



Appeal Decision

Site visit made on 7 February 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/Q3305/W/22/3304325

The Full Moon Inn, Rudge Lane, Frome, Somerset, BA11 2QF

- 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 Ms Sally Jeffery (ERY Ltd) against the decision of Mendip District Council.
 - The application Ref 2022/0897/FUL, dated 29 April 2022, was refused by notice dated 18 July 2022.
 - The development proposed is for the temporary installation of a mobile home as chef's accommodation.
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Decision

1. The appeal is allowed, and planning permission is granted for the temporary installation of a mobile home as chef's accommodation at The Full Moon Inn, Rudge Lane, Frome, Somerset, BA11 2QF in accordance with the terms of the application, Ref 2022/0897/FUL, dated 29 April 2022, subject to the following conditions:
 - 1) This decision relates to the following drawings: 01 location plan, 50 site plan, 51 car park images as existing, HBA 311 52 mobile caravan as proposed.
 - 2) The residential use of the mobile home hereby permitted shall be for a limited period, being the period of 1 month from the date of this decision. The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 1st September 2023 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
 - 3) The occupation of the mobile home hereby permitted shall be limited to a person solely or mainly working, or last working, at the public house, or a widow or widower of such a person, and to any resident dependents.

Preliminary Matters

2. The submission of the application to the Council was made in April 2022, and the mobile home was proposed as temporary accommodation for a period of one year. Given the time that has elapsed, the appellant has confirmed the chef is scheduled to move out of the mobile home and into permanent accommodation in the public house from 31st March 2023. However, a further 4 months would be needed to sell and remove the mobile home from the site. This position has been raised with the Council, but no further comments have been received. As such, I have considered the appeal on this basis.

3. Having regard to the temporary period being requested and the time that has elapsed, I have amended the description of the development to remove reference to the period of 1 year. This is to avoid any conflict between the description of development and the temporary period being considered as part of the appeal.

Main Issues

4. The main issues in this appeal are: -
- whether there is a temporary need for a mobile home; and
 - the effect of the proposal on the character and appearance of the area, including the setting of a Grade II Listed Building.

Reasons

Need for temporary mobile home

5. The appeal site is located in a small rural village. However, this is not identified as a settlement and for the purposes of planning policy is in the countryside.
6. Although it is accepted by the appellant that the site is outside of the defined settlements set out in Policies CP1 and CP2 of the Mendip District Council Local Plan Part 1: Policies 2014 (Local Plan), it is contended that the scheme complies with Policies CP4 (3) and DP13 (a) of the Local Plan. Policy CP4 (3) and DP13 (a) of the Local Plan indicate that proposals for permanent or temporary residential accommodation outside of defined development limits which are essential for rural enterprises will be supported. The criteria of DP13 (a) of the Local Plan requires, amongst other things, information to demonstrate that the location and dwelling are essential to support the rural enterprise, there is a need for the full-time worker and that no alternative accommodation is available.
7. I acknowledge that no substantive business case has been put forward, and there is limited information on the need for a full-time worker and alternative accommodation in the vicinity. As such, the proposal would technically conflict with the requirements of Policy CP4 and DP13 of the Local Plan. However, the requirements of Policy CP4 (3) and DP13 (a) are primarily concerned with assessing the viability of a new rural enterprise, and the need for a temporary¹ or permanent dwellings and a worker to sustain a fledgling business. The detailed requirements of the policy are necessary to achieve its objectives, which is to protect the countryside from unjustified residential development associated with unproven rural enterprises.
8. In this case, the evidence before me suggests that the public house is not a fledgling rural business, but an established public house where living accommodation for staff is already present on site. Also, albeit limited, the appellant has stated that local patronage does not sustain the business and the offer of food and accommodation are important to sustain the future viability. Staff had previously used the living accommodation in the public house but would be utilising the mobile home while the works to renovate the living accommodation are ongoing. The appellant has also confirmed via correspondence during the appeal that the chef would move back to the public house once the works are completed, and the caravan would be removed from the site.

¹ For a period of three years- Paragraph 6.122 of Mendip District Local Plan 2014

9. Consequently, the proposed development is not a typical proposal for a residential development associated with a new rural enterprise, but a temporary solution to ongoing building works at an established rural business. Works were ongoing at the public house at the time of my visit, and the temporary period requested as well as the approval of recent renovations set out in the planning history supports this position. Although the Council contends that staff can be accommodated in the public house, or nearby residential properties, there is limited information to demonstrate this to be the case.
10. Therefore, the proposal would conflict with the settlement strategy as well as Policies CP4 and DP13 of the Local Plan. However, the ongoing renovations of the public house and the temporary nature of the proposed development means it would not compromise their aims and objectives. As such, any harm resulting from the conflict with these policies is limited.
11. It is also acknowledged that the staff using the mobile home would be reliant on journeys by private car to access other services outside the area. However, Paragraph 105 of the National Planning Policy Framework (the Framework) acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be considered in decision-making. With this in mind, the public house is not a considerable distance from settlements that do have services and facilities. Also, a single residential unit for a temporary period would not generate significant traffic movements, and these would be lessened by the occupants of the mobile home working in the public house.
12. Accordingly, given the short period of time needed to enable the public house to be renovated; I find no reasons why the siting of a mobile home temporarily would not be justified. Despite a technical conflict with Policies CP1, CP2, CP4 (3) and DP13 of the Local Plan, I find that no harm would arise. The proposals would also comply with Paragraph 84 of the Framework, which supports a prosperous rural economy and outlines that decisions should enable the retention and development of accessible local services and community facilities, such as public houses.

Character and Appearance

13. The appeal site is to the rear of the existing car park of the Full Moon Inn, a Grade II Listed Building (Listed Building). Based on my observations, and the evidence provided, the significance of the building is largely defined by its group value with the Listed Baptist Chapel and Cottage buildings opposite. Also, the materials and architectural features of the period building as well as its historical use for agriculture and as a public house.
14. In respect of its setting, the Listed Building fronts the main road and in combination with the chapel and cottage opposite, they have a significant group value. The side and rear of the public house has been extended and is accompanied by a large hard surfaced car park to the side. The car park separates the public house from more contemporary residential buildings to the north. Although not a positive feature of the setting itself, the car park provides an appreciable gap, which results in an openness to the side and views of the countryside beyond. This openness and verdant setting add to the understanding of the rural beginnings of the building and its significance as a heritage asset.

15. The proposed development would be sited on land just beyond the car park, adjacent to the eastern boundary. The mobile home is slightly elevated, but is partly concealed by the setback, intervening development, and an existing fence. The development is of a typical appearance for a static mobile home, and if sited permanently, is likely to be more harmful to the rural character by introducing a relatively incongruous form. It would be visible from Rudge Hill in the gap between the Listed Building and the adjoining properties. In this respect, it would diminish the space to the side of the building and views of the countryside beyond, which are positive aspects of the setting.
16. However, the proposed development is temporary, and is of a scale and set back where it would not undermine the significance of the group of historic listed buildings. Furthermore, the set back of the mobile home coupled with its scale and height ensures that it would not completely erode the space and views beyond, resulting in 'less than substantial' harm to the setting of the Listed Building.
17. Paragraph 202 of the National Planning Policy Framework (the Framework) is applicable in these instances and indicates that less than substantial harm to heritage assets should be weighed against the public benefits of the proposal. The mobile home is temporary and would contribute to the ongoing viability of the rural business. The retention and growth of the business would result in social and economic benefits from the additional expenditure in the local economy and the potential to create jobs. It would also help to maintain a viable commercial use for a Listed Building. These public benefits can be afforded moderate weight in this instance.
18. I consider that the moderate public benefits would be sufficient to outweigh the 'less than substantial' harm that I have identified to the setting of the Listed Building. In coming to this decision, I have given considerable weight and importance to paying special attention to the desirability of preserving or enhancing the setting of the Listed Building.
19. Accordingly, the proposed development would not have an adverse effect on the character and appearance of the area, including the setting of the Listed Building. Therefore, the proposed development would comply with Policies DP1, DP3, DP4 and DP7 of the Local Plan. These policies, amongst other things, require development to have high standards of design with due regard to the local distinctiveness and surrounding landscape. Proposals should also conserve or enhance heritage assets and their settings. The scheme would also be compliant with the policies of the Framework that seek to ensure development is a high-quality design, accessible and preserves the built and natural environment.

Other Matters

20. I have had regard to concerns raised in representations, including matters relating to privacy, noise and disturbance, the devaluing of properties, potential future dwellings and the fact that the mobile home has been in place without any formal permission.
21. Whilst I have had regard to these matters, the additional noise and disturbance from a single residential unit would not be significant enough to have a detrimental impact upon any of the adjacent neighbours' living conditions. Furthermore, although it would provide views towards neighbouring gardens to

the south east, it is sufficiently distant to ensure an acceptable level of privacy is maintained.

22. Although I accept that the mobile home has been in situ without consent, this is not a valid reason to withhold planning permission. Furthermore, granting temporary permission for the mobile home in this particular instance would not set any precedent for future proposals. Any future proposal for temporary or permanent residential development would require planning permission and would need to be judged on its own merits. The issue of impact on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
23. Furthermore, any matters relating to unauthorised engineering works to raise the level of the land would be a breach of planning control that is beyond the remit of this appeal. Any breaches of planning control would need to be investigated by the Council.

Conditions

24. As the development is retrospective, I have not included a period for implementation, but a plans condition has been included to clarify what has been approved.
25. I have required the residential use of the mobile home to be for a temporary period of 1 month, along with its removal and the restoration of the site within 5 months of the expiry date. I have also required that the mobile home is occupied by a worker associated with the public house. This is a fundamental part of the temporary nature of the proposal and its justification in this location.
26. Conditions were requested for landscaping as well as details of levels, any fixings and associated structures in connection with the mobile home. However, these conditions are unnecessary, particularly when the works are present on site and any details relating to levels and landscaping can be provided with the scheme to restore the land to its former condition. Any landscaping to mitigate the visual impact of the proposal would be unnecessary, particularly as it would have insufficient time to have any meaningful effect on the development before its removal.

Conclusion

27. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

M. P. Howell

INSPECTOR