



Appeal Decision

Hearing Held on 27 July 2020

Site visit made on 30 July 2020

by David Richards BSocSci DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/H1840/W/20/3246146

Long Carrant Park, Cheltenham Road, Ashton under Hill, WR11 7QP

- 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 Malcolm Portman against the decision of Wychavon District Council.
 - The application Ref 19/01152/FUL, dated 16 May 2019, was refused by notice dated 16 August 2019.
 - The development proposed is provision of a residential park home for a park manager/warden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether sufficient evidence has been provided to justify a rural worker's dwelling in the countryside, having regard to the relevant policies of the South Worcestershire Development Plan 2016 (SWDP).

Reasons

3. The site is within an established residential home park which lies in the open countryside near Ashton under Hill on gently rising ground to the north of Cheltenham Road. The appeal site itself lies in the south west corner of the park, adjacent to Cheltenham Road. It is currently part of a maintenance and storage area for the park and is adjacent to other built residential development fronting Cheltenham Road, but not within the park boundary.
4. Policy SWDP 2 sets out the development strategy for the area. New residential development in the countryside will only be permitted where it accords with other specific policies of the plan. Policy SWDP 19 states that proposals for permanent ... rural enterprise-related dwellings will be permitted provided that:
 - i. The functional and economic tests contained in Annex G are met; and
 - ii. no dwelling serving or closely associated with the holding has been sold ... or otherwise separated from the holding within the previous five years.
5. Annex G was prepared in the context of the NPPF 2012. Paragraph 55 states that local planning authorities should avoid new isolated homes in the

countryside unless there are special circumstances such as the essential need for a rural worker to live at or near their place of work in the countryside¹.

6. Annex G requires evidence of a functional need for a dwelling and of the economic sustainability of the enterprise. An occupancy condition will be required to ensure that any dwelling permitted would be kept available for meeting the need as long as it exists.

Functional need

7. In the present case evidence is required to prove that an additional dwelling is necessary for the maintenance or delivery of essential processes and that no other dwellings are available within or adjacent to the site or a nearby settlement that can meet the required need.
8. The Appellant stated that having a resident manager/warden is necessary to carry out regular maintenance of the extensive common areas, such as grass and hedge cutting. It also provides security for residents, some of whom are elderly and could be vulnerable
9. The Appellant lived in one of the homes in the park until recently, but now wishes to retire. The home has not been sold but is currently occupied by the Appellant's son and his family. The intention is for the son to act as warden/caretaker and provide help to residents in an emergency. There has not previously been a formal park manager/warden living on site, but some of these functions have been carried out by the site owners, of whom the Appellant is one, on an informal basis. On several occasions when he lived on the site he had been called out at short notice to provide a first response to support residents. An example cited was providing access to a trip switch when the electricity supply was interrupted.
10. It was said at the hearing that the current arrangement is unsatisfactory as the park rules restrict occupancy to the over 55s, and do not permit resident children. The proposed dwelling would be sited away from the main park to protect the amenity and privacy of existing residents.
11. The Appellant forwarded 21 letters of support for the proposal which were signed by a total of 36 residents. Reasons given include: a greater sense of security and well-being, particularly for older residents; assistance in emergencies; provision of support in poor weather when other facilities can't be easily accessed; need to retain the high level of landscape maintenance which has been provided to date; and that locating the manager's park home away from the main site is sensible so that the age restrictions on the site are not compromised.
12. I acknowledge the benefits of having a residential manager/stroke warden on site. Residents pay site fees in part to ensure that the park is maintained to a high standard. Having a presence on site would allow for maintenance activities to take advantage of favourable weather. The extent of the maintenance activity required is considerable, and the benefit of having someone on hand in an emergency for elderly residents would be a further advantage. I also accept that a resident site manager would contribute to site security.

¹ This has been replaced by NPPF2019. Paragraph 79 contains similar guidance.

13. Nevertheless the functional need test set out in Annex A also requires a demonstration that no other dwellings are available within or adjacent to the site or a nearby settlement that can meet the required need. I was informed that there were six vacant properties on the existing site, and that a permission to relocate 7 plots to the southern part of the site, to allow larger, more spacious homes to be erected had been granted on appeal. I saw on my site visit that the slabs have been laid for these relocated plots, but the homes have yet to be erected.
14. I consider economic viability below, but I cannot see any valid functional reason why one of these (vacant or replacement properties) should not be used to provide accommodation for a site manager/warden. I note that the site rules do not allow for resident children, but this is not a planning restriction on occupancy. While it is not uncommon to have occupancy rules which limit eligibility to the over 55s, in this case they were apparently not invoked to prevent the Appellant's son from taking up residence, and I do not consider that the presence of a child/children would necessarily have an adverse effect on the amenity of residents.
15. Taking the functional need test as a whole, while I accept there is some justification for having a manager/warden on site, I consider that there are available properties on the site that could be used to meet this need in a satisfactory way.

Economic sustainability of the enterprise

16. This test requires evidence to establish that the existing enterprise is economically viable and has clear prospects of remaining as such. No formal evidence has been submitted. However it is apparent that the residential park home is of long standing and remains well occupied. Notwithstanding the absence of evidence, there is no suggestion that the park is anything other than economically sustainable in the foreseeable future. This was confirmed by the Appellant at the hearing. Permission was granted on appeal for 7 plots to be relocated in 2018 and the permission has been implemented, though the homes themselves have yet to be erected.
17. However I also note that the site has operated successfully in the past without formal provision for accommodation for a park manager/warden. It was not argued that the current proposal is essential to maintain the economic sustainability of the park, nor that failure to approve the application would lead to the site becoming financially unsustainable. The present changes to management arise from the current owners' retirement plans. While that is entirely understandable, it does not provide a justification for an additional unit to be provided when others are available on site.

Conclusion

18. The Council did not identify any adverse physical or landscape effects which would arise from the proposal. The proposed park home would be of an appropriate scale, and occupancy could be limited to a resident park manager/warden by condition. I acknowledge the desirability of having a park manager/warden resident on site. However, the Appellant has not demonstrated that no other properties are available on the site which could meet the need. Consequently the proposal fails to meet the tests set out in

Policies SWDP2 and SWDP19(A) and Annex G of the SWDP. I therefore conclude that the appeal should be dismissed.

David Richards

INSPECTOR

Appearances

For the Appellant	
David Middleton BSc (Hons) MRICS	Savills UK
Malcolm Portman	Appellant and co-owner of Long Carrant Park
Stephen Portman	Co-owner of Long Carrant Park
Richard Edwards	Resident
For the Council	
Andrew Firth MSc MRTPI	Planning Officer
Nichola Robinson MRTPI	Planning Officer