



Appeal Decision

Site visit made on 9 August 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2023

Appeal Ref: APP/Y3940/W/22/3313475

Brooklyn 4X4 Ltd, Richmond Farm, Brickworth Road, Whiteparish SP5 2QJ

- 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 Brooklyn 4x4 Ltd against the decision of Wiltshire Council.
 - The application Ref PL/2022/07702, dated 4 October 2022, was refused by notice dated 29 November 2022.
 - The development proposed is described as 'Change of use from Sui Generis (Equine) to Sui Generis (Car Sales and Repairs) together with the retention of a mobile home to provide onsite security and associated works (retrospective)'.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The development has been carried out and the appeal site has been in use by the appellant for car sales, servicing and repairs for some time. The mobile home on the site is currently occupied by a member of staff employed at the business. The Council has raised no objection to the change of use of the site to car sales and repairs. The main issue is therefore whether the mobile home is in a suitable location for housing, having regard to local and national policies relating to residential development, including an assessment of the needs of the business.

Reasons

3. The appeal site comprises a group of buildings including a workshop, showroom and storage building used in connection with the appellant's business, Brooklyn 4X4, which is one of several businesses that operate from the site. The business includes the selling and repair/servicing of vehicles, some of which are stored inside the buildings, others are parked on an area of hardstanding alongside the buildings. The existing residential property at Richmond Farm adjoins the site and shares the vehicular access from Brickworth Road. The site is located in an area of open countryside a short distance from the nearest settlement of Whiteparish.
4. The mobile home is situated within the site on an area of land enclosed by a mature boundary hedge and fence, close to the existing buildings. Planning permission was granted by the Council for the siting of the mobile home (Ref. PP2020/10604/FUL) to be occupied as ancillary accommodation to the main dwelling, by a full-time carer. The permission was subject to a condition to restrict the occupancy of the mobile home as ancillary accommodation solely by the applicant and required its removal upon the cessation of the use. Richmond Farm (the main dwelling) now has new owners; however, the mobile

home remains in situ. It is occupied by an employee of Brooklyn 4x4 as an independent residential unit, rather than its original purpose as ancillary accommodation to the main dwelling at Richmond Farm. As such it constitutes a separate dwelling and introduces a new residential unit use on the site, albeit it in connection with the business.

5. The appeal site is within the countryside for the purposes of planning policy. Core Policy 1 and Core Policy 2 of the Wiltshire Core Strategy adopted January 2015 (WCS) outline the settlement strategy for the location of new development within the plan period. The strategy directs new residential development to land within the limits of development in the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Outside the defined limits of development, as defined on the policies map, development will not be permitted unless it is supported by other policies in the WCS.
6. The appellant suggests that the development would accord with WCS Core Policy 1 in that it provides a benefit in terms of the improvement of employment opportunities, by ensuring the continued operation of an established business. However, this objective relates to development at Large and Small Villages and is not applicable to the appeal site, which lies in an area of open countryside.
7. Core Policy 61 of the WCS sets out that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.
8. This approach in the above policies of the WCS is consistent with the advice in the National Planning Policy Framework (the Framework). This states that the development of isolated homes in the countryside should be avoided unless, amongst other things, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
9. It is suggested that a member of staff is required to live on site within the mobile home for reasons of site security, specifically to prevent the theft of vehicles, outside of the hours of operation of the business, which is open Monday to Friday 8.30am to 5.30pm and by appointment only on Saturdays. The appellant contends that the retention of the existing mobile home on the site is an essential security measure for the business, given the risk associated with the high value equipment and vehicles.
10. Given the value of the stock on the site and the rural location I can understand the appellant's desire to have a member of staff residing on the site. However, even if a physical presence on site offers a greater degree of deterrence against break-ins and thefts, I have not been presented with any substantive evidence that alternative security measures including security gates, CCTV and alarms, if implemented robustly, would not be equally as effective. Moreover, it has not been demonstrated that the need for out of hours presence is such that an employee is required to reside permanently on site and the need could not be met by an overnight security guard to be on site when the business is closed.
11. Moreover, whilst it may be a requirement of the appellant's current insurance policy that there a security guard resides at the premises, there is no indication that an alternative policy would require the same arrangement.

12. The nearby village of Whiteparish has a range of local amenities including a school, shop, public house, doctors' surgery, and bus stops. However, the journey to the village from the appeal site includes travelling along a stretch of Brickworth Road where there is no dedicated footpath or streetlights. As such, it is unlikely the location of the mobile home promotes the use of sustainable modes of travel as advocated in WCS Core Policy 61 and the Framework. Instead, it is probable that occupants are highly reliant upon private car travel to access day to day services and amenities.
13. The development does not include any additional built form over and above the existing mobile home, which has been in place on the site since 2020 and there are no immediate neighbours affected by the development. Furthermore, the Council has not objected to the siting of the mobile home with regards to its effect on the character and appearance of the countryside or the Special Landscape Area. Due to the scale of the mobile home and given its siting set back from the main road and close to the existing buildings, together with its containment by the existing boundary hedge, I agree that it is not visually intrusive within the wider rural landscape.
14. I note the appellant's willingness to accept a condition to restrict the occupation of the accommodation to a member of staff employed at the business and to require the removal of the mobile home if the business use should cease on the site. However, these factors would not outweigh the harm I have identified in terms of policy conflict with regards to the principle of the development in this location.
15. For these reasons, I conclude the development would not be in a suitable location when having regard to development plan policies. It would be in the countryside and so it would not accord with the settlement strategy set out in WCS Core Policies 1 and 2. Also, for the above reasons, it would be in an unsuitable location when having regard to accessibility and the aims of WCS Core Policy 61 in terms of the reliance of the future occupiers on private motor vehicles.
16. For the foregoing reasons, the appeal site is not a suitable location for housing and the mobile home is not justified by the needs of the business. In that regard, the development therefore fails to accord with the settlement strategy set out in the WCS Core Policies 1 and 2 and the aims of Core Policy 61. The development also fails to reflect the aims of the Framework in relation to the location of new development, specifically rural housing.
17. The refusal reason also refers to Policies CP51 and CP57 of the WCS and saved Policy C6 of the Salisbury District Local Plan adopted June 2003, which collectively seek high quality design and to protect landscape character, including that of the Special Landscape Area. It also refers to Core Policy 48, which the Council indicate is relevant in that it allows for the change of use of existing buildings in the open countryside to other commercial uses where there are no demonstrable impacts. However, the Council's submissions do not allege any specific harm in these regards. Consequently, these policies are not determinative in the appeal.

Other Matters

18. Paragraphs 81 and 84 of the Framework support economic growth and productivity, taking into account local business needs, including the sustainable

growth and expansion of all types of business in rural areas. However, this objective is not directly related to the matter of living accommodation for the needs of those businesses.

19. My attention is drawn to planning permission granted by the Council at Packway Garage (Ref. S/2010/1549) for the siting of a static caravan at a garage for security purposes outside of working hours. However, I do not have full details in respect of the development in that instance so I cannot be sure of the circumstances of the case. In any case, I have determined the appeal on its own merits, based on the evidence before me.

Conclusion

20. The mobile home is acceptable in terms of its effect on the rural landscape and there are no immediate neighbours affected. Set against this, it is not in a suitable location for the reasons as set out above. Therefore, it does not accord with the development plan when read as a whole. Moreover, there is insufficient justification in terms of the needs of the business to indicate that planning permission should be granted contrary to development plan policies. Accordingly, I conclude the appeal should be dismissed.

E Worley

INSPECTOR