
Appeal Decision

Site visit made on 22 June 2022.

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/C3620/W/21/3283402

Land South of Betchworth Village Hall, Station Road, Betchworth, Surrey RH3 7DF

- 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 Steve Murphy against the decision of Mole Valley District Council.
 - The application Ref MO/2021/0094/PLA, dated 18 January 2021, was refused by notice dated 2 September 2021.
 - The development is described as the 'temporary stationing of 2 No. mobile homes with associated storage containers and temporary fencing in relation to domestic construction works on the address'.
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Decision

1. The appeal is allowed and planning permission is granted for the temporary stationing of 2 No mobile homes with associated storage containers and temporary fencing at land south of Betchworth Village Hall, Station Road, Betchworth, Surrey RH3 7DF in accordance with the terms of the application, Ref MO/2021/0094/PLA, dated 18 January 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The use hereby permitted for the stationing of 2 No mobile homes, storage containers and fencing shall cease on 30 September 2023 or within 14 days of the first occupation of the dwelling granted planning permission under the Council's Ref MO/2021/0547, whichever is the sooner.
 - 2) Within 28 days of the date of this decision a scheme for restoration of the land, after the removal of the mobile homes, storage containers and fencing, shall have been submitted to the local planning authority. The scheme shall include a timetable for carrying out the restoration. Following the approval of a scheme by the local planning authority in writing, it shall be carried out in accordance with the approved details and timetable.

Application for Costs

2. An application for costs was made by Mr Steve Murphy against Mole Valley District Council. It is the subject of a separate Decision.

Preliminary Matters

3. The appellant's architect submitted the appeal. Although only the original applicant for planning permission has the right of appeal, I have written confirmation that she did so on Mr Murphy's behalf.

4. Notwithstanding the description on the application form, set out in the above banner heading, the Council's decision notice and the appeal form omitted the phrase 'in relation to domestic construction works on the address'. I have therefore used the amended description in my formal decision.
5. At the date of the application the development had already taken place. At my site visit I saw two mobile homes, together with storage containers and fencing. These appeared to be consistent with what was shown on the submitted plans.

Background

6. Prior approval was granted to convert a barn on the appeal site to a dwelling (Ref MO/2019/1189) but this was not implemented. Instead, the appellant was granted planning permission to demolish the barn and erect a new dwelling on the site (Ref MO/2021/0547). There is no evidence that either decision authorised the mobile homes, storage containers and fencing that are on the site now. These have been in situ for nearly two years without the benefit of planning permission and, in these circumstances, plainly should not be on the site, which is in the Green Belt.
7. Nevertheless, the appellant has planning permission to build the new dwelling and I have no reason to doubt that once it is finished, he and his family will occupy it. It was on this understanding that officers recommended that permission be granted subject to a time limited condition to ensure that the mobile homes, storage containers and fencing would be removed from the site thereafter.
8. The National Planning Policy Framework (Framework) does not distinguish between permanent and temporary development in the Green Belt. The main parties agree that the mobile homes, storage containers and fencing do not fall into any of the exceptions under paragraphs 149 or 150 of the Framework. I have no reason to find otherwise. I also concur with the main parties that this development is inappropriate development in the Green Belt. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Policy CS1 of the Mole Valley Core Strategy 2009 sets out the Council's approach to development in the Green Belt by reference to 'PPG2 Green Belts'. This previous Government planning policy guidance has been replaced by the Framework. I have had regard to this in my decision.

Main Issue

10. Taking account of this background, the main issue is whether the harm by reason of inappropriateness is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

11. The appellant and his partner sold their respective houses. The appellant's partner has two teenage children who live with them and are in full time education. The mobile homes provide sufficient space and adequate temporary living accommodation for this family while the new dwelling is built.

The containers store domestic and personal belongings meantime and the fence secures part of the site.

12. I acknowledge that these current arrangements on the site are far from ideal to all concerned. However, the construction of the new dwelling is at an advanced stage. In my view, the objective now is to facilitate the completion of the new dwelling as quickly as possible, remove the mobile homes, storage containers and fence and restore the land to a suitable condition. This would be best achieved by setting a limited time period to undertake these actions and could be secured by strictly worded planning conditions.
13. These would ensure that once the new dwelling is finished, and shortly after it is first occupied, the temporary use of the land to station the mobile homes, storage containers and fencing would cease but, in any event, by the end of 30 September 2023 (a long-stop date referred to by both main parties). The site would thereafter be restored in accordance with suitable details and an appropriate timetable, to be submitted to and approved by the Council beforehand. This would give the appellant sufficient time to make appropriate arrangements in these regards, while the conditions could be enforced by the Council if needed.
14. I consider that these objectives would otherwise be seriously hindered were the appellant and his partner made to remove the mobile homes, and have to find an alternative place to live, whilst the construction works were completed. It would also likely disrupt family life and, in particular, the well-being of the children and their ability to study.
15. Taking all of the above into account, I find that the loss of openness to the Green Belt caused by this inappropriate development would be temporary in duration and reversible. There would be no permanent harm to the Green Belt. This planning outcome would also remedy matters that were of concern to the Council's members.

Green Belt Balance

16. The development is inappropriate development in the Green Belt in clear conflict with local and national policy to protect the Green Belt. I am required by the Framework to give substantial weight to any harm to the Green Belt.
17. I have given due regard to the other considerations outlined above in support of the development. In this appeal, I find that these clearly outweigh the harm to the Green Belt due to inappropriateness. Consequently, the very special circumstances to justify the proposal exist.

Conditions

18. I have had regard to the tests in paragraph 56 of the Framework and in the Government's Planning Practice Guidance¹. Where necessary, I have modified the wording of conditions in the interests of clarity.
19. The Council suggested a condition that could allow the mobile homes, storage containers and fencing to remain on the site until 30 September 2023; but, this condition would allow this to happen in any event, even if the new dwelling was completed sooner than this. It would not, therefore, fully achieve the objective

¹ Paragraph 21a-003-20190723

that I have set out in the main issue above. I have, therefore, imposed conditions 1) and 2). These are necessary, reasonable and enforceable for the reasons also set out in the main issue above. The development already exists so a condition that it be carried out in accordance with the approved plans, as suggested by the Council, is not necessary.

20. External lighting would not be unusual or unexpected at a residential property in the countryside, even a temporary mobile home. There is no objective evidence that any wildlife interest would be adversely affected by such lighting. Moreover, while the appeal site is on gently rising land, Buckland village is a significant distance to the east and separated by an intervening wide belt of trees. Furthermore, irrespective of its colour, a timber fence tall enough to screen the mobile homes and storage containers from the open countryside to the east would, in my view, be incongruous in this location and in the Green Belt, even if temporary. It is not, therefore, necessary or reasonable to impose conditions sought by Buckland Parish Council (BPC) in these respects.
21. I have no powers to impose 'Informatives' in my formal decision, but I have no doubt the appellant is aware that the appeal site is in the Green Belt. The other matters referred to by BPC are addressed by my conditions 1) and 2), including with regard to the restoration of the land and openness of the Green Belt.

Planning Balance

22. The proposed development would not accord with the development plan overall and would not be consistent with the Framework. However, there are material considerations in this case which outweigh this finding.

Conclusion

23. For the reasons given above, and subject to planning conditions, I therefore conclude that the appeal should succeed.

Robin Buchanan

INSPECTOR