

Appeal Decision

Site visit made on 20 September 2016

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th October 2016

Appeal Ref: APP/C3620/W/16/3154307

Holmbury Farm, Cotton Row, Abinger, Surrey RH5 6NB

- 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 K Whybrow against the decision of Mole Valley District Council.
 - The application Ref MO/2015/1409/PLA, dated 14 August 2015, was refused by notice dated 23 March 2016.
 - The development proposed is 'erection of a replacement dwelling following removal of the existing lawful mobile home'.
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Decision

1. The appeal is dismissed.

Main Issues

The main issues are:

- i) Whether or not the proposal would be inappropriate development in the Green Belt;
- ii) The effect of the proposal on the openness of the Green Belt;
- iii) The effect of the proposal on the character and appearance of the area;
- iv) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the proposal would be inappropriate development

2. Whilst a Certificate of Lawfulness has been granted for the existing use of the site for the stationing of a mobile home for residential purposes, this relates to the use of the land rather than providing authorisation for a building. Following my site inspection, I am satisfied that the existing mobile home does not amount to a building or operational development, taking account of both its modest size and its limited degree of attachment to the ground.
 3. Therefore, whilst the site has a lawful use for the stationing of the mobile home, I consider this to be a different situation to where there is an actual dwellinghouse on the site constituting operational development. As such, the
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proposal would not amount to the *replacement of a building* in the context of paragraph 89 of the National Planning Policy Framework (the Framework). Even if it were to be considered as a replacement building, which is not my conclusion, the proposed dwelling, which is of significantly greater footprint and volume than the mobile home, would be materially larger than the existing mobile home.

4. Therefore, the proposal for a new dwelling would not fall within any of the exceptions set out in paragraphs 89 or 90 of the Framework and would be inappropriate development in the Green Belt.
5. The Framework requires that substantial weight should be given to any harm to the Green Belt and that proposals should not be approved except in very special circumstances where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Openness of the Green Belt

6. Openness is an essential characteristic of the Green Belt. Based on the existing situation, the use of the site for the stationing of a mobile home already has a small impact on openness. However, the proposed dwelling would be materially larger in both footprint and height than the existing mobile home. As such, it would have a greater impact on the openness of the Green Belt. The appellant argues that there is a fallback position of a larger mobile home which I will return to later in this decision.

Character and Appearance

7. Whilst the proposed dwelling would be larger than the existing mobile home it has been designed to be of a rustic appearance which in terms of its external design would be more sympathetic to its rural surroundings. It would be located at the edge of a cluster of existing buildings and would be partially screened by woodland to the south and west. Notwithstanding the impact upon Green Belt openness, whilst being larger than the existing mobile home which is itself not particularly intrusive in the landscape, the proposal would not have a detrimental impact upon the overall character and appearance of the area. It would also conserve the natural beauty of the Surrey Hills Area of Outstanding Natural Beauty.

Other Considerations

8. As referred to above, the appellant argues that there is a fallback position of replacing the existing mobile home with a larger one that would have a materially greater impact on the openness of the Green Belt. I accept that there is a possibility of the existing mobile home being replaced by a larger one with a greater impact than the existing. Nevertheless, should a larger mobile home be stationed on the site, this would be a different form a development, comprising the use of the land rather than operational development, in comparison to the appeal proposal for a dwelling house of a more permanent appearance. A permanent residential dwelling would also result in the likelihood of additional domestic structures and paraphernalia within its curtilage which would add to its impact on Green Belt openness and the rural landscape. I also have some doubts as to the likelihood of the fall back position being implemented in this case particularly as it is apparent from this

appeal proposal that the appellant is seeking a permanent dwelling rather than the existing mobile home, which I noted from my site visit is currently unoccupied. The appellant has provided examples of several mobile homes, though from the evidence provided it is not clear as to whether or not these would amount to operational development which adds doubt as to whether they would be able to be erected on the appeal site without planning permission. Therefore from the evidence before me, these factors limit the weight I give to the fall back position.

9. The appellant also argues that the increase in internal floor area and height of the proposed dwelling in relation to the existing mobile home are necessary in order to meet current housing standards. Such standards are applicable to permanent dwellings rather than mobile homes. However, I do acknowledge that that proposed dwelling would provide a better standard of residential accommodation than the existing mobile home and I therefore give moderate weight to this consideration.
10. The proposal would also result in the removal of other structures on the site including an existing greenhouse. However, these structures are modestly sized and a new permanent dwelling would also be likely to lead to the addition of other ancillary structures within its curtilage. I therefore give this consideration minimal weight.
11. Whilst the proposal would add an additional permanent dwelling to the local housing stock, its contribution would be minimal. I have given this only limited weight.
12. The Council's decision notice refers to the proposal being contrary to policy RUD6 of the Mole Valley Local Plan. However, this policy relates to *caravan and park home sites* which the explanatory text appears to define as *containing two or more units* which is not the case with the appeal site. I also do not find that policy RUD8 of the Local Plan to be of particular relevance as this relates to *replacement dwellings in the countryside*, which is not strictly the case with this proposal as, for the reasons I outline earlier, the existing mobile home does not amount to an existing dwelling, rather it constitutes the use of the land for the stationing of a mobile home for residential purposes.

Planning Balance and Conclusion

13. The proposed dwelling would represent inappropriate development in the Green Belt that would harm the openness of the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.
14. I have given careful consideration to the other considerations in favour of the proposals including the fallback position of a larger replacement mobile home and the improved living accommodation provided by the appeal proposal. However, I find that such considerations, either individually or cumulatively, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
15. The proposal development is therefore contrary to the Green Belt aims of policy CS1 of the Mole Valley Core Strategy and the Framework. It would not amount to sustainable development for which the Framework indicates there should be

a presumption in favour. From all the evidence before me, I find that the proposal would not accord with the development plan read as a whole

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR