

AGENDA ITEM NO: 8/3(e)

Parish:	Terrington St Clement	
Proposal:	Proposed use of redundant agricultural land to site a static caravan, a mobile cabin and two shipping containers. All to provide accommodation and secure storage for the duration of a self-build project (pair of dwellings) on an adjacent area of the same field under the same ownership (planning Reference 15/01865/O). Plus retention of roadside boundary fence and gates	
Location:	Land Adjacent 41 Hay Green Road North Terrington St Clement King's Lynn	
Applicant:	Jason Partridge, Kevin Partridge & Emma Openshaw	
Case No:	17/00960/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 13 July 2017 Extension of Time Expiry Date: 9 December 2017

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation.

Neighbourhood Plan: No

Case Summary

The application site lies on the eastern side of Hay Green Road North, immediately north of the A17 in an area classed as 'countryside'. The site also lies within Flood Zone 2 of the Council-adopted Strategic Flood Risk Assessment and Flood Zone 3 on the Environment Agency maps.

This application seeks permission for the retention of a residential static caravan and a mobile home/cabin plus two shipping containers and concrete base, in connection with the construction of two dwellings which are currently under construction on associated land to the rear of Nos.37-39 Hay Green Road North. Permission is also sought for the retention of a close boarded fence and gates alongside the road frontage.

Key Issues

Principle of development
Impact upon appearance of locality
Highway matters
Other material considerations

Recommendation

APPROVE

THE APPLICATION

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This application seeks permission for the retention of a residential static caravan and a mobile home/cabin plus two shipping containers and concrete base, in connection with the construction of two dwellings which are currently under construction on associated land to the rear of Nos.37-39 Hay Green Road North (application ref: 17/01201/RM). Permission is also sought for the retention of a close boarded fence and gates alongside the road frontage.

SUPPORTING CASE

The agent submits the following comments in support of this application:

"The application seeks only to provide temporary private domestic accommodation and secure storage for two families for the duration of the 'self-build' construction of a pair of permanent dwellings on land to the East of 'Haygreen Road North' in the village of Terrington St Clement.

The proposal is restricted to a pair of temporary dwelling units, security fencing and storage containers appropriate to the scale of the self-build project (two dwellings) which it will serve.

All buildings, structures and drainage measures will remain for the duration of the self-build project only (an anticipated timescale of approximately two years), after which the new dwellings will be occupied and the temporary accommodation and storage units removed from the site.

The applicants have undertaken that for the duration of the build, the temporary site will be maintained in reasonable condition so as not to become unsightly.

Access to the site from Haygreen Road North, is historically established as access to the field associated with the application, and this arrangement is not altered by the proposal. An issue with disputed ownership of the access area immediately adjacent to the highway has been resolved with County Highways, whereby if the Highways authority ever want to construct the (historically) planned turning head at the abutment with the A17, the land owners will clear any encroachment and permit them to do so.

It is an important consideration in determining this application that the temporary accommodation and secure storage provided would now be allowed as 'Permitted Development' when taken in its context as part of Approved Planning Consent Ref: 17/01201/RM (full consent for the pair of new dwellings elsewhere on the same site). The planning application being determined today was submitted in order to ease any concerns over any perceived permanency of the arrangement and was only necessary as the Approved Permission for the Pair of new dwellings was granted in 'Outline' only, at the time the owners of the site had to vacate their current accommodation and make provision to commence the construction of their new homes. The required Reserved Matters Application for the pair of permanent dwellings was undertaken immediately the applicants took ownership of the site and has subsequently been fully approved. The 'temporary' site is 'part of' and under the same ownership as that of the approved pair of dwellings and no additional nuisance or traffic will be created above that generated by the construction of the new

development. Indeed, with the owners / builders being located on the same site, any such traffic should be reduced.”

PLANNING HISTORY

Associated land

17/01201/RM: Application Permitted: 08/09/17 - Reserved matters application for construction of two dwellings

15/01865/O: Application Permitted: 14/01/16 - Outline application: Construction of two dwellings

RESPONSE TO CONSULTATION

Parish Council: OBJECT - The site is outside of the planning boundary and is on a green field site. Although not stated on the documentation this is in fact a retrospective application because the works have already commenced. Also request that no storage containers, temporary structures, static caravans etc. are left remaining on the site.

Local Highway Authority: Initially raised concerns regarding encroachment onto highway land, but subsequently state **NO OBJECTION** as the encroachment does not endanger highway users.

Environment Agency: NO OBJECTION - This site is located within Flood Zone 3 on our Flood Map. As long as your Authority is satisfied with their warning and evacuation plan we have no objection to this proposal.

Please note that permanent residential use at this location is considered Highly Vulnerable and not appropriate at this location (Planning Practice Guidance - Paragraph: 066 Reference ID: 7-066-20140306).

IDB: No comments received

CSNN: NO OBJECTION - I have no objection to this retrospective application. I am concerned, however, about the drainage for foul and surface water, as these both run off site to another 'plot' to the east. We would not normally allow drainage to run off site to another location.

Whilst I appreciate that, in this case, the plot is also in the ownership of the applicants, and that they are proposing to build two permanent dwellings (17/01201/RM and 15/01865/O) further north on this land,

I would need to be assured that, assuming the reserved matters application was permitted and the two permanent homes were constructed, the foul and surface water drainage in place for the caravan and cabin were safely removed, and the land reinstated to the condition it was before this drainage was installed. The plan indicates there is a temporary domestic septic tank. If this is not reused for the permanent homes (I have assumed not, as it does not appear to be located near them), it will need to be carefully and safely emptied and removed, to avoid any ground contamination.

District Emergency Planning Officer: NO OBJECTION subject to conditions relating to signing up to EA flood warning system and production of a flood evacuation plan.

REPRESENTATIONS None received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING CONSIDERATIONS

The key considerations in assessing the application are as follows:

- Principle of development
- Impact upon appearance of locality
- Highway matters
- Other material considerations

Principle of development

The site lies within an area classed as ‘countryside’ where new dwellings are normally restricted. However there are extant outline and reserved matters approvals for two dwellings on this overall land holding. Under the provisions of Class A, Part 5, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 and Part 9, Section 2, First Schedule of the Caravan Sites and Control of Development Act 1960, caravans may be used on sites and adjoining land where building or engineering operations are being carried out, if the use is for the accommodation of a person or persons employed in connection with said operations. The applicants are undertaking self-build of the two dwellings on plots which form part of the overall land holding.

In this particular case the units were introduced onto the land prior to reserved matters being approved, hence this application was technically required to regularise the situation. Had the applicants waited until such time as detailed planning permission had been authorised, then the introduction of the temporary accommodation would have constituted permitted development.

This is a material consideration in determining this application.

The storage containers, fencing, gates and hardstanding however require permission, but are seen in context with the temporary residential units.

Impact upon appearance of locality

The site lies at the southern head of Hay Green Road North close to the A17 and is therefore quite visible from this elevated route. Whilst seen against a backdrop of a bungalow contained by a mature leylandii hedge, it is prominent when viewed from the east. The retention of the storage containers, static caravan plus mobile home/cabin on a permanent basis would not be acceptable as they introduce visual clutter within a rural setting which would be detrimental to the appearance and character of this locality. However the removal of the hardstanding, containers and homes may be secured via condition once the new associated dwellings are occupied or within 18 months whichever is the sooner.

Highway matters

It has come to light that the development has encroached onto highway land at the head of the road (between 1-8m), mostly by the erection of the 2m high roadside boundary fence and gates.

The Highway Engineer for Terrington St Clement has recently visited the site and has declared that the identified encroachment can remain for the time being as it does not cause any danger for highway users. Vehicles can still turn around at the head of this road.

The owner of the land and encroachment is aware that the Highway Engineer can, at any time, ask for the encroachment to be removed but this is unlikely in the foreseeable future.

The encroachment has been noted on the Highways Land Charges system and will be declared on all highways replies to the Local Official Search.

Given that this is proposed to be a temporary arrangement and the Local Highway Authority can take formal action to remove development under their legislation, there is no reason to withhold planning permission for these temporary structures.

Other material considerations

The temporary homes have been connected to a temporary domestic septic tank for disposal of foul water. It is not reused for the permanent homes and will therefore need to be carefully and safely emptied and removed, to avoid any ground contamination. This may be secured via condition as requested by CSNN.

The site lies within Flood Zone 2 of the Council adopted SFRA and Flood Zone 3 of the Environment Agency maps. Whilst acceptable on a temporary basis, the use of these structures as permanent dwellings would be resisted by the Environment Agency.

CONCLUSION

This application effectively seeks approval for temporary accommodation and storage during a self-build project for two detached dwellings on associated land. The introduction of the units on the land pre-empted reserved matters approval for the dwellings and therefore planning permission was required. Had the applicants waited a few months, the temporary dwellings would have been permitted development; however the containers, hardstanding and boundary fence plus gates would still require planning permission.

The roadside boundary fence and gates do not endanger highway users and may be removed due to encroachment onto highway land (along with the containers and hardstanding) should the Local Highway Authority see fit.

Whilst the concerns of the Parish Council are noted, a temporary permission of 18 months or occupation of the dwellings (whichever is sooner) is considered to be reasonable and the site may be cleared of containers, hardstanding and homes beyond that timeframe. The application is therefore recommended for approval subject to conditions stated below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition This permission shall expire on 31st July 2019, or within one month of the occupation of the associated dwellings (approved under reference: 17/01201/RM) whichever is the sooner, and unless on or before that date application is made for an extension of the period of permission and such application is approved:
 - (a) the storage containers, hardstanding, static caravan, mobile home/cabin and septic tank shall be removed from the application site,
 - (b) the use of the land shall be discontinued, and
 - (c) there shall be carried out any work necessary to reinstate the application site to its condition prior to the implementation of this temporary permission.

- 1 Reason In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality and residential caravans would not be appropriate given the high risk of flooding; contrary to the provisions of the NPPF & NPPG, Policies CS01, CS06 & CS08 of the LDF and Policy DM1 of the SADMPP.