
Appeal Decision

Site visit made on 12 December 2016

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 09 February 2017

Appeal Ref: APP/P1940/W/16/3154824

Highview Caravan Park, Toms Lane, Kings Langley, Hertfordshire WD4 8NJ

- 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 Haulfryn Group Ltd against the decision of Three Rivers District Council.
 - The application Ref 16/0370/FUL, dated 12 February 2016, was refused by notice dated 11 May 2016.
 - The development proposed is the demolition of garages and change of use of land to accommodate four residential park homes with associated works to boundary treatment and parking areas.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development was described on the planning application form as “use of land for siting 4 park homes.” The Council altered the description to “demolition of garages and change of use of land to accommodate four residential park homes with associated works to boundary treatment and parking areas” on the Decision Notice, and this description was agreed by the appellant and accepted on the appeal form and therefore can be adopted.

Background and Main Issues

3. Since the appeal was submitted and in light of the West Berkshire Court of Appeal Judgement¹ relating to planning obligations and affordable housing, and subsequent update to the Planning Practice Guidance,² the Council has confirmed that it no longer seeks to contest the third reason for refusal in respect of affordable housing contributions.
4. The main issues in the appeal are therefore:
 - Whether the development would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441

² Planning Practice Guidance paragraphs 013-017, 019-023 and 031

- Whether the proposal would make adequate provision for car parking for the convenience of existing residents and provide a safe and adequate means of access to and from the south west car park; and
- Whether any 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.

Reasons

Whether inappropriate development

5. The National Planning Policy Statement (the Framework) states at paragraph 89 that the construction of new buildings within the Green Belt would be inappropriate subject to a number of exceptions. The term 'building' refers to any structure or erection. However, the appellant refers to park homes and the Council in its officer report and appeal statement has assessed the park homes as mobile homes, rather than buildings. Consequently paragraph 89 of the Framework does not apply.
6. Further to the above, the Council has referred to Policy DM2 of the Development Management Policies Local Development Document (DMP) (2013) in the Decision Notice. However, this relates to new buildings, extensions, replacement dwellings, ancillary buildings, extensions to residential curtilages and re-use and conversion of buildings in the Green Belt, and does not specifically refer to changes of use in the Green Belt.
7. Paragraph 90 of the Framework allows for certain other forms of development that are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The use of the eastern car park would remain unchanged. However, the change of use from garages to residential park homes does not fall within any of the five bullet points in paragraph 90, and therefore would be inappropriate development in the Green Belt.

Effect on openness of the Green Belt

8. The appeal proposal would be located on an area of hardstanding and existing garages, which are to be demolished, and as a result the footprint covered would be smaller. The Council contends that the development would have a greater effect on openness due to the likely increase in height of the four park homes. Whilst no elevations have been provided, the other park homes at Highview Park have pitched roofs, in contrast to the flat roofs of the garages. As such, it is likely that overall the development would have a greater effect on openness, albeit that the difference would not be significant.
9. Although the condition of the eastern car park appears to have been recently been improved with renewed shingle surfacing and low boundary fencing, plans provided by the appellant show the car park in the same location as a car park allowed on appeal in 1984.³ The car park would be no greater in area as a result of the proposal and so that element of the scheme would not result in a materially greater impact on openness.

³ Planning Application Ref. 8/720/84; Appeal Ref. T/APP/P1940/A/85/041349/P5

10. The Council is concerned that the erection of a 1.8m wooden boundary fence would create a hard boundary but as the existing site boundary includes the rear wall of some of the garage blocks, this would not have a significant impact on the openness of the green belt.
11. The Council has also referred to Policy DM7 of the DMP and CS Policy CP12 on the Decision Notice. CP12 requires proposals to make efficient use of land while respecting the distinctiveness of the surrounding area, and DM7 supports proposals that would lead to a removal or reduction in the impact of existing structures and land uses that are detrimental to the visual quality of the landscape. For the reasons I have described above, I find no conflict with the above policies in respect of design and landscape considerations.
12. Drawing all of the above together I conclude that there would be a reduction in openness, albeit that it would be relatively limited. As such the proposal would be contrary to Policy CP11 of the Core Strategy (CS) (2011) insofar as it sets out a general presumption against inappropriate development that would not preserve the openness of the Green Belt.

Parking provision and access

13. The number of bedrooms in each park home is not specified, but the brochures submitted with the planning application indicate that a typical mobile home contains 2 bedrooms. This would generate a requirement for two parking spaces for each park home,⁴ based on the Council's car parking standards.
14. The proposal would result in 1.35 car parking spaces per park home over the site as a whole, compared with the 1.4 spaces per park home currently available. This would be a slight reduction on the existing situation, and each park home would have at least one space with capacity for visitors. The appellant has undertaken a parking survey carried out over 3 days at 07:00 which indicates that between 92 and 100 car parking spaces were occupied, and asserts that there would be 135 spaces available to existing residents as a result of the appeal proposal.
15. Residents are concerned with the loss of spaces within the south western car park. There would be a reduction in the number of spaces, including the loss of some of the garages. It is unclear however whether these garages are all used for parking, and I saw that some were in poor condition and/or unsecured. Nevertheless, the appellant's Parking Assessment indicates that there is capacity within the eastern car park. This corresponds with my observations on site. Although the eastern car park is currently under-utilised, it benefits from CCTV and lighting, and is only a few minutes' walk from the south western car park. Consequently it is reasonable to expect that its use may increase if spaces are reduced within the latter.
16. I acknowledge the concerns expressed by occupiers of the Caravan Park,⁵ and the observation of the Inspector in the 1984 appeal, who considered that 1.5 car parking spaces per park home was a reasonable ratio based on the site location and transport accessibility at that time. Nevertheless, even discounting the four spaces by the Caravan Park reception and the space in front of the electricity sub-station, there would be sufficient capacity to accommodate demand from existing residents. Furthermore, for residents and

⁴ Appendix 5 of the Development Management Policies Local Development Document (2013)

⁵ Petition and residents Parking Survey

visitors not travelling by car, whilst there is only a limited bus service along Toms Lane, local facilities in Kings Langley are a 10 minute walk from the site, and the railway station is approximately 1 mile away.

17. Turning to access to the south western car park, this is proposed to be widened with an enhanced visibility splay to reduce the risk of conflict between cars entering and exiting the car park. The Highways Authority has confirmed the proposed arrangements are acceptable subject to a condition securing their implementation and retention.
18. Taking all of the above into account, the proposed parking arrangements for existing residents would be adequate and the access would not be harmful to highway safety. It would thus accord with CS policies CP10 and CP12 and Appendix 5 to that document. These policies require, amongst other things, for development to provide a safe and adequate means of access, to make adequate provision for all users, including car and other vehicle parking and to provide convenient, safe and visually attractive areas for the parking of vehicles and cycles without dominating the development or its surroundings.

Other considerations

19. The appellant has referred to the role of mobile homes in providing low cost market homes to meet the needs of elderly and retired people, but occupation of the units would not be limited to these groups. As such I attribute limited weight to this factor.
20. The land on which the four park homes are proposed is previously developed. I attach moderate weight to this factor.

Other Matters

21. There appears to be a land ownership dispute relating to land between Highview Park and Toms Lane, but this is a private legal matter and outside the scope of this appeal.

Conclusion

22. The proposal would be inappropriate development in the Green Belt as defined by the Framework. It would, therefore, by definition be harmful to the Green Belt. There would also be some limited harm to openness. I have given this harm substantial weight, in accordance with paragraph 88 of the Framework.
23. I have found that there would be no harm in relation to the proposed parking and access arrangements. Together, the other considerations cited in support of the proposal attract moderate weight. However, taken together, they do not clearly outweigh the harm that the development would cause. Accordingly, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
24. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR