



Appeal Decision

Site visit made on 14 June 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th August 2022

Appeal Ref: APP/P1133/W/22/3292328

Battleford, Redpost, Littlehempston TQ9 6NG

- 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 B Hersey against the decision of Teignbridge District Council.
 - The application Ref 21/01566/FUL, dated 5 July 2021, was refused by notice dated 26 August 2021.
 - The development is described as retention of residential mobile home.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although included in the description above, 'retention' is not a form of development referred to in the Town and Country Planning Act (the Act). I have treated the appeal as being for retrospective permission for use of the land for the siting of a mobile home, for residential use.

Main Issues

3. The main issues are:
 - Whether the development meets the Council's strategy for development in the countryside, to focus development at the most sustainable locations; and
 - The effect of the development on the character and appearance of the area.

Reasons

Countryside Location

4. The site is in open countryside outside of a defined settlement, where the Council's strategy is set out in Policy S22 of the Teignbridge Local Plan 2013-2033, adopted 2014 (TLP). This strictly manages development in the countryside, with aims that include the creation of sustainable settlements, the management of travel patterns and a desire to support a resilient rural economy. Some of the limited circumstances where development may be permitted in the countryside include affordable housing for local needs, and dwellings for rural workers.
5. The mobile home is occupied by tenants whom the appellant believes would otherwise be in housing need. The evidence before me including from representations refers to the tenants' strong connections to the area. The mobile home has been provided by the owner of the land to his tenants at an

- affordable rent. It therefore meets the tenants' financial and other needs and avoids the need for them to seek alternative accommodation.
6. However, there is no dispute that the site does not adjoin an existing settlement. I saw that the site is isolated, accessed only by narrow country lanes, and is remote from the services and facilities of a settlement. As such, it does not comply with criteria (b) of TLP Policy WE5, necessary to be considered as a rural exception site for affordable housing, and so travel patterns are likely to be reliant on the private car, at least to some extent.
 7. In addition, I have no details of the extent and type of need for affordable housing locally, or evidence that the home meets those needs. The home would not be managed by a Registered Provider (or similar organisation) and no mechanism is before me to ensure its future occupation will be by those most in need locally, at an affordable rent, in perpetuity.
 8. In light of these shortcomings, the development does not meet TLP Policies WE3 or WE5, or the definition of affordable housing in the National Planning Policy Framework (the Framework). As such, support cannot be drawn from these policies for the development as affordable housing. TLP Policy WE2 has also been referred to by the Council, but its focus is on sites of more than four dwellings, so is not directly relevant.
 9. The tenants maintain a smallholding, stables and equestrian use on the site. Their employment locally includes management of the land and work rescuing and rehabilitating horses and other livestock. There is no suggestion that alternative accommodation is available to them.
 10. However, no evidence has been provided to demonstrate that there is an agricultural business that is economically viable; has clear prospects of remaining so and has an essential functional need for a full-time employee to live on site. As a result, I cannot be satisfied that the requirements of TLP Policy WE9 or the Framework's guidance has been met in respect of a need for a rural worker's dwelling at the site.
 11. It has been suggested that permission should be granted for a temporary period of three years. However, I have no evidence to suggest that by the end of the period the home will appear unsightly or that the planning circumstances will have changed. Bearing in mind the advice of the Planning Practice Guidance (PPG), a temporary condition would not therefore be reasonable.
 12. Occupation of the home could also be limited to those in local housing need, who are involved in the agricultural or equestrian use of the land. However, in light of my findings above, I have no evidence that the current or future occupiers would comply with such a condition, and I have already found that the site's isolated location is not appropriate for affordable housing.
 13. I have also considered restricting occupation to the current tenants. Reference has been made to a substantial increase in rental levels locally and I understand the difficulty in finding alternative suitable and affordable rented accommodation. I am also very aware that the site is the tenants' home and their livelihood, and of the significant effect of my decision on them and their animals.
 14. However, planning permission is primarily concerned with the public interest, rather than personal circumstances. I am mindful of the advice in the PPG that

planning permission usually runs with the land, and it is rarely appropriate to provide otherwise. After careful consideration, I do not consider that the benefits of the home, including for the tenants, would overcome the harm I have identified, even if restricted by occupation and for a temporary period.

15. No other policies in the Development Plan that might support the development have been brought to my attention. For the reasons set out above, it does not meet the Council's strategy to focus development at the most sustainable locations. It is therefore contrary to TLP Policy S22 and the limited uses it permits in the countryside, as well as being contrary to Policies WE3, WE5 and WE9. It also conflicts with the guidance at paragraph 80 of the Framework, which seeks to avoid isolated homes in the countryside.

Character and Appearance

16. The site is an agricultural field in open countryside, served by a field gate access from the highway. The mobile home is visible from the adjacent dwelling, Marble Park. From public viewpoints however, the site sits low in the landscape and is well screened by dense and mature hedgerow on the boundary with adjacent roads.
17. Although some evidence of domestic use is evident at the entrance gateway, such views are fleeting, and the development does not appear particularly out of place. The countryside here is pleasant, but I am aware of no particular landscape features or designations. The mobile home and associated residential use of the land occupies only a small site and is discrete and unobtrusive in the landscape.
18. For these reasons, I find that the appeal development does not have a harmful effect on the character and appearance of the area. It therefore complies with TLP Policy S22's requirement that development takes account of the distinctive characteristics and qualities of the landscape.

Other Matters

19. Planning Permission was granted in 1976¹ for the temporary siting of a caravan on part of the appeal site, which was not time limited. This caravan was subsequently removed. It is not for me, under a section 78 appeal, to determine whether planning permission is required for the mobile home now on site. However, I have no firm evidence, such as a Certificate of Lawfulness under sections 191/192 of the Act that the 1976 permission remains extant. Therefore, I can give this matter little weight.
20. Reference has been made by the appellant to a planning permission² for a stable block on the site. I have no details of this proposal, but the type of development is different to, and not directly comparable with the appeal scheme. It does not therefore justify the appeal development and also carries little weight.

Conclusion

21. I have found that the mobile home does not meet the Council's strategy for development in this countryside location. The absence of harm in respect of the

¹ LPA references 76/01567/COU and 5/3/1567/15/4

² LPA reference 07/03369/FUL

area's character and appearance does not justify or overcome this conflict. I therefore find that the appeal development conflicts with the Development Plan as a whole. Having considered this and all other relevant material considerations, including the Framework, I conclude that the appeal should be dismissed.

O Marigold

INSPECTOR