
Appeal Decision

Site visit made on 6 December 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 22 December 2016

Appeal Ref: APP/C4235/W/16/3158685

Chesters Croft Mobile Home Park, Spath Lane East, Cheadle Hulme, Cheadle SK8 7NN

- 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 Global Leisure Development Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC060377, dated 25 November 2015, was refused by notice dated 17 March 2016.
 - The development proposed is Change of use of land to site 7 mobile homes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refused permission for 7 reasons. It has subsequently confirmed that it no longer wishes to contest reason number 2 (relating to affordable housing provision) or reason number 3 (relating to open space provision). It has also accepted that reason number 7 (relating to drainage) may be suitably addressed by a condition on a planning permission. The remaining reasons form the basis of my main issues.
3. After the Council had issued its decision, the Appellant submitted a new plan, showing proposals for the re-surfacing of and associated works to the access to the site along Spath Lane East. The Planning Inspectorate's guidance¹ establishes that the appeal process should not be used to evolve a scheme and that what is considered by the Inspector should essentially be what was considered by the Council, and on which interested people's views were sought.
4. The proposed changes in the new plan are of a fairly substantial nature and the Council has stated that they have not been subject to public consultation. As Spath Lane East forms part of a public right of way and provides vehicular access to several properties, the proposed changes to it could be of interest to a wide range of people. Given these circumstances and in accordance with the principles in the guidance, I have therefore not formally considered the new plan as part of the appeal proposal. However, I have considered whether the highways matters set out in reason for refusal number 6 may be overcome by condition.

¹ 'Procedural Guide: Planning Appeals – England', The Planning Inspectorate, August 2016 – Annex M

Main Issues

5. The main issues are:
 - (a) Whether or not the proposal would be inappropriate development in the Green Belt;
 - (b) The effect of the proposal on the openness of the Green Belt;
 - (c) The effect of the proposal on the safety and convenience of users of Spath Lane East;
 - (d) If the proposal would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
6. I have addressed the implications of Policy CS4 of the Stockport Core Strategy (SCS) Development Plan Document 2011, referred to in the Council's first reason for refusal, in issues (a) and (d).

Reasons

The appeal site and proposal

7. The appeal site forms a strip of mainly open grassed land which is bounded on three sides, including its long southern side, by the existing Chesters Croft Mobile Home Park (the 'Mobile Home Park'). To its north the site is bounded by a further grassed area in the Appellants ownership which, whilst also partly open, has 2 small buildings and groups of substantial trees on it. The site can also be seen from a public right of way which runs across rugby playing fields which are to the north and north east.
8. The Mobile Home Park is licensed for up to 47 mobile homes. However, the Appellant has stated that, due to the larger size of modern units, it can only accommodate up to 39 homes in accordance with site licensing requirements². By enabling the siting of 7 units the proposal would bring the site capacity closer to its licensed limit. Each of the 7 units would be placed on a concrete base and be provided with an individual parking space served by a new access road within the site.

Inappropriate development

9. Paragraphs 89 and 90 of the National Planning Policy Framework (the 'Framework') set out the circumstances in which new development can be regarded as 'not inappropriate' in the Green Belt.
10. Neither of the main parties has sought to argue that the proposed mobile homes would constitute new buildings. There is no substantive evidence before me to indicate otherwise, particularly given their description as caravans³. Therefore, the proposal does not fall into any of the exceptions to inappropriate development provided by paragraph 89 of the Framework.
11. Whilst the appeal proposal includes engineering operations it also includes the use of the land for siting the mobile homes for residential purposes. Development of this type does not fall into any of the exceptions to

² Appellant's planning statement, November 2015 paragraph 2.4

³ Paragraph 4.6 of the Appellant's statement

inappropriate development in paragraph 90 of the Framework. The inclusion of the words '*...these are...*' in the third line of paragraph 90 indicates that the bullet points in this paragraph form a closed list.

