



Appeal Decision

Site visit made on 12 March 2020

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2020

Appeal Ref: APP/A0665/W/18/3219043

Kinderton Mobile Home Park, Cledford Lane, Sproston CW10 0JS

- 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 Herring against the decision of Cheshire West & Chester Council.
 - The application Ref 18/02552/FUL, dated 2 July 2018, was refused by notice dated 26 October 2018.
 - The development proposed is the siting of 4 additional mobile park homes on the eastern element of Kinterdon Mobile Home Park together with environmental improvements.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the submission of the appeal there has been a material change to the development plan with the adoption of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies adopted July 2019 (CWCLP2). This forms part of the development plan along with the Cheshire West and Chester Council Local Plan Part One adopted January 2015 (CWCLP1). The parties' views were sought during the course of the appeal with regard to this change in the policy position. The appeal has, therefore, been determined having regard to the up to date development plan.
3. The appeal site is within the boundaries of the Kinterdon Mobile Home Park (KMHP), which is an existing mobile caravan park that is occupied on the basis of it providing a permanent residence for its occupiers. I have not been advised that there are any restrictions on the duration or nature of occupancy of any of the existing mobile homes within the KMHP. The proposal for an additional 4 mobile park homes has been considered on the same basis.
4. Both parties are in agreement with regard to the planning history relevant to KMHP, which comprises the appeal site and the land identified in blue on the location plan submitted with the application. The number of park homes permitted on the KMHP is limited to 43. This limit is imposed by the planning permissions referenced 09/00805/COU and 17/00018/FUL, as well as a unilateral undertaking that is linked to the latter of these two permissions.
5. The recent approval of the 17/00018/FUL planning application granted permission for a change of use of the land for a residential use (extending the

area occupied by the KMHP) for the provision of 5 mobile park homes. Having regard to the planning history set out in the appellant's appeal statement, I note that the 17/00018/FUL approval did not result in an increase in the number of residential units (i.e. park homes) previously permitted within KMHP. This confirms that the number of units previously permitted on the hatched yellow, green and blue areas on the appellant's appendix 1 plan was 43. Accordingly, the 17/00018/FUL approval did not add to the number of households in KMHP as a whole.

Main Issue

6. The main issue in this case is whether or not the location of the proposal would be acceptable, having regard to access to everyday services and facilities by sustainable transport modes; and to the local and national planning policies on the location of housing.

Reasons

7. It is the appellant's case that the proposal is not a new housing site in policy terms. I acknowledge that the proposal before me does not seek a further change of use of land by extending the boundaries of the KMHP. It does, however, seek to retain the use already permitted, but vary the terms of the planning permissions granted for that use to allow for an increase in the number of permanent residential units (park homes) within KMHP. The type of permanent residential units provided by park homes, such as those at KMHP, may not be specifically referred to in the Council's development strategy which makes provision for new housing development. Nevertheless, having regard to the nature of the residential units at KMHP, it is reasonable to conclude that the new housing development referred to in the strategy would include these types of residential units. Indeed, the appellant suggests that the proposal would make an important contribution to the housing supply in Cheshire West and Chester. It is for this reason that the proposal falls to be considered in the context of the Council's development strategy.
8. Policy STRAT 2 (Strategic development) of the CWCLP1 confirms that development will be brought forward in line with a settlement hierarchy. New housing will be directed to the identified principal settlements and some provision will be made within the rural area, specifically in key and local service centres. The appeal site is within the rural area and I have not been advised that the site is within any settlement that has been identified within the Council's settlement hierarchy as suitable for accommodating growth¹.
9. CWCLP1 Policy STRAT 9 (Green Belt and countryside) re-enforces the development strategy by restricting development in the Cheshire countryside in order to protect its character and beauty. The Policy provides a list of types of development permitted in the Countryside. The CWCLP2 Policy DM 19 (Proposals for residential development) also provides a list of types of proposals that will be supported outside of identified settlements. Whilst I note that the exceptions listed include the redevelopment of previously developed land, on my site visit I did not observe any permanent structures on the land, and it has not been suggested that any were previously present. Accordingly, having regard to the definition of previously developed land provided within the

¹ The site is not within key or local service centre as referred to in Policy STRAT 2 and Policy R1 (Development in the rural area) of the CWCLP2.

National Planning Policy Framework (the Framework), the proposal would not benefit from the support of the Framework in respect of the preference for the use of previously developed land. Furthermore, the exceptions in Policy DM 19 that relate to such development would not apply to the proposal before me. Indeed, the proposal would not amount to any of the exceptions listed in either Policy STRAT 9 or DM 19.

10. Policy DM 19 also informs that proposals for residential development outside of identified settlements will be supported where they are necessary to meet the minimum levels of development for new housing. The evidence before me does not suggest that there has been a failure to deliver the minimum housing level set out in Policy STRAT 2. As such, a proposal that would otherwise be in conflict with the Council's development strategy cannot be regarded as necessary to meet its housing requirement.
11. In terms of access to everyday services and facilities, the demographic of KMHP may well limit the need for residents to access education and employment. However, shopping facilities are some distance from the site and access to public transport is limited. Food deliveries and medical home visits are not unique to KMHP and do not overcome the remoteness of the site in terms of the ability of residents to access local shops or community facilities, for example. Residents of the 4 additional units would be reliant on less sustainable transport modes to access the necessary services and facilities for everyday living.
12. In conclusion on the main issue in this appeal, as the proposal would not be located within a settlement identified in the development strategy and would not otherwise be one of the exceptions listed, it would not meet the objectives of the strategy and would, therefore, be harmful to it. Furthermore, the proposal would also cause harm as its occupiers would be reliant on less sustainable modes of transport to access everyday services and facilities. Accordingly, the location of the proposal would be unacceptable and in conflict with the principles of sustainable development identified in CWCLP1 Policy STRAT 1 (Sustainable development). It would also fail to comply with policies STRAT 2 and STRAT 9 of the CWCLP1, as well as policies R 1 and DM 19 of the CWCLP2.

Other Matters and Planning Balance

13. I acknowledge that the proposal would not result in a further encroachment of the mobile home park into the surrounding countryside and that the additional 4 units would be contained within the existing confines of the Park. On this point I note that the Council have not put forward a character and appearance objection to the proposal. I have no reason to disagree with the parties on this point. This would, however, have a neutral effect in the planning balance.
14. I cannot agree that the proposal would be an acceptable infill within the Park. Notwithstanding that infill development is not one of the exceptions listed in either policies STRAT 9 or DM 19, the site for the additional 4 units was originally intended as open space². Such areas are important in any residential environment for the enjoyment and wellbeing of residents. Indeed, I note that the relocated 5 units approved by virtue of the 17/00018/FUL permission are

² Paragraph 6.4 of the appellant's appeal statement.

on an area previously used for recreational purposes by residents³. No doubt the appeal site was intended to mitigate the loss of this recreation land. Having noted the condition of the appeal site on my site visit, it is not surprising that this land is not used. However, if the area was laid out so that it was safe and able to be used, I am sure residents would make use of it, as they did the adjoining area. Accordingly, I cannot regard the appeal site as being an under-utilised part of KMHP. It is simply not laid out for the purpose for which it was intended.

15. With regard to the appellant's reference to the enterprise and employment that is provided by KMHP, the evidence before me does not indicate that the dismissal of the appeal would result in harm to the operation of the Park or its viability as an enterprise. Whilst the appellant has suggested that there would be significant economic benefits resulting from the addition of 4 units to the Park, I can only conclude that these would be limited, having regard to the scale of the proposal. Nevertheless, any economic benefits are to be weighed against the harm in the planning balance.
16. I acknowledge the contribution the proposal would make to the supply of housing, particularly for the older population. This would be a benefit to the scheme. However, the harm I have identified in this case would not be outweighed by this benefit, even when considered together with the economic benefits outlined above.

Conclusion

17. Having regard to the above and all other matters raised, I conclude that the appeal should be dismissed.

J Moss

INSPECTOR

³ Paragraph 6.2 of the appellant's appeal statement.