

Town & Country Planning Act 1990 (as amended by the Planning & Compensation Act 1991



rickett architects ltd
168 parade, leamington spa

+44 (0) 1926 291010
studio@rickett.co.uk
www.rickettarchitects.com

Appeal Statement viz

Enforcement Notice served on
12th March 2019

April 2019

clients	Ms M Bloxsome and Ms J Bloxsome
project	Enforcement Notice Appeal
address	Land Opposite Butlers Road Farm, Butlers Road, Long Compton CV36 5JZ
Job ref	CR Planning (Mary Bloxsome)
LPA	Stratford Upon Avon District Council
LPA Ref	16/00487/CARENF
Prepared by	Charles Robinson
Checked by	Catherine Fudge

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1. INTRODUCTION

- 1.1 This Statement sets out the grounds on which the Enforcement Notice (16/00487/CARENF) is appealed. The grounds of appeal are (b), (c), (f) and (g) as set out in the appeal form.
- 1.2 Before turning to address the full grounds of appeal this Statement will first briefly set out some important context, as follows:
- A description of the appeal site and surrounding area;
 - A description of the existing use that explains how the site and, particularly, how the caravan is used in connection with this use;
 - The site's planning history explaining how the principal of support facilities has been accepted and approved by the LPA;
 - Relevant planning policies to demonstrate that these do not preclude the proper agricultural and permitted used of the appeal site.
- 1.3 These matters are each, to a greater or lesser extent, pertinent to each of the four grounds of appeal.
- 1.4 This Statement comprises the Appellant's initial Statement of Case and will be expanded upon in due course.

2. APPEAL SITE AND SURROUNDING AREA

- 2.1 The appeal site comprises a broadly rectangular field of approximately 5.75 hectares. It is located some 1,100 metres to the south east of the village of Long Compton in Stratford upon Avon District. It lies nearly opposite Butlers Road Farm on Butlers Road.
- 2.2 Access into the site is achieved via a farm gate at the only significant bend in Butlers Road – itself an unclassified road out of Long Compton down to another unclassified road to the village of Great Rollright to the south east.
- 2.3 The appeal site comprises pasture land and is defined by mature hedgerows around its perimeter. Internal post and wire fences provide some divisions for stock control, grazing management and sheep dog training purposes.
- 2.4 In the north west corner, adjacent to the site's access, is a large modern barn. This is of portal frame construction with metal cladding and a shallow pitched roof. Adjacent to the barn is an area of hard standing for vehicles. Located within the ground floor of the barn is a caravan on blocks and connected to a septic tank. There are no mains services connections and there is no water, gas or electricity to the site.
- 2.5 Whilst Long Compton itself offers a limited range of services it is also located on the main A3400 road and thus offers direct and quick access to higher order centres such as Chipping Norton and Stratford Upon Avon.
- 2.6 The surrounding area is predominantly agricultural in nature. This includes a number of agricultural related businesses such as a farm shop, fishery and tourist facilities (bed and breakfast, pubs, tea room and the Rollright Stones (Neolithic and Bronze age stone monuments)). In short, the surrounding countryside is typical of a working rural area.

3. EXISTING USE

- 3.1 The site is used for the training of sheep dogs (and their owners) and also for purposes in association with the owner's landscape gardening business. As will be noted in Section 4 below this use, together with the barn, was granted retrospective planning permission in 2012.
- 3.2 The training of sheepdogs obviously requires the presence of sheep on site and there is a small flock of 12 ewes on site. In order to maintain this flock they are tugged each year for new lambs. At lambing and certain other times it is necessary to be present on site for long periods, occasionally overnight, for livestock safeguarding and care.
- 3.3 In addition, the nature of the training activities is such that there are often long periods between training during which time it is necessary to remain on site to await the next client. It is also necessary to have an area to meet with a client and discuss training requirements.
- 3.4 In order to provide a facility to remain on site in a comfortable and secure manner a caravan has been sited within the barn. This provides the opportunity to rest overnight if required as noted above. It also provides an opportunity to make tea etc and to provide toilet facilities during the periods of extended stay on site and also to meet with dog owners etc.
- 3.5 A caravan has been present on site for well in excess of 10 years. Originally it was placed to the west of the barn, adjacent to the road. It was then moved to the east of the barn for reasons of security. This was prophetic as, in 2007, the caravan was stolen. This theft was well documented and was reported to the police.
- 3.6 The replacement caravan has been situated inside the barn to make it more secure and to enhance its protection from the elements.
- 3.7 As noted above the caravan has no mains services. All water has to be brought on to the site. There is a small solar panel for security lights and to charge a mobile phone etc. This is backed up by a generator in case the solar panel battery fails in, say, winter periods when it is darker and when there is more requirement for lights during lambing etc.

3.8 There is also a connection to a septic tank which is in accordance with the retrospective planning permission. This is significant as it confirms a degree of permanence to the caravan taking it away from being a 'mobile' home and thus, due to the length of time it has been in situ, it is now immune from enforcement.

4. PLANNING HISTORY

- 4.1 As noted above, the caravan to which the Enforcement Notice relates has been on site for well in excess of 10 years. It has been raised on blocks and is also connected to a septic tank which conforms a degree of permanence such that it is now immune from enforcement.
- 4.2 In 2012 the Council granted retrospective planning consent (PP Ref: 12/00650/FUL) for the erection of the barn and the change of use of land to provide a missed-use of sheepdog training facility and associated office services and agricultural storage. This included a requirement for the provision of energy from on-site renewable sources (hence the use of a solar panel). It also provided for the connection to a septic tank to provide services for an on-site toilet.
- 4.3 In approving the application the Council acknowledged that, by its very nature, a sheepdog training facility needs access to associated open land and that the business to which this consent relates has strong links with agricultural uses. It was noted that there is also a requirement for associated facilities such as administration for the sheepdog training. It was considered that the proposal was acceptable in terms of its impact on the surrounding area and in accordance with the adopted Development Plan.
- 4.4 In 2018 the Council served a PCN on the site owners requesting further information in terms of the use of the premises and, in particular, the use of the caravan. In responding to this the appellant, Ms M Bloxsome, indicated that the caravan was used for residential purposes. It is clear from both observation of the site and also from subsequent discussions with Ms Bloxsome that this answer was given in an effort to be transparent and open in confirming that there is, at times, a requirement to reside on site overnight. This has been set out in the description of the existing use of the site above and is necessary during, for example, periods when lambing takes place. This is entirely appropriate and is a reflection of the site's isolation away from Ms Bloxsome's residency. However, the residential use is not as a residential use in accordance with planning definitions and is akin to, for example, a shepherd's hut. In short, this caravan is not used as a residence but is used in association with, and operation of, the permitted use.

5. RELEVANT PLANNING POLICIES

- 5.1 The NPPF(2019)notes that there is presumption in favour of sustainable development. In addition, a paragraph 12 it notes that the development plan is the starting point for decision making.
- 5.2 The Council accepted, in respect of the 2012 planning application, that the existing use of the site was sustainable and appropriate to its rural location.
- 5.3 The NPPF notes, at paragraph 83, that planning decisions should enable the sustainable growth of all types of businesses in rural areas as well as the development and diversification of agricultural and other land based rural businesses.
- 5.4 This is reflected in the adopted Development Plan where Policy CS.22 (Economic Development) notes that opportunities for business development will be provided in the countryside, including farm based activities, in accordance with Policy AS.10.
- 5.5 Policy AS.10 (Countryside and Villages) notes that there is support for a building or structure related to agriculture, horticulture and forestry where it is required for such purposes.
- 5.6 The supporting explanation to this policy notes that a key priority in the Development Plan's Corporate Strategy is to improve the prospects of successful rural businesses and to support local services. It notes, a paragraph 6.2.10 that it is also important to ensure that diversification schemes are supported.
- 5.7 In its Enforcement Notice the Council also refers to Policy H3 (Not Greenfield) of the Long Compton Neighbourhood Development Plan. This policy is set out in the Neighbourhood Plan's housing policies and seeks to restrict greenfield residential development unless it is for essential agricultural development and development for affordable housing on one allocated site. As such it is not relevant to this Appeal.

6. GROUNDS OF APPEAL

(b) That the breach of control alleged in the Enforcement Notice has not occurred as a matter of fact.

- 6.1 The Council alleges that residential use is taking place in respect of the caravan. As noted above the only residential and other use to the caravan is that ancillary to and in association with the permitted use of the site. There are no services necessary to sustain permanent residential activity on the site. Water and gas have to be brought onto the site for the purposes of flushing the toilet and to make tea and coffee. Electricity is necessary to support the business. The sewerage connection is approved and in accordance with the 2012 planning permission.
- 6.2 The only electricity to the site is that achieved via the solar panel (also approved in accordance with the 2012 planning permission requirement for 10% of the power generation to be from renewable sources) and the small generator required to prop up batteries during winter periods. The use of the caravan as a warm and weatherproof resting place in between meetings with clients and occasional overnight stays is entirely in accordance with the permitted use.
- 6.3 The caravan itself is not occupied as a permanent residential address and the only use of the caravan is in accordance with the permitted use of the site. As such the breach of control has not occurred.

(c) There has not been a breach of planning control.

- 6.4 As noted above the use of the caravan is in accordance and in association with and ancillary to the permitted use of the site.

(f) The steps required to comply with the requirements of the Notice are excessive.

- 6.5 Irrespective of the status of the use it is clear that there is a requirement for there to be some form of shepherd hut and other facility on site in order to provide basic amenities in support of the proper and permitted use of the site. Removing the caravan is unnecessary and excessive as this provides the basic subsistence and sanitary facilities which the Council has previously acknowledged as being

necessary in support of the permitted use. Indeed, the Council accepted that there should be a septic tank on site thereby acknowledging there was a requirement for toilet and other facilities on site.

(g) The time given to comply with the Notice is too short.

- 6.7 The time requirement of three months to remove the caravan is unreasonable. It will be necessary for the appellant and site operator to consider what alternative arrangements can be made in order to facilitate the necessary on site facilities required to continue operation of her business. This will require a substantial re-evaluation of the business and facilities necessary to continue. Accordingly it is considered that at least 12 months are necessary to consider alternatives and put these into place.

7. CONCLUSIONS

- 7.1 Having regard to the above it is considered that the Council's Enforcement Notice is both incorrect and unnecessary. It is clear that there has been no breach of planning control and that the caravan, which is immune from enforcement per se, is not being used in an inappropriate manner. The use is not consistent with 'residential' but, if anything, akin to a 'shepherd's hut' where any residential occupation is necessary for livestock husbandry and safeguarding.
- 7.2 The appellants reserve the right to expand upon this Statement.