



Appeal Decision

Site visit made on 13 June 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 6th July 2017

Appeal Ref: APP/M3645/W/17/3167656

St Georges Stables, Crowhurst Lane, Crowhurst RH7 6LR

- 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 and Mrs Ford against the decision of Tandridge District Council.
 - The application Ref TA/2016/928, dated 26 May 2016, was refused by notice dated 21 July 2016.
 - The development proposed is stationing of a mobile home.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appealed application sought planning permission for the stationing of a three bedroom mobile home for occupation by the appellants and their children. The mobile home shown on the application drawings, most particularly drawing 180516-02, would replace the mobile home (the original mobile home) shown in the photographs included in the submitted Planning, Design and Access Statement (PDaAS). At paragraph 4.10 of the PDaAS it is stated that the original unit '... is currently used as a general base for the applicants whilst attending to the animals on the site. On this basis the stationing of the mobile home falls within the permitted development rights'. However, the nature of the mobile home accommodation on the site has changed since the PDaAS was drafted, with the mobile home having been extended¹ and lived in since June 2016.
3. Application drawing 180516-02 shows a chalet style mobile home, which would have a completely different appearance to the mobile home currently in-situ. However, planning permission is sought for the stationing of a mobile home, which is development involving a use of land. As the use for which permission is sought has already commenced, I have determined the appeal on the basis of it being for an existing use. I shall return to the circumstances that have given rise to the commencement of the residential use in my reasoning below.

¹ An enlargement referred to in an email to the appellants from the Council included in Appendix 3 of the appellants' statement of case

Main Issues

4. The main issues are:

- whether the use of the land for the siting of a mobile home is inappropriate development in the Green Belt;
- the effect of the development on the openness of the Green Belt;
- whether there is a risk of flooding for the development's occupiers; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

5. The parties agree that the siting of a mobile home is inappropriate development in the Green Belt, having regard to the provisions of the National Planning Policy Framework (the Framework), most particularly paragraphs 87 and 90. The inappropriateness of the development means that there is also conflict with Policy DP10 of the Tandridge Local Plan Part 2 Detailed Policies 2014 to 2029 (the Local Plan). While conflict with Policy DP13 of the Local Plan has been cited in the first reason for refusal, I consider that not to be the case. That is because Policy DP13 addresses the construction of buildings in the Green Belt and the development involves a use of land rather than new building.
6. I agree that for the purposes of the Framework and Policy DP10 of the Local Plan the development amounts to inappropriate development in the Green Belt. The development because of its inappropriateness, by definition, is harmful to the Green Belt and I therefore conclude that great weight should be given to that harm.

Green Belt Openness

7. Paragraph 79 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence.
8. The site has an area of 0.75 hectares and it is located on the western side of Crowhurst Lane. The site is occupied by two stable blocks next to one another, an isolation stable block, sited away from the other stables, a structure associated with the operation of a fencing business, paddocks and a sand school. The site is therefore essentially open in character. Development in the surrounding area is of a sporadic nature and the area is characterised by gently rolling, open farmland. The area is therefore essentially free from built development and open in character, which is consistent with it being in the Green Belt.
9. The mobile home, whether that be the one currently in-situ or that shown on the application plans is or would be sited behind (to the south west of) the pair of stable blocks and as such it is not or would not be readily visible from

the public highway. However, in terms of maintaining the permanent openness of the Green Belt, visibility from public vantage points is not a determining consideration. The development has involved the stationing of a mobile home that is larger than the original mobile home and has resulted in some loss to the openness of the Green Belt.

10. I recognise that there has been a relatively small reduction in the area's openness, compared with the situation that prevailed prior to the original mobile home being enlarged. However, it has been submitted that the original mobile home was brought onto the site for purposes incidental to the undertaking of the equestrian use. The Council is of the opinion that the mobile home's use, including some occasional overnight occupation, was ancillary to the site's equestrian use. The development subject to the appealed application clearly requires planning permission and I therefore attach little weight to the comparison that has been made between the appeal development and the siting of a mobile home for purposes incidental to the operation of the equestrian use.
11. I therefore conclude that the development has caused some loss of openness, leading to conflict with paragraph 79 of the Framework and Policy DM10 of the Local Plan. There is also conflict with paragraph 80 of the Framework in that the countryside has not been safeguarded from encroachment. While the harm to the Green Belt's openness is localised, this is nevertheless a factor that attracts moderate adverse weight.

Flood Risk

12. The Environment Agency's (EA) published flood risk map shows the location of the mobile home to be in Flood Zone 3, ie an area subject to the highest risk of flooding where 'highly vulnerable' types of accommodation, such mobile homes, should not be sited. However, for the purposes of this appeal, and further to the EA raising an objection to the originally submitted application, the appellants have commissioned a flood risk assessment (FRA).
13. The appellants' flood risk consultant, based on topographical survey data and site specific modelling, has submitted that the location of the mobile home should be treated as being in Flood Zone 2² and that the floor level of the mobile home would be 450mm above the existing ground level. It has been further submitted that there are no sequentially preferable locations for the development, given its association with the site's equestrian use. In effect it is argued that to find a sequentially preferable site, in flood risk terms, it would be necessary to relocate the equestrian use.
14. The EA, having commented on the FRA in connection with this appeal, has maintained its objection to the development on the grounds of the vulnerability to flooding, with the EA contending that the site is in Flood Zone 3, rather than Zone 2.
15. Given that the FRA's conclusions are based on site specific modelling I am more inclined to accept that the location of the mobile home is within Flood Zone 2 rather than Flood Zone 3. While the EA has maintained its objection to the development, it has recommended that if the appeal is allowed then a

² As shown on a map included in Appendix D of the FRA

condition should be imposed requiring the mobile home's finished floor level to be no less than the minimum level stated in the FRA.

