
Appeal Decision

Hearing held on 29 March 2017

Site visit made on 29 March 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/N1730/W/16/3154888

Land at Stapley Manor Farm, Long Lane, Odiham, Hook, Hampshire, RG29 1JE.

- 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 D Versace against the decision of Hart District Council.
 - The application Ref. 15/02834/FUL, dated 18 November 2015, was refused by notice dated 22 January 2016.
 - The development proposed is the siting of a mobile home for residential purposes.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a mobile home for residential purposes at land at Stapley Manor Farm, Long Lane, Odiham, Hook, Hampshire, RG29 1JE, in accordance with the terms of the application, Ref 15/02834/FUL, dated 18 November 2015, and the plans submitted with it, subject to the following conditions:
 - 1) This permission shall enure only for the benefit of Mr Dek Versace.
 - 2) The mobile home used for residential purposes shall only be occupied by Mr Dek Versace (and his partner) whilst undertaking a business at the general site of Stapley Manor Farm.
 - 3) When the mobile home ceases to be occupied by Mr Dek Versace the residential use hereby permitted shall cease and the mobile home shall be removed from the land and the land shall be restored to its previous condition.

Main Issues

2. The main issues are:
 - Whether the siting of the mobile home accords with the housing strategy in the development plan;
 - The effect on the landscape character and appearance of the area;
 - Whether the Council can demonstrate a five year supply of deliverable housing sites;
 - Whether the proposal constitutes sustainable development.
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Reasons

Background

3. The appeal site contains a mobile home which is situated on the edge of an area of hardstanding used for the storage of materials and shipping containers and is mostly enclosed by a belt of hedge and tree planting. This overall site lies on the edge of the complex around Stapley Manor Farm which contains about 20 businesses operating mainly within existing buildings and barns resulting from farm diversification, together with the large agricultural buildings of the farm. There are also some 5 residential properties in the vicinity of the complex. The farm and commercial complex is surrounded by open fields and woodland and is served via a narrow access lane.
4. The appellant proposes to occupy the mobile home for residential purposes. He lives there with his partner but also operates a vehicle and mechanical repair business from one of the units on the farm and he says that most of his trade comes from the other businesses on the farm and in the commercial complex. He also provides on-site security day and night for some of the units and the farm complex and helps to prevent poaching.

Policy context

5. The development plan for the area includes saved policies in the Hart District Local Plan (Replacement) 1996-2006 (the Local Plan). The Council is also in the process of preparing a Local Plan DPD for Strategy and Sites and Development Plan Management Policies DPD but given these plans are at an early stage in the plan making process and because their provisions are likely to change, and have not been found sound at examination, I am not able to place any weight on them at the moment.
6. The relevant Local Plan saved policies are GEN1 for 'General Policy for Development' and RUR 2 in respect of 'Development in the open countryside'. The main parties disagree on the weight that can be given to the policies regarding their consistency with the National Planning Policy Framework (the Framework).
7. In terms of Policy GEN 1 - the sub-sections relevant to this appeal are (i), (iv) and (v). I am satisfied that section (i) is not inconsistent with the Framework given that section 7 of the national guidance encourages good design and in paragraph 59 includes similar aspects of design considerations as mentioned in the policy. Section (ii) is concerned with 'ribbon or sporadic development' unrelated to patterns of settlements and this appears to me to be more restrictive than the guidance in paragraph 55 in the Framework on the need to control isolated new homes in the countryside. Finally, in terms of (v) there is a difference in the use of the term 'landscape': the policy implies conservation or enhancement of all of the landscape in the district, whereas paragraph 109 of the Framework refers to the need to protect 'valued landscapes'. The appeal site does not have any special landscape designation but the Council refers to the Landscape Character Assessment (1997) which shows the local area of the appeal site as having a downs character area embracing the chalk landscape. I have had regard to the case of *Forest of Dean District Council v SSCLG* [2016] EWHC 2429 as raised by the Council, but it appears to me that there is a difference in tone between the saved policy adopted in 2006 as an Alteration to the Local Plan, and the more recent NPPF. Overall, these differences with the

Framework reduce the weight that can be given to the saved policy from full to moderate.

