



Appeal Decision

Site visit made on 12 February 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/J9497/W/19/3240883

Silent Woman Mobile Home Park, Moorshop, Tavistock, Devon PL19 9LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Ian and Victoria Stainer against the decision of Dartmoor National Park Authority.
 - The application Ref 0079/19, dated 2 October 2018, was refused by notice dated 14 May 2019.
 - The application sought planning permission for the change of use of land from tented camping, dormobiles and touring caravans to use for siting caravans for residential use, Higher Longford Farm, Moorshop, Tavistock without complying with a condition attached to planning permission Ref 0746/00, dated 6 February 2001.
 - The condition in dispute is No. 3 which states that: The number of mobile home units shall be limited to twenty-four at any one time.
 - The reason given for the condition is: To protect the character and appearance of this part of the Dartmoor National Park, in accordance with policies GP1 and GP3 of the Dartmoor National Park Local Plan.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Ian and Victoria Stainer against Dartmoor National Park Authority. This application is the subject of a separate Decision.

Background and main issue

3. The site benefits from planning permission for a mobile home park for permanent residential occupation, referenced 0746/00 (the 2001 permission). Condition 3 of the 2001 permission places a restriction that no more than 24 mobile home units can be stationed on the site at any one time. The appellants request that permission is granted subject to an alternative version of the condition that allowed no more than 25 mobile home units to be stationed at the site.
4. The 2001 permission indicates that the disputed condition was imposed to protect the character and appearance of the area but there is no dispute that the proposal would not harm those interests, where caravans are already a feature of the local landscape.

5. Whilst the use of the land is already a mobile home park, and that would not change, the effect of the proposal would be to permit an additional mobile home for permanent residential occupation at the site. Consideration of that, and the consequential need for the condition must be based on present circumstances, considered against the development plan as it exists now.
6. The main issue is whether the condition is reasonable and necessary with regard to local and national planning policies that seek to control the location of development.

Reasons

7. Policy COR2 of the Dartmoor National Park Authority Core Strategy Development Plan Document 2008 (CS) sets out a broad spatial strategy for development within the Dartmoor National Park. Following the statutory purposes of the National Park¹ to conserve and enhance natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public, the policy envisages that most development needs would be met within a range of larger 'Local Centres' and smaller 'Rural Settlements'. Outside those settlements, in locations such as the appeal site, the policy goes on to indicate that small scale development for the growth of existing businesses is permissible, but it does not make provision for housing.
8. The appellants contend that their business of operating and maintaining the mobile home site could grow through the provision of an additional mobile home. I have no doubt that the revenue from an additional unit would assist in this regard, especially if there were future legislative changes that resulted in a reduction to some income streams. However, as the proposal would essentially result in the provision of an additional residential dwelling, albeit not constructed of bricks and mortar, I find that there would be a conflict with the aims of CS Policy COR2 insofar as it seeks to control residential development.
9. There are also other development plan policies that specifically relate to housing. The site is within the confines of an established mobile home park that has operated for some considerable time, is surrounded by other camping/caravan site development, and there would be only one additional unit. However, whilst there would be no change of use of the land, an increase in individual units of residential accommodation would result. Therefore, I find that the proposal should be subject to assessment under these policies, which apply to additional housing across the National Park.
10. CS Policy COR15 seeks to ensure that the housing needs of the Dartmoor National Park are met by targeting the provision of affordable housing within and adjacent to the Local Centres and Rural Settlements. The Policy specifically indicates that the provision of open market housing will be restricted to sites within Local Centres, subject to some other requirements.
11. In particular, CS Policy COR15, along with Policy DMD23 of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document 2013 (DMP), further stipulates that outside Local Centres and Rural Settlements, housing development will be restricted to that serving the

¹ Section 11A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)

proven needs of agriculture and forestry, other essential rural, or rural-based businesses.

12. The proposal is not related to agriculture or forestry and there is no clear evidence that the appellant's business should be considered 'essential' in terms of the policy. Indeed, the appellants acknowledge that the additional unit would not fall within those categories permitted by DMP Policy DMD23.
13. New mobile homes may well be simple to maintain, built to high energy efficiency standards and suitable for some people with limited mobility. I understand that they would have a lower market value and so are more affordable in real terms than many other self-contained dwellings. However, they are not affordable housing as defined in the Glossary to the National Planning Policy Framework (the Framework) and would be available on the open market. I can appreciate that, by their nature, they are attractive to many people and there is a market demand for them. However, there is no substantive evidence that they would contribute to addressing a particular housing need within the National Park. I, therefore, find that the proposal would conflict with CS Policy COR15 and DMP Policy DMD23.
14. There is also DMP Policy DMD28 that relates specifically to residential caravans. However, other than accommodation for gypsies and travellers, the policy sets out that the permanent siting of residential caravans will not be permitted. The policy acknowledges that there could be special circumstances, such as the support of new farming or rural-based businesses, where mobile homes are appropriate, but as already noted, that does not apply here. The proposal, therefore, also conflicts with DMP Policy DMD28.
15. I acknowledge that the site is within flood zone 1 (the lowest risk zone), that there is no concern about effects on highway safety or landscape and visual impact, and that the Authority has not alleged any particular conflict with the Government's vision for National Parks. I also understand that the site is of a sufficient size to accommodate an additional unit, that there is already suitable infrastructure available, and that the licencing authority has no objection to an increase in units. These matters are neutral in the planning balance.
16. The appellants' evidence indicates that there is a bus service that operates past the site, including to nearby Tavistock where there are a range of services and facilities available. There is also a shop selling day-to-day provisions at the adjoining camping/caravanning site. However, whilst these factors may temper the need to travel by private car, they do not bring the proposal into compliance with the above policies or provide a clear benefit in terms of locating an additional unit at the site.
17. The appellants have also indicated that the proposal could promote the community feel of the park, but it is not clear how or to what extent this would occur. It is, therefore, of limited weight in my decision. Additional residents at the site could bring some benefits to the local economy, but the increase in population would be small, so the potential benefits are of limited weight.
18. Although there would be no change of use of the land, the condition serves to prevent an increase in units of permanent residential accommodation at the site. Such an increase would be in clear conflict with the housing policies of the development plan. Even if I were to accept the appellants' argument that benefits to their business resulted in broad support from CS Policy COR2, my

clear findings in respect of the other policies bring the proposal into conflict with the development plan, read as a whole.

19. DMP Policy DMD1a, echoing the Framework, sets out a presumption in favour of sustainable development whereby proposals that accord with policies in the development plan will be approved without delay unless material considerations indicate otherwise. My above findings in respect of the development plan do not indicate that permission should be granted, so there is no support for the proposal from Policy DMD1a. The other material considerations presented do not indicate that a decision should be taken otherwise than in accordance with the development plan.
20. The disputed condition serves to prevent increases in residential accommodation at the site. Such control over the location of development is supported by the clear aims of the housing policies of the development plan. Accordingly, I find that the condition is reasonable and, given the policy conflicts that would arise from the proposal, it is necessary.
21. Therefore, the appeal is dismissed.

M Bale

INSPECTOR