

Planning Appeal Statement of Case



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This appeal statement of case is made in support of an appeal against the decision of Ribble Valley Borough Council to refuse planning consent for the use of a caravan for residential purposes at Quarry Bank, Abbott Brow, Mellor. BB2 7HU

1 Introduction

- 1.1 This Planning Statement has been prepared to support a planning appeal made against the decision of Ribble Valley Borough Council to refuse planning consent for the use of an existing caravan for personal residential use as set out in the application, plans, planning statement and personal statement made by the prospective occupier of the caravan and as set out in application 3/2023/0517 and dated 3rd August 2023.
- 1.2 In preparing this appeal statement, reference has been made to the current Development Plan and the relevant policies applicable to this development and to the submitted drawings and documents. The National Planning Policy Framework is also a material planning consideration.

2 Planning History

- 2.1 It is respectfully submitted that the planning history in this particular instance is a material and relevant consideration in the determination of this appeal. Under planning reference 3/82/0028 consent was granted for the siting of a residential caravan on the appeal site on 8 April 1982. **A condition was attached to the consent restricting occupation of the caravan to a specific person [condition 2].** The consent was fully implemented and the caravan so occupied. The beneficiary of that condition has passed away. A caravan has remained continuously on site since 1982 and has been used intermittently for residential purposes. The caravan is connected to all mains services. The Inspector will note that there was no condition attached to this decision that required either the caravan to be occupied for a specific period of time nor was there any condition that required the caravan to be removed from the site once the beneficiary of the consent had ceased to need the caravan.

3 The Proposal

- 3.1 The proposal seeks consent to use the caravan currently on site and to which the floor plan and elevational plan refer, for residential purposes **to be occupied by a specific person who is desperately and urgently in need of accommodation**. In this regard a personal statement is included with the application. Further, in direct response to the refusal notice [reason 1], the intended beneficiary of the consent has provided an updated personal statement which is included in the appeal documents. It is a material consideration in the determination thereof. The caravan is to be occupied by a **Mr Craig Howard**. The appellant has made it clear from the very outset that a personal condition specifically for the benefit of Mr Craig Howard is offered and would be entirely acceptable.

4 The Development Plan

- 4.1 In preparing this statement, full regard has been made to the relevant policies in the Development Plan including those in the Adopted Core Strategy. Current Government advice contained in the National Planning Policy Framework has also been considered. It is respectfully considered that the following Development Plan Policies are the most relevant against which to assess the merits of the proposal:

Ribble Valley Core Strategy

Key Statement DS1- Development Strategy

Key Statement DS2- Sustainable Development

Key Statement EN2-Landscape

Key Statement H1: Housing

Development Strategy

Key Statement DMG1-General Considerations

Key Statement DMG2-Strategic Considerations

Key Statement DME2-Landscape and Townscape Protection

Key Statement DMH4-Conversion of barns and other buildings to dwellings

National Planning Policy Framework (The Framework)

Chapter 2 achieving sustainable development

Chapter 5 Delivering a sufficient supply homes

Chapter 8 promoting healthy and safe communities

Chapter 9 promoting sustainable transport

Chapter 11 making effective use of land

Chapter 12 achieving well designed places

Chapter 15 Conserving and enhancing the Natural Environment

5 The Case and the Planning Balance

5.1 It is respectfully considered that the underlying issue to be considered in this application proposal relates specifically to the appropriateness of the occupation of the caravan for residential purposes for the reasons set out in the personal statement and whether, by attaching a specific planning condition to this effect, it would meet the tests of current planning policy and also safeguard the overall integrity of those policies referred to in the reasons for refusal.

6. Planning Policy Assessment

The Framework

6.1 The Framework fully supports all efforts to promote sustainable development wherever that may be. Chapter 2 is explicit. The application proposed is for the use and occupation of an existing caravan for residential purposes but with a very specific and demonstrable need. Such development will meet the requirements of NPPF in this regard in that it will clearly meet an economic, social and environmental objective. The site is very clearly previously developed and brownfield. The planning history with regard to the caravan and its occupation for a very specific need is material and relevant.

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- 6.2 At Chapter 9, the Framework encourages and fully supports sustainable transport; there is a bus stop on the A59 which is approximately 250m from the application site. There is a bus service every 60 minutes to Clitheroe, Skipton and Preston. The proposal meets the requirements of the Framework.
- 6.3 At chapter 11 the Framework sets down the tests for making the most effective use of land both urban and rural. The site sits within existing curtilage and the wider site is previously developed and brownfield; the caravan will remain in situ; it is considered that the application site lies on the very boundary of the urban settlement; it does not occupy an isolated or remote position away from the urban core. The proposal meets the tests set down in paragraphs 120 and 121.
- 6.4 It is respectfully submitted that the appeal proposal is in accord with the requirements of The Framework.

Development Plan Core Strategy

Policies DS1 & DS2; DMG2 & DMH3 [reason 1]

- 6.5 The application proposal relates to the use of the caravan currently on site for residential purposes but with a very specific and demonstrable need; this site is clearly identifiable as being previously developed and brownfield. Further, the site is not isolated or remote from other development; indeed it sits comfortably within a wider group of long established residential and commercial development. The proposal will enable an individual to have some independent permanent residential accommodation. It is respectfully submitted that the proposal meets the general thrust of these specific planning policies. A caravan has occupied the application site continuously since 1982.
- 6.6 It is not the case, nor has it ever been, that the appellant is claiming any established or lawful use for residential purposes. It is the case however, that a 1982 planning consent with a very specific occupancy condition attached was approved and implemented. Given the specifics of that decision, no condition was imposed that required the removal of the caravan after the personal need relating to the specific use ceased. A caravan has remained on site since 1982 and the

planning authority is in no position whatsoever to challenge that as a matter of fact and in law.

- 6.7 In the context of what is being sought, it is respectfully submitted that the policies identified in the core strategy are not compromised by the grant of a permission with a very specific occupancy condition attached, as offered.

Policy H1-Housing

- 6.8 The proposal is for the occupation of a caravan for residential purposes. It is considered that the proposal will meet a very specific and personal need and requirement. Along with other facts stated elsewhere in this statement, the proposal is in line with this policy requirement.

Policies DMG3 & DM12 [reason 2]

- 6.9 In the first instance it is quite ridiculous to suggest that the proposal is not sustainable; the planning authority, in conjunction with the highway authority insist that in any new development, in this instance, residential use of a caravan, that there must be provision for at least 2 vehicles to park off-road for every new dwelling created! The reality is that the appeal proposal relates to the use of a caravan by a single person with a clear and demonstrable need that cannot be met immediately any other way, made clear in the two personal statements by Mr Craig Howard. The caravan the subject of this application and appeal is immediately available for occupation. Such use thereof can be controlled by planning condition. Further, it should be noted that the Highway Authority made the following response to the application proposal: ***No objection subject to conditions; Lancashire County Council acting as the Local Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site subject to the following conditions being stated on any approval.***

Conditions 1. The caravan at the site shall be static only and shall not be moved or replaced without prior consent.

REASON: In the interests of highway safety.

2. The use hereby permitted shall be occupied by [sic] Kevin Taylor only.

REASON: In the interests of highway safety.

6.10 For reasons stated elsewhere in the appeal statement and the planning supporting statement that accompanied the planning application, the proposal does not prejudice the overall integrity of the core strategy policies set out in the second reason for refusal.

Policies DMG1 & DMG2 [reason 3]

6.11 The whole of the site contained within the blue edge on the site plan is previously developed and brownfield as a matter of undisputed fact; further, the “quarry” was previously a waste disposal site operated by Lancashire County Council for many years. That element has long since ceased and the land reclaimed appropriately with all necessary venting and safety measures in place. The remainder of the site, including the appeal site has been progressively improved. For the planning authority to suggest in reason three that the cumulative impact of the structures et al on site have led to an “urbanization and encroachment of development into the countryside” is frankly a nonsense. The site has remained essentially as it is since 1982 when the caravan was placed on site. The context of the site, its relationship to the adjacent urban core and the countryside, has remained unchanged for a considerable period of time and certainly pre-dates the adoption of the current development plan by many years. No harm whatsoever can be identified that remotely leads one to take a view that the policies referenced are compromised by the appeal proposal. Nothing has changed physically on the site. The proposal does not compromise the integrity of the core strategy.

7. Planning Conditions

7.1 It is specifically requested that the occupation of the caravan should be limited and restricted to **Craig Howard only** and for no other person.

8. Summary

- 8.1 The application proposal seeks consent to use an existing residential caravan already on the site for that purpose but with a very specific need that can be conditioned accordingly. The proposal accords with the requirements of planning policy at both the national and local level. An approval with a personal condition as requested, will not prejudice overall planning policy.
- 8.2 It is respectfully requested that the Appeal is allowed and planning permission granted for the specific reason put forward in this statement and with the condition as set out above.

Trevor Hobday MRTPI

8 January 2024

3/2023/0517 Failed application for personal permission to occupy Static Caravan at

"Abbott Delph", Abbott Brow, MELLOR. (Redacted)

Update Personal Statement on behalf of my friends X (proposed occupant) and Y (the owner and applicant).

Both Y and X have lived at [REDACTED] Farm, Osbaldeston for the last 20 to 30 years, the latter rent free by permission of the now deceased owner, H. However, the farm has been sold and both will have to vacate in the very near future, as their home will be demolished.

Although a driving and shotgun licence holder, X has learning difficulties and attended a special school as a child. Now at 50 years of age, his persona has improved from experience. However, he tends to over-rate his abilities which results in conflict and dismissal in full time labouring type employment; or, conversely being overworked and underpaid. Ironically, his facade of capability has minimised his State benefits to PIPs in the region of £514.60 pm. He does however have a 5 hour a week job earning circa £231.49pm. **Clearly this is not enough to rent or buy a home anywhere and to live.**

X has always lived in the countryside and would be miserable and very vulnerable if obliged to move into suburbia, for example into social housing. Furthermore, he is well known locally and familiar in and around Osbaldeston, where he has lived for the last twenty years or so.

Y inherited the site in the 1990s upon the death of the former owner & resident. X's situation he undertook maintenance works and applied for permission for X to occupy "the Old Smithy" on the same brown field site as the caravan. This was refused.

This now also refused more recent application proposed that X lives in the static caravan, rent free for the foreseeable future. This act of generosity by Y, now meant that X, could remain in the countryside, amongst his existing friends and neighbours (**unofficial support group!**) on an affordable basis; nor be a serious burden upon the State/Local Authority. NB the caravan is very close to the boundary of Osbaldeston and only 2/3rds of a mile from his soon to be lost home. I.e. Although within Mellor parish boundary, is within a few yards of the defined settlement of Osbaldeston.

X, with a modest inheritance and Y have both recently spent substantial sums to replace the caravan, restore the adjacent shed and to tidy the immediate site.

The original caravan was, "with regard to his personal circumstances" granted personal approval to be occupied by [REDACTED] the previous site owner, from 1982, until his death in 1989. In short, he was deemed to be living in substandard accommodation. Why then cannot the same special circumstances be applied to X? His case is more severe, he will be homeless shortly, and vulnerable. Y wishes to make no personal gain, which is why he is happy for the approval to be personal to X. I.e. When he (X) dies or moves away the approval will lapse, as it did for [REDACTED].

Despite the special circumstances, Ribble Valley Council gave three reasons for refusal: -

1. Being contrary to assorted policies “that it had not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need” In the officer’s report its talks of parish survey. I have lived here for 70 years, am a parish councillor and well placed to sum up the situation. In short, the average house price in Osbaldeston and its environs will be at least £600,000 with many multimillion pound homes. X is probably the only person to be involuntarily homeless, with no family to fall back upon. We supplied details with the application regarding X’s income, savings and an explanation as why it is imperative that he remains in the locality. No further evidence was request by the local authority, so for the avoidance of doubt I attach a recent bank statement.

Contrary to the refusal this is indeed an exceptional case.

2.”would lead to an unsustainable pattern of developmentfail to benefit from adequate walkable access to local services. As stated in the application there is adequate public transport and local services. Specifically: -
 - a) Two hourly bus service 25A - Mellor Brook - Mellor – Blackburn passes the gate to the application site!
 - b) Hourly bus service 280 Preston to Skipton via Clitheroe. Only a two hundred yard walk to the stop on the A59.
 - c) Bay Horse pub – 100 yards
 - d) Pennine Service Station and convenience store 250 yards. X gets a discount here!
 - e) Additionally, as this application is personal to X, it’s worth pointing out that he is a keen cyclist regularly undertaking trips of 70 miles or more.
3. Refers to the existing dilapidated structures on site., implying that if this approval is given would lead to their development. There was no intended link in the applicant’s mind. To that end, he has now reduced the red lined site area to exclude them, as attached. We also propose to create a gate to give direct access to the off-road public footpath up to Mellor village.

Other matters arising from Officer’s report.

To clarify, there has indeed been a caravan continuously on this spot since 1982. This was replaced with the current one around February 2023. Photo below shows it’s predecessor in August 2021.

Not clear why relevant, but the proposed occupier does have a known connection with the site insofar that his best friend owns it; and, has invested time and money in trying to resolve X’s predicament.

Witten by 

Attached: - PDF bank statement

Photo of original caravan taken in 2021.

Static Caravan, "Abbott Delph" Abbott Brow, MELLOR. (Redacted)

[REDACTED]

I write on behalf of my mutual friends X (proposed occupant) and Y (the owner and applicant).

Both Y and X have lived at [REDACTED] Farm, [REDACTED] for the last 20 to 30 years, the latter rent free by permission of the now deceased owner, H. However the farm has been sold and both will have to vacate in the very near future.

The now replaced caravan was, "with regard to his personal circumstances" granted planning approval to be occupied by [REDACTED] from 1982, until his death in 1989. Since then, Y and his family have utilised it periodically but not permanently.

Although a driving and shotgun licence holder, X has learning difficulties and attended a special school as a child. Now approaching 50 years of age, his persona has improved from experience. However, he tends to over-rate his abilities which results in conflict and dismissal in full time labouring type employment; or, conversely being overworked and underpaid. Ironically, his facade of capability has minimised his State benefits to PIPs in the region of £476 pm. He does however have a 5 hour a week job earning circa £208.pm. Clearly this is not enough to rent or buy a home anywhere and to live.

X has always lived in the countryside and would be miserable and vulnerable if obliged to move into suburbia. Furthermore he is well known and familiar in and around Osbaldeston, where he has lived for the last twenty years or so.

With this in mind Y applied for permission for him to occupy "the Old Smithy" on the same site as the caravan. This was refused.

X has now used some of his modest inheritance from [REDACTED] to replace the aging static caravan with a more modern one. And, both he and Y have shared the costs of tidying up the site and repairing the pre-existing adjacent storage shed.

It is now proposed that X lives in the static caravan, rent free for the foreseeable future. This act of generosity by Y, now means that X, can remain in the countryside, amongst his existing friends and neighbours on an affordable basis; nor be a serious burden upon the State/Local Authority.

Witten by [REDACTED]