12. The proposal would fall outside the types of residential development which may, under Saved Policy GBA1.5 of the Stockport Unitary Development Plan Review (SUDPR) 2006, be permitted in the Green Belt. Whilst Policy CS4 of the SCS also refers to Green Belt, this Policy does not identify the type of development proposed as being 'not inappropriate'. Although Saved Policy GBA1.2 of the SUDPR is also relevant, this needs to be read in the context of Saved Policy GBA1.5 in relation to residential development.
13. For the reasons which are set out above, I conclude that the proposal would constitute inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

14. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Case law has established that the concept of openness in this context includes both a spatial and a visual aspect⁴.
15. The indicative details show that each mobile home would measure about 12 metres by 6 metres and be about 4 metres in height. As a result they would individually and collectively occupy a substantial amount of currently open three-dimensional space within the site.
16. The proposed homes would be prominent in views from nearby parts of the Mobile Home Park. Whilst they would extend no further than some parts of the existing Park towards the public right of way to the north of the site, they would be seen in front of part of the Park in views from it. Although the trees within the northern part of the land owned by the Appellant would screen some of the views from the right of way particularly in summer when they are in leaf, they would not do so for all these views particularly during the winter months. Whilst the Appellant proposes to undertake additional planting, this would not wholly address the effects of the proposal on openness, particularly its spatial aspect.
17. I accept that not all the mobile homes may be present on the site all the time. However, if the appeal is allowed there is no reason why the homes would not all or mostly be present for most of the time. Each home would, during any period that it is present on site, have an effect on openness which is similar to that of a building of an equivalent size and shape.
18. I consider that, having regard to all the above factors, the proposed development would cause moderate harm to the openness of the Green Belt.

Safety and convenience of users of Spath Lane East

19. The sole means of vehicular access to the Mobile Home Park along Spath Lane East is about 400 metres long and, except for a handful of small and informally

⁴ John Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466

laid out passing places, is only up to about 3 metres wide. Whilst this road, which also serves other properties and links via a footpath to other areas to the west of the appeal site, has a hard surface it was in a poor state of repair at the time of my site visit. From the evidence of my site visit, and having regard to the number of units within the Mobile Home Park, it is also heavily used.

20. The Council has indicated, and the Appellant has not refuted, that vehicle usage of Spath Lane East adversely affects the safety of pedestrians. Due to its narrow width, substandard design, limited lighting, scope for conflict between vehicular traffic and walkers, and the significant length of the Lane to which these problems relate, I agree that this is likely to be the case.
21. The proposal would not cause the number of mobile homes in the Park as a whole to exceed the existing licensed limit of 47. However, the need for the appeal proposal has been prompted in part by the larger size of modern homes, which are likely to attract more traffic per unit. As a result, the appeal proposal would be associated with an increased volume of traffic using Spath Lane East. Whilst this increase would be modest in scale compared to the overall amount of traffic using the Lane, in the absence of satisfactory mitigation measures it would be sufficient to exacerbate existing safety problems and cause increased congestion when drivers of vehicles travelling in opposite directions try to pass each other.
22. The Appellant has stated that the Council's concerns relating to this matter can be addressed by using a condition. The newly submitted plan (see my 'procedural matters' section) proposes that Spath Lane East be re-surfaced, passing places be improved and new and replacement bollards be provided, with reflective strips to improve visibility.
23. Paragraph 206 of the Framework requires that planning conditions must be both enforceable and reasonable. The part of Spath Lane East covered by the proposed works is not, according to the site plans, within the area controlled by the Appellant. Whilst the Planning Practice Guidance⁵ indicates that conditions can be suitably used in some cases to require the implementation of off-site works, the suitability of this approach depends for example on the likelihood of the required works being undertaken.
24. The Council has stated that the proposed works to Spath Lane East could mitigate the effects of the proposed development and be deliverable. However, they have not been subject to any public consultation. Such consultation would need to be wide ranging given the status of the Lane and the large number of different users who are likely to be affected. It cannot be assumed that objections will not be received in response, which in the interests of fairness would need to be considered before any final decision is made concerning the proposed works. As a result, any condition which would make the occupation of the proposed mobile homes dependent on the completion of the works to Spath Lane East would not fully or adequately satisfy the tests of being both enforceable and reasonable.
25. I conclude that the appeal proposal would cause limited harm to the safety and convenience of users of Spath Lane East which cannot be suitably addressed, at least in the context of this appeal, by condition. Whilst this harm would not

⁵ paragraph: 009 Reference ID: 21a-009-20140306

amount to the severe impact referred to in paragraph 32 of the Framework it nevertheless weighs against the proposal in the planning balance.

Other Considerations

26. The proposal would, by creating new plots for 7 mobile homes, enable the capacity of the Mobile Home Park to be closer to its licensed limit of 47 units whilst also accommodating the increased size of modern mobile homes. This would help to deliver the Government's objective of significantly boosting the supply of housing set out in paragraph 47 of the Framework. Furthermore, it would do so in an area where the Council has accepted that it cannot demonstrate a 5 year supply of deliverable sites for housing development and where, depending on past delivery rates, an additional 20% buffer may be required.
27. The homes would not to my knowledge contain any special adaptations for elderly people, or be limited to any particular age group or to people who are otherwise in housing need or require affordable housing. However, they would offer a form of housing which would be attractive for many people including older age groups. I also have no reason to doubt that, taking their typical mode of construction into account, they could provide good quality housing at a competitive cost.
28. The contribution that the proposal would make to the supply and choice of housing in the area would therefore, despite its modest scale, constitute a notable benefit.
29. The Appellant has stated that the proposed development would comply with Policy CS4 of the SCS. Whilst this Policy states that the priority for new housing development is previously developed land within urban areas, it acknowledges that some such development may be required on Green Belt sites during the plan period.
30. However, paragraph 3.107 of Policy CS4 confirms that housing development on urban greenfield or Green Belt sites must comply with a 4 stage sequential approach, in which the release of land from the Green Belt is at the 4th (i.e. lowest) level of priority. The 4th bullet point in paragraph 3.107 states that: *'...fourthly, and only if it is essential to release additional land to accommodate the borough's local needs, particularly the need for affordable housing or to support regeneration strategies in Neighbourhood Renewal Priority Areas, a limited number of the most suitable Green Belt sites will be used for housing. Sites must be accessible, attached to the urban area, maintain openness between built-up areas...'*
31. Despite the Council's lack of a 5 year land supply, and the likelihood that unmet needs exist for example for housing for older people, there is no convincing evidence which shows that sites in level 4 of Policy CS4 must be released at this stage. There is also no substantive evidence that the proposal would provide affordable housing, support any regeneration strategy in a Neighbourhood Renewal Priority Area, or to show that the site is one of *'...the most suitable Green Belt sites...'* when compared with any other sites which may be considered. The boundaries of the Park also do not clearly read as an extension to the existing urban area and the proposal would not maintain openness between built-up areas.

32. For these reasons the proposal would not comply with the sequential approach in Policy CS4.
33. Section 8 of the Housing Act 1985, as amended by Section 124 of the Housing and Planning Act 2016, requires the local housing authority to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed.
34. These duties do not however set a presumption that any particular site should be used or expanded to meet these needs. Whilst the proposal would enable the Park to expand to closer to its licensed limit of 47 units, it is not clear that dismissal of the appeal would result in the business becoming un-viable. No substantive evidence concerning the overall need for or availability of residential caravan sites in the district has been provided, or to suggest that the housing needs of any individual person(s) depend on the outcome of the appeal. For these reasons, the duties under Section 8 do not add substantively to the benefits of the appeal proposal that I have identified earlier in relation to more general housing needs.
35. The appeal proposal would be accompanied by new planting and a new access road within the site. However, these improvements would be primarily aimed at mitigating the effects of the proposal.
36. I agree that the second and third reasons for refusal, relating to affordable housing and open space provision, are no longer justified and that reason for refusal number 7 relating to drainage can be adequately addressed by condition. However, these points constitute a lack of harm in relation to these matters and form neutral factors in the planning balance.
37. I have noted the other appeal cases referred to by the Appellant including that relating to the extension of a caravan park in Lancashire⁶. However, the current appeal does not replicate the circumstances of that case. I have in any event considered the appeal, as I must, on its own merits.

The 'planning balance' and conclusions

38. The proposed development would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful. I have also found that the proposal would cause moderate harm to the openness of the Green Belt. Paragraph 88 of the Framework requires that substantial weight be attributed to the harm to the Green Belt.
39. I have also found that the proposal would, in the absence of mitigation measures which could be suitably required by condition in my decision, cause limited harm to the safety and convenience of users of Spath Lane East.
40. Set against these points, the proposal would make a modest but notable contribution to the supply and choice of housing in the area. However, whilst this benefit carries fairly substantial weight, the other benefits that I have identified carry only limited collective weight. I do not consider that the benefits as a whole would clearly outweigh the combined harm that the proposal would cause to the Green Belt and to the safety and circulation of users of Spath Lane East. The proposal would also not comply with the sequential approach to release of land for housing in Policy CS4 of the SCS.

⁶ Reference APP/P2365/A/12/2181220

41. There are therefore no very special circumstances which justify allowing the proposed development. The proposal would conflict with the provisions of the Framework and of Saved Policies GBA1.2 and GBA1.5 of the SUDPR related to the protection of the Green Belt. The proposal would also not constitute sustainable development as defined in paragraph 6 of the Framework.
42. For the reasons set out above, I dismiss the appeal.

Jonathan Clarke

INSPECTOR