
Appeal Decision

Site visit made on 18 December 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2023

Appeal Ref: APP/C3430/W/23/3326052

Anvil Caravan Park, Bursnips Road, Essington, Wolverhampton WV11 2RE

- 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 Clee against the decision of South Staffordshire Council.
 - The application Ref 23/00281/FUL, dated 3 April 2023, was refused by notice dated 26 May 2023.
 - The development proposed is a shed/store.
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Decision

1. The appeal is allowed and planning permission is granted for a shed/store at Anvil Caravan Park, Bursnips Road, Essington, Wolverhampton, WV11 2RE, in accordance with the terms of the application Ref 23/00281/FUL, dated 3 April 2023, and plan No. 0331/01, and subject to the following condition: -
 - i) The approved shed/store shall be used only for domestic storage purposes in association with the use of residential pitches on Anvil Caravan Park.

Procedural Matters

2. The shed/store has already been erected on the land. It replaces a smaller shed/store. I am therefore considering the appeal development on a retrospective basis.
3. The National Planning Policy Framework was amended on 19 December 2023 (the Framework). However, it has not been necessary for me to seek comments from the main parties about the implications of the updated Framework. This is because national Green Belt policy remains unchanged, and this is the focus of the main issues below.

Main Issues

4. The appeal site falls within the West Midlands Green Belt. The main issues are: -
 - whether the shed/store is inappropriate development in the Green Belt including its effect on the openness and purposes of the Green Belt, and
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Background

5. The appeal building falls within an approved Traveller site which includes eight pitches and four pairs of utility/amenity buildings. The shed/store measures about 7.8 metres by 6.2 metres (48.36 square metres) and has a maximum ridge height of approximately 2.7 metres. It is a building of timber frame construction with brick effect and timber cladding. According to the appellant, it was *'built by members of the community which occupies the site – who were unaware that planning permission was required – to directly replace an existing shed which has until that time been located upon the same spot'*. The appellant states that the appeal building is required for the storage of various personal items belonging to residents on the Traveller site such as general domestic items, children's quad bikes and a trailer. I was able to see some of the stored items on my site visit.
6. There is no dispute between the parties that a storage building existed on the site previously. According to the Council, it had a footprint of about 20 square metres. The appellant concurs with this measurement. However, neither the appellant, nor the Council, can confirm the precise height of the former building that was erected on the site.

Whether inappropriate development in the Green Belt

7. The main parties consider that as the proposal relates to a replacement building in the Green Belt, the relevant exception in respect of the erection of buildings in the Green Belt is paragraph 154(d) of the Framework.
8. The Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and the exception in paragraph 154(d) is *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'*. There is no suggestion from any of the main parties that the replacement building is being used for a different use when compared to the former shed that existed on the site, i.e., a domestic storage use.
9. The Framework does not provide guidance in terms of what is *'materially larger'*. However, the Council's Green Belt and Countryside Supplementary Planning Document 2014, which supplements policy GB1 of the South Staffordshire Council Core Strategy Development Plan Document 2012 (CS), states, *'in order to judge this a range of floor area increases will be used as guidance, this range is between 10-20%. This will be the basis for making a judgment on planning applications put before the Council, however all applications will be judged on their merits on a case-by-case basis'*.
10. In this case, the evidence is that the replacement building is almost twice the size of the footprint of the former building that existed on this part of the Traveller site. While I do not have any information about the precise height of the former building on the site, I find that the evidence is that the replacement shed/store is materially larger when at least the relative floor area increase is considered. It is also noteworthy that the appellant comments that *'it is a matter of fact that the new shed has a larger volume than the one it replaced'*. On the facts of this case, I consider that the appeal building is materially larger than the building that it replaced.

11. I therefore conclude that the appeal building constitutes inappropriate development in the Green Belt and, in this regard, it does not meet the exception in paragraph 154(d) of the Framework, or any of the exceptions in policy GB1 of the CS.

Effect on the openness and purposes of the Green Belt

12. While I have found that the appeal building is inappropriate development in the Green Belt, it is nevertheless noteworthy that it is well screened from passers-by owing to the existence of mature boundary landscaping and its set back position in the corner of the Traveller site. Fleeting glimpses of the building can be seen from the entrance to the site, but this is in the context of also experiencing residential accommodation and amenity buildings associated with the wider Traveller site. Having regard to the visual and spatial aspects of openness, I find that the appeal building has a limited adverse impact on the openness of the Green Belt.
13. To the extent that the building is larger (at least in footprint terms) than the one that existed on the site previously, it has to a very limited extent introduced more built form into the otherwise more open and rural Green Belt landscape. The building is positioned within the boundaries of the Traveller site and is appreciated in the context of chalets, caravans and other structures. It is set well back from the entrance to the site and is positioned alongside tall evergreen trees. While the replacement building is larger than the one it has replaced, I do not find that it could reasonably be said that it conflicts with any of the purposes of the Green Belt, including safeguarding the countryside from encroachment.

Other considerations

14. As part of my site visit, I was able to look inside all the existing storage facilities on the site, including the amenity/utility buildings. Some were either already being used for the storage of domestic items and others were being used as washing/cleaning facilities. The appellant has also provided photographs of two of the existing amenity buildings in his statement of case. Collectively, the evidence shows that there is limited spare capacity to store further domestic items in these buildings.
15. In my judgement, the evidence indicates that the shed/store provides an additional and necessary secure and covered domestic storage building for items belonging to occupiers of the Traveller site. In other words, the evidence indicates that the consented storage facilities are no longer adequate to meet all the requirements of those that live on the site.
16. Even if there was some limited space to store a small amount of additional domestic items within existing buildings on the site, the evidence is that the additional storage requirement is for bulky items including outside motorised play vehicles for children and a trailer. Given their size, they would either not fit into existing buildings given the narrow width of the doors or available floorspace, or would represent an incompatible storage use given that some of the buildings are used for washing or cleaning purposes. I was also able to observe on my site visit that the space within the appeal shed/store was fully utilised.

17. In this case, I find that the evidence is that the building is reasonably needed to accommodate the storage of domestic items that need a secure and covered facility. This is in the context that the adverse harm to the openness of the Green Belt is limited. Furthermore, I agree with the Council that the appeal building does not cause harm to the character and appearance of the area.
18. It is necessary that I consider the implications of refusing planning permission and the potential for the Council to take enforcement action requiring the removal of the building. In this regard, I have considered Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998, which states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
19. In the absence of the appeal building on the site, I find that there is a likelihood of several items having to be stored outside. I do not find that storing some of these items outside would be reasonable, particularly when the weather is inclement, or that it would represent an acceptable solution from a security point of view. Furthermore, the consequential effect of for example storing a trailer and/or quad bikes outside would also have some adverse impact on the openness of the Green Belt. Such an arrangement would have the potential to detract from an otherwise more orderly visual arrangement on the Traveller site. In addition, enclosed storage would be more compatible with ensuring a safe environment for children living on the site.
20. It is therefore reasonable that I afford very considerable weight to the evidenced need for the shared storage building. The evidence is that the communal storage building is needed as a day-to-day facility in connection with use of homes on the site. In this context, I find that a refusal of planning permission which may then lead to enforcement action being taken by the local planning authority would interfere with the Article 8 rights of occupiers of the site.
21. The Council has referred me to a dismissed appeal relating to a residential caravan site and associated operational development at Doveleys Farm, Sandy Lane, Cannock¹. The evidence indicates that such a proposal is not directly analogous with the proposal that is the subject of this appeal. I have determined this appeal on its individual planning merits and in reaching my conclusion below have exercised my own professional planning judgement.

Planning Balance and Conclusion

22. I conclude that the shed/store is inappropriate development in the Green Belt. This is a matter to which I afford substantial adverse weight in the planning balance. I find that limited adverse harm has been caused to the openness of the Green Belt. There has been no conflict with any of the purposes of the Green Belt.
23. I conclude that the harm by reason of inappropriateness in the Green Belt, and the limited harm to the openness of the Green Belt, is clearly outweighed by the other identified considerations above, so as to amount to the very special

¹ Appeal Ref APP/C340/C/21/3274332

circumstances necessary to justify the development. Therefore, the appeal should be allowed.

Conditions

24. The Council has suggested that I impose a plans condition relating to drawing No. 0331/01. I have referred to such a plan in the effective part of the decision.
25. Neither the planning application form, nor plan No. 0331/01, refer to the proposed use of the store/shed. In the interests of certainty and given my conclusion that there are other considerations that amount to the very special circumstances necessary to justify the development, it is necessary to impose a planning condition which controls how the shed/store can be used. This condition has been agreed by the main parties.

D Hartley

INSPECTOR