16. There would appear to be no technical reason why either the mobile home in-situ or that shown on the application drawing 180516-02 could not be made to comply with the minimum floor levels identified by the EA and in the FRA. Accordingly I consider that this is an issue that could be addressed via the imposition of a condition were I minded to allow the appeal.
17. I therefore conclude, subject to the mobile home having a minimum finished floor level meeting the provisions of the condition recommended by the EA, that the occupiers of the development would not be subject to an unacceptable level of flood risk. On that basis I consider there to be no conflict with Policy DP21 of the Local Plan because the flood risk for the occupiers of the development could be mitigated to an acceptable level.

Other Considerations

18. The application was submitted further to a previous application (TA/2012/98) for a similar proposal having been refused planning permission and the subsequent appeal³ being dismissed.
19. The appellants in accepting that this is inappropriate development in the Green Belt have submitted that there are animal welfare reasons justifying an around the clock residential presence on the site, particularly for the 48 hour periods following either horses or ponies (horses) first arriving at the site or having surgery. The evidence concerning this aspect of the appellants' case has been submitted on a confidential basis and I have therefore not made detailed comments on it in my reasoning.
20. I, like the Inspector who determined the previous appeal, do not doubt that the appellants' use of the site makes a useful contribution to the wellbeing of horses in need of care. I also recognise that some of the care need arises overnight. However, I have reservations as to whether the amount of care needed, of itself, warrants a family being present on a twenty four hour basis. In that respect I have had regard to the submitted horse log. The log shows that there are peaks and troughs in the arrivals of horses at the site. That variability suggests that the occasions when new arrivals require initial intensive care can be quite spaced out and does not necessarily require a year round, 24 hour, residential presence. I therefore find this element of the appellant's case does not provide sufficient justification for the development. I am also of the opinion that the evidence relating to site security does not provide significant support for the development.
21. Since the determination of the earlier application and appeal there has been a material change in circumstances for the appellants and their dependents. That being the requirement for them to leave the dwelling they previously occupied in Godstone. That is because the landlord of that property needed to make it available to one of its employees. Evidence has been indicating that at the time of the application's submission in May 2016 there were no properties available at an affordable rent within a five mile radius of Crowhurst, with the search radius being determined by several factors. Those factors being the need to be close to the site to care for the horses, family

³ APP/M3645/A/13/2207049

members being schooled in Lingfield and the operation of Mr Ford's fencing business at the site.

22. It is unfortunate that the appellants, through no fault of their own, had to leave the property they were renting. However, while I recognise that it is very convenient for the appellants to be resident on site to provide care for the horses, I consider it has not clearly been demonstrated why the appellants could not live more than five miles from the site and make use of on-site accommodation of a more temporary nature on the occasions when there is a need to be present at the site overnight. Temporary on-site accommodation could possibly take the form of: the original mobile home; the office space that has been established in one of the stable blocks; a touring caravan; or a camper van. I therefore attach little weight to any shortage of homes for rent in the area.
23. It is contended that the need for the residential accommodation should be considered as being similar to that for agricultural/rural workers, when regard is paid to paragraph 55 of the Framework and Policy DP15 of the Local Plan. I have already commented on my reservations about the functional need for the development. With respect to financial considerations, very limited evidence relating to financial viability has been provided, with it being submitted that the use of the site involves a 'unique business', which should not be assessed on the basis of whether it is planned on a 'sound financial basis'. Mrs Ford's letter suggests that in some instances costs incurred by the appellants are recoverable, with I presume the appellants receiving some reimbursement when the horses that have been cared for are re-homed. However, the appellants both run businesses and it would appear that any income received from the caring of the horses is not the appellants' main income source.
24. I therefore consider that the submitted evidence has not demonstrated that the activity associated with the caring of horses is of a sufficient scale for the appellants to be considered as rural workers for the purposes of paragraph 55 of the Framework. Within the context of paragraph 55, and having regard to the available evidence, I further consider it likely that any income arising from the care of horses is not of a scale that is contributing significantly to either the enhancement or maintenance of the vitality of communities in the area. I therefore find that this aspect of the appellants' case attracts little weight.

Conclusions

25. While I have found that the risk of flooding is not unacceptable, I conclude that the matters raised by the appellants in support of the use are outweighed by the substantial harm to the Green Belt by reason of the inappropriateness of the development, with that harm being added to by the loss of some openness. I consider that the harm to the Green Belt could not be overcome by the imposition of reasonable planning conditions. Accordingly there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. I therefore conclude that the development is contrary to Policy DP10 of the Local Plan and paragraphs 87 and 88 of the Framework. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR