
Appeal Decision

Site visit made on 9 November 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/E2205/W/19/3242283

Venruth, Redbrook Street, Woodchurch, Ashford, Kent TN26 3QU

- 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 Mrs Linda Lee against the decision of Ashford Borough Council.
 - The undated application Ref 19/00371/AS was refused by notice dated 3 June 2019.
 - The application sought planning permission for 'reinstate use of building as a dwelling house, extensions and associated physical works' without complying with a condition attached to planning permission Ref 15/00223/AS, dated 6 July 2015.
 - The condition in dispute is No 4 which states that: 'No more than one road legal touring, non-static caravan of a maximum size as defined in the Road Vehicles (Construction and use) regulations 1986 (or any regulations revoking and re-enacting those Regulations with or without modification), shall be stationed on the site at any time. No such caravan can be stationed on the site until details of its dimensions and proposed position on the site have been submitted to and approved in writing by the Local Planning Authority. The touring caravan shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Venruth, Redbrook Street, Woodchurch, Kent, TN26 3QU'.
 - The reason given for the condition is: 'In light of historic breaches of planning control on the site in the interests of visual and residential amenity'.
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Decision

1. The appeal is allowed and planning permission is granted to reinstate use of building as a dwelling house, extensions and associated physical works at Venruth, Redbrook Street, Woodchurch, Ashford, Kent TN26 3QU in accordance with the application Ref 19/00371/AS, without compliance with condition number 4 previously imposed on planning permission Ref 15/00223/AS dated 6 July 2015 and subject to the following conditions:
 - 1) The development shall be carried out in accordance with those plans approved under application 15/00223 and unnumbered site plan dated '10:03 Sun 1 Dec', unless otherwise agreed by the Local Planning Authority.
 - 2) The existing parking provision shall be retained for ancillary parking of motor vehicles and access to the facility shall not be precluded.
 - 3) No commercial activities shall take place on the land, including the storage of materials, and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

- 4) No more than one caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed on the site at any time. No such caravan can be stationed on the site until details of its proposed dimensions, position and external appearance have been submitted to and approved in writing by the Local Planning Authority. The caravan shall be stationed in accordance with the approved details and shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Venruth, Redbrook Street, Woodchurch, Kent, TN26 3QU.
- 5) No other caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-E of Part 1 and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Background and Main Issues

2. Planning permission was granted in July 2015 to reinstate the use of the building at the appeal site as a dwelling house alongside extensions and associated physical works. Given the facts of the case, including the site history, the Council took the view that it was necessary to control the number of caravans that could be sited at the appeal site. To this end, Condition 4 only permits one touring caravan to be sited at the appeal site and Condition 5 prevents any further caravans from being stationed there.
3. The appellant is seeking to amend Condition 4 so that a mobile home, which meets the legal definition of a caravan, can be sited on the land instead of a touring caravan. The mobile home would be used as ancillary accommodation to the main house. In effect, it would be over spill accommodation for friends and family when visiting. Thus, the main issue in this appeal is whether Condition 4 as originally imposed is both necessary when considering the effect on: 1) The character and appearance of the area; and 2) The living conditions of neighbours, with particular reference to noise and disturbance.

Reasons

The effect on the character and appearance of the area

4. The appeal site encompasses a detached bungalow and surrounding gardens adjacent to woodland and situated in a verdant and rural area. Behind the bungalow is a stable block and behind this a concrete slab. A touring caravan is currently stationed on the slab and adjoins a very large area of hardstanding used for parking vehicles. The appeal site is therefore characterised by development in depth in a way that is similar to other sites nearby. Thus, substituting a mobile home for the touring caravan would not harm the existing sporadic grain of development in Redbrook Street, in so far as it is apparent.
5. The proposed mobile home, which would meet the legal definition of a caravan, would be sited on the existing concrete slab in the position of the existing touring caravan, which would be removed from the site. The mobile home would be much larger than the existing touring caravan and consequently there

is the potential for a greater visual impact. However, the mobile home would be subservient in scale and massing to the bungalow and thus partially screened in views from Redbrook Street by it. There is also an extensive belt of landscaping along the site frontage that would considerably soften the visual impact, as would the dense woodland that wraps around the site and has no public access. This landscaping would be reasonably effective in softening views of the mobile home, even when leaves are shed, due to its thickness.

6. In addition, the mobile home would be viewed from public vantage points, and the neighbouring properties, in the context of other domestic paraphernalia, vehicles, hardstanding and buildings and would not therefore appear stridently out of place. Being set within a very large garden, the mobile home would not appear cramped and would be sited away from the adjoining woods. The storage building on the southern boundary of the site would provide some screening from the neighbouring property to the south, which is located a notable distance away and behind a boundary hedge. The mobile home could also be clad or finished in appropriate materials, perhaps with a dark finish, to further soften the impact when viewed from a distance.
7. Therefore, a single mobile home sited on the concrete slab would not harm the character and appearance of the area. It is therefore unnecessary to limit the caravan stationed on site to a tourer. Nevertheless, I share the view of the Council that multiple caravans, touring or otherwise, could appear out of place and injurious to the rural character of the area. It is therefore necessary to retain a condition limiting the number of caravans that can be stationed at the appeal site. In this respect, I have modified Condition 4 to refer to 'caravan' (which can include a mobile home) rather than a touring caravan, but retained the permitted number at one.
8. In conclusion, the proposal, with the varied condition, would preserve the character and appearance of the area and therefore the proposal would not be in conflict with Policies SP1, SP6, HOU9, ENV3a and ENV5 of the Ashford Borough Local Plan 2030 (adopted February 2019) (LP), which seek to secure proposals, including annexes such as that proposed, which preserve the character and appearance of the area.

The effect on the living conditions of neighbours

9. The use of the existing touring caravan would result in some general activity from comings and goings and this may generate some noise. Substituting this for a larger mobile home could intensify the impact as it would enable more of the appellant's friends and family to stay on site.
10. However, the activity associated with the mobile home would be inherently residential in character and thus not out of place. As I understand matters, the mobile home would be for the appellant's children and grandchildren to use on occasion when visiting. In this respect, the activity and comings and goings associated with the mobile home would not amount to an untypical use of an annex or of an unusually large scale. The impact of the activity on neighbours (and the occupants of Venruth) could also be managed by restricting the use to purposes ancillary to the occupation of Venruth and limiting the number of caravans on site to one in the way Condition 4 already does.
11. In addition, the nearest residential property, which is to the south of the appeal site, is positioned in a very large plot and therefore a considerable distance

from the concrete slab where the mobile home would be positioned. This distance, along with the intervening landscaping and structures, would assist in attenuating any reasonable level of domestic noise and activity typically associated with the use of the mobile home.

12. It has been suggested by interested parties that stationing a mobile home at the appeal site would result in an intensification of antisocial behaviour. Regardless of whether the instances of anti-social behaviour referred to are accurate, siting a mobile home on the land and using it for ancillary purposes would not, in this instance, result in an inherently harmful impact on the living conditions of neighbours for the reasons already given. The task before me is to consider the acceptability of the mobile home and the activity that could be reasonably associated with its use and not the possible conduct of its users.
13. Varying the condition in the way proposed would not permit a business use at the appeal site and there are already conditions in place that prevent commercial activity and vehicles over a certain size being stationed, parked or stored at the site. These have been carried over to this permission.
14. In conclusion, varying Condition 4, and permitting the stationing of a mobile home at the appeal site in lieu of the existing touring caravan, would not harm the living conditions of neighbours and therefore a conflict with Policies SP1 and HOU9 of the LP, which seek to safeguard living conditions, would not occur.

Other Matters

15. Substantive evidence is not before me to demonstrate that siting an ancillary mobile home in lieu of an ancillary touring caravan would harm highway safety, particularly as the existing access has adequate visibility and the existing ample level of parking would be left unaffected. I note that the Council raised no concerns in this respect. Similarly, there is nothing of substance to suggest foul water could not be disposed of adequately. The proposal is not for a new dwelling so housing need is a point of limited relevance and there is no requirement for the appellant to explore the possibility of an extension in preference to a mobile home when seeking to providing ancillary space.
16. The mobile home would be sited atop of a concrete slab in a residential garden and therefore it is unlikely that protected species would be harmed. There would be a suitable buffer of undeveloped land in excess of 15 metres between the mobile home and Brock Wood, which is ancient woodland. This would be sufficient to ensure the wood as a habitat, and the trees therein, would not be harmed. The ancillary use of the mobile home would not inherently harm the wood given the spaciousness of the plot.
17. I am mindful of the site history and the previous appeal decision¹ dismissing a proposal for the change of use of land for the stationing of caravans (and the associated Enforcement Notice) at the site. However, the scheme before me is to station a single mobile home at the appeal site and for it to be used as ancillary accommodation rather than a dwelling. The scale and nature of the developments are quite different and consequently there is no inconsistency.

¹ APP/E2205/C/13/2197022

Conditions

18. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

19. The proposed development, with the disputed condition modified, would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Graham Chamberlain
INSPECTOR