
Appeal Decision

Site visit made on 29 October 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 20th November 2020.

Appeal Ref: APP/C3620/W/19/3243083

Ash Copse Farm, Lyefield Lane, Forest Green, Cranleigh RH5 5SN

- 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 Luke Nicholson against the decision of Mole Valley District Council.
 - The application Ref MO/2019/1006/PLA, dated 6 June 2019, was refused by notice dated 13 September 2019.
 - The development is described as 'regularisation of parking layout, position of mobile home and extended farm track and proposed area of decking'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted at appeal in 2018 for stationing of a caravan/mobile home on the appeal site for a temporary period of three years ending 9 August 2021. At the same time, separate permissions were also granted for cattle and storage buildings and associated hardstanding¹.
3. At the time of my site visit, the mobile home and associated parking were on site, in a different position to that approved in 2018. An area of hardstanding and a length of track had been constructed between the mobile home and the agricultural buildings. Decking had also been erected next to the mobile home. All were as shown on the plan submitted for this appeal and I have therefore considered the appeal on the basis that the development has already occurred.
4. While there was other operational development on the wider land at the time of my visit, that is not part of the scheme before me. For the avoidance of doubt this appeal only relates to the development within the red line shown on the submitted Site Plan.
5. Since this appeal was lodged, separate planning permission has been granted for the development set out in the description above, except for the decking. That permission includes a condition requiring the mobile home to be removed at the end of the same temporary period as in the 2018 permission. In this appeal, the appellant is not seeking to retain the mobile home beyond the end of that period, and I have considered the appeal on that basis.

¹ APP/C3620/W/18/3200731, APP/C3620/W/18/3200732, APP/C3620/W/18/3200733

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area.

Reasons

7. The appeal site is part of a group of several relatively flat, open fields with lines of trees along field boundaries and areas of woodland to the south, west and east, a pattern characteristic of the local area. The open character of the area has not been significantly altered by the various fences within and around the site, which allow views through to the fields and woodland beyond.
8. Despite the presence of trees and hedges, the mobile home and decking can be seen from the road via the access track when the gates are open, and through gaps in the roadside hedge. Due to breaks in the tree line along the field boundaries, they can also be seen from the public footpath to the east. As the agricultural buildings are positioned close to the woodland, they are well screened in these public views. Consequently, the mobile home and decking appear as an isolated development in a largely open area, separate from other built form.
9. The mobile home is oriented end-on to the road and is only single storey, and as such, on its own, it appears as a relatively modest structure. The Council has already permitted its retention in this location, along with a modest garden area around it. Decking is not an uncommon feature around mobile homes as they are often raised off the ground. However, although lower than the mobile home, due to its height and considerable width and length, this decking is clearly visible from public viewpoints. From those locations it appears as a large and prominent feature which projects well beyond the mobile home. As such, the decking results in a significant and harmful encroachment of built form into the countryside and reduces the open character of the site.
10. Domestic paraphernalia would be expected in the garden adjacent to the mobile home, however it would be at ground level and is likely to be scattered throughout the outside space. Therefore, even the combined impact of domestic items such as garden furniture, play equipment, washing lines and sheds would not be comparable to the impact of decking of this height and extent, and does not justify its retention.
11. The appellant proposes that the decking would be removed at the same time as the mobile home. From the details provided of its construction it appears that it could be removed relatively quickly, and the land returned to its former condition. However, its harmful impact would endure for the intervening period, and would not therefore be wholly addressed by the suggested condition.
12. The existing planting around the garden does not reduce the impact of the decking because the plants are very small in relation to its height. They are unlikely to grow significantly by August 2021, and therefore would not materially reduce its impact over the period for which permission is sought. The existing hedges and trees along field boundaries and the road would provide more screening when in leaf, however this would only be of benefit in the last few months of the temporary period sought.
13. Consequently, taking into account the temporary period proposed, the decking results in modest harm to the character and appearance of the area. The

development therefore conflicts with Policies ENV3, ENV22 and ENV23 of the Mole Valley Local Plan, and Policies CS13 and CS14 of the Mole Valley Core Strategy, which do not permit development which adversely affects the open character of the countryside, and which require development to respect its setting and the character and appearance of the area.

14. Some provision clearly needs to be made to deal with the difference in levels between the doors of the mobile home and the ground, particularly as the appellant has a young family. However, at the time of my visit the decking contained a table and chairs and a hot tub, and the various steps and ramps down to the ground had no safety railings. As such, the size and design of the decking goes well beyond what would be needed for the safety of children exiting the mobile home.
15. I also saw that there was play equipment on the lawn surrounding the decking, and that this garden area was securely fenced off from the field, parking area and track. Therefore, there was a safe outside space for children to play even without the decking.
16. Consequently, while the need to provide for the safety of children is a matter of considerable importance, it has not been demonstrated that this amount of decking is needed to provide for the safety of the appellant and their family. As such, I afford this limited weight, and it does not outweigh the harm that I have identified to the character and appearance of the area.
17. The appellant suggests that different types of mobile home could be stationed on the site while still falling within the legal definition of a caravan. There is however no compelling evidence before me that any would be of similar scale to the existing mobile home plus decking. As such, I cannot be certain that another mobile home or caravan would have a comparable visual impact to the scheme before me, which I have considered on its own merits. Therefore, this does not justify the harm identified.
18. Dismissal of this appeal might result in enforcement action from the Council, however as the appellant already has planning permission for the mobile home, dismissal would not result in the loss of their home. It would be for the Council to determine an appropriate and proportionate course of action in relation to the decking.

Conclusion

19. The appeal is therefore dismissed.

L McKay

INSPECTOR