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| <b>Parish:</b>       | <b>Upwell</b>   |   |
| <b>Proposal:</b>     | <b>Outline application: Construction of 2 dwellings to replace mobile residential units</b> |   |
| <b>Location:</b>     | <b>100 Stonehouse Road Upwell Wisbech Norfolk</b>   |   |
| <b>Applicant:</b>    | <b>Stevens And Sharman</b>  |   |
| <b>Case No:</b>      | <b>19/00475/O (Outline Application)</b>   |   |
| <b>Case Officer:</b> | <b>Mr K Wilkinson</b>   | <b>Date for Determination:<br/>27 May 2019<br/>Extension of Time Expiry Date:<br/>2 August 2019</b> |

**Reason for Referral to Planning Committee – Referral from Sifting Panel**

**Neighbourhood Plan: No**

**Case Summary**

The site lies on the western side of Stonehouse Road, Upwell, approx. 300m by road from the junction with New Road. It lies approx. 150m away from the nearest village development boundary on Green Lane to the south east and therefore is in an area classed as 'countryside' in the Development Plan.

The site comprises an area of approx. 665m<sup>2</sup> and contains two inhabited portacabins. The site has been a 'tolerated' Gypsy & Traveller (G&T) site without the benefit of planning permission due to the amount of time the units have been on site. It has been recognised as a single pitch with two units and been part of the Gypsy & Traveller Accommodation Assessment (GTAA) for years.

There is a house to the north, chalet to the south, G&T pitch almost opposite to the south-east and agricultural land to the rear/west.

Outline permission is now sought to develop the site with two dwellings; with the exception of the means of access, all other matters are to be reserved for future consideration.

**Key Issues**

- Planning history and status
- Principle of development
- Impact upon appearance and character of the countryside
- Other material considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

The site lies on the western side of Stonehouse Road, Upwell, approx. 300m by road from the junction with New Road. It lies approx. 150m away from the nearest village development boundary on Green Lane to the south east and therefore is in an area classed as 'countryside' in the Development Plan.

The site comprises an area of approx. 665m<sup>2</sup> and contains two inhabited portacabins/mobile homes. The site has been a 'tolerated' Gypsy & Traveller (G&T) site without the benefit of planning permission. It has been recognised as a single pitch with two units and been part of the Gypsy & Traveller Accommodation Assessment (GTAA) for years.

There is a house to the north, chalet to the south, G&T pitch opposite to the east and agricultural land to the rear/west.

Outline permission is now sought to develop the site with two dwellings; with the exception of the means of access, all other matters are to be reserved for future consideration.

The application is accompanied by an indicative block plan, which shows two dwellings with linked garages. The existing access is almost central to the frontage and is proposed to be widened from 6m to 8m. A site-specific Flood Risk Assessment also accompanies the application; the site lies within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

## **SUPPORTING CASE**

The applicants' agent has made the following statement in support of this application:

"...This planning statement supports the planning application reference number 19/00475/0 made by Stevens and Sharman the owners of the land at 100 Stonehouse Road, Upwell.

## **THE SITE**

The site is at 100 Stonehouse Road, Upwell and consists of 2 mobile homes as shown on drawing numbers 19/3/2115/1 and 19/3/2115/2.

The mobile homes have been on the site for over 40 years and have been continually occupied by the Stevens and Sharman families, which can be verified by their payments to the Council over that period.

## **THE PROPOSAL**

The planning application before you is to remove the old mobile homes and construct 2 new traditionally built bungalows in their place, as indicated indicatively on drawing number 19/3/2115/3.

The application has the support of the Upwell Parish Council and many residents of Upwell who would like to see this part of the village tidied up.

The application is the ideal opportunity to do just that.

In June 2003 planning permission was granted to Mrs Sharman's son & daughter-in-law to remove their mobile home and construct a bungalow to the south of the site under planning reference number 2/03/0409/F.

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The proposed dwellings would be in keeping with this bungalow.

The site is in Flood Zone 1.

The site has not been objected to by the N.C.C. Highways Officer.

The site has not been opposed by the Council's Environmental Scientific Officer."

## **PLANNING HISTORY**

2/74/2391: Refused 03.06.75: Site for standing of 2 caravans (Delegated)

2/77/3317/O: Refused 09.03.78: Site for erection of dwelling (Delegated)

2/80/1851/F: Refused 23.06.80: Use of site for standing of two caravans (Committee) – Dismissed on appeal 19.11.80

2/82/0162/CU/F: Refused 03.02.82: Continued use of standing of 3 caravans (Delegated)

*Neighbouring site to the immediate south:*

2/02/1468/LD: Approved 02.12.02: Certificate of Lawful Use or Development - Use of land for standing of one mobile residential unit (Delegated)

2/03/0409/F: Approved 24.06.03: Construction of bungalow (Committee)

## **RESPONSE TO CONSULTATION**

**Parish Council: APPROVAL** subject to the dyke in-fill being inspected upon completion to ensure free flow of water.

**Highways Authority: NO OBJECTION** subject to condition regarding parallel visibility splay provision.

**Internal Drainage Board:** No comments received

**Environmental Health & Housing – Environmental Quality:** No comments

**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

**DM2** – Development Boundaries

**DM5** – Enlargement or Replacement of Dwellings in the Countryside

**DM15** – Environment, Design and Amenity

### **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.

### **PLANNING CONSIDERATIONS**

The key considerations when assessing this application are identified as follows:

- Planning history and status
- Principle of development
- Impact upon appearance and character of the countryside
- Other material considerations

#### **Planning history and status**

It will be noted from the history section that this site has been the subject of previous applications, seeking consent for a building plot and to regularise the use for standing of caravans dating back to the mid-1970s. The former was refused and the latter was refused and dismissed on appeal. It appears from research into our archived records that enforcement action against the caravans was taken but the enforcement notice was withdrawn in August 1976. When the application ref: 2/82/0162/CU/F was refused, further enforcement action was authorised by the committee, but there is no evidence to indicate that this was formally pursued.

The site therefore became a ‘tolerated’ Gypsy & Traveller (G&T) site without the benefit of planning permission. It has been recognised as a single pitch with two units and been part of the Gypsy & Traveller Accommodation Assessment (GTAA) for decades.

With the passage of time the use of the land for the standing of caravans became lawful. This was established by the subsequent Certificate of Lawful Use or Development (ref: 2/02/1468/LD) on the southern portion of the overall site, where the adjoining bungalow with roof accommodation has been built.

The largest mobile home on the site appears to be a twin unit and its dimensions exceed the sizes defined in Section 13 (1) of the Caravan Sites Act 1968. It is therefore considered to be a ‘structure’ given its overall size and degree of permanence.

## **Principle of development**

Whilst the site has been occupied by members of the G&T community, and been counted as a pitch in the GTAA, technically the occupancy of the units has not been restricted. The units on site could therefore be occupied by anyone.

New dwellings in the countryside are usually resisted; however the proposal effectively constitutes the substitution of two mobile homes with two dwellings. Policy DM5 of the SADMP applies which states:

“Policy DM5 – Enlargement or Replacement of Dwellings in the Countryside

Proposals for replacement dwellings or extensions to existing dwellings will be approved where the design is of a high quality and will preserve the character or appearance of the street scene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.”

In light of the above, the principle of the development is considered to be acceptable and the layout, appearance, scale and landscaping will be addressed at the reserved matters stage. There is an indicative block plan which shows two bungalows with roof space accommodation and linked garages. This may be a little overambitious given the size of the site and the need to accommodate adequate parking, turning and amenity space – the latter created by the infilling and culverting of a dyke. However the overall design can be negotiated and resolved at the reserved matters stage.

## **Impact upon character and appearance of the countryside**

This will mostly be addressed at the reserved matters stage, but the existing homes are rather old and arguably detract from the amenity of this locality. The re-development of this site presents an opportunity to enhance the appearance and character of this part of the village.

## **Other material considerations**

The Local Highway Authority is content with the proposed access to the site, but recommends a condition to secure a parallel visibility splay across the frontage of 2.4m set back from the carriageway.

There are no significant crime and disorder issues created by this proposal.

There are no flood risk implications as the site lies within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

Foul and surface water disposal are indicated to be via package treatment plan and soakaway respectively. Full details and implementation of these methods may be secured via condition.

The Parish Council recommends that the dyke in-fill is inspected upon completion to ensure free flow of water. This is a matter to be addressed by the Middle Level Commissioners under the provisions of the Land Drainage Act, as the culvert will require their consent.

## **CONCLUSION**

Whilst the loss of a G&T site would normally be resisted as having a negative impact on the provision of pitches within the borough, with the passage of time the use of the land and

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unrestricted occupation of portacabin/mobile homes have become lawful. The principle of replacing two unrestricted units with two single storey dwellings is considered to comply with the provisions of Policy DM5 of the SADMP, and the application is duly recommended for approval subject to certain conditions stated below.

## **RECOMMENDATION:**

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

- 1 Condition: Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition: With regards to the means of access to the site only, the development shall accord with the approved plan Drawing No. 19/3/2115/3.
- 5 Reason: In the interests of clarity, and to define the terms of this permission.
- 6 Condition: Prior to the first occupation of the development hereby permitted, a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 6 Reason: In the interests of highway safety.
- 7 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 7 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.