



Appeal Decision

Site visit made on 17 July 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/P1045/W/18/3216375

Round Oak Farm, Slade Lane, Mercaston DE6 3DZ

- 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 & Mrs A Hatton against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00801/FUL, dated 20 July 2018, was refused by notice dated 15 October 2018.
 - The development proposed is the retention of a mobile home
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a mobile home at Round Oak Farm, Slade Lane, Mercaston DE6 3DZ, in accordance with the terms of Application Ref: 18/00801/FUL dated 20 July 2018 and subject to the conditions set out in the schedule attached to this Decision.

Background and Main Issue

2. Planning permission is sought for the retention, for a further two years, of a mobile home that is already in place on the site. I have therefore determined the appeal on that basis.
3. The site has an extensive planning history relating to the establishment of an equestrian business. The Council details that consent¹ for the siting of a mobile home for a period of 3 years, was first granted in March 2010. The consent was subsequently renewed², following a number of applications, in August 2014 for a further period of 3 years. Applications³ for the erection of stables and agricultural storage buildings were also granted during this time. I have been provided with very little evidence with regards these consents, the policies and circumstances that applied at the time that the applications were determined.
4. The main issue in the appeal is whether or not the retention of the mobile home for a further period of two years is justified by the business operating from the site for the purposes of the development plan.

Reasons

5. Policies S1, S4 and HC13 of the Derbyshire Dales Local Plan 2017 (LP) relate to the provision of housing, seeking to focus development to existing settlements

¹ 09/00687/TEMP 5 March 2010

² 14/00031/TEMP 27 August 2014

³ 10/00532/AGR 22 September 2010; 11/00178/FUL 7 July 2011; and, 12/00099/FUL 4 April 2012.

- and separately, to meet the needs of agricultural, forestry and rural-based workers in the countryside where development would not otherwise be permitted.
6. Policy HC13 (c) relates, in part, to the provision of temporary dwellings to allow time for the business to develop and states, among other matters, that a *temporary dwelling will only be permitted for a maximum period of 3 years*.
 7. As a result of earlier planning consents and periods of time when the mobile home has been retained on site without the appropriate consents, the maximum period of 3 years has already been exceeded to a significant degree.
 8. The appellants have stated that the delay in establishing and growing the business was as a result of an illness suffered by one of the appellants and I give this matter some weight. However, I have been provided with very little information as to how this affected the day to day operation of the business or may affect the business in the future.
 9. With regards other criteria set out by policy HC13, there is a functional need for a rural worker to reside on site to support the needs of the related enterprise and this is not, in principle, at dispute between the parties. The Council has however raised concern that the business is not financially sound and that there is no clear prospect of it becoming so.
 10. The appellant has submitted some limited evidence with regards the financial performance of the business. A single page extract of the accounts of the business shows that a small profit was realised in the financial years ending April 2016 and April 2017. Furthermore, a modest directors' salary is recorded as being taken in 2017.
 11. No substantive details of the most recent trading have been submitted, the appellant has however submitted financial forecasts for the period 2018-2021 showing a steady increase in the profitability of the business. It is not clear what this forecast is based on, consequently the weight given to this evidence is limited.
 12. The enterprise has operated for around ten years and based on the evidence before me, it has achieved a profit in the last two years for which details have been provided and financial forecasts suggest that this will continue and grow. This indicates that the enterprise has been, and will continue to be, viable and profitable.
 13. I have carefully considered all of the evidence before me, taking account of all of the concerns raised with particular regards to the significant length of time that the mobile home has already been on site. This is a very finely balanced decision, but I conclude that the retention of the mobile home for a further period of two years is justified by the business operating from the site for the purposes of the development plan, specifically with regards policies S1, S4 and HC13 of the LP.

Other Matters

14. An objector to the application and the Council have stated that the appellant's have disposed of some grazing land. The appellants state, and the Council acknowledges, that some additional land for grazing is currently rented and I

have no substantive evidence before me to suggest that there is not sufficient grazing land available to meet the current or future needs of the business.

Conditions

15. I have had regard to the suggested conditions attached to the Council's Appeal Statement and I have included a condition limiting the retention of the mobile home on the site for a further two years, requiring the removal and reinstatement of the land thereafter in order to protect the character and appearance of the open countryside.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed subject to conditions.

Mark Brooker

INSPECTOR

SCHEDULE OF CONDITIONS

1. This permission is for a temporary period of two years from the date of this decision immediately after which the mobile home shall be removed and the land reinstated.

END OF SCHEDULE