

REPORT TO MINISTER FOR THE ENVIRONMENT

By Graham Self MA MSc FRTPI

Appeal by Mr Martin Sabey against a grant of planning permission.

Reference Number: P/2021/1239

Site at: Field L235, La Ruelle, St Lawrence.

Introduction

1. This appeal is against the grant of planning permission for development described in the application as: "RETROSPECTIVE: Retain agricultural track onto Field No. L235 and install a shepherd hut for holiday accommodation to North of site." The application was made by Mr Matthew Bartlett.
2. The appeal is being assessed by the written representations procedure. I carried out a site inspection on 9 March 2022.
3. In this report I mention some procedural matters, then provide a brief description of the appeal site and surroundings, followed by summaries of the cases for the appellant, the planning authority, the applicant and other parties. I then set out my assessment, conclusions and recommendation. The appeal statements, plans and other relevant documents are in the case file for you to examine if necessary.

The Planning Permission Decision

4. The decision to grant planning permission was made using the same description of the development as the application quoted above. The "Reasons for Approval" as stated in the report to planning committee, were:

"Permission has been granted having taken into account the relevant policies of the approved Island Plan, together with other relevant policies and all other material considerations, including the consultations and representations received.

In respect of the shepherd's hut, the Committee noted that this is a temporary structure which, in its view, would have minimal landscape impact, and which would not permanently impact the condition of the land.

The committee accepted the applicant's argument that the area of land where the hut has been sited is low quality agricultural land, which is unworkable and unproductive. It also accepted that the shepherd's hut would make a valuable contribution to the island's tourism industry (for which there is support within the Island Plan).

Accordingly, whilst it was accepted that the shepherd's hut was not strictly in accordance with the provisions of the Island Plan (in particular policies NE7 and EVE1), the Committee was satisfied that an insubstantial departure from the Island Plan was justified in the circumstances.

The comments from nearby residents were noted. However, it was not considered that the development would unreasonably harm the amenities of nearby neighbours.

In respect of the agricultural track, the Committee accepted that this is necessary to help with the management of the tea plantation.”

5. The permission was subject to standard conditions A and B (specifying commencement date within 3 years and accordance with submitted plans), plus a condition (numbered 1) stating:

“In the event that the shepherd’s hut hereby approved falls into long-term disuse or disrepair, then it shall be removed from the land, and the land shall be restored to its original condition.”

Procedural Matters

6. The statement of case by the applicant, Mr Bartlett, was not submitted within the timetable specified for this appeal. Mr Bartlett contacted the Tribunal office on 8 February 2022 to say that he had not received a letter dated 6 January from the appeals administrator until 4 February. I do not know the reason for this happening, but Mr Bartlett was given more time to respond and I am satisfied that all parties in this case have had adequate opportunity to make their cases and comment on each other’s submissions.

Site and Surroundings

7. The appeal site is in an area which has a mainly rural character but where there are scattered residential properties and other buildings. The site is in the upper part of a valley which slopes down towards the south and south-east, then rises again further to the south-east. A track leads off La Ruelle in an easterly direction towards the north-east corner of the site where the disputed shepherd’s hut is located. Further south on lower ground within the site stands the applicant’s house, part of which apparently comprises holiday letting accommodation.¹
8. The appellant’s property, La Vallette, is a house in fairly extensive grounds located north of the eastern part of the site. Another residential property, Les Ruettes, stands to the north of the site across an access road.
9. The shepherd’s hut at the centre of this appeal is basically a hut on wheels². The walls are clad in corrugated sheet material and it has a curved roof. There are windows in one side and one end. Steps lead up to an entrance doorway. At the time of my inspection the interior was furnished with a bed, a table, two chairs and a small stove (with chimney flue) of the type which appeared to be fuelled by wood or smokeless coal. Some logs were stacked under the hut. The hut measures about 4.5 metres long by 2.1 metres wide.
10. Some fencing with woven wattle panels about 1.8 metre in height stood along the site boundary close to the hut. Nearby in the north-east corner of the site there is some fixed equipment including pipes and switchgear for controlling land irrigation.

¹ The name of the applicant’s property has apparently changed recently to “Lé Clios dé Théé”.

² Photographs of the hut and precise dimensions are included in the documents submitted by the applicant.

Case for Appellant

11. The appellant's case was set out initially in the appeal form. In summary, the main points are that the application incorrectly categorised the structure as temporary with minimal impact, did not consider that that structure would be permanent despite being on wheels, did not provide enough evidence to show that the land was unproductive, did not justify departing from the Island Plan, and did not sufficiently consider the issues raised in the Planning Department's 8 November report.
12. The approval was contrary to the law and planning guidance on caravans. If the proposal is permitted, further development will be required. A change of use would be expected to be a major application. There may be a detrimental impact on the appellant's enjoyment of his land. The shepherd's hut is a substantial departure from the Island Plan, particularly with reference to Policies NE7 and EVE1.
13. Additional points contained in a later statement are summarised below.
 - Planning's website (see also Appendix 1 of planning guidance on the use of caravans) states that non-residents can only use caravans at a campsite and that caravans cannot be used for habitable purposes while in the Island.
 - Legislation on the registration of camp sites specifies in particular that sleeping is only permitted in tents or similar structures and that the premises contain facilities for ablutions. Compliance with the law would therefore create substantial impact, so the committee's were wrong to feel that the land would be unaltered.
 - The connection of water, electricity and other facilities would mean that the development would be permanent.
 - There was no reason to think that the land could not be used for agriculture. Choosing not to do so is a different matter.
 - No real justification has been expressed for departing from Island Plan policies, particularly NE7 and EVE 1.
 - The application was for a change of use and should have been treated as a major, not minor, application.
 - No condition was imposed to control car parking. Parking on the site would take land out of agriculture. The caravan would be sited close to the appellant's garden and the proposal would have a detrimental impact on the appellant's family through noise, light at night, loss of privacy, and smoke from the low-chimneyed wood stove. Neither planning officers or the committee visited the appellant's property so could not have adequately assessed the impact of the development on it.

Case for Planning Authority

14. The planning authority's case is put forward in three main documents – a statement in response to the appeal, an initial committee report, and a second committee report which was made in accordance with normal procedure when a planning committee decision is not in accordance with the officer recommendation on an application. The recommendation was that planning permission be refused, the committee decided to grant planning permission.
15. The main points of the original committee report were:

- The application site is within the Green Zone where there is a general presumption against development and the use of the land applied for does not fall within any of the possible exceptions to this presumption.
 - The fact that the land where the shepherd's hut is sited is agriculturally unproductive does not mean that new accommodation may be developed there. The change of use to tourism use would be contrary to the Island Plan spatial strategy.
 - The establishment and use of the track for agricultural purposes is considered acceptable, but the development as a whole stands to be considered as a single proposal.
16. The planning committee accepted that the hut is not one of the potentially permissible exceptions to the presumption against development set out in Policy NE7, and did not fit squarely with Policy EVE1 on visitor accommodation in the Green Zone, but considered that the hut was not out of keeping with a rural location and had much to commend it. The committee felt that it was appropriate to permit the development on the basis of its limited landscape impact, the absence of any permanent impact on the land, and the benefits to the tourism industry. Neither the planning department nor the committee considered that the impact on nearby properties would be significant or unreasonable.

Case for Applicant

17. Submissions by the applicant are set out in a supporting letter which accompanied the application, plus other submissions including a letter in response to comments, a statement of case, a timeline schedule, and photographs of other shepherd huts around the island.
18. The appeal site forms part of Mr and Mrs Bartlett's family home where land is used for producing tea and where there are also registered self-catering tourist cottages. The shepherd hut is sited in an area of unproductive ground which is unsuitable for agriculture due to its shape. The track is intended to enable access to agricultural fields and to the shepherd hut. The fields are rented by the Jersey Royal Company for their subsidiary Jersey Fine Tea. Safe access to the fields is necessary for management, including irrigation.
19. The track was made using compacted material and stone removed from the nearby field. In November-December 2020 the JEC asked for access along the track to re-install telegraph poles nearby; this was granted but because of wet weather the track and field became churned up and stone was laid to make the track passable again.
20. The shepherd hut was placed in position with the intention that the future possibility of agritourism could be pursued. Mr Bartlett³ telephoned the planning department and was told that planning permission would not be required for having the trailer in the field near his house. The hut was then purchased and has sat in the field unfinished. The appellant hopes to add a small cooker, a composting cassette toilet and shower, all not requiring any permanent foundations or mains connections.
21. Consultations with the Jersey Royal Company, the Land Controls/Environment Department and with Hospitality and Leisure all produced positive indications

³ The applicant's statement states "We contacted the planning department" – I am taking it that the plural "we" refers either to Mr and Mrs Bartlett or to someone acting on Mr Bartlett's behalf.

supporting the proposal. The shepherd hut could be enjoyed by locals as well as visitors to Jersey, as the need for local people to get away applies especially during the pandemic. The shepherd hut is an old agricultural trailer and is just a habitable unit on wheels which has no permanent impact.

Representations by Other Parties

22. About 28 written representations on the application have been submitted. Most of them (including comments from Visit Jersey) support the application. Because addresses are redacted in published representations I cannot see the addresses of writers, but from the content it appears that in general, many of the supporters do not live in the immediate vicinity (some do not live in Jersey), whereas most of the objectors live in the vicinity of the site. Supporters tend to refer to the benefits to tourism of the proposal; objectors tend to mention the adverse effects on the character of the area, the prospect of noise or disturbance, and aspects such as traffic generation.

Assessment and Conclusions

Issues Relating to the Planning Authority's Intended Planning Permission

23. I start my assessment by referring to the planning permission which would have been granted had the appeal not been made. The key parts of the intended permission were: "Retain agricultural track....and install a shepherd hut for holiday accommodation to North of site".
24. The way this permission was framed obscures its implications and potential effects in terms of planning law. In particular, the words "install a shepherd hut for holiday accommodation to North of site" do not properly indicate the real nature and legal effect of part of the development. I explain below.
25. Under Article 5 of the 2002 Law, there are two types of "development": one is undertaking a building, engineering, mining or other operation; the other is making a material change in the use of land or a building. The permission now subject to this appeal included both an *operation* (forming the track) and a *material change of use*. For the purposes of planning law, the shepherd's hut is a mobile home or caravan, and what was really being granted under the "use" component of the permission was making a material change of use of the land to use for siting a mobile home or caravan for residential use.
26. The wording of the permission did not mention "use", and appears to have treated the stationing of the wheeled hut as a building or other operation. Moreover, merely "installing" a mobile home or caravan is not an adequate description of this type of development involving the use of land - the proposed use (or the purpose of its installing or stationing) has to be specified as an integral component of any such development.⁴
27. One of the reasons for the grant of permission is stated to be that the committee noted that the shepherd hut was "a temporary structure". This is a further implication that the planning committee may have treated this part of the development as "operational development" (constructing a structure) under Article 5(1)(a) of the Law, instead of a "use" under Article 5(1)(b). If so, that was a misunderstanding of the law. The planning committee did not grant a

⁴ This is for several reasons, one being that different uses are likely to raise different issues – for example, a proposal to place a caravan on land for the purpose of storing it is likely to raise considerations different from those involving residential use.

temporary permission, so the permission – in effect for the use of land for stationing a mobile home for residential purposes – would have been permanent.

28. On this point I note the statement in writing by an objector (Mr Helier Pirouet) about what was said by the chairman of the planning committee during a meeting. The chairman is alleged to have said that “there was no change of use of the land”.⁵ I cannot find this statement recorded in the published committee meeting minutes which I have been able to find by online research; but if such a statement was made, it would not have been correct. Placing or installing the wheeled hut on the land for use for residential purposes constitutes a material change of use of the land. The committee were apparently advised correctly by a planning officer that there was a change of use and that the shepherd hut was a caravan under planning law. However, I do not of course know exactly what happened during committee meetings, and from the available evidence it is not clear whether the residential use aspect was fully appreciated.^{6, 7}
29. The conditions which would have been imposed if the permission had come into effect in the absence of an appeal would not have helped. Standard conditions A and B would have been mostly irrelevant since the application was retrospective (or partly so, see below). The additional condition (numbered 1) requiring the hut to be removed and the land to be restored if the hut “falls into long-term disuse or disrepair” leaves questions about what might be meant by “long-term” and “disrepair”. In addition, this condition would have been unlikely to prevent the wheeled hut being substituted by another mobile home, because once planning permission is granted for the use of land for stationing such an item for residential purposes, a different mobile home or caravan could normally be brought on to the land for residential use without the need for any further planning permission, unless any such change were to be controlled by condition or cause a material change of use.⁸
30. Under the Planning and Building (Moveable Structures) (Jersey) Order 2006, permission is required to station what the Order calls a “moveable structure” on land. Such permission is separate from a planning permission for making a material change of use of land. The submitted evidence on this case does not contain any information about whether an application has been made under the 2006 Order.
31. The residential use mentioned above is another issue. The effect of the permission which would have subsisted in the absence of the appeal would have

⁵ The full wording of the allegation (which refers to a planning committee meeting in December 2021) is: “The chairman likened the caravan to a horsebox, ie it was temporary and could be moved, and removed without any change to the land it was situated on and so was of minimal impact and there was therefore no change of use to the land”.

⁶ This matter may be affected by the title of the Planning and Building (Moveable Structures) (Jersey) Order 2006, which refers to mobile homes and caravans despite the inclusion of “Structures” in its title.

⁷ Similar issues were discussed and explained in my report following the public inquiry I held in 2017 into the then proposal for development at Retreat Farm, also known as Tamba Park (Application References P/2017/0805 & P/2017/1023). The proposed development included what the application described as “lodges”, and my report to the Minister referred to related issues involving the definition of mobile homes or caravans, and the distinction between such units and “buildings” under planning law. The law has not materially changed since then, but the points I explained in my report on that case do not appear to have been passed on to some decision-makers.

⁸ I am not dealing here with site licensing, which is a different matter.

been to allow use as living accommodation, that is to say for residential purposes, and no condition would have been imposed limiting the use - for example, restricting length or frequency of occupation by any one occupier to try to limit use to holiday purposes only and prevent use as a long-stay or permanent dwelling. The wording of the application and permission included the words "for holiday accommodation"; but without a condition, enforcing such a limitation would have been difficult or impossible.⁹

32. A further matter which does not appear to have been realised when the decision to grant planning permission was made concerns the location of the wheeled hut. It seems that because this unit was treated as a building, its position on the application site was assumed to be fixed. But when planning permission is granted for the use of land for installing or siting or stationing any sort of mobile home for residential purposes, the permission covers the site as a whole, and unless there are conditions restricting its position, the home could be located anywhere within the site. In this instance, the site is fairly extensive, and the effect of the development on the rural character of the area could vary considerably depending on the shepherd hut's position.
33. The point I have made above about the wording of the permission applies again here - the words "to north of site" could be interpreted as referring to quite a large area, roughly the northern half of the site, and without a specific condition the permission would not have provided an enforceable means of controlling the future position of the wheeled unit.
34. I should perhaps make clear here that the applicant in this case appears to have no current intention to change the type of mobile unit, the nature of its proposed use, or its location within the site. But ownership and intentions can change, and it is necessary for decisions on development proposals to be made bearing that in mind.
35. Three other matters arise from the intended planning permission. First, the application appears to have been only partly retrospective, in that so far - at least, up to the date of my site inspection as far as I could tell - the shepherd's hut has apparently not been lived in or actively used for any other purposes, and has merely been placed or stored on the land with some furnishings inside it.¹⁰ Nevertheless it is clear that the applicant's intention is for the hut to be occupied as a dwelling (for holiday purposes) and no attempt has been made to obtain planning permission for the use of the land for storing the unit.
36. I record this point here because if permission were to be granted, it would be simpler and less misleading to omit the word "retrospective" from the description. An alternative might be to describe the application as "partly retrospective"; but in my view this would be unnecessary, since it is more important for a planning application to describe the *development*, rather than its timing in relation to the application.¹¹

⁹ For example, some people not in what might be termed normal work or employment have long "holidays". Some people may work during their "holidays".

¹⁰ There is no clear evidence on this point. It is possible that the hut has been occasionally used, perhaps to a minimal extent which might not amount to a residential use.

¹¹ Unfortunately in this respect the standard application form does not help - it asks for a description of the "proposed" development rather than a description of the development for which planning permission is being sought.

37. Second, both the application and the intended permission refer to “retain agricultural track”. The track is a track. If the development subject to appeal were to be permitted and implemented the track would be used for more than just agriculture and would be part of a multiple-use site, so this adjective is not correct for the purposes of a planning permission.
38. Third, the *retention* of something is not “development” as defined in the 2002 Law. What was really being applied for (albeit retrospectively) was planning permission for the *construction* or *formation* of the track.
39. The track was evidently formed in two stages. Initially it was formed with what Mr Bartlett has called “compacted field” (which I take to mean mostly compacted earth) with some areas of stone removed from the field when it was being prepared for tea planting. The type of track thereby created may have been so basic as not to amount to development requiring planning permission. But then (evidently in late 2020, though I think there is some confusion about dates in the applicant’s statement referring to this matter) Mr Bartlett gave the Jersey Electricity Company permission to take heavy equipment along the track to install some telegraph poles on nearby land. Because of wet weather the surface of the land was badly churned up during this work and an apparently larger-scale operation was later carried out to construct or re-construct the track with a stone surface.
40. Part 6 of the General Development Order¹² grants planning permission for certain types of work carried out by public utilities. The JEC might have believed that the work was permitted under the GDO, but any such permission is unlikely for several reasons, one being that the main work was evidently undertaken well after the telegraph poles were installed, so well after it was “necessary” (a word used in the GDO) for the replacement of telegraph poles. Be that as it may, it is perhaps fortunate for the JEC that no significant planning objections have been raised to the track.

Policy and Other Issues

41. The site is in a predominantly rural area designated as Green Zone under the Island Plan. This is a case where the general thrust of relevant planning policy is against most forms of “urbanising” development. That does not mean preventing all such development. Policy NE7 provides that the Green Zone will be given a high level of protection from development and that there will be a general presumption against all forms of development. Exceptions “may be permissible, and only where they do not cause serious harm to landscape character”. One of the listed possible exceptions is “tourism development, but only where it is appropriate to existing buildings and its landscape context, and does not seriously harm landscape character”.
42. Interpreting and applying this policy, with all its sub-clauses and provisos, is not straightforward. In its present position, the shepherd’s hut is well screened and not visually intrusive in the wider landscape. I find that it does not seriously harm landscape character, so it passes one policy criterion.
43. However, the shepherd’s hut is sited well away from existing buildings, in a landscape context which predominantly rural in character. The development

¹² Planning and Building (General Development) (Jersey) Order 2011 as amended. Among other things, Part 6 of this Order grants permission for a provider of electricity to carry out work necessary to “place...other apparatus” for specified purposes, but this does not apply where any of the work would be above ground level. None of the other Classes in Part 6 would have applied (Class A, for example, only covers temporary works).

therefore fails to meet the second policy criterion quoted above. This may seem a minor or technical transgression, but it is necessary to consider the potential cumulative effect of such development. Permitting this development in a countryside location not close to existing buildings would undermine established policy.

44. I have additional concerns about what could follow, and could be difficult or impossible for the planning authority to resist, if permission were to be granted for this development. Details about proposed toilet and washing facilities are vague. There is reference to a possible composting toilet, which suggests that a separate structure or perhaps another, though smaller, mobile unit would need to be added to make the existing unit habitable.¹³ Car parking associated with use as a dwelling would be difficult in practice for the planning authority to control and could add to the urbanising effect of what is proposed.¹⁴
45. The objections by nearby residents, including the appellant, on grounds relating to noise and disturbance are weak. Provided that controls were imposed to prevent any change in the position of the shepherd's hut, it would be some distance away from the houses at La Vallette and Les Rouettes, and any loss of amenity in those houses or their gardens, or in other properties in the vicinity, would be limited. In summary on these matters, I agree with the planning authority's assessment that the proposal does not or would not unreasonably harm neighbouring residential amenity.
46. As the applicant has pointed out, tourism makes a valuable contribution to Jersey's economy, and the proposal has been supported by tourism-related organisations and by individuals. This support weighs in favour of granting planning permission. But such support has to be considered in the light of Policy EVE1 which provides that within the Green Zone, proposals for visitor accommodation will be determined in accordance with Policy NE7.
47. Part of the applicant's case is that shepherd's huts are sited in various other locations, as evidenced by photographs of locations in St Martin, St Helier, St Ouen and St Brelade. Even assuming that they are all in the designated Green Zone, I do not know the full details behind these sites, and in some cases the presence of the units may not involve development requiring planning permission.¹⁵ Others may be unauthorised and not enforced against. I can understand why Mr and Mrs Bartlett feel they have been treated inconsistently, but the fact that some mobile homes or shepherd's huts appear not to have been subject to planning permissions or enforcement action is not a good reason to allow even more.
48. Similarly, the applicant has referred in a statement to a site on the opposite side of the nearby valley (towards the east) where, as I saw during my inspection, land used for what appears to be storing or parking vehicles and other objects has a cluttered appearance. This is visible in long-distance views and is alien to the rural landscape. I do not know whether Mr Bartlett has reported this matter

¹³ The application indicated that foul sewage would be disposed of via the public main sewer; but there is no evidence of public main sewer connection to the location of the shepherd's hut. The incorrect information in the application may have been caused by the faulty design of the form.

¹⁴ The question in the application form "Does the proposal...increase the amount of traffic to and from the site?" was answered "No". That would appear to have been incorrect.

¹⁵ The mere "presence" of a mobile item such as a shepherd's hut does not indicate whether such presence constitutes development requiring planning permission as defined under Article 5 of the 2002 Law. This depends on a number of factors including the use of the item or the reason for its presence, the definition of the "planning unit" in which it is sited and the use of that unit.

to the planning authority or what action may have been taken; nor do I know the history of this other land, but the apparent existence of some development conflicting with Green Zone policy does not justify setting aside or making an exception to that policy. The applicant's arguments that precedents have been set elsewhere also show what could happen if planning permission granted in this case were to create the thin edge of a potentially large wedge.

49. Mr Bartlett states that in July 2019 "we made a telephone call to the planning office to enquire whether we needed to apply for planning permission to put a shepherd hut in the field. We were told we did not require permission". Obviously I do not know who responded to the telephone call or what was said in the conversation, including exactly what Mr or Mrs Bartlett said about the purpose behind "putting a shepherd hut in a field". Telephone conversations are not usually a good way of obtaining clear, authoritative advice on what can be fairly complicated points of planning law. In any event whatever may have been said would not have been binding on either side.

Conclusions

50. The issues arising from this appeal are fairly closely balanced. The small scale of this development by itself, the limited direct impact on the area, and the potential benefit in helping to widen the range of available tourist or holiday accommodation are all factors weighing in support of granting planning permission. The appellant's objections focussing on harm to residential amenity are weak. But other objections are stronger, and on balance I judge that there are sound, mainly policy-based reasons why planning permission should be refused, coupled with the potential cumulative effect of undermining key aims of the Island Plan.
51. I have considered the possibility of a "split decision" under which planning permission might be granted for the formation of the track but refused for the stationing the shepherd's hut for residential use (I am here departing from the wording of the application and refusal notice for the reasons I have explained above). But I think a split decision would be unduly complicated. Given the lack of objections to the formation of the track, it would seem simpler to leave this part of the development to remain and become lawful through the passage of time.
52. As is standard practice, I have to advise on possible action if my recommendation is not accepted. If you were to be minded to grant permission for the development as a whole, it would be necessary to consider the various points explained in paragraphs 23-40 above. A permission would have to be for the *formation* - not retention - of the track and for the use of the land for *stationing a shepherd's hut for use for human habitation* (or as a dwelling, or for residential purposes, or similar wording) - not for "installing" a shepherd's hut. Any such permission should also be subject to more effective and meaningful conditions than those which would have been imposed with the intended permission, as set out below.
53. Although you have powers under Article 116 to reverse or vary any part of the planning committee's decision, I consider that before deciding to grant a permission framed differently from both the application and the originally intended permission, the three main parties (the appellant, the applicant and the planning authority) should be given an opportunity to comment. Responses would then need to be considered before your final decision.

Possible Conditions

54. Because of the mainly retrospective nature of the application, standard condition A (commencement within three years) would not be appropriate. Possible suggested conditions if you were minded to grant permission are:
1. The use of the land for stationing a shepherd's hut for human habitation shall be limited in the following ways:
 - (a) The dwelling shall not be used other than as holiday accommodation and for this purpose shall not be occupied by any individual person for any period longer than three weeks within any period of 12 months.
 - (b) A written record of the names, addresses and telephone numbers of all persons occupying the shepherd's hut shall be kept and shall be made available for inspection by the planning authority at any time at 24 hours notice on a weekday between the hours of 0900-1700.
 2. Before the shepherd's hut becomes used for human habitation, a plan shall be submitted to the planning authority showing the location of the hut within the application site. The hut shall not be used for any purpose until the planning authority has issued approval of this plan. The hut shall not be relocated anywhere else within the site without the prior written approval of the planning authority.
 3. Before the shepherd's hut becomes used for human habitation, details of proposed toilet and washing facilities for use by occupiers shall be submitted to the planning authority for approval. The shepherd's hut shall not be brought into use until such details have been approved and implemented as approved.
 4. The permission hereby granted shall only permit the siting of the specific shepherd's hut as shown in the drawings and photographs submitted to the planning authority in connection with the application and related appeal. It shall not be substituted by any other mobile home without the prior written approval of the planning authority.
 4. If the shepherd's hut remains unoccupied for any period of 12 consecutive months, it shall be removed from the site and the land shall be restored to its original condition within one month of the end of that period.

Recommendation

55. I recommend that the appeal be allowed and that planning permission be refused.

G F Self

Inspector

25 March 2022

Postscript Note: After completing the report on this case I have just been notified that the new Bridging Island Plan is being adopted. I do not know whether any of the policies mentioned above will be changed. If so, it may be necessary to offer the appeal parties an opportunity to comment and for me to provide a supplementary report on any issues raised.