



Appeal Decision

Site visit made on 13 September 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 OCTOBER 2022

Appeal Ref: APP/E2205/W/22/3297008

1 Monument Terrace, Ruckinge Road, Bilsington, TN25 7JX

- 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 Alan Pack against the decision of Ashford Borough Council.
 - The application Ref 21/01507/AS, dated 17 August 2021, was refused by notice dated 22 November 2021.
 - The development is described as a retrospective application to regularise the installation of a static mobile home on the site.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. From my visit and on the basis on the evidence before me, the static mobile home is already in place and therefore the development is retrospective. The Council's officer report confirms that the appeal development also involves the change of use of the land within the appeal site to residential. The planning application form describes the current use of the appeal site as a meadow.

Background and Main Issues

3. The appeal site is not within a settlement, as defined by the Ashford Local Plan 2030 (2019), (the Local Plan) within which certain types of development may be acceptable. Consequently, the site is in the countryside, where Policy HOU5 of the Local Plan restricts new residential development. Therefore, the main issues are:
 - Whether the development is in a suitable location for housing, having regard to the local development strategy for the area; and
 - The effect of the development on the character and appearance of the area.

Reasons

Suitable location

4. The appeal site is located at the edge of a hamlet within the countryside. It is the first property on this side of Ruckinge Road when the site is accessed from the west. The site is adjacent to Monument Terrace, a short row of terraced houses. The static mobile home is located adjacent to a rear outbuilding within 1 Monument Terrace, and the appeal site can also be accessed from the rear garden of this property. The appeal site has a vehicular access to Ruckinge

Road marked by tall wooden gates. The mobile static home has been described as an annexe. However, it is located on land which was not part of the residential curtilage of 1 Monument Terrace. To the west and northwest is open countryside, whilst the side elevations of houses accessed from Ashford Road are to the north.

5. One of the principles of Policy HOU5 of the Local Plan is to safeguard the open countryside, which is defined as land beyond any development boundary. It states that development in such locations is strictly controlled, limited to certain exceptions. The development conflicts with the policies of the Local Plan as it does not meet any of the exceptions identified within Policy HOU5, where development in the open countryside is considered appropriate. Specifically, it would not be a replacement dwelling, nor would it involve the re-use of a redundant or disused building. The dwelling is not required to cater for an essential need for a rural worker to live permanently at their place of work. The dwelling is a utilitarian structure which is not of exceptional quality or innovative design.
6. In conclusion, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy in the Local Plan. Instead, the proposal would undermine the objectives of the strategy. This would be harmful given the relative certainty and public interest that flows from a planning system that is genuinely plan led. For the above reasons, the site is outside of any settlement boundary and would not meet any of the exceptions listed so would be contrary to Policy HOU5 of the Local Plan.

Character and Appearance

7. The static home is not a large structure, being single storey with a modest footprint. It is set back from the road and is not prominent when viewed from the highway, although glimpses can be seen above the property's tall wooden entrance gates, and through the site's boundary hedging which fronts the road. It would be widely visible from the open countryside to the north and west of the appeal site. It has a utilitarian appearance, and I cannot conclude that the building would be visually attractive as a result of good architecture.
8. At my site visit, it was clear that the land surrounding the static mobile home is maintained by mowing and is used as residential curtilage, whilst the planning application form suggests its previous use was as a meadow. I also noted that there was a football goal, a swing and children's play equipment, a number of parked vehicles as well as the driveway providing access to Ruckinge Road from the site. Post and rail fencing separates the land from the agricultural land to the west and northwest, and hedgerows demark the site's other boundaries.
9. If permission were given to retain this change of use, it is reasonable to anticipate that a more intensive residential use would follow, with further ornamental planting, domestic paraphernalia and garden structures. This would add further to the incongruity of the use in the countryside and would harm the attractive rural appearance of the wider surrounding area. The appellant has confirmed that he would be willing to erect a wooden trellis type screen or small trees or shrubbery to screen views of the static mobile. Whilst this could be secured by planning condition, the screening of some views would not be sufficient to overcome the harm that I have identified above.

10. Therefore, the development harms the character and appearance of the area. It would conflict with Policies SP1 and ENV3a of the Local Plan where they aim to ensure that proposals integrate with its surroundings and landscape character. The scheme would also fail to comply with the Framework where it requires developments to add to the overall quality of the area and in recognising the intrinsic character and beauty of the countryside.

Other matters

11. I have significant sympathy with the appellant's financial situation. I understand that he has lived in the village all his life and would like to remain living locally. The appellant has recently had another child and requires the living accommodation provided by the static mobile home, which would benefit his mental well-being. I am conscious of the best interests of children being a primary consideration that is at the forefront of my mind. I also empathise with him in regard to the lack of local affordable rental accommodation, and his intention to live in the static mobile home to enable him to save towards a deposit and future mortgage.
12. The appellant has suggested that in the event that this appeal is dismissed that he and his family may become homeless. However, detailed evidence about the appellant's financial circumstances has not been provided and there is little evidence that they would become homeless given other options, including through the local authority, that might be available to them. The personal circumstances of the appellant accordingly do not amount to material considerations that give rise to a decision other than in accordance with the development plan, even on a temporary or personal basis. Nevertheless, these are important considerations.
13. The appellant highlights that there was limited objection to the planning application, that some neighbours wrote to the Council to express their support and suggests that many neighbours were not aware of the development until he informed them of it. The appellant also considered the siting of the development to ensure that it would not impinge on the living conditions of others. However, the lack of harm related to these matters means that they have no weight either for or against the development when it comes to the planning balance.

Planning balance

14. I find conflict with the development plan as a whole. The absence of other planning harms are only neutral factors and the contribution of one home, which is a modest addition to the local housing stock, leads me to consider that the public benefits would be limited.
15. I am very mindful that the site provides a current home for the appellant and his family. I have considerable sympathy for their situation and as a decision maker I have had due regard to my public duty towards the children in this case. However, this, and the other considerations before me, are not sufficient to outweigh the planning harm I have found, even on a temporary or personal basis. It is therefore a proportionate and legitimate response to interfere with the appellant's home and dismiss the appeal in accordance with the law by upholding the aims of the policies from the development plan.

Conclusion

16. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR