
Appeal Decision

Site visit made on 16 May 2024

by D Wallis MRTPI, BSc (Hons), PGDip (Environmental Planning)

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/X3540/W/23/3324395

Land adjacent Redhouse Farm, Tenth Road, Bucklesham, IPSWICH, IP10 0BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Elden against the decision of East Suffolk Council.
 - The application Ref is DC/21/05712/FUL.
 - The development proposed is Continued use of land for the siting of a mobile home (for use as an agricultural worker's dwelling and also as a residential annexe).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has written to confirm that, following a payment of £121.89 made on 19 June 2023, the second reason for refusal has been withdrawn. I shall return to this later in my decision.

Main Issues

3. The main issues for the appeal are:
 - whether or not the proposal represents an appropriate use of land;
 - the effect of the development upon landscape character; and
 - the effect of the development upon the Alde-Ore Estuary Special Protection Area (SPA) and Ramsar, the Deben Estuary SPA and Ramsar, the Orfordness-Shingle Street Special Area of Conservation (SAC), Sandlings SPA and the Stour and Orwell Estuaries SPA and Ramsar (together referred to as the European sites).

Reasons

Whether or not an appropriate use of land

4. The appeal development would constitute a material change of use of land for the siting of a mobile home for residential purposes. The appellant describes those purposes as being both as an agricultural worker's dwelling and as an annexe, for the benefit of Mr and Mrs Ramsey that occupy The Bungalow on Tenth Road. This would involve occupation of the mobile home by Mr Elden, being employed in managing the farm operated by Mr Ramsey, with Mrs Elden being responsible for healthcare and wellbeing duties.

5. There is no dispute between the parties that the appeal site is in a countryside location wherein new dwellings would not normally be permitted under the policies of the East Suffolk Council Coastal Local Plan September 2020 (the Local Plan). Policy SCLP3.3 makes clear that proposals for new development in the countryside will be strictly controlled, identifying new residential development as being non-permissible except where specific policies allow. Those policies relevant to the appeal are SCLP5.6, in relation to rural worker dwellings, and SCLP5.13, in relation to residential annexes.
6. Taking the respective components of the proposal separately, I note that the mobile home would comprise a three-bedroom unit for two individuals, with all the facilities needed for independent day-to-day living and thus would have no functional dependence on The Bungalow. It would be on agricultural land a considerable distance to the east of The Bungalow, thus sharing no physical relationship with that property or its curtilage. Whilst the need for the annexe is cited as being to allow for the care of Mr and Mrs Ramsey, I am not presented with any more evidence than this. The proposed development would not therefore meet the expectations of policy SCLP5.13 of the Local Plan.
7. Assertions by the appellant that the farm is established and financially sound are unsubstantiated in evidence, and it is also unclear what role the appellants would have as a rural worker other than assisting management of the farm. Whilst the appellant states there are no other buildings nearby capable of providing accommodation, I note that the application form and appeal form for this case cite the current living address of Mr and Mrs Elden to be at The Bungalow on Tenth Road. This is also the address of Mr and Mrs Ramsey, and no explanation has been given as to why the living arrangements here are inadequate. Other than the explanation that Mr and Mrs Ramsey's ill-health necessitates assistance on the farm, this is not set out in any detail. In the absence of all the information above, it is clear the development would not meet the requirements of policy SCLP5.6 of the Local Plan.
8. Notwithstanding, the appellant submits that the proposal does not fit fully within the terms of planning policy because of its "multi-faceted" arrangement. The appellant advocates my determination should be on whether material considerations indicate a decision should be made otherwise than in accordance with the Development Plan¹.
9. I recognise there may be some social benefit in providing family health support and for providing some resilience for an agricultural business, but this is not considered to be compelling in this single private incidence. Substantiated evidence regarding the need, location and size for the mobile home has not been provided, as covered above. If taking the proposed blend of uses together, as the appellants' approach, the proposal would represent an unjustified new dwelling in the countryside, conflicting with the spatial strategy set out in Local Plan policy SCLP3.3. The fact that the appellants are seeking a mix of residential purposes would not change the fact that the proposal would be for a residential dwelling in an area where dwellings are not normally permitted. I do not consider that there are any material considerations of sufficient weight to indicate that a determination should be made otherwise than in accordance with the Development Plan.

