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# Appeal Decision

Site visit made on 21 February 2023

**by David Jones BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 April 2023**

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**Appeal Ref: APP/H1840/W/22/3307400**

**Orchards End, Lincomb Lane, Totton, Worcestershire Easting: 382706**

**Northing: 269455**

- 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 Mrs Dawn Birch against the decision of Wychavon District Council.
  - The application Ref W/22/00175/FUL, dated 20 January 2022, was refused by notice dated 1 April 2022.
  - The development proposed is the change of use of land for siting of a mobile home (including access steps and storage building) for temporary use during periods of flooding (retrospective).
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The above description of development is taken from the decision notice, as it more clearly and concisely describes the proposal than the description on the application form.
3. I observed during my site visit that the mobile home and the associated timber access steps and storage building were already in situ. I have therefore dealt with the appeal on that basis.

## Main Issue

4. The main issue is whether the site is a suitable location for the proposed development, having regard to the relevant policies of the development plan.

## Reasons

5. The appeal site is located to the east of Lincomb Lane and comprises a mobile home with associated timber access steps and storage building, along with a hard surfaced car parking area. The wider site is used for the keeping of horses and consists of grassland, timber stables, and a menage. The surrounding area is rural in character.
6. The site is located outside of the settlement boundaries as defined by the South Worcestershire Development Plan (adopted February 2016) (SWDP) and is therefore considered to be in the open countryside. Policy SWDP 2 of the SWDP states that development in the open countryside will be strictly controlled and limited to dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry,

- replacement dwellings, house extensions, replacement buildings and renewable energy projects and development specifically permitted by other SWDP policies.
7. The proposal conflicts with Policy SWDP 2 as it does not meet any of the exceptions where development in the open countryside is considered appropriate.
  8. I observed during my site visit that due to its countryside location the appeal site was located some distance from local services and facilities. Furthermore, the site is accessed via a narrow, unlit, country lane that has no footpath available. Additionally, from the information available to me, there are no bus stops or other modes of public transport available near to the appeal site. Due to this lack of connectivity, I find it highly unlikely that occupiers of the mobile home would walk or cycle to the nearest services and facilities and would instead be heavily reliant on the private car for their day-to-day needs.
  9. I acknowledge the appellant's intention that the mobile home would only be occupied during periods of flooding at their home in Stourport. However, flooding can occur at any time and can result in the property being inaccessible for prolonged periods, particularly if extensive clearing up or repairs are required. During this time the mobile home would be occupied as a main residence when access to the necessary services and facilities would be required. Any existing equestrian use of the site would not justify the additional journeys that would arise during the residential occupation of the mobile home. As a result, I find that the sites accessibility would be poor, and the proposal would not accord with Policy SWDP 4 which requires development to minimise the demand for travel and offer genuinely sustainable transport choices.
  10. I note the appellant's willingness to accept a planning condition that would limit occupation of the mobile home to named individuals and when the River Severn reached a certain level at Bewdley gauge. I find however that this would not be enforceable given that even after river levels had receded, depending on the severity of the flood the property may still not be accessible or habitable for an unquantifiable period of time. It would also fail to negate the need to meet the locational criteria outlined in Policy SWDP 2.
  11. I have also given careful consideration to the personal circumstances of the appellant. Whilst I recognise the increased frequency of flood events which affect their home, and the cost that would be involved in moving the mobile home every year as and when required, it has not been sufficiently demonstrated that the specific temporary accommodation needs cannot be met in another way. On the basis that an alternative could deliver similar benefits for the appellant, these personal circumstances do not outweigh the identified conflict with the development plan.
  12. For the reasons set out above, I conclude that the site would not be a suitable location for the proposed development, having regard to the relevant policies of the development plan. It would fail to accord with Policies SWDP1, SWDP 2, and SWDP 4 of the SWDP which, among other matters, support sustainable development and strictly controls development within the open countryside. The proposal would also conflict with paragraph 80 of the National Planning Policy Framework (the Framework) which seeks to avoid the development of isolated homes in the countryside.

## **Other Matters**

13. The appellant has referred to planning permissions that have been granted by the Council for an equestrian facility and glamping site near the appeal site. I have not been provided with any details of these developments, and there is no evidence before me to suggest that they share any similarities to the appeal proposal before me. In any event, each case must be assessed on its own merits and the presence of these developments do not provide any justification for the appeal proposal.
14. I note that objections were received from interested parties in relation to the appeal scheme. These objections include an allegation that the mobile home is already being occupied as a permanent residence. My decision is based on what has been applied for and I cannot speculate on whether the mobile home has or is being used for residential purposes. However, should it be established that the mobile home or its use does not have the necessary planning permission, then the Council have the powers to take enforcement action should they consider it expedient to do so.

## **Conclusion**

15. The proposal would conflict with the development plan as a whole, and there are no material considerations, including the approach of the Framework, to outweigh it. The appeal is therefore dismissed.

*David Jones*

INSPECTOR