

Parish:	Heacham	
Proposal:	Proposed retention of twin-unit caravan for purposes incidental to the use of the dwelling	
Location:	Land S of 43 And 45 The Broadway Heacham King's Lynn	
Applicant:	Mrs R McGinn	
Case No:	21/00057/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 11 March 2021

Reason for Referral to Planning Committee – The Parish Council’s comments are contrary to the officer’s recommendation and the Sifting Panel requires the application to be determined by Planning Committee.

Neighbourhood Plan: No

Case Summary

The proposal is for the retrospective siting of a twin unit caravan on land to the south of 43 and 45 The Broadway, Heacham. The proposed caravan is intended to be utilised for ancillary purposes incidental to the use of 45 The Broadway. However the site is located outside of the curtilage or garden land of this dwelling and is outside of the development boundary shown on Inset Map G47 of the SADMPP (2016).

Key Issues

- Principle of Development
- Form and Character
- Highway Safety
- Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

The proposal is for the retrospective siting of a twin unit caravan on land to the south of 43 and 45 The Broadway, Heacham. The proposed caravan is intended to be utilised for ancillary purposes incidental to the use of 45 The Broadway. However the site is located outside of the curtilage or garden land of this dwelling and is outside of the development boundary shown on Inset Map G47 of the SADMPP (2016).

SUPPORTING CASE

The proposed twin-unit caravan has been sited to provide the applicant with ancillary space incidental to the main house at No.45. It is solely to be used as incidental accommodation to the main house for separate relaxation purposes ancillary to the main dwelling. The importance of this separate space from the main dwelling is emphasized in detail within the submitted letter from a qualified medical professional.

The caravan does not detrimentally affect its setting and the local vernacular as its placement in the 'fringe development' is well screened by high native hedging on three sides. Still, the caravan structure is clearly less impacting than other prominent buildings in the locality, although not isolated it is not in a visually prominent location either, making it ideal for the applicant's sole use as a necessary day sanctuary form the main dwelling.

It should be noted, that the caravan would normally be sited without requiring permission under the 1968 Caravan Act as ancillary accommodation were it not outside of the defined development boundary. Be that as it may, as per the Caravan Act , the structure is strictly ancillary with the applicant asserting absolutely no desire to let out the caravan, and it is invited for the local authority to word a condition outlining that the use is tied to the main dwelling. In line with the proposed use as an ancillary there would therefore be no new traffic movements or additional use of access.

Pedestrian access is the only requirement, and this is solely through the garden from the house at No. 45 Broadway. The caravan is ancillary and subordinate to the occupation of the main house, therefore the existing access and parking arrangements direct from Broadway will be of continued use with no separate vehicular access required.

The submitted application seeks to obtain planning approval for the retention of the siting of a twin-unit caravan on land in the ownership of, but adjacent to the applicants defined domestic curtilage.

Despite this, it is requested that the local authority not only consider planning policy in this case, but also extenuating and exceptional health and wellbeing circumstances.

With this regard it would not be considered unjust to grant a temporary approval should the local authority see it appropriate.

PLANNING HISTORY

19/01196/F: Application Withdrawn: 18/10/19 - Proposed retention of twin-unit caravan and erection of decking for purposes incidental to the use of the dwelling - Land To The Rear of 43 The Broadway

18/00101/F: Application Permitted: 13/03/18 - Variation of condition 2 to vary previously approved drawings - Cedar House – Committee Decision

17/00691/F: Application Permitted: 31/07/17 - Construction of Replacement Workshop and Store in Builders Yard (Re-Submission) - Cedar House 45A the Broadway – Committee Decision

16/01461/F: Application Refused: 06/03/17 - Construction of replacement workshop and store in builders yard at Cedar House - Cedar House – Committee Decision

14/01398/F: Application Refused: 28/11/14 - New build single storey dwelling & garage - all detached - 45 the Broadway – Delegated Decision – Appeal Dismissed

13/01093/F: Application Permitted: 25/09/13 - Variation of condition 2 of planning consent – Delegated Decision

12/02028/F to replace approved drawing with amended drawing - 45 the Broadway – Delegated Decision

