The Planning Inspectorate

Appeal Decision

Site visit made on 8 January 2019

by J Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2019

Appeal Ref: APP/A2525/W/18/3206837
Compact Car Corner, Wisbech Road, Long Sutton, Spalding PE12 9AG.

- 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 Melvin Upton against the decision of South Holland District Council.
- The application Ref H11-1144-17, dated 23 November 2017, was refused by notice dated 22 January 2018.
- The development proposed is siting of mobile home for occupation in conjunction with Compact Car Corner.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description on the appeal form as it more accurately describes the development than the description on the application form.

3. There are apparent discrepancies between the mobile home on site and the submitted plans. I have considered the appeal against the submitted plans.

Main Issue

4. The main issue is whether the development is in a suitable location, having particular regard to the development plan and the character and appearance of the area.

Reasons

5. Located close to a roundabout connecting the A17, B1359 and Wisbech Road, the appeal site is occupied by a car sales lot. To the north, there is a static caravan sales business, while there are agricultural buildings to the east. South of the site beyond a field, there is a house. There are further houses, a number of businesses at Long Sutton Barns, and a McDonald's restaurant on Wisbech Road's western side. Beyond the roundabout, there is a hotel, restaurant, and petrol station, and a ribbon of housing leading into Long Sutton.

6. The appeal site is surrounded by 2m high metal fencing. To the front of the site, cars are parked in rows. At the rear of the site, adjacent to a raised hardstanding, there are 2 timber workshop buildings, 2 storage containers, a shed, a summerhouse used as an office, and a mobile home. The mobile home is located behind the larger workshop building at the rear of the appeal site, adjacent to fencing and trees.

7. The appeal site is located outside Long Sutton's defined settlement limits in the South Holland Local Plan 2006 (SHLP), and therefore results in the provision of a home in the open countryside. Given the proximity of existing residential properties and other buildings, the development is not far away from other buildings or people, and so is not isolated in terms of paragraph 79 of the National Planning Policy Framework (the Framework). To promote sustainable development, paragraph 78 of the Framework requires that housing is located where it will enhance or maintain the vitality of rural communities, while the Government's *Towards a one nation economy: a 10 point plan for boosting productivity in rural areas* supports the delivery of housing and employment in rural areas.

8. SHLP policy SG2 sets out, amongst other things, a sequential approach to development. SHLP policy SG3 sets out the Council's settlement hierarchy with Long Sutton defined as an Area Centre, where housing, employment and commercial development supports its role as a service centre. SHLP policy SG4 states that planning permission will only be granted in the open countryside if it is essential in the proposed location and cannot reasonably be accommodated within defined settlement limits. SHLP policy HS7 confirms that outside defined settlement limits, new housing will only be permitted where there is a proven need for agriculture, forestry, or other workers, or it is for small scale rural exception affordable housing. The proposal does not appear to constitute affordable housing.

9. The Council has referred to Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas. This no longer has any status as national planning policy and the criteria included within it are not replicated in the SHLP or the Framework. I therefore afford it little weight in my decision.

10. Given the site's location close to other homes and businesses, the mobile home's siting, and the existing backdrop of the car sales and static caravan sales business, the development does not harm the character and appearance of the area. While the Council has made reference to conflict with paragraphs 130 and 131 of the Framework and the development is indeed an archetypal mobile home, I consider that it is in keeping with its surroundings.

11. The appeal site received planning permission for use as a car sales area in 2014 and the appellant has been living on site in either a caravan or mobile home since 2015. I note that the appellant has owned a business locally for over 15 years, and that their business on the neighbouring site previously experienced over 20 break-ins. Goods of a considerable value were stolen, requiring police attendance, causing an increase in insurance premiums, and necessitating the introduction of laser security. Furthermore, the neighbouring static caravan business has experienced thefts, damage and loss of caravans due to arson. However, I have no documentary evidence of these incidents, the insurance company's views, the likelihood that the business would be uninsurable at a viable level without a 24 hour presence on the appeal site, and the probability of the appellant's FCA licence being revoked.

12. The appellant and nearby occupiers have made reference to crime and security issues and reductions in anti-social behaviour and disturbance on the appeal site and in the wider locality due to the occupation of the mobile home on the appeal site. This has some benefit in maintaining the vitality of the rural community and creating places where crime and disorder, and the fear of

crime, do not undermine quality of life or community cohesion and resilience, in line with paragraphs 78 and 127 of the Framework respectively.

13. I recognise that the appellant's neighbours value his support and contribution to the community, and that there have been no objections made by local residents and businesses. I also have sympathy with the appellant's housing circumstances as he would not be in a position to purchase an alternative home locally as he has focussed on investment in his business. The personal circumstances of an occupier may be material to the consideration of a planning application. However, in this instance, it has not been adequately demonstrated through provision of substantive evidence that there is an essential need for someone to live on the appeal site.

14. The appellant has referred to planning permission H11-0420-18 for mixed use development comprising static caravans, cottages, fishing lake, site office, workshop, and caravan sales. This permission does not relate to permanent residential dwellings and is therefore not directly relevant to this appeal.

15. There is no dispute that the Council cannot demonstrate a 5 year housing land supply (HLS). Although neither party has indicated the extent of the shortfall, I have no reason to disagree that the Council cannot demonstrate HLS.

16. Therefore, paragraph 11 of the Framework confirms that permission should be granted unless specific policies in the Framework provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

17. Although I have not found harm in respect of the effect of the development on the character and appearance of the area and recognise that the development has some benefits in deterring potential crime and anti-social behaviour, the proposed development is for a single mobile home. It would make only a very marginal difference to the identified housing shortfall locally or the national picture. Therefore the benefits of the development carry only very modest weight in favour of the proposal. In contrast, I consider that the adverse impacts that would result from the proposed development not being in a suitable location with particular regard to the development plan and there not being a proven essential need for it to be in that location are more significant factors weighing against the development. Therefore the adverse impacts would significantly and demonstrably outweigh the benefits and so the development would not represent sustainable development. This weighs against the grant of permission.

18. In conclusion, while the development does not harm the character and appearance of the area, the development is not in a suitable location, with particular regard to the development plan. The proposal therefore conflicts with SHLP policies SG2, SG3, SG4 and HS7 as outlined above.

Conclusion

19. For the reasons given above, the appeal is dismissed.

J Gilbert

INSPECTOR