

J & B SMALL PARK HOMES

RETENTION OF THE MOBILE HOME SITED ON LAND ADJACENT TO (AND IN LIEU OF) THE LAWFUL CARAVAN SITE APPROVED ON 12TH JUNE 2008 UNDER REFERENCE 24/08/0011LE (USE OF LAND FOR STATIONING A CARAVAN FOR RESIDENTIAL PURPOSES), THE COTTAGE, STONEYHEAD HILL, WRANTAGE

Grid Reference: 329452.122853

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The mobile home lies outside any development boundary limit and is therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public services are infrequent. As a consequence, occupiers of the proposal are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need for travel would be contrary to advice given in PPG13 and the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and policies S1(B) and S7 of the Taunton Deane Local Plan.
- 2 The proposal is for the retention of the unauthorized use of land for the siting of a residential mobile home in the countryside where such development is resisted unless:- A) it is required for the purposes of agriculture or forestry; B) accords with a specific Development Plan policy or proposal; C) is necessary to meet a requirement of environmental or other legislation; and D) would support the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. The need for the retention of the mobile home is not in accordance with the above requirements and the proposal is therefore considered contrary to National Guidance contained within PPS1 and PPS7, Somerset and Exmoor National Park Structure Plan policy STR6 and Taunton Deane Local Plan Policy S7
- 3 The unauthorized change of use of land for the siting of a mobile home in an area of open countryside within the Fivehead Vale Landscape Character Area is considered to be out of keeping with and harmful to the character of the area contrary to Government Guidance contained within PPS1 and PPS7, Somerset and Exmoor National Park Structure Plan policy 5 and Taunton Deane Local Plan Policy S1, S2 and EN12.

RECOMMENDED CONDITION(S) (if applicable)

PROPOSAL

The proposal is for the retention of a residential mobile home on land in the open countryside to the east of The Cottage at Stoneyhead, Wrantage. The existing access has been extended to provide vehicular access to the unauthorised site. The red line application site measures 20m x 28m and the mobile home is sited 15m back from the boundary with the road. A spur has been taken off the original access track and a new access track formed going east into the site to serve the mobile home. The land to the west of the site (between the Cottage and the Mobile Home) has the benefit of a Certificate of Lawful Use for the use of land for the siting of a caravan.

SITE DESCRIPTION AND HISTORY

Stoneyhead Cottage is located at the edge of a small group of houses and a residential gypsy caravan and transit site. It is to the north of the main road, in an area of open countryside. The nearest settlement providing services is 2.3 miles (3.7km) away at North Curry. The roads to that settlement are substandard without footpath links.

In February 2008 a Certificate of Lawful Development was issued for the use of land for the siting of a residential caravan (within the curtilage of the cottage). This confirmed that a caravan had been sited on the land and used as a separate unit of accommodation without the benefit of planning permission, but was immune from enforcement action due to the length of time it had been in place.

Following the sale of The Cottage the caravan was removed from the authorised site and a mobile home placed on land to the east. On 12th November 2009 the owner was contacted by the Council's Solicitor and stipulated that the mobile home should be re-sited to the position in the Certificate of Lawful Use.

Enforcement Action was authorised by the Planning Committee on 20th January 2010 to cease the use of the land for residential use and seek to relocation of the mobile home back onto the authorised site.

Negotiations have been undertaken in order to have the mobile home re-sited to the land covered by the Certificate of Lawful Use. Despite agreement on the new location and timing for the relocation of the mobile home no work has been undertaken on site and the current application has now been submitted.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development lies outside any development boundary limit and is therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public services are infrequent. As a consequence, occupiers of the proposal are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need for travel would be contrary to advice given in PPG13 and RPG10 and the provisions of policies STR1 and STR6 of the Somerset

and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and policy S7 of the Taunton Deane Local Plan.

Notwithstanding the aforementioned comments, it must be for the Local Planning Authority to decide whether the retention of the mobile home in its current location or any other planning need, outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the detail for this application it is clear that there has been a mobile home situated on the site

NORTH CURRY PARISH COUNCIL - Concerned about the impact that any refusal will have on the elderly, long term resident of the parish. They would support a personal permission to retain the new siting of the mobile home for the duration of Miss Penfold's lifetime.

LANDSCAPE LEAD - The siting of the mobile home is considered to be out of keeping with and harmful to the Fivehead Vale Landscape Character Area. Further detailed comments awaited.

Representations

4 letters of support have been received raising the following issues:-

- refusal could have a detrimental impact on the health of the existing occupant, who is over 70 years of age and has been resident there for over 20 years;
- the occupant should be granted a temporary permission for the rest of her lifetime;
- the mobile home should be allowed to stay and not made to move closer to the Cottage;
- moving the home is not worth the upheaval and distress that would be caused to its elderly resident.

Both Ward Members have also written with support for the application:

Cllr Phil Stone

I am responding to the application by a Mr Small to regularise the location of mobile home which he has built at Stoneyhead. As one of the two Ward councillors I support this application for the following reasons ;-

1) The existing location is less prominent in the landscape than if the building were to be moved closer to the position of the original caravan which it replaced. This location also provides the opportunity for more effective screen planting to the right of the new entrance. A good landscaping scheme would be an essential condition should the application be approved.

2) The existing location is further from the existing house in the next plot and so will be less disruptive to both neighbours. Provision of the mobile home has of course produced a much more satisfactory arrangement than the previous situation where the occupied caravan was very close behind the existing house.

3) To regularise the permission of the new mobile home in the existing location would ensure that the occupant who is elderly and lives alone does not have to suffer the disruption of having her mobile home taken apart and rebuilt with all the stress which that would involve for her. There would of course be the cost of this move which will inevitably fall on her as well as the owner.

Should the officer recommendation on this application be refusal I would request that it be referred to the Planning Committee as I feel that the standard rules which may apply to this situation are not in the best interests of the local environment or the occupier of the mobile home. I understand that the Parish Council are also in support of the application.

Cllr Gill Slattery

Following my recent visit to the occupant, I wish to make the following points in support of Mr Small's application to regularise the siting of the mobile home.

1. She is elderly and the proposal to move the dwelling a short distance is causing her considerable concern.

2 The neighbours including the nearest ones agree that there should not be a requirement to move the mobile home, and that its current site is appropriate and causing no difficulties. To move it to the original site of the former mobile home would make it inappropriately too close to the nearest neighbour.

3. The current site can certainly be screened by appropriate planting.

4. Being elderly, the occupant does not wish to have further disruption to her home, which will necessitate taking the mobile home apart into its 2 sections and all the problems that would ensue re the carpet which runs straight across the 2 halves.

If this is refused , I request that it goes to the planning committee for consideration. I am aware that the Parish Council are also in support of Mr Small's application.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN12 - TDBCLP - Landscape Character Areas,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
PPS1 - Delivering Sustainable Development,
PPS 1 SUPP - Planning and Climate Change,
PPS3 - Housing,
PPS7 - Sustainable Development in Rural Areas,

DETERMINING ISSUES AND CONSIDERATIONS

A Certificate of Lawful Use was issued in 2008 for the use of land for the siting of a residential caravan on land immediately to the east of and adjacent to The Cottage, Stoneyhead, Wrantage. The caravan has been removed and a mobile home sited approximately 10 m further to the east of the site without planning permission, into

open countryside and onto land not covered by the Certificate of Lawful Use. The site covered by the Certificate of Lawful Use remains vacant at the present time and is outside of the application site area but would remain available for the legal siting of another caravan/mobile home. If this application were to be approved, then there could be two separate and independent residential caravans/mobile homes as well as the residential dwelling. This net increase in one additional residential use could not be stopped using planning conditions (as suggested by the agent).

Development in the open countryside is strictly controlled unless there is an agricultural or other appropriate need. National guidance and the development Plan require new development to be located where they do not result in the need to travel by private vehicle. The site is remote from all services and its occupation would result in additional traffic movements contrary to that advice and policy.

The caravan was originally sited on the land without the need for planning permission as a temporary measure whilst repair and maintenance works were undertaken by the owner of Stoneyhead Cottage. The occupants changed to other family members and after a period in excess of 10 years the owner was granted a Certificate of Lawful Use. The resulted in an additional residential caravan contrary to the development plan policies and government guidance on new dwellings in the open countryside. It is an exception. The current application is for the retention of a new mobile home sited outside of the area covered by the Certificate of Lawful Use and is therefore a new proposal. It is contrary to the policies for the area contrary to the planning policy for the area and if this is the case then the caravan should be removed

The applicant has stated that the retention of the mobile home in the position in the Certificate of Lawful Use would be contrary to the Caravan Sites and Control of Development Act 1960 because it needs to have 2m to an internal road, 3m to a boundary and 6m to another caravan. In assessing this I return to the original Certificate of Lawful Use which allowed an exception to normal policy restraint. The caravan was sited approximately 6m from the cottage there was a private access to the site but this is not an "INTERNAL ROAD" serving a large caravan site and the distance was unlikely to effect the amenity of the occupant. Due to the relationship between the occupants (Stoneyhead Cottage and the Caravan), there was no formal boundary between the cottage and the caravan in the past but the distance between the two structures was approximately 3m. The owner of Stoneyhead Cottage has recently erected a boundary fence separating the original access (serving both residences) from the Certificate of Lawful Use site and consequently bringing the boundary within 3m. The responsibility for ensuring the distance of 3m was retained was his and his choice of site for the fence does not result in an argument for further residential incursion to the open countryside.

It specified an area of land that had been used as a residential caravan site. I do not consider that this acts as a precedent for a new site further into the open countryside and if it is unsuitable to continue to be used as a caravan site then the site should be vacated. In addition, granting permission on this site, would leave the existing land to the west, the subject of the Certificate of Lawful Use vacant with planning permission for the siting of a residential mobile home and could result in two residential sites contrary to the development plan.

In addition to the above, the site is located within the Fivehead Vale Landscape Character Area and would be out of keeping with and detrimental to the character of

that area. The previous Certificate of Lawful Use site was immediately adjacent to the older cottage and whilst its siting was detrimental to the character of the area moving the site further to the east has an even greater impact and potential impact contrary to the development plan.

It should be noted that the applicant (not the occupant) has brought about this situation by siting a mobile home onto adjoining land without the benefit of planning permission. The Planning Committee has previously acknowledged that this was unacceptable and authorised the serving of an Enforcement Notice. The proposal is still considered to be unacceptable and if approved there is a danger that a caravan could be re-sited on the existing site that would still have the benefit of a Certificate of Lawful Use.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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