12/02028/F: Application Permitted: 08/02/13 - Replacement dwelling and demolition of existing dwelling - 45 the Broadway – Delegated Decision

12/01160/LDE: Was Lawful: 31/10/12 - Lawful Development Certificate: Retain permanent residential unit, with parking area and garden - 45 the Broadway – Delegated Decision

2/94/1062/O: Application Refused: 19/09/94 - Site for construction of chalet bungalow - Land Rear of 49-51 the Broadway – Delegated Decision

RESPONSE TO CONSULTATION

Parish Council: SUPPORT subject to the imposition of conditions relating to a temporary use of the caravan

Highways Authority: OBJECTION – the Local Highway Authority raised concern over the inadequate access to/from site. The intensification of the use of a substandard access track onto the Broadway and is not supported by the Local Highway Authority due to the adverse impact on highway safety.

REPRESENTATIONS

None received at time of writing

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

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

DM7 - Residential Annexes

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues are:

Principle of Development
Form and Character
Highway Safety
Other material considerations

Principle of Development

The site comprises a small parcel of agricultural land which has previously been separated from the wider field by extensive hedgerows to the north, east and west boundaries. The site primarily sits within a patchwork of small parcels of open land including paddocks and a smallholding. The existing builder's yard is to the east. The site is accessed through a shared driveway/track adjoining The Broadway, which serves the caravan, No. 45 to the front of the site and the existing builder's yard to the east.

The proposed caravan is situated to the rear of the dwellings on the southern side of Broadway and separated from these existing dwellings by long rear gardens, boundary treatments, and existing vegetation.

The application is submitted with reference to a caravan being utilised in association with the main dwelling at No.45 the Broadway. These comments are noted, however the application site is outside of the curtilage of this dwelling and the caravan has a separate parking area and outdoor amenity space. Vegetation along boundaries provides a high level of separation between the caravan and the dwelling. Existing close boarded fencing with trellis above further divides this parcel of land from the garden land of the nearby dwelling.

Whether a use of land is ancillary to another is a matter of fact and degree and each case should be determined on its particular merits. The application site is wholly outside of the curtilage or garden land associated with No. 45 the Broadway. The caravan is separated from the dwelling by extensive boundary treatments and hedgerows, has its own parking area and outdoor space and could therefore practically and viably operate on its own without a necessary functional link to or dependency on the nearby dwelling.

The Local Planning Authority therefore consider that the siting of a caravan in this position would result in the creation of a new dwelling which is fully self-contained and would form a separate planning unit rather than ancillary accommodation to the existing dwelling. As the site is outside the development boundary shown on inset map G47 of the SADMPP (2016), the principle of residential development in this location is contrary to Policy DM2 of the SADMPP (2016).

The Agent has provided supporting information stating that the caravan is needed for the health and wellbeing of the occupants of the dwelling. Whilst these comments are noted, the caravan is sited on land which is countryside and outside of any defined curtilage. Whilst the

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justification is noted, the application must be determined based on planning merits, and it is not considered that this information justifies the support of an application which is fundamentally contrary to the provisions of the Local Plan.

The applicant has stated that they wish for temporary consent to be considered given the personal circumstances of the occupant of the caravan. This is noted, however the Planning Practice Guidance is clear that temporary consent should only be granted in exceptional circumstances. The application site is outside of the development boundary and outside of any curtilage or garden land and the principle of development on site is therefore not considered acceptable, as addressed above.

Overall, the principle of this type of development on site is considered contrary to Policy CS08 of the Core Strategy (2011) and Policies DM2 and DM7 of the SADMPP (2016).

For the reasons outlined above, the application is also considered contrary to Policies 2, 6 and 17 of the Heacham Neighbourhood Plan. The Neighbourhood Plan is due to go out for submission consultation on 6th April 2021. In accordance with paragraph 48 of the NPPF (2019), the Neighbourhood Plan Policies are considered to have limited weight at this stage of the consultation process.

Form and Character

The caravan proposed as part of this application is screened from view from the wider area by existing hedgerows and the proposal's impact on the visual amenities of the area is therefore limited. Whilst the site's position to the rear of frontage dwellings is contrary to the typical liner form of the wider locality, the existing built development of the builder's yard and dwelling known as 45A to the east limit the possibility for any long views of the application site to the south. The proposal is considered unlikely to lead to such a significant impact on the form and character of the area so as to warrant refusal.

On balance, the layout of the proposal is therefore considered acceptable and accords with Paragraph 127 of the NPPF (2019) and Policies CS08 and DM15 of the Local Plan.

Highway Safety:

The proposal would generate vehicle movements using the narrow shared access with the existing dwelling and activities to the east of the appeal site. As discussed above, the caravan is considered to have a degree of separation above any beyond that of a residential annex or incidental outbuilding and the highway safety assessment must be carried out on this basis.

The Local Highway Authority have objected on the basis that as a new dwelling, the use would generate vehicle movements in its own right, above and beyond that expected as part of an ancillary or incidental use.

The access to the site is via a shared track which also serves the adjacent commercial use. This access track is restricted in width (by boundary fencing to 47 The Broadway and a service pole adjacent to the access to 45 The Broadway) to approximately 3.2m at the rear of the frontage footpath, measured at 2m back from the carriageway edge. No passing places are available and the LHA consider that the proposal would lead to interference with vehicles stopping, starting and reversing onto the Broadway to allow vehicles to exit the site. The visibility splays provided at the junction of the Broadway also fail to meet the required standard.

The Local Planning Authority has been consistent regarding the safety of the access track throughout a range of application across the wider site. The safety concerns surrounding the intensification of use of the inadequate access were upheld by the Inspector during the appeal of application ref 14/01398/F (see appendix).

The intensification of use of the existing substandard access to the site would be detrimental to the safety of highway users, including pedestrians on the footway. The application is therefore considered contrary to Paragraph 108 of the NPPF (2019) and Policies CS11 and DM15 of the Local Plan as well as Policy 2 of the Heacham Neighbourhood Plan.

Crime and Disorder The proposal is considered unlikely to lead to an impact on crime and disorder.

Other Material Impacts:

Given the extensive boundary treatments existing on site and distance between properties, the proposed caravan is unlikely to lead to a significant impact on the amenity of neighbouring dwellings.

The proposal site is located within Flood Zone 1 of the Borough Council's SFRA (2018) and no flood risk assessment is necessary.

CONCLUSION

The caravan is outside of any defined curtilage or garden land and outside of the development boundary shown on inset map G47 of the Site Allocations Development Management Policies Plan (2016). The use of a caravan for domestic purposes in this location is considered to form a new dwelling in the countryside for the purposes of the NPPF and Local Plan.

As a new dwelling, the proposed use would lead to an intensification in the use of a substandard access, which fails to provide enough room for two vehicles to pass and which does not provide acceptably visibility splays across the junction.

No justification has been provided which is considered to outweigh the conflict with the Local Plan and the proposed retention of a caravan for independent residential purposes is therefore considered contrary to the overriding aims of the NPPF (2019) as well as Policies CS01, CS06, CS08 and CS11 of the Core Strategy (2011) and Policies DM2, DM7 and DM15 of the SADMPP (2016).

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The retention of a caravan in this location is considered to form a new dwelling in the countryside for the purposes of the NPPF and Local Plan. The caravan is outside of any defined curtilage or garden land and is outside of the development boundary shown on inset map G47 of the Site Allocations Development Management Policies Plan (2016). The site is therefore considered to be within the wider countryside where residential development is required to comply with countryside protection policies. No justification has been provided to outweigh the policy provisions outlined in Policy DM2 of the SADMPP (2016) and the proposed retention of a caravan for independent

residential purposes is therefore considered contrary to Policies CS01, CS06 and CS08 of the Core Strategy (2011) and Policies DM2, DM7 and DM15 of the SADMPP (2016).

- 2 The provision of a new dwelling in this location would lead to an intensification in the use of a substandard access. The access is unsatisfactory to serve the proposed development by reason of its inadequate width which would lead to the stopping or reversing of vehicles on the highway and lead to interference in the safe and free flow of traffic along the Broadway as an important traffic route, leading to conditions to the detriment of Highway Safety. The application is therefore considered contrary to Policies CS08 and CS11 of the Core strategy (2011) and Policy DM15 of the SADMPP (2016).