
Appeal Decision

Site visit made on 15 July 2015

by Timothy C King BA (Hons) MRTPI

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

Decision date: 6 August 2015

Appeal Ref: APP/Z3825/W/15/3005940

Marelands Farm, Broadwater Lane, Copsale, Horsham, RH13 6QW

- 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 J Smith against the decision of Horsham District Council.
 - The application Ref DC/14/2280, dated 19 October 2014, was refused by notice dated 18 December 2014.
 - The development proposed is 'Retention of Mobile Home.'
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Decision

1. The appeal is allowed and planning permission is granted for the use of a mobile home for residential purposes at Marelands Farm, Broadwater Lane, Copsale, Horsham, RH13 6QW, in accordance with the terms of the application Ref DC/14/2280, dated 19 October 2014, and the plans submitted with it, subject to the following conditions:
 - i) The use hereby permitted shall be carried on only by the appellant, Mr J Smith, and shall be for a limited period only, being not more than three years from the date of this permission, or the period during which the mobile home is occupied by Mr J Smith, whichever is the shorter.
 - ii) Upon cessation of occupation by Mr J Smith, or at the end of three years, whichever shall first occur, the use hereby permitted shall cease and the mobile home shall be removed from the site with the land restored to its former condition.

Preliminary Matters

2. The proposal refers to the retention of a mobile home. However, in this instance, it is the use of the mobile home for residential purposes that constitutes the development with the vehicle ancillary to the use. I have, therefore, altered the description, accordingly.
3. The appellant has indicated that he would be agreeable to planning permission being granted for a temporary period only and, if necessary, the permission being personal, rather than running with the land. I have had regard to this in reaching my decision.

Main Issue

4. The main issue in this case is the principle of the proposed development in policy terms.

Reasons

5. The appeal property is a small area of land, accessed via a narrow track off Broadwater Lane. The site accommodates a barn, outbuildings, stables and the caravan/mobile home, the subject of this appeal. Beyond the site is land within the appellant's control which has been given over to a paddock for the horses stabled at the site, and also pens for chickens and geese. The site is set back considerably from Broadwater Lane and, being screened by a line of mature trees, the mobile home cannot be seen from the road. With modest internal accommodation of some 40 sqm the mobile home has been in situ and occupied for residential purposes since June 2014, and the appeal seeks retrospective planning permission. The appellant indicates that the occupation is to ensure the continual care of up to six horses stabled at the site, each valued at some £80,000.
6. Policy DC27 of the Horsham District Local Development Framework: General Development Control Policies (DCP), which was adopted in 2007 and thereby pre-dates the National Planning Policy Framework (the Framework) indicates that in locations outside the defined built up areas, such as the appeal site, new housing for rural workers will be permitted in accordance with national planning policy (Planning Policy Statement 7), which would include that in connection with the breeding and care of horses on a commercial basis. PPS7, and its various criteria, was cancelled when the Framework was published in 2012.
7. By way of PPS7 viability was previously tested in accordance with both a functional and financial test set out therein. The functional test was to demonstrate that persons needed to be on hand to administer essential care at short notice and deal with general emergencies whereas the financial test was to provide evidence of the size of the dwelling a unit could sustain. It was also to be demonstrated that such care could not be fulfilled by another dwelling existing at the site.
8. The Framework, which supports sustainable economic growth, is silent on such viability tests but does indicate, in paragraph 55, that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. On the basis that the Framework advises that planning should recognise the intrinsic character and beauty of the countryside the Council infers that there remains a requirement for convincing criteria to demonstrate a compelling case for essential need. In this regard the Council considers that the functional and financial tests are still an appropriate tool for assessing this. This might be desirable but there is not now any actual or perceived requirement for such evidence to be provided.
9. The Council considers that the appellant provided only limited information in support of the proposal and, in the absence of any business plan, it considered that the appellant had not adequately demonstrated that the mobile home's occupation was justified in this location. I consider, though, that in this particular case scale is an important pointer. The mobile home is of limited

size, being more akin to a large caravan. Associated activity and paraphernalia is likely to be limited. Further, due to its contextual setting with the surrounding buildings it is not an isolated entity and, I consider, from the information that the appellant has provided, its occupation serves a functional purpose which, in the absence of a permanent residential dwelling at the site, could not be otherwise fulfilled. In this connection DCP Policy DC1, indicates that outside the built-up area boundaries, development will not be permitted unless it is considered essential to its countryside location and of an appropriate scale. Neither must it lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside.

10. I consider that the proposal satisfies the above criteria and is not inconsistent with the Framework's approach. Nonetheless, despite the small scale development involved, I do not consider that the appellant has advanced a sufficiently compelling case to justify the establishment of a permanent residential unit. The appellant, though has indicated that he would not raise objections to a temporary permission or one personal to him which would ensure that any planning permission does not run with the land. The Council has also suggested the imposition of conditions to this end, and have recommended that a time limitation period of not more than three years should be applied, with the mobile home removed from the land upon cessation of occupation. In the circumstances I consider such restrictions as necessary and reasonable. It would also enable the appellant to explore possible alternative provision.

11. I thereby conclude that, subject to the conditions mentioned which I have imposed, the principle of the proposal is not inconsistent with the aims of DCP Policies DC1 and DC27. Neither is it in material conflict with the Framework. Accordingly, the appeal succeeds.

