

***Header: Temporary structures or Buildings?***

***Stand first: Wayne Reynolds, Director of Atriarc Planning offers an insight into issues around temporary and moveable structures.***

One of the greyest areas in planning for rural businesses is that of what is conceived as a temporary or mobile structure? It is widely held that mobile or moveable structures such as field shelters (on skids), marquees and poly-tunnels can escape the requirements for planning control, as they can be taken down at any time or moved between sites. This view is however the downfall of many a landowner when enforcement procedures commence.

Some mobile and temporary structures do escape the necessity for full planning permission however following two High Court judgements (Skerrits case in 2000 and the less commonly known Woolley Valley case in 2012); it is not as straight forward as simply being able to state that a building can be taken down and moved and thus it falls outside of planning control.

The two High Court judgements reviewed a number of matters but some of the key findings related to the degree of permanence and scale of development. Whilst a temporary building may be 'temporary in nature and moveable' it could be construed that due to its size and weight, it could be classed as a building (and sufficiently anchored/ fixed to the ground due to weight) and by virtue of this fact be brought into the realms of planning control. The important aspect here is that whilst a structure may be moveable the practicalities of undertaking that operation also need to be considered. With this in mind a temporary building, which is only erected for a few weeks or months a year, may therefore be subject to full planning control.

The key considerations to review are; structure purpose (in terms of use, whether domestic or commercial); scale of development (width, height, length and by virtue capacity as well as implications of building assembly and weight); how long a structure is going to be in situ (and whether any surface or below ground infrastructure is required); the degree of intensification of use, and; whether there are any other planning restrictions on site (by virtue of the presence of Listed Buildings or protected wildlife designations). Based on these facts, the degree of permanence and environmental impact can be further assessed to consider whether the project falls within the definition of development and thus require full planning permission.

In most instances a call to the Local Planning Authority can clarify the matter. However as in the Woolley Valley 2012 case; it was a legal challenge against the Council who had misdirected the interpretation of the Law – a grey area indeed! Prior to commencing a project, it is always useful to receive an officially headed letter or email from a Local Planning Authority clarifying any matters beforehand (and if needed conduct a formal pre-application to confirm the parameters of any project from an early stage).

For further advice or assistance please contact Wayne Reynolds on 01994 220 667 or email [wayne@atriarcgroup.com](mailto:wayne@atriarcgroup.com)

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