
Appeal Decision

Site visit made on 6 December 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/W0340/W/21/3275351

Old Street Farm, Beedon Common, Newbury, Berkshire RG20 8TU

- 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 Russell Kilvington against the decision of West Berkshire Council.
 - The application Ref 21/00065/FULD, dated 13 January 2021, was refused by notice dated 30 March 2021.
 - The application sought planning permission for the siting of a residential mobile home for a temporary period of 3 years without complying with a condition attached to planning permission Ref 17/02800/FULD, dated 9 August 2019.
 - The condition in dispute is No 3 which states that: The development hereby permitted shall be carried out in association with the approved drawings: Drawing title 'Block Plan = no 100 Rev A; Drawings showing Elevation and Floor Plans of mobile home - No drawing number but received 18/10/2017.
 - The reason given for the condition is: In the interests of clarity and to maintain the character and appearance of the area.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of a residential mobile home for a temporary period of 3 years at Old Street Farm, Beedon Common, Newbury, Berkshire RG20 8TU in accordance with the terms of the application, Ref 21/00065/FULD, dated 13 January 2021, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the disputed condition is necessary and reasonable in the interests of the character and appearance of the area and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appellant's landholding comprises a narrow rectangular area extending to about 1.4 ha which lies in an area of open countryside and which also forms part of the North Wessex Downs AONB. The site contains a number of farm buildings, including a large barn and various agricultural silos.
4. Planning permission was granted on appeal in 2019 for the siting of a mobile home for a temporary 3 year period in connection with a new pig rearing

- enterprise. The permission was for the use of land and not the mobile home itself, as this does not constitute operational development.
5. The original application included a set of plans for a 'wooden clad building' set on staddle stones. This would have measured 10.8m by 5.6m in footprint and 3.0m in height, excluding the staddle stones which would have added another half a metre or so. These dimensions fell within the maximum size limits for caravans, as set out in S29 of the Caravan Sites and Control of Development Act 1960 and S13(1) of the Caravan Sites Act 1968.
 6. The Inspector imposed the disputed condition to provide certainty over the development permitted (as the applicant had offered the plans) and in the interests of the character and appearance of the area. The effect of allowing this appeal would be to create a fresh permission which allows the siting of any mobile home, providing it falls within the size limitations set by the above statute. A twin unit caravan under the 1968 Act could be up to 20 m in length, 6.8 m in width and 3.05 m in height, measured internally from the floor at the lowest level to the ceiling at the highest point. It follows that the overall height of the mobile home could be greater when measured externally.
 7. During my site visit I saw a partly constructed timber-framed dwelling on the site, in the same approximate position as the approved mobile home. The appellant contends that this satisfies the tests of being a mobile home, but stresses that he is not requesting permission for the dwelling. Rather, removal of the disputed condition is being sought to allow the occupation of the site with *any* mobile home. It is not for me, in the context of a S73 appeal, to reach a conclusion on whether the incomplete structure would constitute a mobile home – that is a matter for the Council. The key question for me to consider is whether it is reasonable and necessary for the disputed condition to tie the planning permission to the particular set of plans submitted with the application.
 8. Although the part-constructed dwelling is not relevant to my determination of this appeal, it is a useful proxy for assessing the impact of a larger mobile home on the site. The roof has been tiled and the walls insulated, and this gives the structure solidity and presence. According to the appellant, the dwelling measures 5.6 m to the ridge. In my opinion, it is unlikely that a mobile home would be any taller than this, given the wide gable span, which is near the limits of that set out in the 1968 Act, and the generous 40° roof pitch.
 9. My visit took place in late autumn, at a time when the trees had already shed their leaves. Despite this, the structure was screened from Old Street by dense vegetation. The gable of its pitched roof was visible above the entrance gates, but seen in the context of farm buildings and machinery this did not appear out of character. I walked the public footpath¹ across the arable field to the north from where the upper section of roof was visible against a backdrop of trees. However, this was a distant view and the structure could not be described as prominent or materially harmful to the landscape character of the AONB. The case officer report alleges harm to the AONB from the increased size and scale of the dwelling, but does not explain how that harm would manifest itself.
 10. Overall, I am satisfied that reference within the disputed condition to a specific set of elevations and floorplans is unnecessary and that a mobile home could be positioned within the red line of the application site without detriment to the

¹ This runs from Beedon Common Farm to World's End

character and appearance of the area or the scenic beauty of the North Wessex Downs AONB. I therefore conclude that the disputed condition is unnecessary.

Other Matters

11. The Council states on the Questionnaire that I should enter the site 'to assess whether there are any animals on site in order for the permission to be valid'. This was not the purpose of my assessment. Insofar as there may be concern that there is no longer an essential need for a farm worker to live on site, this can be re-evaluated in the event that an application is submitted to renew the permission for a mobile home or to erect a permanent dwelling on the site. I am mindful that the extant permission will lapse on 9 August 2022.

Conclusion

12. For the above reasons, I conclude that the appeal should succeed. I will grant a new planning permission restating those undisputed conditions relating to the duration of the permission (amended to reflect the expiry date of the original permission) and the occupancy of the dwelling.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

1. The mobile home hereby permitted shall be removed from the land, and the residential use shall cease, by 9 August 2022 or when the mobile home ceases to be occupied whichever is the sooner. The land shall be restored to its former condition within two months of the date on which the building is removed.
2. The occupation of the mobile home hereby permitted shall be limited to a person solely or mainly employed as a stockman, (or retired though old age or ill health) within the holding known as Old Street Farm, or a dependent of such a person residing with that person (but including a widow or widower of such a person). The mobile home hereby approved shall not be sold or leased as a separate planning unit from the main holding and shall not be occupied if no livestock is being reared/fattened on site.

*** END ***