

Appeal A APP/B1550/C/06/2029196
Application No CR/03/00193/COU
Appellant Mrs T Salkeld
Location Urquhart House, Trenders Avenue, Rayleigh, Essex SS6 9RG
Decision Allowed subject to conditions (05.07.07)

Appeal B APP/B1550/A/06/2029346
Application No 04/00494/COU
Appellant Mrs T Salkeld
Location Land off Trenders Avenue, Rayleigh, Essex SS6 9RG
Decision Allowed subject to conditions (05.07.07)

Appeal A relates to a breach of planning control as alleged in the notice for the change of use from agriculture to a mixed use for agriculture and the stationing of a caravan (mobile home) for the purposes of human habitation. The requirements of the notice are to cease the use of the land for the stationing of a caravan for the purposes of human habitation, remove the caravan (mobile home), hardstanding beneath and all other items brought onto the land in association with that use and restore the land to its condition before the breach took place by levelling the ground and reseeding with grass.

Appeal B is for residential occupation of mobile home and day room – change of use from lorry park to mixed use (retrospective).

The Inspector took into consideration the Essex and Southend-on-Sea Replacement Structure Plan (Policy C2 and T3), the Rochford District Replacement Local Plan (Policy R1 and HP20), Planning Policy Guidance 2: Green Belts (PPG2), Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites and Essex County Council's Local Transport Plan.

The site is in the Metropolitan Green Belt. It has a vehicular access onto Trenders Avenue, is roughly rectangular in shape and generally open and level in character. The mobile home, which is the subject of the enforcement notice, is sited near the south-east corner of the land. Close to it there is a building, referred to as “the weatherboard building” which is also used residentially by the appellant. The site has a water and electricity supply and is served by a septic tank sited in the adjoining paddock.

The appellant accepts that the mobile home amounts to inappropriate development in the Green Belt. The Inspector considered the effect on the visual amenity of the Green Belt and on the character of the countryside within the Green Belt. The site is within an area which, historically, was divided into plots. While some plots are developed with dwellings or other buildings, others remain undeveloped or are used for horse keeping. Overall, the area retains a rural character, which is enhanced by trees and mature hedges along Trenders Avenue. Taking into account the scale of the mobile home and its siting away from the roads, there is unlikely to be significant harm to the visual amenity of the Green Belt or to the character and appearance of the countryside, even when the hedgerows are not in leaf.

The appellant considers that the mobile home and weatherboard building provide appropriate accommodation for her and her son, Mr Levi Salkeld. The appellant's accommodation needs are closely linked to her personal circumstances with regard

to the medical condition of her son. Mr Salkeld requires frequent medical treatment, including medication and physiotherapy. A good deal of this treatment is administered at home. As a result of his medical condition, Mr Salkeld is likely to remain dependent on his mother in the long term. The Inspector felt that the settled, residential occupation of the appeal site by the appellant and her son provides a number of very important benefits.

The Inspector found a number of considerations which, taken together, clearly outweigh the harm to the Green Belt and therefore amount to very special circumstances. Firstly, there is a need for further sites for gypsies and travellers both in Rochford District, and in Essex as a whole. There is a lack of provision to meet that need and the process of making such provision is likely to take some years. Secondly, there are the accommodation needs of the appellant and, in particular, the personal circumstances regarding needs arising from the medical condition of her son, to which the Inspector attached substantial weight. Lastly, there is the lack of any alternative sites and the likely effect on the appellant and her son were they obliged to leave the appeal site.

APPEAL A: APP/B1550/C/06/2029196

The Inspector concluded to allow the appeal, quash the enforcement notice and grant planning permission on the planning application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the change of use of Urquhart House, Trenders Avenue, Rayleigh, Essex SS6 9RG from use for the parking and storage of two lorries without trailers and the stationing of a caravan (mobile home) for the purposes of human habitation, subject to the following conditions:

- 1) No more than one caravan (mobile home) shall be stationed on the land.
- 2) The use hereby permitted shall be carried out only by the following individuals: Mrs Tina Salkeld, Mr Levi Salkeld and any resident dependants of Mrs Salkeld. When the mobile home ceases to be occupied by those persons named above, the mobile home and any vehicle or materials brought onto the site in association with it shall be removed within 3 months of the cessation of residential occupancy of the mobile home by those persons.
- 3) The mobile home shall be stationed on the site in the location shown on the plan attached to this decision.
- 4) The residential use of the mobile home shall cease and the mobile home and any vehicle or materials brought onto the site in association with it shall be removed from the site within three months of any failure to meet any of the requirements set out in (i) to (iv) below:
 - i) Within 3 months of the date of this decision, or such other period as the Local Planning Authority may agree in writing, a scheme shall be submitted in writing to the Local Planning Authority including details of all methods to be used for the collection and disposal of foul water and sewage, together with a timetable for implementation.
 - ii) Within 11 months of the date of this decision, the scheme referred to above shall have been approved by the Local Planning

Authority or, if the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal or appeals shall have been made to, and accepted by, the Secretary of State.

- iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been finally approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetables and the approved scheme shall thereafter apply.

APPEAL B: APP/B1550/A/06/2029346

The Inspector concluded to allow the appeal and grant planning permission for the change of use of Urquhart House, Trenders Avenue, Rayleigh, Essex SS6 9RG from use for the parking and storage of two lorries without trailers to a mixed use of the parking and storage of two lorries without trailers, the stationing of a caravan (mobile home) for the purposes of human habitation and a day room, subject to the conditions listed above.