

Appeal Decision

Site visit made on 12 December 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 20th January 2017

Appeal Ref: APP/V3120/W/16/3158507

1 Bayworth Park, Bayworth, Abingdon OX13 6QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Shelfside (Holdings) Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P16/V1704/FUL, dated 30 June 2016, was refused by notice dated 3 August 2016.
 - The application sought planning permission for change of use from agricultural land to parking associated with mobile home park without complying with conditions attached to planning permission Ref P14/V0736/FUL, dated 20 August 2014.
 - The conditions in dispute are Nos 4 and 5 which state that:
 - (4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order) and the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the redline area shown on the approved plans listed at Condition 1 above shall only be used for the temporary parking of vehicles and not for any other purpose whatsoever including the storage of vehicles or the stationing of mobile home units.
 - (5) The turning area and parking spaces shall be constructed, laid out, surfaced, drained and completed in strict accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development. The specification shall be implemented within three months of its approval. The turning area and car parking spaces shall be retained unobstructed except for the parking and manoeuvring of motor vehicles at all times.
 - The reasons given for the conditions are:
 - (4) In the interests of the visual appearance of the development and the visual amenity and openness of the Oxford Green Belt in accordance with policies GS3, NE7 and DC6 of the Vale of White Horse Local Plan 2011 and National Planning Policy Framework.
 - (5) In the interests of providing adequate provision for circulation and turning of vehicles, safe provision for the parking of vehicles and drainage, in accordance with policy DC5 of the Vale of White Horse Local Plan 2011 and National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Procedural matters

2. At my site visit, it was apparent that that the plan provided to me, which is the only plan before me, is inaccurate as it reflects a site layout that pre-dates the introduction of further mobile homes around the appeal site i.e. shown by the red line boundary. I have taken this into account in making my decision.
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Background and Main Issues

3. Planning permission was granted in 2014 for an area of agricultural land to be developed for the parking of vehicles within the mobile home park. The site is within the Green Belt. The appellant's evidence states that removal of the disputed condition 4 would facilitate the provision of low cost housing on the site and that the provisions of another condition on planning permission P14/V0736/FUL, which requires a landscape scheme to be submitted to the local planning authority for approval and then to be implemented, would negate the need for condition 4. The appellant further asserts that the removal of condition 4 would, by extension negate the need for the requirements set out in condition 5.
4. The appellant also argues that the wording of condition 4 makes it unenforceable and thus, that it does not meet the relevant tests in the National Planning Policy Framework (the Framework). The current application therefore seeks to remove the disputed conditions and follows an ongoing enforcement action. It is important to note that such enforcement action falls outside the scope of this appeal.
5. The Council contends that insufficient information has been provided with the application to enable a proper assessment of the effects that removing conditions 4 and 5 would have relative to a range of issues. These are broader in scope than expressed in the reasons given for the conditions' imposition. However, I must deal with the present circumstances and am not confined to those original reasons. Therefore, on the evidence before me, I consider that the main issues in this appeal are the effects of removing conditions 4 and 5 on:
 - (i) the openness of the Green Belt;
 - (ii) the character and appearance of the area;
 - (iii) the living conditions of neighbouring occupiers with regard to privacy and outlook; and
 - (iv) parking provision within the mobile home park;
 - (v) the provision of amenity space within the park.

Reasons

6. The appeal site is located within the south-eastern part of the mobile home park ('the park'), which is separated from the ribbon of development further to the south-east along Brumcombe Lane and the small settlement to which it relates. It therefore sits away from any built-up area and is surrounded by countryside.
7. The Council alleges that without condition 4, there could be harm to the openness of the Green Belt, the character and appearance of the surrounding landscape, unacceptable effects on neighbours, parking provision and amenity space with the park. The information provided by the appellant at the time of the application was limited although the intentions for the site are made clear in the evidence and which reconciles with the number of concrete bases that have been laid, which I observed at my site visit. The appellant's case is

founded on the belief that the removal of condition 4 would pave the way for the some form of residential development on the site.

8. The August 2014 permission allows the appeal site to be used for parking. However, upon implementing that permission, the appeal site will become an integral part of the mobile home site and the whole of that site, including the parking area will become a single planning unit with the parking area ancillary to the principle use. Therefore, the use of the site for the siting of mobile homes would not be a material change of use. Whilst the 2014 permission describes the parking area site as *parking associated with mobile home park*, this would not necessarily prevent this from happening lawfully.
9. It is possible to make a reasonable assessment of the effects that the siting of new mobile homes on the site would have on the openness of the Green Belt in comparison to those of a parking area. In my view, such effects would be markedly different given that mobile homes are typically of much greater height and bulk than parked vehicles and would cover a significant proportion of the site area.
10. From the available evidence in relation to species and numbers, I do not agree that the landscape scheme required by condition 6, when implemented, would necessarily achieve what the appellant suggests. Even if it did, that does not mean there would be no effect on openness. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
11. For the above reasons, I am able to satisfactorily conclude that the removal of condition 4 would be likely to pave the way for a development of substantially greater harm to the openness of the Green Belt. This would run counter to saved Policy GS3 of the Vale of White Horse Local Plan (2006) that seeks to preserve the openness of the Green Belt and its visual amenities. The proposal would also conflict with the Green Belt objectives of the Framework as it does not fall within any of the stated exceptions to inappropriate development in the Green Belt. Furthermore, the extension of such built form into the countryside beyond that already established would harm the character and appearance of the area.
12. I also have concerns that the use of the site for residential development would significantly reduce the overall availability of parking within the mobile home park. This would have potential adverse effects on the amenities of those living there.
13. In terms of neighbours' living conditions, those currently living on the park do so within the context of other mobile homes in close proximity. I am not therefore persuaded that their living conditions would be adversely affected given this overall context. In addition, the Council refers to the effects of the proposal on the provision of amenity space within the park. However, it is unclear how the use of the land as a car park can be reconciled with the loss of amenity space.
14. Nevertheless, the absence of condition 4 would change the nature of the planning permission granted and it therefore remains necessary. I do however note it includes use of the word 'temporary' in relation to parked cars and from my reading of the condition as a whole it seems that this means preventing

vehicles from being stored on the site. Nevertheless, in my view, this is not a major defect and would not prevent the requirements of the condition from being enforced if necessary.

15. The appellant goes on to argue that the removal of condition 4 would render condition 5 redundant as the land could consequently be developed for the stationing of further mobile homes. I have dealt with this point above but now consider the individual merits of condition 5.
16. Clearly the car parking area would be of little practical use if it were not adequately laid out and surfaced with a suitable material. Condition 5 therefore seeks to secure the orderly development of the land for the purposes of the development for which planning permission has been granted. It also includes a requirement for the car parking area to be retained unobstructed for the parking and manoeuvring of motor vehicles at all times.
17. For these reasons, I consider that condition 5 remains necessary and meets the Framework tests. Moreover it supports the requirements of LP Policy DC5, which amongst other things seeks to ensure that development makes adequate provision for vehicle parking, turning and circulation.

Conclusion

18. For the above reasons, I consider conditions 4 and 5 to be necessary and enforceable. Therefore, the appeal does not succeed.

Hayden Baugh-Jones

Inspector