



Appeal Decision

Site visit made on 7 May 2019

by **P Wookey BA (Hons) DipTP MRTPI**

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

Decision date: 04 June 2019

Appeal Ref: APP/V2255/W/18/3211348

Uplees Fruit Farm, Uplees Road, Oare ME13 0QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Carter against Swale Borough Council.
 - The application Ref 18/501353/FULL, is dated 26 March 2018.
 - The development proposed is described as retention of mobile home on site for occupation by named occupier Mr Dale Higgins.
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Decision

1. The appeal is dismissed and planning permission is refused for the retention of mobile home on site for occupation by named occupier Mr Dale Higgins at Uplees Fruit Farm, Uplees Road, Oare ME13 0QR, in accordance with application ref: 18/501353/FUL, dated 26 March 2018.

Procedural Matter

2. Based on site visit observations the mobile home is located on the appeal site.

Main Issue

3. The main issue is whether or not the development proposed would be a suitable location for residential use, having regard to its countryside location.

Reasons

4. The mobile home is located in an isolated position within a rural area, set well back from the main highway of Uplees Road, Oare and is located on a site which has a number of stable buildings and storage containers scattered around the appeal site. Beyond the appeal site the area is characterised by open agricultural land with isolated farm buildings. A small terrace of residential properties is visible in the distance.
5. The mobile home has been on the site for many years, having had a number of previous temporary and personal consents, initially in association with a previous agricultural use and then subsequently to provide accommodation for relatives of the appellant. The Council states that its current occupation of the appeal site is unauthorised.
6. The development proposed would retain the mobile home in its current location and allow the appellants brother to take occupation on a permanent basis, due

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- to ill health. Currently the brother lives some distance away which requires travel by the appellant to the brother's home on a daily basis. No physical changes would take place to the existing mobile home.
7. The Council has stated that the site is within an area designated as countryside, close to internationally important wildlife sites and some distance outside of any defined built up area boundary and with all journeys having to be made by private car. Moreover, the development proposed would constitute an isolated dwelling outside of the built-up areas defined in the Swale Borough Local Plan Bearing Fruits (2107) (LP).
 8. The appellant asserts that the mobile home has been on the site for a long period of time and is not visible from any public viewpoint and does not harm the biodiversity, its tranquillity or natural beauty. However, whilst the appellant does not dispute that the proposal would be contrary to a strict reading of policy ST3 of the LP which seeks to prevent the development of isolated dwellings in the countryside, it asserts that it does not take into account personal circumstances and adds that the proposal would be consistent with paragraph 8 of the National Planning Policy Framework (2019) (the Framework), with regards the social and environmental benefits resulting from the development proposed.
 9. Based on my observations during my site visit, the retention of the mobile home would constitute an isolated dwelling as it would be located within the open countryside and outside of any defined built up area. It would appear to be incongruous and an unwelcome addition to the characteristic open countryside of the surrounding area. Whilst I acknowledge that the mobile home has been in its current location for a number of years it was not the Council's intention that this would be on a permanent basis, as it would be an unacceptable form of development in the countryside for the above reasons.
 10. Further, the appeal site is remote from any nearby services or day to day facilities and has poor access to the public transport network. The surrounding narrow rural roads have no footpaths and as a result the future occupier would be reliant on private transport to get to and from the site for everyday needs. I note that the appellant has stated that Mr Higgins is not able to drive a vehicle.
 11. Therefore, I conclude that the retention of the mobile home on the appeal site would be contrary to policies ST1 and ST3 of the LP and the Framework, which when read together seek to avoid the development of isolated development in the open countryside.

Planning Balance

12. The Council does not dispute that it cannot demonstrate a five year supply of housing land and based on the Housing Delivery Test (2018) it had failed to deliver on its housing targets for the previous three years. However, even though the development proposed would contribute one dwelling unit to the Council's housing targets, this benefit would not outweigh the significant harm that would be caused by an isolated dwelling in the countryside.
13. I have had regard to all of the evidence submitted by the appellant which would constitute special circumstances, and which might support an exception to the development plan policies. Evidence has been submitted by the appellant which demonstrates that the close proximity of the mobile home

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would ease the requirement to provide care on a daily basis. Whilst the reduction in travel and close proximity would result in some social and environmental benefits, no substantive evidence has been submitted on which to conclude that the permanent occupation of the mobile home would provide any direct health benefits to Mr Higgins. Whilst the parties dispute whether or not this information had been requested by the Council, based on the evidence before me, there would be insufficient justification to allow permanent residency of the mobile home, given that I attach great weight to the rural restraint policies contained within the development plan. I also note that the appellants would find it unacceptable for a further temporary permission to be granted, had I been minded to allow the appeal.

Other Matters

14. The Council has made reference to the proximity of internationally important wildlife sites to the appeal site. As I have dismissed the appeal on the main issue there would be no harm to the integrity of those sites and I have therefore not pursued the matter further.

Conclusion

15. I conclude that the retention of the mobile home for the occupation of Mr Higgins would not be in a suitable location for permanent residential use and would result in significant harm to the countryside, which would be contrary to policies ST1 and ST3 of the LP and to the Framework, which when read together seek to prevent unacceptable and isolated development in the countryside.
16. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR