
Appeal Decision

Site visit made on 21 September 2016

by Andy Harwood CMS MSc MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/Y3940/W/16/3152542

Ashbury, Stoppers Hill, Brinkworth, Chippenham, Wiltshire, SN15 5AW

- 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 Stephen Leake against the decision of Wiltshire Council.
 - The application Ref 15/09506/FUL, dated 23 October 2015, was refused by notice dated 15 December 2015.
 - The development proposed is "temporary permission to site a mobile home on site for residential use during the self-build construction of a house granted planning permission under N/09/00625/FUL estimated completion 2 years".
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Decision

1. The appeal is allowed and planning permission is granted for temporary permission to site a mobile home on site for residential use during the self-build construction of a house granted planning permission under N/09/00625/FUL estimated completion 2 years at Ashbury, Stoppers Hill, Brinkworth, Chippenham, Wiltshire, SN15 5AW in accordance with the terms of the application, Ref 15/09506/FUL, dated 23 October 2015, subject to the following conditions:
 - 1) The use hereby permitted shall be for a limited period of 2 years from the date of this decision. The use shall be discontinued and the land restored to its former condition before the expiry of the 2 year period in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Procedural Matters

2. The Council altered the description of development on its decision notice but I have used that from the planning application forms. There is already a mobile home on the site. The planning application did not specify other items within the site that are referred to by the Council. Some of these may require planning permission but I must deal with this appeal on the basis of what was applied for which is the use of land for the siting of a mobile home.
 3. Planning permission has been previously given for a dormer bungalow on the site (N/09/0625/FUL). It is agreed between the Council and the appellant that the development was commenced and could be continued with. I will deal with the appeal on the basis of this agreed position.
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Main Issues

4. The first main issue is the effect of the use of the land for the siting of a residential mobile home, on the character and appearance of the area. The second is whether any harm relating to the visual impacts would be justified by the need to live on site whilst constructing the approved dwelling.

Reasons

Character and appearance

5. The appeal site is a large plot of land which is on the corner of Stoppers Hill and a side lane which has a gravelled surface. This is a pleasant, spacious residential area with a range of dwelling styles. Many of the dwellings in this part of Stoppers Hill are set behind substantial landscaped boundaries and attractive gardens.
6. The mobile home is positioned towards the southern end of the site close to the boundary with a dwelling. This is approximately in the location indicated upon the submitted block plan. The mobile home has been partly screened from views from the main roadside boundary by sheets of reeds supported by building site fencing. It is difficult to see the decking leading up to it from outside of the site. On the boundary alongside the gravelled lane, there is a planted hedge which sits behind a post and rail fence. The site fencing and post and rail fence continue all around the roadside boundaries, and it is possible to see some of the large containers and buildings which are not part of this proposal particularly through the entrance to the site. The site fencing in particular gives the site an appearance of a construction site even though no activity is currently taking place.
7. The permanent siting of a mobile home on the site would not conform to the high standards of layout and design nearby. The temporary appearance of a mobile home does not respond positively to the existing townscape and landscape features. In relation to the first main issue, the use of the land for the siting of a residential mobile home has a harmful effect upon the character and appearance of the area. This does not comply with Policies 51 and 57 of the Wiltshire Core Strategy, adopted January 2015 (CS).

Need to live on site

8. The mobile home is required to enable the construction of the dwelling that was approved in 2009. The demolition of the previous bungalow was begun soon after planning permission was given. The site currently has an appearance that is akin to a construction site. Some of the surrounding sheds and storage containers that concern the Council whilst not being part of the development applied for may be a consequence of the delayed construction process. I also saw that some building materials are stored outside.
9. The appellant has occupied the mobile home for over 4 years and that has been a period during which there have been difficult economic conditions. Added to this, the appellant has experienced various other financial and personal complications. This has included the appellant's previous architectural advisors ceasing trading leading to difficulties in obtaining advice on the further stages of the process. The Council does not question those circumstances. Non-compliance with planning conditions on the permission for the dwelling gives an indication that the dwelling will not be completed in the very near

future. However I am unconvinced that this in itself indicates a lack of intention to eventually build and occupy the dwelling.

10. The Planning Practice Guidance (PPG) gives advice regarding circumstances where a temporary permission may be appropriate. These include where it is expected that the planning circumstances will change in a particular way at the end of that period. I recognise the Council's concerns but given the above consider that allowing a further period of 2 years should help the appellant to overcome some of these problems. This additional time could change the planning circumstances if progress toward construction is made. The PPG is clear that it will rarely be justifiable to grant a second temporary permission.
11. The PPG also confirms that the Government is keen to support and encourage individuals and communities who want to build their own homes, and is taking proactive steps to stimulate the growth of the self-build market. If the appeal is dismissed, the appellant would clearly need to find alternative accommodation. That would present a further burden that would not help to stimulate this particular self-build project and may set it back even further.
12. The visual harm that I have identified in relation to the first main issue is limited and although construction has been slow, the site does have the general appearance of a building site. In relation to the second main issue, the limited visual harm is outweighed by the needs of the appellant to live on site for a further period of 2 years, thereby in my opinion satisfactorily justifying the development.

Planning Conditions

13. The mobile home is already on site as shown on the submitted plans. Standard conditions requiring commencement within 3 years and compliance with the plans are unnecessary. A condition limiting the use to a temporary period is necessary to ensure the limited visual harm is also limited in terms of the time the mobile home is allowed to remain on site.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR