
Appeal Decision

Site visit made on 3 January 2017

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

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

Decision date: 24th January 2017

Appeal Ref: APP/J3720/W/16/3160112

Welford Park, Barton Road, Welford-on-Avon, Warwickshire CV37 8EY

- 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 Residents of Welford Park against the decision of Stratford on Avon District Council.
 - The application Ref 16/01426/FUL, dated 27 May 2016, was refused by notice dated 8 September 2016.
 - The development proposed is use of land as shown on the submitted plan as a residential caravan site for 12 months per year.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (i) whether the proposal would accord with the development plan strategy for the location of housing; and (ii) whether it would make satisfactory provision for open space.

Reasons

Location of housing

3. The appeal site is occupied by 24 mobile homes that benefit from a planning permission that allows residents to live in them for 11 months of the year. It is located towards the southern part of the settlement, the form of which is spread out along the various through routes and the roads that lead off them. Notably, substantial areas of open land have been maintained between areas of residential development, which overall creates a relatively open and loose development pattern.
 4. Policy CS.15 of the Stratford-on-Avon District Core Strategy (2016) (the CS) identifies Welford-on-Avon as a Category 2 Local Service Village (LSV) wherein some housing development is envisaged within the development plan period of 2011-2031. The policy says this will take place through small-scale schemes on unidentified but suitable sites within the physical confines of the LSVs where they do not have defined boundaries. This requirement is repeated in Policy AS.10.
 5. There is some interpretation of what comprises 'small-scale' set out in Policy CS.16 which states an allowance of 84 dwellings in Welford-on-Avon. The available evidence shows that there are 113 built or committed dwellings,
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which indicates an exceedance of 29 dwellings over and above the identified allowance. Nevertheless, I cannot ignore the fact that the mobile homes on the site can currently be occupied for most of the year. Accordingly, they cannot necessarily be considered in the same way as a proposal for a new development as the use of local services and facilities is already likely to be relied upon by the occupants of the mobile homes whilst in residence.

6. However, having said that, there is no substantive evidence to indicate how many of the mobile homes are occupied during the permitted period or indeed whether they are occupied for the whole 11 month period. Accordingly, I cannot be certain that when combined with the already exceeded amount of new homes envisaged for the village in the development plan, the proposal would not place increased pressure on local services such that it resulted in an unsustainable level of housing growth.
7. In the absence of such evidence, I therefore conclude that the addition of a further 24 permanent dwellings would represent a substantial increase over and above the identified allowance set out in the CS. The resulting effects would not therefore be small scale, thus the proposal would not accord with the Council's strategy for the dispersal of development.
8. Moreover, there is a difference in my view, between the use of the mobile homes for holiday accommodation and that of permanent dwellings. I accept that the homes and the site more generally appear as a permanent development, but this belies the fact that mobile homes are not permanent structures in that they do not benefit from the same type of permanent construction found in brick built dwellings.
9. This difference was clearly recognised in a previous appeal decision¹ relating to this site wherein the Inspector considered that "permanent occupation.....may well give rise to further issues that would need consideration". The Inspector also made clear, through the use of planning conditions, that the site should not be used other than for the purposes of providing holiday accommodation for 11 months of the year in order to prevent such issues being realised. I therefore agree with the Council that to sweep away the currently restricted occupation of the site would allow for it to become a development of 24 permanent new homes, which would conflict with the Inspector's intentions and to which I attach substantial weight.
10. The Council argues that the proposal would result in a development outside the physical built up confines of the settlement and thus within the open countryside. Such development would not be supported by Policies CS.15 and/or AS.10. The appellant considers otherwise and from what I observed at my site visit, I share the appellant's view.
11. It was evident at my site visit that there has been a significant amount of new development in the village, which has increased its spread, including a linear development immediately to the east of the site in Samantha Close. There is also a loose arrangement of dwellings to the north of the site extending along the access leading to Barton Road.
12. The extent of the settlement is denoted, along Barton Road, by the village entrance and 30mph speed limit signs set next to feature timber fencing either

¹ Ref. APP/J3720/A/05/1191472

side of the road. This is some distance to the west of the entrance to the appeal site and its surrounding residential areas. Moreover, there is no defined boundary to the settlement set out in the development plan. My observations 'on the ground' lead me to the conclusion that there is no clear visual or physical break between the development on the site and the surrounding residential areas. Thus, I consider the existing mobile homes to be sufficiently integrated into the settlement for them to be considered as being within the physical confines of the village.

13. However, I have already established that the 'small-scale' policy tests within Policies CS.15 and AS.10 would not be met and accordingly, the proposal would run counter to the development plan as a whole.
14. I note the appellant's argument that the proposal would be sustainable development pursuant to paragraph 14 of the National Planning Policy Framework. However, whilst this is a material consideration, it does not alter the status of the development plan as the starting point for my determination of the appeal. Moreover, the CS has been relatively recently adopted and I therefore have no reason to doubt its compliance with the Framework.

Open space provision

15. The Council requires a financial contribution to the provision of off-site open space and has identified a project nearby to provide an area of children's play space. This scheme is being promoted by the Parish Council and some funding has already been secured. The contribution required by the Council would make up the shortfall. The available evidence indicates that this would be the third such contribution to the project made up from planning obligations. I am therefore satisfied, on the basis of the available evidence that the provision of a planning obligation to provide this funding would accord with the pooling restrictions for Section 106 contributions in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations). However, the parties are in dispute over the level of the necessary financial contribution.
16. Notwithstanding this, as the appeal is being dismissed for other substantive reasons, I do not consider this matter further as it would not lead me to a different decision.

Conclusion

17. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector