



Appeal Decision

Site visit made on 16 September 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2022

Appeal Ref: APP/J0405/W/22/3295205

Radclive Stables, Main Street, Radclive, Buckinghamshire, MK18 4AB

- 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 Jamie Baughan against the decision of Buckinghamshire Council.
 - The application Ref 20/02723/APP, dated 8 August 2020, was refused by notice dated 20 December 2021.
 - The development proposed is described as the demolition of existing stables and associated livery facilities, the removal of a permanent and lawful mobile home, the erection of a dwelling with car parking and 3 stables for the use of occupiers of the new dwelling, and continued use of the existing vehicular access with new entrance gates.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed dwelling would represent a sustainable form of development in the countryside around the hamlet of Radclive.

Reasons

3. The appeal site is located in open countryside a little to the north of the hamlet of Radclive. Access to the site is a rough roadway off Main Street. The roadway leads to a group of buildings and land that were apparently previously part of a livery and stabling facility. The site currently includes a disused stable block and mobile home, and the remains of what was apparently a manège for the exercise and training of horses. The area previously used for equestrian purposes and the site of the mobile home is flat and bounded to the south and west by trees, and to the north by open fields and rolling countryside.
4. The proposal would involve the removal of the mobile home and the demolition of the stable block. A detached, single-storey, 4-bedroomed house would be constructed on the cleared site, and the manège would become a garden serving the house. A small stable block for non-commercial use would be erected at the western end of the site, and 3 parking spaces would be provided. A Lawful Development Certificate (CLEUD) was granted by the Council in 2017 for the use of the mobile home on its existing site.
5. Policy S1 of the Vale of Aylesbury Local Plan (LP) indicates that all development must comply with the principles of sustainable development set out in the National Planning Policy Framework (NPPF). In assessing development

- proposals, consideration will be given to, amongst other things, giving priority to the reuse of vacant or underused brownfield land; providing high-quality accessibility through the implementation of sustainable modes of travel including public transport, walking and cycling; and providing access to facilities including healthcare, education, and community facilities.
6. Policy S2 of the LP indicates that in rural areas, housing development will be strictly limited, and that this is likely to be incremental infill development and should be principally in line with Policy D5 and other relevant policies in the LP. Policy D5 indicates that in settlements where there is no neighbourhood plan in place, permission for the construction of new homes will only be granted for infilling of small gaps in developed frontages with one or two homes in keeping with the scale and spacing of nearby homes, and for the replacement of existing homes in their original curtilage, where there would be no adverse effect on the character of the countryside or other planning interests.
 7. Policy S7 of the LP indicates that development in Aylesbury Vale will be expected to make efficient and effective use of land. The Council will encourage the reuse of previously developed land in sustainable locations, subject to site-specific considerations including environmental value and the impact on local character, and subject to other policies in the LP.
 8. The Council contends that the proposal would introduce an isolated new build dwelling home in the open countryside well outside of the hamlet of Radclive and as such would not accord with or be supported by the strategy for new housing development contained in the LP and the NPPF
 9. The appellant contends that, although the site is not located within a settlement, there is an existing residential use of the site in the form of the lawful mobile home. Moreover, the mobile home could be replaced with a larger unit that, within the size parameters, could be over 100m², which is of a scale of a four-bedroom unit as per the Technical housing standards: nationally described space standards (THS). As there is an existing residential use on the site, it is considered that the proposals would not introduce an isolated new dwelling home in open countryside. Finally, although there would be an increase in overall floorspace, the proposal would bring a number of significant benefits that accord with sustainable development principles as set out in the NPPF, as well as encouraging the redevelopment of previously developed land.
 10. The appeal site is located in open countryside a short distance from the small village of Radclive. Other than the church, the village would appear to have no significant local facilities and very limited public transport opportunities. I therefore consider the appeal site as being in a relatively unsustainable location, and that any future occupiers of the site would be highly dependent upon the use of a car.
 11. The appellant contends that the existence of a CLEUD for use of the mobile home as a permanent residence, would mean that the proposed house would be a replacement for what is a lawful residential use. However, the CLEUD relates to a very small part of the existing appeal site and, in any case, the essential characteristic of a mobile home is its mobility, which implies a lack of physical permanence. I acknowledge that the existing mobile home could be used as a residence for a potentially indeterminate time, but it is designed to be removed from whatever site it happens to be on and cannot, therefore, be considered as a permanent fixture to the land.

12. The proposed house would have a floorspace of some 240 sq metres. The appellant contends that a mobile home of up to around 100 sq metres could be placed on that part of the site covered by the CLEUD. However, the shape and size of the curtilage identified by the CLEUD, would not allow for a normal double mobile home to be placed in that curtilage and, in any case, it would not allow for the provision of normal domestic residential facilities, including car parking, also to be placed within it. In addition, the proposed house would be sited on much the same footprint as the existing stables and would be significantly larger than any mobile home that could be placed in the original CLEUD curtilage, in terms of both footprint and, to a lesser extent, height.
13. In the light of the above, I do not consider that the proposed house could be viewed as a replacement for the existing mobile home, which by its very nature, can only be a temporary physical presence on the site and could not effectively be replaced by a significantly larger version. The proposed house would be a much larger, physically permanent structure, that would be sited on an isolated, unsustainable site, in open countryside away from the hamlet of Radcliffe. Moreover, a residential use on the site would appear out of character with the surrounding area, whilst equestrian use would appear more appropriate to the countryside location.
14. Paragraph 80 of the NPPF indicates that planning decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. None of the circumstances identified would apply in this case. Paragraph 120 of the NPPF indicates that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. The appeal site represents brownfield land but is not within a settlement.
15. The appellant has listed a number of potential benefits that would result from the proposal, including the erection of a building using higher quality materials; tree planting and landscaping; improvements at the entrance to the site; and new stabling. However, some of the suggested benefits are at best neutral and, in any case, the benefits would not compensate for the development of a large dwelling in an isolated and relatively unsustainable location. In addition, the appellant contends that use of a mobile home would result in similar car usage to that of the proposed house. However, it would appear very unlikely in practice that a significantly larger mobile home could be placed on the CLEUD curtilage, along with associated parking and other residential facilities. Moreover, the proposed house would be much larger, would have 3 parking spaces, and would be likely to generate more car trips, so adding to the unsustainability of the proposal.
16. In conclusion, therefore, I find that the proposed dwelling would represent unsustainable development in an isolated location, harmful to the open character and appearance of the area. It cannot be seen as a simple replacement for the smaller mobile home currently occupying a small part of the site. On this basis, the proposal would conflict with Policies S1, S2, S7 and D5 of the LP, along with the policy matters set out in the NPPF identified above.

J D Westbrook

INSPECTOR