



Appeal Decision

Site visit made on 13 June 2017

by Paul Dignan MSc PhD

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

Decision date: 03 July 2017

Appeal Ref: APP/P1045/C/17/3166996

Land at The Okeover Arms, Mappleton Road, Mappleton, Derbyshire DE6 2AB.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Carole Coxon against an enforcement notice issued by Derbyshire Dales District Council.
 - The enforcement notice, numbered ENF/16/00065, was issued on 8 December 2016.
 - The breach of planning control as alleged in the notice is the material change of use of the land from domestic curtilage associated with The Okeover Arms public house, to use for the stationing of a mobile home for the purposes of human habitation.
 - The requirements of the notice are: 5.1 Permanently remove the mobile home from the land (shown in red on the attached plan); 5.2 Reinstate the land to its previous condition as garden land to the public house.
 - The period for compliance with the requirements is 28 days for requirement 5.1 and 30 days for requirement 5.2.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
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Decision

1. It is directed that the enforcement notice be corrected by the deletion in section 3 of the words "domestic curtilage associated with" and their substitution by the words "garden land within the curtilage of". Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

2. The Okeover Arms public house is a Grade II listed early 19th century building in the small village of Mappleton. Set on the roadside edge, it has a car park and gardens to the side and rear. The mobile home in this case is stationed in a small section of rear garden immediately adjacent to the rear of the building, and separated from the rest of the grounds by a close boarded fence. The mobile home is visible from the public highway and from the car park and gardens and appears as incongruous and discordant. Its modern appearance and materials contrast harshly with the historic and architectural character of the listed building, matters which diminish the public appreciation of the heritage asset.

3. In considering works affecting listed buildings Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the building or its setting. This duty is reflected in Policy NBE16 of the adopted Derbyshire Dales Local Plan (LP) and Section 12 of the National Planning Policy Framework (NPPF). It is also carried through to the emerging local plan in Policy PD2 of the Deposit Draft Derbyshire Dales Local Plan. This latter policy only carries limited weight at this stage, but is entirely consistent with the current development plan and with national policy.
4. The harm to the setting of the listed building places the development in conflict with LP Policy NBE16. In NPPF terms, the harm I have identified above would be considered as less than substantial, and must be weighed against the public benefits of the proposal. No specific public benefits have been put forward in this case. The justification put forward for the mobile home is to provide accommodation for the landlords' daughter, who works at the public house, and it also occasionally accommodates a mobility impaired relative who visits but who cannot use the bedrooms in the pub which are upstairs. It is claimed that without the mobile home the family could not continue to run The Okeover Arms and would have to move elsewhere. No specific evidence is provided to support this assertion, but in any case personal circumstances seldom outweigh the more general planning considerations, and I consider that the personal circumstances in this case can only be afforded limited weight.
5. The proposal would cause less than substantial harm, but the NPPF requires that this harm to a heritage asset must still be given significant weight. In the absence of public benefits to justify the harm to the setting of the listed building, I consider that the personal circumstances put forward in support of the development are not sufficient to outweigh the conflict with the development plan. I conclude accordingly, having considered all other matters raised, that the appeal must be dismissed.
6. However, I must make one correction to the notice. Curtilage is not a use of land, and while it is not essential for the description of the breach to recite the former use of the land, for clarity I shall amend the description to refer to the use from which the land has changed to use as garden land within the curtilage of the listed public house. I consider that this correction causes no injustice.

Paul Dignan

INSPECTOR