8. Regarding saved Policy RUR 2 - the main thrust of this establishes a presumption against development in the open countryside outside settlements unless provided for by other policies in the plan and without having a significant detrimental effect on the character and setting of the countryside by virtue of various factors including prominence in the landscape. The policy is negatively worded and covers the broad spectrum of land outside settlements and therefore there is a degree of inconsistency with paragraph 55 regarding the need to avoid 'isolated homes in the countryside' as mentioned above. This policy therefore should be afforded moderate rather than full weight.
9. Notwithstanding this, the level of weight to be applied to the saved policies which restrict the supply of housing, is also dependent on them not being 'out-of-date' by virtue of the housing land supply issue and whether paragraphs 49 and the fourth bullet point of paragraph 14 of the Framework are engaged. I will consider this under the third main issue.

Accord with the development plan strategy

10. The Council advises that as the site lies in open countryside well outside the boundary of any defined settlement, Policy RUR 2 applies and this puts forward a general presumption against new development that is not in accordance with other policies. The appellant says that the site lies within the context of an area already developed but while I recognise the existing enclave of commercial and residential development that now forms the Stapley Manor Farm complex, it is clear to me that generally the site lies in an open countryside setting. The nearest defined settlement is Long Sutton which lies about 2km away to the south-west.
11. I will deal with the landscape impact under the second issue, but in relation to the first test set out in Policy RUR 2 and part (iv) of Policy GEN 1 I find that the proposed new residential use would be in conflict with the spatial strategy set out in these policies as the use would add to the sporadic development in open countryside outside and away from settlements.

Effect on landscape character and appearance

12. At the site visit I considered the visual impact of the residential mobile home from around Stapley Manor Farm and from the public footpath that runs in a south-west to north-east direction on the edge of the field to the west of the overall site: and particularly from viewpoint 2 as shown on the plan 15-712-VERS1 as submitted with the appeal documents.
13. Although the Council says that the form of the mobile home itself is harmful to the character of the countryside, from my observations at the part of the Hearing held on site I am satisfied that the presence of the residential mobile home does not have a discernible effect on the setting of Stapley Manor House because of the extent of the intervening vegetation. This screening also means that the mobile home is not noticeable in the wider context of the complex including from viewpoint 1 as shown on the plan referred to above.
14. In terms of the public realm, the nearest point of access is the public footpath described above. From this, in the vicinity of the site, the mobile home is well screened by the extent of trees and underlying hedge/shrubs that exist. There

were only a few gaps in this screen, around viewpoint 2, and even here there were only occasional glimpses of the mobile home. In any event, from within the hardstanding the mobile home did not appear out of context visually with the agricultural materials stored on site and the shipping containers said to house agricultural parts and machinery.

15. I did not consider the site from further afield in the chalk downland landscape, but I do not consider that the presence of the mobile home would have any discernible impact in the wider landscape away from the local area of the site.
16. Overall on this issue I am satisfied that the residential mobile home does not have a harmful visual impact in the landscape even if this is regarded as being 'valued'.

Whether 5 year supply of housing land demonstrated

17. The Framework indicates in paragraph 47 that in order to boost significantly the supply of housing, Councils must be able to demonstrate a five year supply of deliverable housing sites to meet the full objectively assessed need for housing.
18. The Council refers to its last published annual assessment in April 2016 which concluded that a 6.32 year supply was demonstrated when a 5% buffer is applied. In a statement prepared for this case giving more up-to-date information as at December 2016, the Council say that a supply of 5.53 years is shown even when applying a 20% buffer to the housing requirement. Whereas the applicant submits that the supply is overstated in various aspects giving rise to a projected supply in the region of 3.8 years depending on the actual level of variables/assumptions involved.
19. From the evidence submitted, there is agreement (for the moment) on the overall requirement reflecting the objectively assessed need from studies feeding into the emerging development plan and the parties also agree on the level of 'undersupply'; i.e. the difference between the requirements and completions in the first five year of the analysis. Focusing on the differences between the parties' evidence, these are mainly on: whether a 5% or 20% buffer should apply; the extent of the 'windfall' allowance; the lapse rate and the degree to which development permitted and programmed has failed to take place; and the degree to which the development phasing on large sites is being achieved. I will consider these in turn.
20. In relation to the extent of buffer, the NPPF indicates in paragraph 47 that a 20% buffer should be applied where a council has a persistent record of under delivery of housing. The Council's own evidence shows that in the last 10 years the Council met the annualised requirement for only 3 individual years. Although there was a sharp drop in house completions between 2007/8 and 2011/12 the Council says that this was largely because of the effects on the implementation of development caused by the designation of the Thame Basins Heaths Special Protection Area (TBHSPA) in 2005 and the subsequent temporary moratorium on the grant of planning permission. The Council refers to the Inspector's assessment in appeal APP/N1730/A/14/2226609 (July 2015) where s/he accepted that "the SPA designation clearly had some impact upon housing delivery outwith the Council's control and must be considered material to any consideration of persistent under supply". The appellant stresses that looked at over the last ten year period, there is shortfall of about 320

dwellings, but taking a longer span back to 1996, the start of the adopted Local Plan period, house completions have met the (varied) target for 9 out of the 20 years and the total completions for this period exceed the cumulative requirement. I also note that for 2015/16 the number of houses completed were almost double the annual requirement.

21. Looked at in the round and taking account of the special factors raised in mitigation, I am satisfied that there is not an unjustified record of persistent under delivery in the context of paragraph 47 of the NPPF and that an upfront buffer of 20% is not necessary in order to achieve the planned supply of the delivery of new housing.
22. In respect of the windfall allowance the Council advises that the total supply of 66 units for the last three years of the projection period is based on 22 units per annum as evidenced in the period 2012- 2016 and therefore outside of the main effect of the TBHSPA. The appellant submits that the average should be lower as when assessed over a longer period the actual windfall level has fluctuated greatly but it seems to me that there were sound reasons for this and I am satisfied that the Council's estimate is based on a realistic assessment of recent trends and should not be reduced.
23. Moving on to 'lapse rates', the Council's evidence over the last six year period is that very few permissions that have been granted lapsed through lack of implementation. The Council say that the overall average of 0.70% is so small that it has been discounted in the assessment of supply. The applicant's agent refers to his analysis of the Council's predictions of housing delivery when compared with what actually took place. He provides evidence of this over the last seven years which ranges from -30% to +179% and says that the average of only 76% of estimates being realised means that the Councils' estimate of supply should be revised downwards accordingly. However, I have concerns that this form of retrospective analysis is not based on actual lapses of permissions and also discounts slippage where development happens in a subsequent period, but the development would still be reported as a completion in the five year assessment. Such failure to realise is also likely to take account of factors outwith the control of the Council. Therefore I am not able to place much weight on this difference in the calculation.
24. Finally, the appellant casts doubt on the progress of the development on the identified large sites as set out in the phasing plan of appendix G of the April 2016 Assessment. In response, the Council tabled recent responses from three of the four main developers involved who gave their update on the progress of development. Whilst I acknowledge that there are some differences on the phasing of development, I consider these to be minor and looked at in the round, the evidence submitted broadly confirms that the total development provided for will be built out.
25. Overall, I conclude on all of the evidence on housing land supply that has been submitted that it has not been demonstrated that the Council's five year supply of housing land is materially deficient or will not be delivered. Therefore, the provisions of paragraphs 49 and the 4th bullet point of paragraph 14 of the Framework are not engaged in this case.

Whether sustainable development

26. The Framework supports economic growth in rural areas to create jobs and prosperity and by taking a positive approach to sustainable new development. In terms of housing, paragraph 55 indicates that in order to promote such development, housing should be located where it will maintain or enhance the viability of rural communities, although isolated new homes in the countryside should generally be avoided unless there are special circumstances.
27. In the case of the appeal site, while the overall site at Stapely Farm is in an isolated position in open countryside, the appeal site itself is not isolated from the significant group of buildings and enterprises which make up the complex. Further, in addition to the appellant's servicing and repair business on site I have had regard to the wider role that he plays in the operation of the farm and its security and the security of other businesses.
28. The appellant accepts that his case is not for a home for an 'agricultural worker' in the traditional sense, and his plans for pheasant rearing appear to be mainly an aspiration at this stage, so I have not placed any weight on them. Nevertheless, it appears to me that the appellant has made a convincing case where his ability to live on site facilitates the efficient running and security of the agricultural and commercial activities on site. In the final bullet point of paragraph 21, the Framework indicates that planning decisions should facilitate flexible working practices such as the integration of residential and commercial uses within the same unit. I also acknowledge that use of the mobile home on site would minimise the need for the appellant to travel from living elsewhere in a settlement to work in his business on site and this is likely to result in a net reduction in his overall travel.
29. Overall on this issue I am satisfied that the residential use proposed would facilitate the appellant's business of servicing, repair and security for agricultural and commercial purposes and would help support the wider community in this enclave. The positive benefits, partly resulting from the site's isolation, amount to special circumstances for the location of the residential mobile home in the countryside and I find that the proposal constitutes sustainable development as set out in the Framework.

Planning balance

30. Bringing together my conclusions on the main issues, I have found that the proposed siting of a mobile home for residential purposes would conflict with the spatial strategy set out in the development plan because it would add to the sporadic development in open countryside outside and away from settlements. However, I can only apply moderate weight to the relevant policies because they are not wholly consistent with the more recent Framework. Although these policies, in part, restrict housing supply, I have concluded that it has not been shown that the Council cannot demonstrate an adequate supply of new housing sites and therefore the policies are not out of date. I have also found that the mobile home which exists does not have a harmful visual impact on the downland landscape and therefore does not conflict with the relevant policies on landscape conservation.
31. To be balanced with these aspects are my conclusions that the proposal gives rise to special circumstances for contributing to and supporting the existing

agricultural and commercial business on site and would aid a prosperous rural economy.

32. I find that the proposal satisfies the economic, social and environmental dimensions of sustainable development when considered together and as a whole. The benefits of the development outweigh the adverse impacts and the degree of conflict with the development plan. I will therefore allow the appeal.
33. In terms of conditions, the case put forward by the appellant is a personal and exceptional one in relation to his current business and wider supporting role to the enclave of the farm and other local businesses and it would not be appropriate to allow the siting of a mobile home for general residential purposes in this location. Further, the landscaping that screens the site cannot be relied on as a permanent feature and therefore the residential mobile home should not be allowed in perpetuity. I will therefore make the permission personal to the appellant and restrict the occupation of the mobile home to the appellant (and his partner) whilst carrying out a business at the overall Stapley Manor Farm site. A further condition is necessary to ensure that when the appellant ceases to occupy the mobile home it must be removed from the site and the residential use shall cease.

Conclusions

34. For the reasons given above I conclude that the appeal should be allowed with the conditions specified above.

David Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Versace	Appellant
Mr M Green, BA	Green Planning Studio Ltd.
Ms H Morris	Green Planning Studio Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Lee, BA (Hons) MRTPI	Principal Planning Officer, Hart District Council.
Mr D Howes, MRTPI	Planning Policy Manager, Hart District Council.

DOCUMENTS (handed in at the Hearing)

- 1 Statement of Common Ground - signed by main parties.
- 2 Copy of witness statement of Mr Dek Versace.
- 3 Responses to Council request for update from house builders/agents: (a) Taylor Woodrow - email dated 27.3.17; (b) David Wilson Homes - email dated 24/3/17; (c) Berkeley Homes - email dated 24/3/17.
- 4 Hand written note from Mr Howes re split between houses and flats as per stated planning permissions.