

<b>Application Number:</b>	2011/336	<b>Application Type:</b>	Full
<b>Proposal:</b>	Retention of caravan for residential use (C3)	<b>Location:</b>	Far Fold Farm, Cowpe Road, Cowpe
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	13 September 2011
<b>Applicant:</b>	Mr Graham Chown	<b>Determination Expiry Date:</b>	16 September 2011
<b>Agent:</b>	Hartley Planning & Development Associates Ltd		

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**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member : Cllr Jim Pilling

Reason for Call-In : Due to the complex planning history of the site and so the personal circumstances of the family can be assessed by Committee Members.

**Other (please state)**

**HUMAN RIGHTS**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

**Article 8**

The right to respect for private and family life, home and correspondence.

**Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

	<b>RECOMMENDATION(S)</b>
	Refuse for the reasons detailed in Section 8 of the report.



2. The proposed development would result in the provision of housing in an inappropriate location, contrary to the provisions of PPS3, Policy L3/RDF2 of the Regional Spatial Strategy for the NW of England (2008) and the Rossendale BC Interim Housing Policy Statement (July 2008). In this instance, the case has not been advanced to warrant an exception to policy being made.

The decision was dismissed at Appeal on 19 May 2009; see appended Inspectors decision letter.

The appellant sought to argue that the proposed bungalow was a replacement dwelling. Whilst the Inspector did not doubt that there had been a caravan on the site for several years, she concluded that there was reason to doubt continuous residential use (the Agent acknowledging that it had been vacant from July 2004 to March 2007 and the Appellant stating that he had a dwelling elsewhere in which his wife and children lived). Furthermore, the Inspector was not persuaded that the caravan first brought on to the site had been so adapted as to have ceased to be a caravan and become a dwellinghouse. Accordingly, the proposed bungalow “cannot be considered as a replacement dwelling”.

The Appeal was considered on the basis that it was proposing erection of new residential property in the Countryside and the Inspector concluded that the appellant’s reasons for wishing to live at the appeal site did not override the strong policy presumption in the development plan and national planning policy to strictly control development in the countryside.

### 3. THE PROPOSAL

The applicant seeks permission for the retention of the caravan (as recently-extended) for use for residential purposes.

The applicant contends that the caravan on site is established by long usage. It is also argued that the recent extension (dating from 2009 at its earliest) should not be considered a material change of use due to the size.

The applicant argues that if the certificate of lawfulness had been pursued in 2003 it would have been granted. In addition the applicant presents personal circumstances as a reason for the residential use to be granted; in short, that since the Appeal decision in May 2009 he has separated from his wife and it became necessary for him to find alternative accommodation for himself and 2 children. Within the design and access statement the applicant states that the residential use should be considered as an agricultural workers dwelling as well as supported housing.

### 4. POLICY CONTEXT

#### National

PPS1 Sustainable Development  
PPS3 Housing  
PPS7 Rural Areas  
PPG13 Transport

## **Development Plan**

### **Regional Spatial Strategy for the NW of England (2008)**

DP1-9	Spatial Principles
RDF1	Spatial Priorities
L4	Regional Housing Provision
RT2	Managing Travel Demand
RT4	Management of the Highway Network
EM1	Environmental Assets

### **Rossendale District Local Plan (1995)**

DS5	Development Outside the Urban Boundary & Green Belt
DC1	Development Criteria

### **Other Material Planning Considerations**

Draft National Planning Policy Framework (2011)  
RBC Submitted Core Strategy DPD (2010)  
RBC Interim Housing Policy Statement (2010)

## **5. CONSULTATION RESPONSES**

### **LCC (Highways)**

No objection, but recommend that the applicant regularly cuts back the vegetation adjacent to the driveway to ensure vehicles leaving the site can see approaching vehicles.

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order two site notices were posted on 08/08/11 and 2 neighbours were notified by letter on 27/07/11.

Two neighbours have objected, raising the following concerns :

- The potential for the caravan to become a permanent 'built' structure
- The owner of the land preventing maintenance and access to their water pipeline
- The use of the water supply by the caravan without paying towards maintenance

## **7. ASSESSMENT**

If the applicant considered the residential use of the caravan, as extended, to be lawful the appropriate course of action would have been to submit an application seeking a Certificate of Lawfulness. This they have not done.

Instead they have submitted an application seeking Planning Permission. This application falls to be determined on its merits, the main issues for consideration being : 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; & 5) Access/Parking.

### **Principle**

PPS7 states that new housing in the countryside should be strictly controlled where they would be away from established settlements or from areas allocated for housing in

development plans. Priority should be given to the redevelopment of brownfield sites first.

Consistent with Government guidance, the Policies of the RSS seek to direct most new development (including housing) to the urban areas and Policy RDF2 seeks to limit new development in the open countryside to that with “an essential requirement for a rural area, which cannot be accommodated elsewhere (such as mineral extraction)”.

Policy DS5 of the adopted Local Plan states :

‘Outside the Urban Boundary and the Green Belts, shown on the Proposals Map, development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, or the rehabilitation and re-use of buildings providing that they comply with policy DC1.’

Core Strategy Policy 21 states :

*The rural environment and economy will be protected and enhanced through the following principles:*

*Development will be restricted to existing rural settlement boundaries and within identified major development sites. Outside of these areas, proposals should demonstrate the social and/or economic needs/benefits for the local rural community and strict consideration will be given to the impact of the rural development on the countryside.*

The application seeks permission for a unit of residential accommodation in the Countryside, well away from a rural settlement, which is contrary to national planning policy and development plan policy. Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. Annex A of this PPS sets out the basis on which proposals for agricultural, forestry and other occupational dwellings should be assessed in order to establish whether the strong policy presumption against permitting a dwelling has been overcome. In this instance the horticultural enterprise of the applicant is not sufficient to meet the tests to provide justification for granting permission for a unit of residential accommodation.

### Housing Policy

The Council can demonstrate an adequate 5-year supply of housing land in the Borough (as identified in the SHLAA). The latest SHLAA also identifies more than enough sites to meet the Borough’s 10- and 15- year RSS requirement for housing land (as prescribed by PPS3). It remains essential that policies restricting the location of new residential development should be adhered to.

The site of the current application lies in the Countryside, wherein new housing of this type and in the locations proposed would be contrary to the housing policies of the development plan.

Additionally, the Council’s Interim Housing Policy Statement (May 2010) indicates that new residential outside the Urban Boundary of settlements will be permitted only solely for affordable &/or supported housing, or to meet an agricultural or forestry need; this requirement accords with the latest SHMA, supported by the Council’s recently approved Affordable Housing Economic Viability Assessment (as required by PPS3).

As stated in the preceding Section, the applicant has not established that there is a need for an agricultural workers dwelling in this location. The applicant also states that the dwelling should be considered in line with ‘supported housing’. The circumstances of the applicant do not provide justification for granting permission of the unit of residential accommodation here

as 'supported housing', nor does it constitute 'affordable housing' as defined in the Council's IHPS.

To permit the proposed unit of residential accommodation in the circumstances would conflict with the Council's Interim Housing Policy Statement and would undermine the focus for most residential development to be in the main development locations and the identified regeneration priority areas (Rawtenstall Town Centre and the Bacup, Stacksteads & Britannia Housing Pathfinder Area).

#### Visual Amenity

PPS1 emphasises the importance Government attaches to 'good design', stating "*Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes....Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted*".

PPS7 states that all development in rural areas should be well designed and inclusive and in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

The scheme is considered to detract unnecessarily and unacceptably from the character and appearance of the area by virtue of its design and position, being visible from public footpaths. It is therefore contrary to Policy DC1 of the Rossendale District Local Plan.

#### Neighbour Amenity

There are no nearby neighbours that would be unduly affected by the development. Although neighbours have objected to the scheme due to concerns about its effect on their water supply, and the caravan becoming a more permanent building, I do not consider them to provide grounds for refusing the application.

#### Access/Parking

LCC (Highways) has no objection. It is satisfied that adequate parking provision is proposed within the site, but requests that the vegetation adjacent to the access-point is regularly cut back to ensure vehicles leaving the site can see approaching vehicles.

## **8. RECOMMENDATION**

Refusal, for the following reasons :

1. The application site is located within the Countryside, wherein national and development plan policies set out the framework for development restraint. The applicant has not advanced a case to adequately demonstrate why a unit of residential accommodation should be permitted outside the Urban Boundary, as defined in the adopted Rossendale District Local Plan. Furthermore, the proposed development is not sensitive to the character of the Countryside and local distinctiveness and will unacceptably and unnecessarily erode the openness and the rural character of the area. The proposal is therefore considered to be contrary to PPS1 / PPS3 / PPS7, Policy RDF2 / EM1 of the Regional Spatial Strategy for the North West of England (2008), and Policies DS5 / DC1 of the Rossendale District Local Plan (1995).

2. The proposed development is contrary to the provisions of PPS3, Policies DP1-8 / RDF1 / L4 / L5 of the Regional Spatial Strategy, Policies DS1 / DS5 of the Rossendale District Local Plan and the Council's Interim Housing Policy Statement (May 2010), which seek to locate most new residential development within the Urban Boundary and only permit new residential development outside the defined Urban Boundary for affordable or supported housing, or for agricultural or forestry workers. In this instance a satisfactory case has not been advanced to warrant an exception to policy being made. To allow the development would damage the regenerative efforts of the Council to promote housing within its identified regeneration priority areas and where it can support local services and amenities and create less reliance on the use of the private car.