



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/09/17

gan Mr A Thickett BA (Hons) BTP
MRTPI Dip RSA

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.10.2017

Appeal Decision

Site visit made on 18/09/17

by Mr A Thickett BA (Hons) BTP MRTPI
Dip RSA

an Inspector appointed by the Welsh Ministers

Date: 13.10.2017

Appeal Ref: APP/E6840/X/17/3177512

Site address: Old Mill House, Grosmont, Monmouthshire, NP25 5QE

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Jo Riou against the decision of Monmouthshire County Council.
 - The application Ref DC/2017/00136, dated 8 February 2017, was refused by notice dated 4 April 2017.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is the siting of a caravan.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful.

Application for costs

2. An application for costs was made by Mrs Riou against Monmouthshire County Council. This application is the subject of a separate Decision.

Reasons

3. The Council refused to issue a certificate on the grounds that in its opinion, *'the caravan was sited outside the residential curtilage of the property and could not benefit from any permitted development rights'*. Planning permission was granted in 1979 for a change of use of the site to a recording studio and the Council does not dispute the appellant's contention that its use directly prior to that was as a Fishing and Country Club. Further, despite defining the main issue in this case to be whether the caravan is sited within the residential curtilage of the dwelling, the Council accepts in its appeal statement that the site comprises a single planning unit consisting of a residential use and recording studio.
 4. I saw that part of Old Mill House has been converted to be used as a recording studio with rooms for performing and mixing and a band was using the facilities at the time of my visit. The appellant also offers accommodation and catering and I saw a shared living room, kitchen and dining room. Although a comfortable and homely
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environment, written instructions for where to put dirty dishes, fire doors and a 'private' sign on the appellant's bedroom door make it clear that there are paying guests. As does the signposted and separate guest's parking area to the rear of the building. From what I have seen and read, I am satisfied that The Old Mill House is in mixed use comprising residential and residential recording studio. The next questions to address are, in my view, is the land in which the caravan sited within the curtilage of this mixed use building and is its occupation ancillary to the main use of the property?

5. The grassed area containing the caravan lies to the south of Old Mill House and is separated from it by a stream serving the River Monnow. A footbridge links the two and the area of land containing the caravan has a separate vehicular access. The Council also point out that the land containing the caravan sits outside a stone wall around Old Mill House. The stone wall and stream may, in the past, have delineated the residential curtilage of Old Mill House when it was in use as a dwelling, presumably a farmhouse. However, Old Mill House has not been in solely residential use since the 1970s. It does not necessarily follow that a physical feature such as a stream or wall will delineate the curtilage of a building. It is also necessary to consider function.
6. The area in which the caravan is sited comprises a large mown grassed area. It has a football goal at one end and a storage building behind the caravan used for, amongst other things, a lawn mower. The Council does not dispute and I see no reason to question that the caravan is used by the appellant and her husband when clients request to self cater. From what I have seen and read, I am satisfied that the use of the area of land containing the caravan is an integral part of the mixed residential and residential recording studio use of Old Mill House. The land containing the caravan is functionally and visually part of Old Mill House and the whole of the area edged red on the submitted plan reads and is as one planning unit.
7. The Council direct me to posts on social media that indicate that the appellant is retiring from the music business and questions whether the use of the caravan would be ancillary to Old Mill House. However, this application has been made on the basis that the occupation of the caravan is ancillary to the residential and residential recording studio use of the site. The Council make no case that, occupied as described by the appellant, the use of the caravan is not ancillary to the main use of the site. Nothing in this decision would prevent the Council taking enforcement action should the caravan be occupied as an independent unit. The Council does not dispute that the unit is a caravan¹ nor that its stationing on the site constitutes operational development under Section 55(1) of the 1990 Act.

Conclusions

8. For the reasons given above, I find that the land containing the caravan is part of the single planning unit comprising the mixed use of Old Mill House as residential and residential recording studio. I also find the use of the caravan to be ancillary to the mixed use of Old Mill House as residential and residential recording studio, that it satisfies the definition of a caravan and does not constitute operational development.
9. I conclude that the Council's refusal to grant a certificate of lawfulness was not well founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Anthony Thickett

Inspector

¹ As defined in S29(1) Caravan Sites and Control of Development Act 1960



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 18/09/17

gan Mr A Thickett BA (Hons) BTP
MRTPI Dip RSA

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.10.2017

Costs Decision

Site visit made on 18/09/17

by Mr A Thickett BA (Hons) BTP MRTPI
Dip RSA

an Inspector appointed by the Welsh Ministers

Date: 13.10.2017

Costs application in relation to Appeal Ref: APP/E6840/X/17/3177512

Site address: Old Mill House, Grosmont, Monmouthshire, NP25 5QE

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 322C and Schedule 6.
- The application is made by Mrs Jo Riou for a full award of costs against Monmouthshire County Council.
- The appeal was against the refusal to grant a certificate of lawful use or development for the siting of a caravan.

Decision

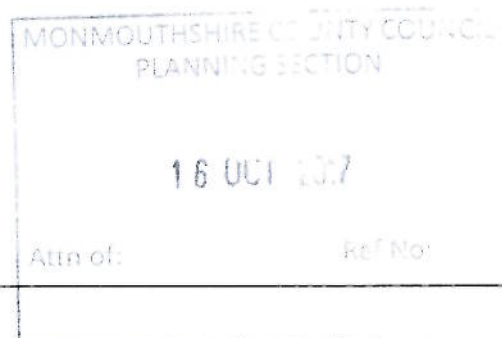
1. The application for an award of costs is refused.

Reasons

2. The Council refused to issue a certificate on the grounds that in its opinion, *'the caravan was sited outside the residential curtilage of the property and could not benefit from any permitted development rights'*. I acknowledge that the Council asked the wrong question. The question isn't 'is the caravan permitted development' but is it development at all? I also agree with the appellant that the Council misdirected itself with regard to the social media posts referring to the appellant's retirement and what her future plans may be.
3. However, the issue of whether the area of land containing the caravan is within the curtilage of Old Mill House is a key consideration in this case. Had I found that it was not then the siting of the caravan would not be lawful. I disagree with the Council's position but consider that it provided sufficient evidence by way of a description of the features on the site and historical maps to support its case. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Section 12 of the Development Control Management Manual has not been demonstrated.

A Thickett

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012: ARTICLE 28

IT IS HEREBY CERTIFIED that on 8 February 2017 the siting of a caravan described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The siting of the caravan is ancillary to the lawful mixed use of Old Mill House as residential and residential recording studio.

Signed

Anthony Thickett
Inspector

Date

Reference: APP/E6840/X/17/3177512

First Schedule

The siting of a caravan

Second Schedule

Land at Old Mill House, Grosmont, Monmouthshire, NP25 5QE