
Appeal Decision

Site visit made on 9 September 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/Y3940/W/19/3228249

Peterborough Lodge, Dauntsey Lock, Dauntsey Lock SN15 4HD

- 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 Mrs Annette Cairns against the decision of Wiltshire Council.
 - The application Ref 18/11777/FUL, dated 7 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is the siting of a mobile home.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The mobile home subject of this appeal is already in situ and I am therefore considering this appeal retrospectively.
3. The National Planning Policy Framework (the Framework) was revised on 19 February 2019 and this post-dates the Council's refusal notice. I have determined this appeal in accordance with the Framework.

Main Issues

4. The main issues are i) whether the development would be in a suitable location, having regard to local and national planning policies and ii) if any harm is caused in respect of issue (i) whether such harm is outweighed by the personal and health circumstances relating to the occupiers of the appeal proposal.

Reasons

Suitability of the location

5. The appeal site is a parcel of land to the east of Dauntsey Lock associated with the dwelling of Peterborough Lodge. There is existing hardstanding within the field parcel already and the mobile home, subject of this appeal, is in situ to the east of this field. The Council indicate that the mobile home is approximately 98 metres from Peterborough Lodge itself and this has not been disputed by the appellant.
6. The planning application was made on the basis of the description given as the siting of a mobile home. However, from reading the accompanying documentation, it is clearly stated that it would be used to provide living

accommodation for elderly relatives of the occupiers of Peterborough Lodge. Given the description and nature of development indicated within the submitted details and significant separation between the mobile home and principal dwelling, I do not consider that this would foster a degree of reliance and would be largely independent. As such, from the details before me, I have considered the proposal on the basis that they would result in a residential use of the land by virtue of the siting of a mobile home.

7. Dauntsey is identified as a Small Village within Policy CP13 of the adopted Wiltshire Core Strategy 2015 (WCS). Policy CP2 indicates that development within Small Villages will be limited to infill within the existing built area, meet identified housing needs and listed criteria including that it does not elongate the village. The mobile home is divorced from the nearest built form, surrounded by open, verdant land, falling outside of the confines of the village and would not therefore amount to infill within the built area. Furthermore, I have not been provided with any objective evidence to demonstrate it would meet an identified housing need of the settlement. As such the appeal development would be contrary to the provisions of this policy.
8. Saved policy H4 'Residential Development in the Open Countryside' of the North Wiltshire Local Plan 2001 (WLP) and CP48 'Supporting Rural Life' of the WCS, provide exceptions for the provision of dwellings in the countryside, primarily relating to rural enterprise and employment needs or replacement or reuse of existing buildings. There is no objective evidence before me to indicate that the proposal would meet any of the exceptional circumstances identified and therefore, in this regard, I find the appeal proposal would not accord with the requirements of the aforementioned policies or Chapter 5 (including paragraph 79) of the Framework.
9. In addition to the above, the appeal development would not be sited in an accessible location. Whilst Dauntsey benefits from limited amenities, including a public house and a post box, these would not be adequate to cater for day-to-day needs of occupants of this development without significant reliance on the private motor vehicle as the main means of travel. There is no footway on substantial parts of the local highway network, that would require pedestrians to walk within the vehicular carriageway. The lack of a continuous footpath coupled with observed vehicular speeds and distance to local services, would not be conducive to pedestrian movements to and from the village or to local services. As such the appeal development would not accord with the accessibility and sustainability aims of policies CP60 and CP61 of the WCS and the Framework (including Chapter 9), which seek to amongst other things, reduce the reliance on the private car.
10. The appellant contends that given the circumstances of the occupiers that they do not need to be close to services, employment opportunities or public transport. They also indicate that the location would avoid the need for the appellant to drive to an alternative site on a regular basis. Whilst I acknowledge these matters, any occupant would be reliant on services, including potential healthcare provision, that could not be readily accessed apart from by private motor vehicle owing to the site's location.
11. Having considered all of the above, I conclude that the appeal site does not represent a suitable, sustainable location for the proposed development, at odds with the Council's development strategy and sustainable development

aims of local and national policy. As such for the reasons given above, the proposal would be contrary to policies CP1, CP2, CP13, CP48, CP60 and CP61 of the WCS and policy H4 of the WLP, and the Framework.

Personal circumstances and the planning balance

12. I have carefully considered the reasons why the appellant has applied for the mobile home in this location. Due to existing health conditions of the appellants parents, the retention of the mobile home would allow for independent accommodation within close proximity of their daughter, with the appellant noting that the occupants would “*not require 24 hour care but to have family near for daily tasks is invaluable*”. Without this the appellant indicates that her parents may need to seek alternative accommodation elsewhere or be declared homeless.
13. Given the sensitive nature of the health information supplied to me as part of this appeal, it would not be appropriate for me to outline the specific health conditions of the individuals concerned. However, on the evidence that is before me, I have no doubt that the proposal would be of benefit for both the appellant and her parents in providing accommodation within close proximity of the appellants property. These are personal circumstances to which I afford weight in favour of the appeal.
14. The appellant indicates that harm identified with regard to the first main issue, could be mitigated by issuing a consent for a temporary period that would see the mobile home removed depending on the circumstances of the occupants, tying it to their lifespan and/or that it could be reviewed at regular intervals. However, I am not persuaded that circumstances would necessarily change within an appropriate prescribed period and, it is rarely justifiable to grant a temporary consent for an undefined period or for such a consent to be regularly renewed as suggested. Owing to the above, having regard to the advice contained within Planning Practice Guidance (PPG), I cannot be satisfied that any such condition would be adequately precise or enforceable.
15. In weighing the personal circumstances in the balance, this has to be considered against the significant effect that such a proposal would have upon the Council’s development strategy that seeks to, amongst other things, protect the character of the countryside, and the sustainability aims of both local and national policy as discussed in consideration of the first main issue. In the absence of appropriate means by which to control the length and nature of occupation, the appeal proposal would result in a unit of residential accommodation within an unsustainable, countryside location at odds with the provisions of the adopted development plan.
16. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
17. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that such accommodation is provided in appropriate, sustainable locations. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the

appellant's human rights. Therefore, whilst I acknowledge the personal circumstances of the appellant, and her parents, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of the first main issue.

Other matters

18. The appellant indicates that the Council have failed to attribute sufficient weight to policy CP46 of the WCS, in that it seeks to provide new homes for vulnerable or elderly people. Whilst I note the content of this policy, it generally relates to the provision of specialist accommodation including residential homes and extra care facilities. Furthermore, it seeks to direct such development to sustainable locations, normally within or adjacent to Principal Settlements and Market Towns identified within the WCS. As noted previously, the site is neither located within, or adjacent to, such a settlement nor is it in a sustainable location. As such I attribute this little weight in the planning balance.
19. The appellant quotes from policy from the Salisbury Local Plan. Although this has not been provided, from the information before me this is not of direct relevance to the appeal proposal and as such I attribute this limited weight in determination of this appeal.
20. The appellant has indicated that alternative forms of development would not be appropriate, including siting and cost constraints associated with the construction of extensions or granny annexes. The appellant also indicates that the Council have failed to define the curtilage of the dwelling to allow alternative positions to be properly considered. However, it has been necessary to determine the appeal on the basis of the submitted plans before me and in the absence of objective evidence with regard to alternatives, I attribute these arguments little weight against my findings on the main issues.
21. Whilst I acknowledge that the mobile home could be easily removed from the site, the design itself does not form part of the Council's reasons for refusal. Furthermore, as detailed earlier I have considered the proposal on the basis of the introduction of a residential use, which for the reasons detailed previously would be at odds with the provisions of the development plan. The demountable nature of the mobile home does not therefore outweigh the harm identified with regard to the first main issue.
22. I have considered the appellants contentions with regard to the lack of objections to the proposal from neighbouring properties; the existing non-virgin character of the land including its previous use for siting of touring caravans; and that the position of the mobile home has partly been dictated to avoid obstruction to an access to adjoining fields. However, having considered these matters I do not find they are of direct relevance to my consideration of the main issues and do not alter or outweigh my conclusions in this regard.
23. The appellant has raised concern in relation to the manner in which the Council determined the application. This is not directly relevant to my assessment of the merits of the appeal proposal.
24. None of the other matters outweigh or alter my conclusion on the main issues.

Conclusion

25. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR