
Appeal Decision

Site visit made on 13 June 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 28 June 2017

Appeal Ref: APP/Z1510/W/17/3172043

Mobile Home at Rushpitts, Coggeshall Road, Earls Colne CO6 2JS

- 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 Everitt against the decision of Braintree District Council.
 - The application Ref 17/00072/FUL, dated 12 January 2017, was refused by notice dated 15 March 2017.
 - The development proposed is removal and replacement of a former mobile home and outbuildings with a new 3 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would amount to sustainable development having regard to the development plan and national policies.

Reasons

Character and appearance

3. The appeal site comprises a mobile home and two outbuildings set in a plot next to a small cluster of buildings informally arranged around the junction of Coggeshall Road and Curds Road relatively close to Earls Colne and Earls Colne Airfield. However, the site is open with relatively wide ranging views over the rural landscape giving the area a predominantly rural character and appearance.
 4. I acknowledge that the outbuilding which would be demolished is of functional appearance, clad in corrugated tin and prominently located. I also note the existing mobile home is of a different appearance to other buildings nearby. However, the mobile home is of a relatively modest scale and the outbuilding which would be demolished does not look out of place in its rural setting.
 5. Even though not larger in footprint or volume than the buildings to be replaced, the proposed dwelling would be much larger and taller than the existing mobile home. The proposed dwelling would have a pitched roof which would be
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prominent in the landscape and would replace the outbuilding and mobile home in the Curds Road street scene. Furthermore, the proposal would involve the creation of a relatively large domestic curtilage.

6. This would domesticate the appearance of the appeal site and in doing so would erode the rural character of the area which would harm the rural character and appearance of the area. Even though landscaping could be provided to soften the impact of the proposed development this would take some time to become established and would not overcome the harm I have identified.
7. For these reasons the proposal would fail to accord with saved Policy RLP90 of the Braintree District Local Plan Review (2005) (LPR), Policies CS5, CS8 and CS9 of the Braintree District Council Local Development Framework Core Strategy (2011) (CS) and the National Planning Policy Framework (the Framework), which taken together, aim to ensure good design and that new development respects and positively responds to its local context and landscape character.

Sustainable development

8. I am told that the area of the appeal site where the mobile home is stationed benefits from a certificate of lawful use¹, I find no reason to question this. However, whilst the use may be permanent the building is not; it is mobile and thus capable of being moved.
9. Thus, whilst saved Policy RLP15 of the LPR supports the replacement of dwellings in the countryside provided that certain criteria are met. I find the proposal is replacing a mobile home with a permanent dwelling and thus, in my view saved Policy RLP15 of the LPR does not directly apply. Even, if it did apply the mobile home is not what would be considered to be a dwelling of conventional construction and therefore the proposal would be in conflict with saved Policy RLP15 of the LPR.
10. Whilst I accept the mobile home is lived in permanently, the proposal amounts to a new dwelling in the countryside. Saved Policy RLP2 of the LPR seeks to confine new development to within village envelopes and Policy CS5 of the CS seeks to control development outside settlement boundaries to uses appropriate within the countryside. The proposal is not for a use deemed appropriate in the countryside and is outside of any settlement boundary. That said, the proposal is in conflict with saved Policy RLP2 of the LPR and Policy CS5 of the CS.
11. However, the Council acknowledge that it is currently unable to demonstrate a five year supply of deliverable housing land and thus the proposal should therefore be considered in accordance with the presumption in favour of sustainable development which means the Framework taken as a whole. Furthermore, the weight to be attached to the conflict with saved Policies RLP2 and RLP15 of the LPR and Policy CS5 of the CS is reduced.
12. In which case paragraph 55 of the Framework encourages housing in rural areas where it will maintain or enhance the vitality of rural communities but requires isolated new homes in the countryside to be avoided. The appeal site is within a small cluster of buildings including dwellings such that I do not

¹ Council Reference 13/00575/LED

consider that it would be isolated. It would provide a new dwelling and accommodation capable of being occupied by a larger household than could occupy the mobile home.

13. Thus there would be some economic benefits in terms of new customers and employees for local businesses and there would be economic benefits associated with construction. The proposed dwelling would also be more energy efficient than the existing mobile home. I also note the biodiversity benefits of the proposed planting. However, the scale of these benefits are such that they would have a negligible impact on the vitality of the rural community.
14. Furthermore, there are no significant services or employment in the group of buildings nearby and there is no public footpath connecting the appeal site to Earls Colne. Thus the occupants would be highly dependent on the car to access services and employment which is the least sustainable mode of transport.
15. Overall, the harm to the character and appearance of the area and the harm arising from the dependence on the car, even accepting the existing mobile home is already lived in, significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal would not amount to sustainable development.

Other Matters

16. In reaching these conclusions I have noted the various appeal decisions². However, the full details of those cases are not before me and I have assessed the appeal with regard to bespoke site specific circumstances. Thus, they are not directly comparable and I have afforded them limited weight. In any event, I have found harm to the character and appearance of the area.
17. I have also attached limited weight to the Council's concerns with regard to the proposal setting a precedent for other similar forms of development as each case should be considered on its merits.

Conclusion

18. For the reasons set out above, I conclude that the proposed development would not accord with the development plan or the Framework and thus having had regard to all other matters raised the appeal should be dismissed.

L Fleming

INSPECTOR

² APP/H1840/A/14/2221804 & APP/Z1510/W/16/3150292