



Appeal Decision

Site visit made on 27 May 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/B3410/W/19/3243176

**Poplars Mobile Home Park, Stubby Lane, Draycott in the Clay,
Ashbourne DE6 5BU**

- 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 Michael Peto against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/00235, dated 27 February 2019, was refused by notice dated 21 June 2019.
 - The application sought planning permission for the extension of permission to mobile homes park without complying with a condition attached to planning permission Ref RT/01748/007, dated 10 October 1988.
 - The condition in dispute is No 1 which states that: 'This consent relates to the siting of a maximum of 17 caravans on the site'.
 - The reason given for the condition is: 'For the avoidance of doubt'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site is within the Poplars Mobile Home Park ('the Park'), which provides permanent residential 'park home' accommodation. Condition 1 of the 1988 planning permission RT/01748/007 allows for the siting of no more than 17 caravans within the Park. The appellant now seeks to have that condition varied, to allow a maximum of 18 mobile homes to be sited on the park.
3. The 1988 permission was granted under a different development plan, and the reason given for the condition on the 1988 decision notice provides little explanation as to why it was imposed. However, the effect of the proposal before me would be to permit an additional mobile home for permanent residential occupation at the site, and it must be assessed against the development plan as it now stands. The Council refused the application for four reasons, although these essentially come down to two grounds relating to the provision of new residential development in the countryside, and the provision of access to sustainable transport options.
4. The main issue in this appeal is therefore whether the condition is reasonable and necessary, having particular regard to national and local planning policies in respect of the location and accessibility of new residential development.

Reasons

5. Poplars Mobile Home Park is situated between Marchington and Draycott in the Clay just north of the B5017, Stubby Lane, which connects the two villages. The Park is next to a small cluster of houses on Stubby Lane itself, and on Woodlands Rise and Deep Cut Road to the east. Occupation of units within the Park is restricted to people aged 50 and over, although this age restriction is regulated by the Park's own rules rather than as a condition of its planning permission.
6. Strategic Policy 2 of the 2015 East Staffordshire Local Plan (the ESLP) states that new development should be concentrated within the settlement boundaries of the Main Towns, Strategic Villages, Local Service Villages and Rural Industrial Estates identified in the policy.
7. While both Marchington and Draycott in the Clay are defined in the Development Plan as 'Tier 2' Local Service Villages, it is not argued that the appeal site lies within the settlement boundary of either village. Strategic Policy 4 of the ESLP states that the housing development requirement for the 'Tier 3' small villages, other settlements and rural areas is 250 homes over the plan period. The expectation set out in the policy is that these will be delivered on windfall sites such as on Exception Sites under Strategic Policy 18, in rural areas in accordance with Strategic Policy 8 or in accordance with a Made Neighbourhood Plan. The appeal site is not within an area with a Made Neighbourhood Plan.
8. Strategic Policy 8 of the ESLP states that, among other things, development outside settlement boundaries will not be permitted unless it meets one of a number of criteria. The most relevant criterion for this appeal is whether the proposal should be treated as a Rural Exception Site, the requirements for which are set out in ESLP Strategic Policy 18. These include that the proposal provides new affordable housing in perpetuity, and that this meets a need which would not otherwise be met. It also requires that the site is within easy reach of local services and facilities, and that the proposal complies with other relevant policies.
9. The 2016 'Housing Choice' Supplementary Planning Document indicates that a housing needs survey is not required for certain smaller schemes. However, a 2018 housing needs survey prepared for a different residential development proposal on a nearby site has been submitted by the appellant. This showed that there was some demand for alternative housing arising from older people already living in and around Draycott in the Clay who do, or may wish to, downsize at some point in the future. The conclusion of that study indicates that many of the smaller properties already available in the area are park homes. I do not think that conclusion was intended to be read as a criticism of park home accommodation in itself, and I recognise that new residential mobile homes can provide good-quality living accommodation, which can be adapted to meet residents' mobility needs. However, the implication of that study's conclusion is that the provision of additional mobile home accommodation would be unlikely to meet the specific local need identified.
10. In terms of affordability, park homes generally have a lower market value than 'traditional' housing. The appellant has provided evidence which indicates that in the cost of a new mobile home could be up to 35% lower than a nearby two-bedroom bungalow. While the extent to which the example used is comparable

to a park home in terms of floorspace, private amenity space and so on is not clear, I accept that there is usually a price differential. However, although the additional mobile home would be subject to occupation restrictions arising from the Park's rules it would otherwise be available on the open market. There is no mechanism in place such as a completed legal agreement under Section 106 of the Town and Country Planning Act 1990 which would ensure that the proposal would meet the definition of affordable housing to serve local need which the policy envisages, or that set out in Annex 2 of the February 2019 National Planning Policy Framework (the Framework).

11. My attention has been drawn to a nearby appeal decision, in respect of the proposal to which the 2018 housing needs survey referred to above relates, where the Inspector concluded that the proposal satisfied the requirements of ESLP Strategic Policy 18, and would amount to a Rural Exception Site¹. However, that proposal was for a mixed market and affordable housing development, and included a Unilateral Undertaking to limit four of the seven units to social rented occupation. Because of the differences in the type of housing provision, as well as the greater certainty in the other appeal that it would provide affordable housing in perpetuity to meet the identified need, I do not consider the two cases to be directly comparable. I therefore give that decision only limited weight.
12. Turning to accessibility, ESLP Strategic Policies 1 and 35 seek to encourage the use of sustainable modes of transport, and to ensure that development has convenient and safe walking, cycling and public transport connections to jobs, services and community facilities. There are some services and facilities in both Marchington and Draycott in the Clay which would meet some of the day-to-day needs of future occupiers of the proposed mobile home. In terms of public transport, there is a bus route which operates at intervals of approximately two hours during the daytime which connects the site to these villages, and beyond to Uttoxeter and Burton-on-Trent which provide a greater range of jobs and facilities. This service would therefore provide some access to employment, shops and other facilities, although its low frequency would limit its usefulness for everyday shopping trips – it seems unlikely in my view that a resident would rely on a two-hourly bus service if they just wished to buy a newspaper or a pint of milk, for example.
13. The centres of Marchington (around 1.6 miles) and Draycott in the Clay (around 1.2 miles) are within what many people would be likely to consider a reasonable walking or cycling distance. However, in my view actually making those journeys would not be without difficulties. Parts of Stubby Lane are without a footway, and although in some places the road has a wide grass verges, in other sections it is necessary for pedestrians to take refuge from traffic up against the hedge directly at the edge of the carriageway. The appeal site is close to two large employment and logistics sites, and Stubby Lane is used by lorries and other vehicles serving these locations. While walking along Stubby Lane at the time of my site visit I also observed that in many places the bends and the rise and fall of the road mean that it is difficult to get a clear view of oncoming traffic. Although my site visit took place at a time when many of the 'lockdown' restrictions in respect of Covid-19 were still in place and consequently road traffic in general appeared to be at a lower level than would

¹ Reference APP/B3410/W/18/3213994

normally be expected there was still a regular flow of traffic, including heavy goods vehicles, along Stubby Lane.

14. The appellant has suggested that residents could take alternative, if less direct, routes to Marchington and Draycott in the Clay. These make use of the network of public footpaths and bridleways in the surrounding area, and would avoid the need to walk or cycle along Stubby Lane, at least in part. However, the routes require crossing stiles and using unmade footpaths, and while they may be suitable for a leisurely walk or bike ride in the countryside, they could not in my view be relied on to provide safe or convenient access to services as a matter of course, not least after dark or during inclement weather.
15. The appellant has drawn my attention to two further appeal decisions relating to nearby sites in which the Inspectors considered the matter of accessibility by sustainable modes of transport. In the first of these², the Inspector emphasised the benefits of the bus route connection to employment opportunities in Uttoxeter and Burton on Trent, and concluded that the proposal would encourage the use of sustainable modes of transport. However, in a more recent appeal decision³ the Inspector concluded that although the bus route provided limited access to services, Stubby Lane does not lead to a positive environment for pedestrians or cyclists, and they found that residents would be likely to access services and facilities by private motor vehicles. Clearly these two decisions pull in different directions, but in any event this appeal raises issues which were not addressed in either of these earlier decisions.
16. The proposal before me is for a mobile home for occupiers aged 50 and over. As the appellant has pointed out, residents who may well be retired are unlikely to make daily bus journeys to the larger towns for work. It cannot automatically be assumed that older people would be unlikely to walk or cycle especially for leisure purposes, nor do I make the assumption that any future occupier of the proposed mobile home would necessarily be frail, immobile or in ill health. However, in general terms as people get older it is likely that they would feel increasingly vulnerable as a cyclist or pedestrian on the surrounding roads. It is also likely that age-related health problems would in some cases eventually become a limiting factor on making journeys on foot or by bicycle. These factors are particularly relevant in a housing proposal aimed at older occupiers. Given these specific circumstances of the proposal before me were not addressed in either of the earlier appeals to which I have been directed, I give those decisions only moderate weight.
17. On the basis of the information before me and what I observed myself, the bus route is likely to perform only a limited, role in providing connections to some services, albeit a role which would be vital for some. Neither the most direct walking and cycling routes between the appeal site and services in either Marchington or Draycott in the Clay nor the alternatives suggested would be likely to be perceived as safe or convenient by many people, especially those within the older age group towards which the development is aimed. As a consequence, I consider that future residents of the proposed mobile home would be likely to rely on the use of private motor vehicles for regular access to services.

² Reference APP/B3410/W/16/3148540

³ Reference APP/B3410/W/18/3219042

18. I am mindful of the benefits of the proposal. It would contribute towards boosting the supply of housing in the district, although the provision of a single additional dwelling would represent only a limited benefit in this regard. The pitch fee payable from the siting of an additional mobile home would provide some additional income for the Park operator, and so would make a modest contribution to supporting the viability of the business. These benefits carry moderate weight in favour of the proposal. However, the variation of the condition would have the effect of permitting the development of a new residential unit in the countryside, in a location where the future occupiers would be likely to depend on private motor vehicles for access to shops and services.
19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that applications for planning permission should be determined in accordance with the development plan. The Council has indicated that it can demonstrate a relatively healthy housing land supply and buffer of more than 6 years, and having regard to the provisions of the Framework I consider that there are no material considerations of such weight which lead me to conclude that the proposal should be determined other than in accordance with the development plan.
20. I find that the proposal would be contrary to Strategic Policies 2, 4 and 8 of the ESLP, which together seek to ensure that new residential development is delivered in sustainable locations within the district's main towns and larger villages. It has not been demonstrated that the proposal would meet a need for affordable housing which would not otherwise be met such that it should be considered an exception site in line with the requirements of Strategic Policy 18 of the ESLP.
21. The proposal would also be contrary to Strategic Policies 1 and 35 of the ESLP, which seek to ensure that new development supports walking, cycling and the use of public transport, and reduces dependence on the use of the private car. For the same reasons it would conflict with guidance set out in paragraphs 108 and 127 of the Framework.
22. I therefore conclude that the disputed condition is reasonable and necessary to ensure compliance with the development plan in respect of the provision, location and accessibility of new residential development.

Conclusion

23. For the reasons given above the appeal is dismissed.

M Cryan

Inspector