¹ Appellant's statement of case paragraph 6.5

10. I conclude that the appeal development would be an inappropriate use of land. The proposal is therefore contrary to policies SCLP3.3, SCLP5.6 and SCLP5.13 of the Development Plan, which together seek to ensure only appropriate new development takes place in the countryside.

Landscape character

11. The appeal site is situated in a rural area defined with expansive fields divided by strong hedgerow boundaries. The terrain is broadly flat and long-distance views are readily achievable where there are breaks in the hedgerow cover. Some non-agricultural businesses are in proximity, though largely screened from view by trees. Along Tenth Road, the buildings at Redhouse Farm are closely adjacent to the highway and are the only significant visible built feature in the area.
12. The appeal site sits at an intersection of Tenth Road and an agricultural farm track. Whilst there is a hedgerow separating the appeal site from the highway, there are significant breaks in its coverage by both the agricultural farm track on the western side and the fields gates serving Redhouse Farm on the eastern side. The appeal site therefore only benefits from a limited degree of landscaping at present.
13. I observed that the mobile home sought in this appeal has already been placed on the land, confirming that the existing landscaping would not screen or soften the appearance of the appeal development regardless of colour or external cladding materials. Whilst there are businesses in the immediate vicinity and wider area where mobile homes are present, these were absorbed into the landscape by tall and consistent hedgerows at the time of my visit. In contrast, the appeal development would appear a prominent and incongruous urban feature in the agricultural setting. Even though no garden or grounds are proposed within the appeal, the mobile home would be an obvious domestic feature, at odds with the immediate landscaped context.
14. For this reason, the proposal would be a visually intrusive urban element within the local landscape thus harming the character and appearance of the area. The proposal therefore conflicts with policy SCLP10.4 of the Local Plan, which seeks developments that protect and enhance landscape character.

Effects on European Sites

15. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) requires that, before deciding to give permission for a plan or project that is likely to have a significant effect on a European site, a competent authority must make an appropriate assessment of the implications of the project for that European site and its conservation objectives.
16. The Council originally found in its appropriate assessment that, in the absence of information, the appeal development would likely cause an indirect adverse effect on the integrity on various European sites. This impact would be caused by increased recreational pressure arising from an increase in residents in the local area. The appellant has not disputed this and made a payment to the Council in respect of the Council's Recreational Disturbance Avoidance and Mitigation Strategy. Having received this payment, the Council withdrew its objection to scheme in respect of the Habitats Regulations.

17. Since I am dismissing on other grounds, I do not need to undergo the task of Appropriate Assessment in this instance. Nonetheless, whilst noting I have not undertaken any scrutiny of either the appellants' or the Council's case on these matters it would appear that, in light of the Council's stated withdrawal of the reason for refusal, the proposal may not have an adverse effect on the integrity of the designated European sites. The proposal may therefore comply with the terms of policy SCLP10.1 of the Local Plan that seeks to protect highly ecologically sensitive areas.

Other Matters

18. I have considered whether or not planning conditions could be used to control or otherwise regulate the development proposed.
19. In terms of controlling the use of the mobile home, the appellants have provided some suggested wording at paragraph 5.28 of the initial statement of case. Such wording is also repeated in the Council's list of suggested conditions. However, such wording would allow the mobile home to be retained for any purpose ancillary to The Bungalow, which offers a far broader scope than purely being for the annexe that is being applied for. Seeking to establish and control dual use of the mobile home through such a condition would result in a complex, potentially imprecise and unenforceable condition as this proposed drafting demonstrates.
20. The appellant has stated the mobile home is a temporary structure that could be removed at any time. However, I do not consider it reasonable to grant a temporary permission in this instance given such would conflict with the intended agricultural residence. Further, taking the appellants' proposed condition into account, retaining the mobile for any purpose ancillary to Bungalow implies a much more permanent use than suggested.
21. I am therefore unconvinced that planning conditions could be effectively used in this instance.

Conclusion

22. For the reasons given above the appeal should be dismissed.

D Wallis

INSPECTOR