

AGENDA ITEM NOS: 8/2(c)

Parish:	Marshland St James	
Proposal:	Retrospective application for log cabin style mobile home/caravan to be used as ancillary accommodation for applicant's daughter	
Location:	Wings Farm Rands Drove Marshland St James Wisbech	
Applicant:	Mrs Maureen Openshaw	
Case No:	15/00077/F (Full Application)	
Case Officer:	Mr K Wilkinson Tel: 01553 616794	Date for Determination: 15 June 2015

Reason for Referral to Planning Committee – Called in to the Planning Committee for decision at the request of Councillor Brian Long, and the Parish Council's views are contrary to the Officer recommendation.

Case Summary

Wings Farm lies in open countryside, on the western side of Potato Drove which at this point is a track leading off Rands Drove. The application site lies to the west of the drove and an existing riding school and stables. To the north is the relatively recently built replacement farmhouse.

The application relates to a log cabin style mobile home set on a concrete base with a private garden area surrounded to the west by bunding.

This application seeks to retain the mobile home as ancillary accommodation to Wings Farmhouse as the owner/resident/applicant is in poor health and in need of care and someone to look after the horses. It is presently being occupied by the applicant's daughter and her partner and has been used since last October.

Key Issues

Planning history
Principle of development
Flood risk
Other material considerations

Recommendation:

(A) REFUSE; and

(B) ENFORCEMENT ACTION be authorised to secure the removal of the mobile home/caravan from the site.

THE APPLICATION

Wings Farm lies in open countryside, on the western side of Potato Drove which at this point is a track leading off Rands Drove.

The application site lies to the west of the drove and an existing riding school and stables. Approx. 70m to the north is the relatively recently built replacement farmhouse.

The application relates to a log cabin style mobile home set on a concrete base with a private garden area surrounded to the west by bunding. The mobile home measures 11.6m (length) x 6.1m (width), with eave height of 3.0m and ridge height of 4.5m above the existing concrete base/ground level. It has timber clad walls and skirting (covering the base wheels and support legs), with a tiling profiled metal sheet dual pitched roof. The accommodation comprises 3 bedrooms, bathroom, w.c, kitchen, living room and covered veranda.

This application seeks to retain the mobile home as ancillary accommodation to Wings Farmhouse as the owner/resident/applicant is in poor health and in need of care and someone to look after the horses. It is presently being occupied by the applicant's daughter and her partner and has been used since last October.

SUPPORTING CASE

This site is located on land off Rands Drove and is on the site of a former log cabin. The land surrounding the property is agricultural fields with some residential dwellings sporadically positioned in the countryside. The applicant, Mrs Openshaw, occupies the host property at Wings Farm and has done so for a number of years.

Wings Farm consists of a dwelling, (replaced in 2011 under planning approval reference 11/00234/F) log cabin, a number of out-buildings, several equestrian stables and paddocks.

The log cabin is served off its own access and has its own parking area.

There is a need for this accommodation on the site for the client's daughter to live in. Mrs Openshaw is not in the best of health and requires a carer to be on site to help and assist her with day-to-day activities and the looking after of the horses and property.

This application has the support of the following:-

Councillor Brian Long
Parish Council
Environment Agency
Norfolk County Council - Highways

The approval of this application would not result in harm to the form and character of the area.

PLANNING HISTORY

11/00234/F: Application Permitted: 28/04/11 - Demolition of existing cottage and replaced with a new dwelling

10/00305/F: Application Refused: 23/06/10 - Retention of existing sited park style home on permanent basis

08/00164/F – Approved 28/04/08 – Retrospective application for stables and manege to be used as a riding school

07/00423/UNOPDE – Enforcement notice issued for removal of park home – Compliance date 05.08.2010

RESPONSE TO CONSULTATION

Parish Council: SUPPORT on the condition that it is only ancillary accommodation to the main dwelling

Highways Authority: NO OBJECTION to the principle of ancillary development

Environment Agency: NO OBJECTION

Emergency Planning Officer: NO OBJECTION subject to conditions in relation to signing up to EA's Flood Warnings Direct and a flood evacuation plan

Environmental Health & Housing – Environmental Quality: Requests information relating to land contamination

Health & Safety Executive: Standing advice applies – does not advise on safety grounds against the granting of planning permission in this case

REPRESENTATIONS

None received from the public in response to this application.

NATIONAL GUIDANCE

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

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM6 - Housing Needs of Rural Workers

OTHER GUIDANCE

Marshland St James Parish Plans

PLANNING CONSIDERATIONS

The key considerations in assessing this proposal are as follows:

- Planning history
- Principle of development
- Flood risk
- Other material considerations

Planning history

It will be noted from the history section above, that this site has previously been the subject of planning refusal and a successful enforcement notice resulting in the removal of an earlier park home on this same site. These steps were taken against the previous site owner (Ms Linda O'Keefe). The site was cleared of the park home and case closed in October 2010.

The applicant would have been aware of these circumstances when the site was acquired, as this information would have been disclosed in a land charge search.

The current site owner and applicant (Mrs Openshaw) built a replacement farmhouse and is presently residing in that relatively new unit. The farmhouse was approved under application ref: 11/00234/F and constitutes a 2 double bedroomed house – commensurate to the original modest dwelling which was replaced. Given the high flood risk implications of the site, falling within both Flood Zone 3 & Hazard Zone of the Strategic Flood Risk Assessment, there are no ground floor bedrooms (controlled via condition). During the construction of the replacement dwelling, two static caravans were located on this site and removed upon completion in mid-2012.

The mobile home was introduced on this site last summer and occupied in October 2014 and remains so.

Principle of Development

Paragraph 55 of the National Planning Policy Framework states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated 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; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.”

The Local Development Framework Core Strategy represents a more up-to-date assessment of the borough’s land characteristics, and this provides guidance on the scale and location of future development in the borough.

As stated earlier in this report, the application site lies in an area designated as ‘countryside’ on the saved Local Plan map for this area. Indeed it remains the same in the Site Allocations & Development Management Policies Document (SADMPD).

Core Strategy Policy CS02 of the LDF identifies the settlement hierarchy where new residential development should be located.

Core Strategy Policy CS06 of the LDF states:

“Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.”

The proposal is for the continued use of the site and mobile home for residential purposes. Whilst it is sought as ‘ancillary accommodation’, the mobile home has its own parking and garden area and is sited some 70m away from the farmhouse. This therefore constitutes a separate unit of residential accommodation and hence effectively seeks to authorise a new dwelling in the countryside. Indeed the mobile home has more bedrooms than the farmhouse and cannot be seen as ‘ancillary’.

The applicant has put forward the following justification for the development:

“...As written in the application, my daughter needs now to be on site full-time to look after the horses, as due to my increasing ill-health and restricted mobility, I am unable to do anything for them myself...”

In the opinion of the Council, whilst the predicament of the applicant is unfortunate, the above constitutes personal and not planning reasons for the development of a new dwelling on this site, and would not meet the criteria outlined in Paragraph 55 above.

It is considered that the proposed development, would not be in keeping with the wider sustainability aims of local and national planning policies, given that the application site is located within the countryside and no appropriate justification has been given in relation to the criteria of Paragraph 55 of the NPPF.

The proposal therefore cannot be supported in principle.

Flood Risk

The site lies in Flood Zone 3 & Hazard Zone of the Strategic Flood Risk Assessment and the application is accompanied by a site-specific Flood Risk Assessment.

A residential caravan falls within the definition of a 'highly vulnerable' form of development in the NPPF and must be subjected to sequential and if necessary exception testing. In terms of sequential testing, the FRA argues that whilst Table 2 indicates that development should not be permitted for highly vulnerable development in Flood Zone 3, this unit relates specifically to the equestrian business and there are no other sites in the village or locally within a lower flood zone. That being the case, then the exception test then must be applied which states that:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

With regards to the first criterion, there would not be wider sustainability benefits to the community afforded by this proposal, given the main issue of an unauthorised and unjustified dwelling in the countryside.

The Environment Agency raises no objection to this proposal given the elevated floor level of the mobile home and the Council's Emergency Planning Officer has no objection subject to conditions in relation to signing up to EA's Flood Warnings Direct and a flood evacuation plan. Whilst the second criterion could be argued to be met, both criteria must be passed, and therefore the exception test is failed.

Other Material Considerations

There are no significant planning related Crime and Disorder issues raised by this proposal.

Traffic issues have been assessed by County Highways and no objections are raised subject to this being ancillary accommodation.

Contamination issues raised by our CSNN team could be addressed by appropriate conditions if seen to be necessary.

CONCLUSION

The proposal effectively constitutes a new dwelling in the countryside without justification in relation to a recognised rural enterprise, as the functional need is considered to be met by the existing farmhouse. There are also flood risk implications which are insurmountable, given the main in principle objection.

There has also been a planning history of refusal and enforcement action relating to similar development on this site.

The development is therefore contrary to the provisions of Paragraphs 55 & 102 of the NPPF, Core Strategy policies CS02 & CS06 of the LDF and Policies DM1, DM2 & DM6 of the SADMPD.

RECOMMENDATION:

(A) REFUSE for the following reason(s):

- 1 In this instance there is already a dwelling on the premises (the farmhouse) which meets the functional needs of the rural enterprise. To retain the mobile home/caravan would constitute an additional new dwelling in the countryside without justification and would therefore be contrary to the provisions of the development plan.

It is considered that the proposed continued use of the land for residential purposes, would not be in keeping with the wider sustainability aims of local and national planning policies, given that the application site is located within the countryside and no appropriate justification has been given for a new dwelling in relation to the criteria of Paragraph 55 of the National Planning Policy Framework, Core Strategy policies CS02 & CS06 of the Local Development Framework and Policies DM1, DM2 & DM6 of the submitted Site Allocations & Development Management Policies Document.

- 2 The application proposes a highly vulnerable use within Flood Zone 3 where sequential and exception testing is required under national guidance. The proposal would not provide wider sustainable benefits to the community that would outweigh flood risk and therefore is considered to be contrary to the provisions of paragraph 102 of the NPPF.

(B) ENFORCEMENT ACTION be authorised to secure the removal of the mobile home/caravan from the site.