



Appeal Decision

Site visit made on 24 May 2016

by **David Cliff BA Hons MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2016

Appeal Ref: APP/R3325/W/16/3145603

The Stables, Old Road, Higher Odcombe, Somerset BA22 8XA

- 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 & Mrs Brian Spearing against the decision of South Somerset District Council.
 - The application Ref 15/03408/FUL, dated 15 July 2015, was refused by notice dated 9 September 2015.
 - The development is described in the application form as "Temporary static caravan to land off Old Road. Positioned lengthways in front of existing equine auxiliary building. Expected duration period: 18 months."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address in my banner heading above as stated in both the appeal form and the Council's decision notice as this appears to be more precise than the address stated on the planning application form.
3. Notwithstanding the description of development stated in the application form and Section E of the appeal form, I note from appellant's statement of case that the applicant moved into the mobile home on the site during the processing of the planning application. I also observed the mobile home in position on my site visit.

Main Issues

4. The main issues are (1) whether the location of the development is consistent with the principles of sustainable development having regard to the development plan and National Planning Policy Framework (the Framework) and (2) its effect on the character and appearance of the area, including the setting of the conservation area.

Reasons

5. The site is located on the edge of a Rural Settlement which policy SS1 of the South Somerset Local Plan 2006-2028 (Local Plan) considers as being part of the countryside to which the national countryside protection policies apply. Policy SS2 of the Local Plan limits development in Rural Settlements, including for that which meets an identified housing need, particularly affordable housing. It goes on to require that development should be consistent with
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relevant community led plans, and should generally have the support of the local community.

6. Although the appellant states that the mobile home is being utilised whilst a new house is being built elsewhere, I do not consider that this amounts to an identified housing need and it does not appear to have the support of the local community, including the Parish Council.
7. In the context of paragraph 55 of the Framework, whilst the site is reasonably close to the facilities within the village, it is physically detached from the main built area of the village, with open space separating it from the main form of development in the village. Furthermore, the lack of a public footpath or street lighting on the road reduces its sustainability credentials in terms of the aim of seeking to reduce the reliance upon the private car. Consequently I consider that, on balance, it possesses the attributes of being an isolated site within the countryside.
8. Although the appellants state that their occupation of the mobile home allows them to look after horses on the site, there is no compelling evidence before me to demonstrate that there is an overriding need to live in such proximity to the horses. Whilst the siting of the mobile home near to the edge of the rural settlement, could offer support for facilities within the rural community, this is likely to be limited, particularly given my concerns with the accessibility of the site as outlined above.
9. Therefore, I do not consider that the location of the development is consistent with the principles of sustainable development. It is contrary to the relevant sustainability aims of policies SD1, SS1 and SS2 of the Local Plan, and the Framework.
10. The site is located on the periphery of the village where development is sparser in comparison to the more developed areas of the village. The site is outside of the conservation area but its boundary adjoins the north east boundary of the site. The conservation area contains much of the older and generally traditionally designed development within the village
11. As noted above, the site is detached from the more built-up areas of the village. Whilst there are other non-residential buildings on the site, including the 'equine auxiliary building' which partly screens the mobile home, I consider that the presence of the mobile home detracts from the existing physical and visual separation of Higher Odcombe from Lower Odcombe which is of importance to the overall rural setting. Furthermore, although it is not visually prominent from the road due to existing screening on the site's front boundary, this does not justify what I consider to be a visually incongruous addition which is out of keeping with the general rural character and appearance of the area. This also detracts, to an albeit small degree in this case due to the limited views, from the setting of the adjacent Conservation Area.
12. The development is therefore contrary to the design and heritage aims of policies EQ2 and EQ3 of the Local Plan, and the Framework.
13. The development is proposed for a temporary period of 18 months in order for the appellants to complete construction of a new house and therefore the harm identified above would be for a limited period of time. However, even so, I consider the harm resulting to still justify the dismissal of the appeal. Allowing

similar developments for limited periods of time would be likely to set an undesirable precedent which may result in harm to the quality of the countryside and be contrary to the principles of sustainable development.

14. I recognise that if the applicants were to lose their home, albeit that permission has only been sought on a temporary basis whilst construction of another house takes place, this would be an interference with their Human Rights under Article 8. I have found that harm would arise from the retention of the mobile home as set out above and I do not consider that the personal circumstances of the appellant are such to outweigh this harm. I consider that a decision to refuse planning permission would therefore be proportionate and necessary as part of the regulation of land use through the use of development management measures that are recognised as an important function of Government. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering.
15. I note that Council Tax is being paid and that there are sewage, electric and mains water connections to the site, along with an existing access. However, these matters do not outweigh or override the harm I have found to result. I also understand that a separate application has been submitted to the Council for the alteration and conversion of an equestrian building at the site to form a dwelling. However, this has had no bearing on my decision for the appeal scheme, which I have determined on its individual merits.
16. For the above reasons and having considered all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR