspector considers there to be sufficient evidence to justify a temporary permission to allow the appellant time to develop a more coherent strategy for the development of the business and demonstrate its development in line with that strategy. As such the Inspector includes a condition limiting the time of the permission and requirement for the removal of the development at the end of that period. Any subsequent application for a permanent dwelling would have to fully satisfy the tests set out in TAN6.
- 6.08 The Inspector understands the Council's concerns in regard to possible abuses of the system, but concluded that the evidence points toward a legitimate enterprise that satisfied the functional requirement for a dwelling and has shown clear intention to develop the business further.

7.00 CONCLUSION

- 7.01 Having considered the all matters raised the Inspector allowed the appeal.

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