



Appeal Decision

Hearing Held on 29 January 2020

Site visit made on 29 January 2020

by B J Sims BSc(Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/P0240/W/19/3239284

Lodge Stud, Myers Road, Potton, Bedfordshire, SG19 2RG

- 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 Susannah Walton against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/01418/FULL, dated 23 April 2019, was refused by notice dated 21 August 2019.
 - The development proposed is the retention of a mobile lodge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application and appeal were retrospective but this has no effect on the consideration of the planning issues upon which the case turns.
3. The application was made following a previous refusal of an application for the siting of a mobile lodge on the same site but the present appeal is for entirely fresh appraisal on its own individual merits.

Main Issues

4. The main issues in the appeal are: the effect of the mobile lodge on the appearance and character of the site and the surrounding rural area; the justification for its retention with respect to the operation of the Lodge stud; and the effect of the residential occupation of the mobile lodge on the level of use and safety of the site access.

Description

5. The appeal site lies outside the built settlement of Potton and within the Greensand Ridge.
6. The mobile lodge, subject to appeal, comprises a double, static caravan unit in the form of a log cabin and is occupied as the home of the Appellant and her husband in connection with the operation of the Lodge Stud.
7. The site extends to some 2.7ha of grazing land with a series of existing stables and the mobile lodge stationed near its south west corner, close to its access from Myers Road. This access is shared with Jay Farm Bungalow, the home of

the mother of the Appellant, immediately to the south. The access was formerly also used by Jay Farm, adjacent to the west, which is now served by a separate access.

8. The Lodge Stud makes use of some 3.7ha of additional rented lands adjacent to the south and east, such that the total area of the holding is about 6.4ha or around 16 acres.
9. The livestock of the holding comprises seven breeding cows and three brood mares, with youngstock, for meat production. There are also six showjumping and event horses but these are for the personal use and enjoyment of the Appellant and her family and do not form part of the farming enterprise.

Reasons

Planning Policy

10. Policy DM4 and its supporting text, within the adopted Central Bedfordshire Core Strategy and Development Management Policies (CSDMP), identifies settlement boundaries. Outside these the countryside is protected and only particular types of new development are permitted, including dwellings for the essential needs of those employed in agriculture. This policy relies upon outdated national guidance but those of its aims that are relevant to the present appeal are consistent with current national guidance in the National Planning Policy Framework (NPPF).
11. Policy DM14 of the CSDMP specifically requires any development within the sensitive Greensand Ridge, where the appeal site lies, to conserve or enhance the landscape.
12. Policies CS14 and CS16 of the CSDMP together require development to be of high quality, respecting the local context and any highly sensitive landscapes.

Appearance and Character

13. The log cabin design of the mobile lodge is not in itself objectionable and it is similar to others approved in the vicinity. However, its mere presence within the relatively open, flat appeal site, together with its associated domestic activity and paraphernalia, alters both the appearance and the character of the protected countryside of the Greensand Ridge, to its detriment.
14. It is accepted that the development is not seen from Myers Road, to the south, and that few members of the public traverse the right of way, from where the property is visible from the north. Also the lodge could be screened and its visual impact softened by a landscaping scheme secured by planning condition.
15. Overall though, the development would still have an unacceptably adverse impact upon the appearance and character of the site and the surrounding rural area, failing to conserve or enhance the landscape. This places the proposed retention of the lodge into unacceptable conflict with Policies CS14, CS16 and DM14 of the CSDMP.

Justification

16. It is accepted that the Appellant and her family are long-established in farming and have a genuine ambition to increase and expand the farming enterprise of the Lodge Stud.

17. However, to justify a permanent new dwelling in the countryside it is reasonable and necessary, in terms of regular planning practice, to appraise the need for a permanent dwelling outside the settlement in functional and financial terms.
18. In functional terms, whilst it is necessary for a worker to attend cows and mares for calving and foaling and to ensure adequate care for youngstock, the present operation is of comparatively small scale and there is nothing to indicate that, in planning terms, the essential attendance could not be provided from a residence in the adjacent village of Potton. Moreover, whilst there have been incidents of theft and vandalism at the property, these aspects of security do not outweigh a substantive planning objection.
19. In financial terms, there is only limited written evidence, amounting to no more than assertion, that the business has shown a profit of between £1,648 and £9,430pa for the last five years. Clearly, that would not provide a living wage for a single agricultural worker and it is noted that the Appellant and her family rely upon other employment.
20. Understandably, the family have a preference to live on the appeal site, close to their animals, before investing in additional livestock.
21. However, the foregoing considerations do not amount to evidence of the requisite essential agricultural planning need to justify a permanent dwelling.
22. In connection with this appeal, there is no evidence, such as by way of a written business plan or budget, to show that the business will expand viably, over the next three or so years.
23. The application and appeal are expressly for the permanent retention of the disputed mobile lodge. However, even a temporary permission for a dwelling, limited to agricultural occupation, would not be justified, in the absence of convincing documentary evidence of the potential future expansion and viability of the Lodge Stud business to support an agricultural worker.
24. The continued presence of the mobile lodge would therefore be in unacceptable conflict with the aims of Policy DM4 of the CSDMP, as well those of national policy, to protect the rural landscape from unwarranted development.

Highway Safety

25. The occupants of the disputed mobile lodge make use of the access lane shared with Jay Farm Farm Bungalow. If it were accepted that the previous use of the same access by Jay Farm has ceased, there would be no net increase in the use of the lane. Moreover, there is ample parking and turning space within the site. On that basis, there would be no highway objection to the retention of the lodge.
26. However, the permanent creation of an alternative access to Jay Farm and the cessation of its use of the shared lane is not documented in connection with current appeal. Accordingly, there remains the potential for an increase in the use of the lane consequent upon the appeal development. The lane is substandard in width and visibility at its junction with Myers Road and this cannot be improved within the appeal site boundary. Moreover, there is no indication in the original application that sufficient adjacent land is owned or controlled by the Appellant.

27. In the circumstances, despite the expressed willingness of the Appellant to undertake these improvements, it is not within the scope of planning conditions to secure them. Therefore, on the evidence available, there is a further objection to the retention of the mobile lodge on highway safety grounds.

Other Matters

28. The appeal site is in a comparatively sustainable location, just outside the substantial village of Potton and close to public transport connections. Consequently, there is no objection to the mobile lodge in this respect.
29. As well as noting other log cabin style homes allowed in the area, the Appellant cites a range of permissions, more distant and in other districts, where dwellings have been allowed on grounds of agricultural need. Full details of these cases are not available and, crucially, each case is determined individual merit and circumstances.
30. It is recognised that one aim of the Appellant is to live close to her aged mother who lives at Jay Farm Bungalow. However, such transient personal circumstances, whilst material, carry little weight compared with the substantive planning objection to a new permanent dwelling in the countryside.
31. Finally, it is noted that the Council, for the purposes of this appeal, provides evidence, unchallenged by the Appellant, that it can demonstrate the existence of a five year supply of housing against its adopted housing policies, as required by the NPPF. Accordingly, any benefit of providing an additional unit of living accommodation is of little significance in the present case.

Conclusions

32. The proposed retention of the mobile lodge would perpetuate harmful impact upon the appearance and character of the site and surrounding rural area, contrary to Policy DM4 and other relevant provisions of the adopted Central Bedfordshire Core Strategy and Development Management Policies. There is no evident overriding justification for a dwelling in the protected countryside and, for this reason alone, the appeal must fail. The further outstanding objection on highway safety grounds adds to the case against the present appeal.
33. Therefore, taking into account every factor, both for and against the development, I conclude that the appeal should be dismissed.

B J Sims

Inspector

APPEARANCES

FOR THE APPELLANT:

Mrs S Walton – Appellant
Mr P Walton – husband of Appellant
Mrs K Hope – mother of the Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr B Tracy – Planning Officer
Mr A G Coombe – Agricultural Consultant
Ms M Edwards – Highway Authority
Ms L Fowle – Highway Authority

