
Appeal Decision

Site visit made on 31 May 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 27 June 2017

Appeal Ref: APP/L1765/W/16/3164775

South View Park Homes, Oliver's Battery Gardens, Winchester, Hants., SO22 4HG.

- 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 W Russell against the decision of Winchester City Council.
 - The application Ref. 16/00013/FUL, dated 21 December 2015, was refused by notice dated 24 August 2016.
 - The development proposed is the change of use of the land from the storage of caravans to one for the siting of 8 residential park homes.
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Decision

1. The appeal is dismissed.

Application for costs and preliminary matter

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.
3. The appellant has withdrawn the part of the case concerning housing land supply as detailed in paragraph 9 below.

Main Issues

4. The main issues are:
 - Whether the proposal accords with the strategy in the development plan;
 - The effect on the character and appearance of the area;
 - Whether any harm and conflict with policy is outweighed by a particular housing need to justify an exception as affordable housing.

Reasons

Background

5. The appellant has a residential mobile home site on the edge of Oliver's Battery on the outskirts of the south-west side of Winchester. There are 34 units in use on site, which are referred to as park homes, and these fall within the statutory definition of a caravan but are for permanent residential occupation. The appellant says that there are restrictions in place which limit the occupation of the units to the over 55s.
 6. It is proposed to extend the site with a further 8 park homes and the actual appeal site lies on the southern edge of the current park home and also on the edge of
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countryside in the form of undulating downland. The occupation of these park homes is also intended to be for the over 55s.

7. I note from the planning history of the site that there is a Lawful Development Certificate for part of the appeal site to be used for the storage of up to 25 mobile homes in association with the mobile home park. Further there is permission for a residential mobile home for the site owner which forms part of the appeal site but is not part of the 8 additional units proposed. At my site visit I observed that part of the site is used for the storage and repair of park homes and caravans with some 20 single/twin units stored that were in various stages of repair.

Policy context

8. The development plan for the area includes the Winchester District Local Plan Part 1 - Joint Core Strategy adopted in 2013 (now referred to as the LPP1) and the Winchester District Local Plan Part 2 (Development Management and Site Allocations (referred to as LPP2)). The latter was adopted in April 2017 and this supersedes the saved policies in the Winchester District Local Plan Review 2006 some of which were referred to in the decision notice the subject of this appeal. My decision must be based on the current development plan and I will refer to the relevant policies where applicable.
9. As a result of LPP1 and LPP2 now being in force the Council can demonstrate a five year supply of deliverable housing sites in accordance with paragraph 49 of the National Planning Policy Framework (the Framework) and this has been reflected in the recent appeal decisions referred to by the Council. In the light of this the appellant's agent has withdrawn the part of the case alleging a failure to meet the housing land supply requirements.

Accord with development strategy

10. LPP1 Policy DM1 puts forward a development strategy that new development will generally be permitted with the defined settlements but the site put forward lies outside the settlement boundary of Winchester and in the countryside. Here, Policy MTRA4 indicates that residential development is not generally permitted other than for specified exceptional cases which the proposal for permanent park home residential accommodation does not meet. LPP1 Policy CP4 relates to the provision of affordable housing on 'exception sites' which I will consider under a separate issue.
11. The appellant says that the proposal is not restricted by countryside protection policies as park homes are generally acceptable in the countryside but it appears to me that the Policy DM1 relates to all development. Further, although the park homes fall within the legal definition of a caravan in this case they are put forward for permanent domestic occupation and at my site visit I observed that the existing park home estate had, in the main, the character and appearance of residential development. On the evidence put to me I see no reason why the park homes should be treated other than as 'residences' and therefore should be considered in relation to Policy MTRA4.
12. I therefore find that the principle of development conflicts with the housing and development strategy set out in the Policies DM1 and MTRA4 of the development plan.
13. LPP1 Policy CP18 defines 'Settlement Gaps' in the district which are important to retain and the list includes the gap between Winchester and Compton Street. The policy indicates that only development that does not physically or visually diminish

the gap will be allowed. The Council says that the proposals map which accompanies the policy shows that the appeal site and the existing park home site lie in the identified gap to the south of Winchester.

14. I will consider the visual effect under the second issue but in terms of the physical impact it appears to me that the settlement boundary in this area of Winchester is relatively distinct reflecting the clear edge of the urban area. The appellant says that the inclusion of the existing park home site within the gap may reflect its different character, generally formed by low structures in an open setting, which is said to have different appearance to 'bricks and mortar' development. However, whilst noting the range of planning judgements presented by the appellants agent about the acceptability of park homes in the countryside, I find in this case that the presence of further residential park home units arising from the use proposed would result in a clear physical intrusion into the gap notwithstanding the historical presence of the existing park home site. I have also taken into account the presence of the appellant's existing mobile home on the site and the fact that park homes may be lawfully stored on part of it but the area associated with the storage use seems to me to be a materially smaller area than the appeal site now put forward. Spatially, the proposed layout of the park homes would appear more residential in character than the current haphazard but intensive storage of units.
15. Overall on the evidence put to me and my observations at the site visit, I conclude that the change of use proposed and the siting of 8 additional park homes would have a moderately harmful physical effect on the identified open and undeveloped gap between the established built up areas of Winchester and Compton Street.
16. I therefore conclude on this issue that the principal of a permanent residential use of the site with 8 new park homes would not accord with the development strategy set out in the development plan and the proposal would also have a moderately harmful physical effect on the maintenance of the open gap contrary of Policy CP18.

Effect on the character and appearance of the area

17. In assessing this effect I have had regard to the Landscape and Visual Impact Appraisal prepared on behalf of the appellant and to the Council's Landscape Character Assessment. The local landscape is not subject to any special designation.
18. Although the appeal site lies on high ground in the downland landscape on the edge of Winchester, I agree with the appellant's assessment that the site is mostly well contained by existing landscaping. The line of beech trees along the boundary with the existing park home site screens some views to the north although the raised canopies of the trees mean that the units can be seen below this screening. There is also a good hedgerow at the moment along part of the southern boundary of the appeal site and the retention and thickening of this hedge with additional planting could be conditioned. There are more open and long distant views from the south-west but from here the existing mobile home and the units that are stored on the site are visible and I consider that it is unlikely that the proposed ones would have a materially greater visual impact.
19. Overall on this issue I conclude that the proposal would not have a harmful visual impact in the landscape and would not conflict with the provisions of the Policy CP18 related to visual impact.

Local housing need as an exception

20. In the Framework the government seeks to boost significantly the supply of housing through sustainable development and paragraph 47 indicates that the Local Plan should meet the full objectively assessed needs for market and affordable housing in the housing market area so far as consistent with other policies in the Framework. Further, paragraph 50 indicates that planning authorities should deliver a wide choice of high quality homes to create inclusive and mixed communities.
21. The appellant says that the additional park homes are needed to meet a pressing local need and that they are 'affordable' because they tend to cost less to purchase or rent than traditional 'bricks and mortar' housing. It is submitted that their nature and low cost makes them 'affordable' in perpetuity. Further, the appellant submits that the LPP1 recognises the need to address the aging population and their specific housing requirements. It is said that there is a high demand for additional park homes, and in support of this the appellant's agent refers to some 28 letters in support submitted by existing park home residents and there is evidence from local estate agents of a high demand for park hokes and they stress the comparative cheapness compared with other forms of housing.
22. The appellant also says that the scheme met the details of saved policy H10 in terms of affordable housing but this policy is no longer part of the development plan and I have assessed the proposal in respect of LPP1 CP4. I have also taken account of the requirements of section 124 of the Housing and Planning Act 2016 to consider the needs of people residing in caravans and the provision of sites for them. Further, I note the proposed definition of affordable housing put forward in the White Paper¹ but I have placed most weight on the provisions of LPP1 and LPP2, and on the Framework, as these are adopted national and local policy.
23. In principle, although the park homes proposed have the legal definition of caravans, this accommodation can contribute to the range of residential accommodation available in the area and from the evidence submitted it is clear to me that there is a local demand for such units. However, the terms of Policy CP4 regarding exception sites seek to respond to local housing needs, as opposed to demand, which cannot be met within the normal policies applying to Winchester in the first instance. Further I have to bear in mind that the development plan is up to date and has been examined to test that the housing provisions reflect the objectively assessed need in the area. The evidence submitted by the appellant does not establish that a clear exceptional need exists and that this will not be catered for within the settlement in accordance with the adopted policies. The fact that the proposal meets a village design statement is not sufficient to conclude under the first paragraph of policy CP4 that the proposal is consistent with a community aspiration identified through a Neighbourhood Plan.
24. It is also a requirement of the policy that to qualify as an exception site the affordable housing proposed must remain available in perpetuity. Although I recognise that the proposed age restriction would place some limitation on occupancy, the price of the units and therefore their affordability would still be dependent on demand in the open market. I am therefore not satisfied that the units would be available as 'affordable homes' in perpetuity and this requirement is also consistent with the definition of 'rural exception sites' set out in the Framework. Finally both the policy and the Framework put forward a degree of flexibility in the scope for some limited open market properties to facilitate the majority of a

¹ Fixing our broken housing market - Secretary of State for Communities and Local Government - February 2017

development being recognised affordable housing but in this case the scheme put forward is for all of the units to be open market housing, albeit restricted by age, and it has not been demonstrated that such lack of restriction on tenure is needed to ensure the viability of the proposal.

25. Overall, I conclude that the proposal does not meet the terms set out in Policy CP4 or the Framework for being affordable housing on an appropriate exception site.

Planning balance

26. Bringing together my conclusions on the main issues I have found that the proposal does not accord with the strategy in the development plan as the proposal for permanent residential park homes on this site in the countryside beyond the recognised settlement boundary of Winchester would run contrary to the provisions of policy MTRA4 of LPP1. Further the site lies in a recognised open gap between Winchester and Compton Street and the presence of park home units would have a moderately harmful physical effect and would not maintain the gap, contrary to Policy CP18, although the presence of the units would not have a materially harmful visual impact in the landscape taking into account the lawful uses that can take place on the majority of the site. Finally, I have found that it has not been demonstrated that the proposal meets the terms of policy CP4 as an exception site for affordable housing because it has not been demonstrated that there are clear local housing needs which cannot otherwise be met in accordance with the development plan and the tenure of the units would not ensure that the residential units would be available for specific local affordable housing needs in perpetuity.
27. Overall, I conclude that the proposal does not accord with the development plan when considered as a whole.
28. These adverse effects have to be balanced with the positive aspects of development. I acknowledge there is some evidence of a demand for park homes and the ones proposed would be designed to be of particular benefit to the elderly. This would be likely to widen the choice of homes available locally and also help accommodate those who wish to live in caravans, and so contribute to the social role of sustainable development. However, in the plan-led system where the development plan has been examined and found sound in respect of meeting the future housing needs of the area, greater weight has to be placed on the lack of accord with the development plan and the modest harm to the recognised environmental factor that I have found will occur.
29. I conclude that this harm means that the proposal does not constitute sustainable development when the Framework is read as a whole, and that the other material considerations do not outweigh the lack of accord with the development plan which indicates that planning permission should be refused.

Conclusion

30. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR