

## PLANNING COMMITTEE - 14 JANUARY 2020

<b>Application No:</b>	<b>19/01900/FUL</b>
<b>Proposal:</b>	<b>Temporary Planning Permission for Static Caravan (renewal of 14/01068/FUL)</b>
<b>Location:</b>	<b>Abbey Wood Farm, Edwinstowe Road, Rufford, NG22 9DB</b>
<b>Applicant:</b>	<b>Mr S Holmes</b>
<b>Agent:</b>	<b>Ellis Riley &amp; Son Ltd - Stephen Riley</b>
<b>Registered:</b>	<b>24 October 2019</b> <b>Target Date: 19 December 2019</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PZTCP9LBLW000">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PZTCP9LBLW000</a>

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the Parish Council has supported the application which differs to the professional officer recommendation. Councillor Smith called the application to committee which has been supported by the Chairman of the Planning Committee.**

### The Site

The site is located outside of the main settlement of Edwinstowe and Rufford and therefore within the open countryside. The caravan is located within an area whereby there are existing buildings comprising of the owners bungalow and outbuildings (to the south of the site) and the northern are of the site is used as an external karting centre with a track, spectator area and associated car park.

The sole vehicular access is located to the south of the site from Edwinstowe Road, on the opposite side of the road to the main entrance to Centre Parcs (Sherwood) Holiday Park.

### Relevant Planning History

14/01068/FUL - Temporary planning permission for static caravan (5 years) – Approved by Committee Members at September 2014 committee contrary to Officer recommendation with the following conditions:

01

*The development hereby permitted shall not begin later than three years from the date of this permission.*

*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*

02

*The use of the caravan as a dwelling hereby permitted shall be discontinued, the caravan removed and reinstated to its former condition, including the removal of all ancillary works and structures at or before the expiration of a period of 5 years from the date of this decision.*

*Reason: In recognition of the special circumstances, without which the local planning authority would not have been prepared to grant planning permission.*

03

*The development hereby permitted shall not be carried except in complete accordance with the following approved plans, reference 2014-050 unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.*

*Reason: So as to define this permission*

04

*The caravan hereby permitted shall be occupied only by Mr Cecil Walker.*

*Within 3 months of the caravan being ceased to be occupied by Mr Cecil Walker the use hereby permitted shall cease and the caravan and all associated materials and equipment brought on to the premises in connection with the use shall be removed.*

*Reason: In recognition of the special circumstances of the development, namely the location of the development within the open countryside without which the local planning authority would not have been prepared to grant planning permission.*

00/01695/FUL - Proposed single storey rear extension, porch and conservatory – Approved 16.01.2001

00/01348/OUT - Construction of bungalow as a new domestic dwelling – Refused 29.12.2000

FUL/991064 - Change of use of building from car repair business to domestic outbuildings – Approved 10.12.1999

FUL/991201 - Create new driveway to property and remove old driveway – Approved 20.03.2000

830083 - Erect stables – Approved 07.04.1983

80268 - Extend existing dwelling – Approved 16.04.1980

### The Proposal

The proposal comprises of the retention of the existing caravan occupied by a family member since consent was granted in 2014. The caravan and subsequent occupation of such was granted by Members at planning committee in 2014, contrary to officers recommendation, but with a temporary condition for 5 years whereby after 16 September 2019 the caravan should be

removed and all land reinstated to its former condition. The family member is still residing in the caravan and it still remains onsite and as such is in breach of condition against 14/01068/FUL

#### List of plans/documents considered

DRWG no. 2014-050Rev1 Block plan – site location plan;  
Planning statement

#### Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter.

#### Planning Policy Framework

#### **Development Plan**

##### *Newark and Sherwood Amended Core Strategy DPD (March 2019) (ACS)*

Spatial Policy 1 Settlement Hierarchy  
Spatial Policy 2 Spatial Distribution of Growth  
Spatial Policy 7 Sustainable Transport  
Core Policy 9 Sustainable Design

##### *NSDC Allocations and Development Management DPD (July 2013) (ADMDDP)*

DM5 Design  
DM8 Development in the Open Countryside

#### **Other Material Considerations**

National Planning Policy Framework (NPPF) 2019  
Planning Practice Guidance (PPG) 2014

#### Consultations

Rufford Parish Council – No objections

*No letters of representation have been received from local residents/interested parties*

#### Comments of the Business Manager

#### Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The amended Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Amended Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified

within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. Where development is considered to not be 'in village' these locations will be considered as being within the open countryside whereby policy DM8 of the ADMDPD applies. This site is considered to fall within the latter category as it is not located within an existing settlement.

Whilst the application is for a caravan, it still needs to be assessed in planning terms as a new dwelling due to the complete level of facilities provided and the self-contained, independent capabilities of its occupation. The site is located within the open countryside where national and local planning policies seek to resist dwellings within such locations unless they are absolutely essential. That is not the case for this application. Policy DM8 of the Allocation and Development Management DPD states '*Planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.*' Paragraph 79 of the NPPF states that decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, involves the re-use of a heritage asset or disused building or is of exceptional quality. The static caravan and its occupation is not for use by a rural worker and is not of exceptional quality or innovative design and whilst its location is not considered to cause unacceptable visual impacts upon the open countryside, the proposal it fails to accord with the fundamental principles of Policy DM8 and the NPPF.

The proposal is for the retention of a self-contained static caravan for a temporary period of which has not been specified by the applicant, for sole occupation of a relative of the owners of the existing bungalow. The caravan is located within an existing spaced out cluster of development on the southern part of the site formed by the host dwelling, garage and stable building. The caravan is located approximately 34m west from the existing bungalow.

The applicants have stated they chose a caravan and sited it in the specified location to allow the relative a degree of independence which he has gained for the past 5 years living on site, whilst still remaining close to his daughter in the event of care being required. Whilst the Council is sympathetic to the personal circumstances of the applicant, the location of the caravan within an unsustainable location is inappropriate and fails to accord with the NPPF and Policy DM8. Alternative options have not been explored by the applicant to enable the relative to live elsewhere on the site within the meantime or in the event the caravan should be removed.

Therefore on this basis due to the siting within the open countryside, the principle of a new dwelling within this location is contrary to local and national planning policy. There are however other material considerations which will need to be taken in to account of and weighed in the overall balance and these are outlined in the following sections of this report.

#### Impact on the countryside

Whilst the site is located within the open countryside it is sited close to an existing building and it is well screened from the public highway and surrounding areas. It is considered that the visual impact from the proposed development would be minimal.

#### Highway impact

There are no proposals to alter the existing access arrangements to the site as it is already served by the existing access to the bungalow and the karting track. NCC highways have not raised any

objection to the proposal subject to a condition imposed linking the caravan to the bungalow. The Council has no objections to the access arrangements and do not consider it to cause a significant detrimental impact upon highway safety.

### Neighbour amenity

There are no immediate neighbours within the vicinity apart from the existing host bungalow. The nearest dwelling apart from the bungalow is approximately 170m from the application site and due to this it is not considered to detrimentally impact upon neighbour amenity.

### Flooding

The site is located within flood zone 1 and therefore at the lowest risk from flooding. It is not necessary to apply the sequential test approach in this case as set out in the NPPF and therefore the proposal is considered acceptable on grounds of flooding.

### Conclusion

All material planning considerations have been taken in to account as set out above and appropriate weight has been given to each issue and it is concluded that the application is fundamentally contrary to planning policy which seeks to protect the open countryside from non-essential dwellings. The Council has every sympathy with the personal circumstances of the applicants and the care required for their elderly father, however, the initial temporary permission Members approved in 2014 has now lapsed and further temporary consents could lead to a more permanent one. Putting more weight on the personal circumstances in this case could set a dangerous precedent for similar cases in the future. Whilst the applicants state that they would be willing to be bound by any condition relating to the use of the caravan to be solely for the use of the relative, such is the situation with the previous application, it is not considered to be sufficient to allow for a further temporary permission.

When assessing the application for a temporary dwelling it is necessary to assess whether a permanent dwelling would also be acceptable given the similarity of the use and the degree of independence a static caravan has in terms of occupation. The case has not been made that a dwelling in this location is required in connection with an essential need in planning terms and the applicant should explore other options such as accommodation within or to the existing bungalow. The caravan is located within the open countryside and paragraph 79 of the NPPF advises against allowing isolated homes in the countryside unless there are sound planning reasons for doing so, whereby none of such reasons apply in this case. The limited visual harm, temporary nature and personal circumstances of this case are given some limited weight in favour of this proposal but this does not outweigh the clear national and local planning policies that weigh heavily against the proposal.

Therefore, in balancing all the material considerations of this case, a recommendation of refusal to Members is proposed as the principle of the proposal located in open countryside fails to accord with the NPPF and policy DM8 of the Allocation and Development Management DPD, and there are no other material planning considerations that would outweigh this policy stance in this case.

### Enforcement action

The application gained planning consent in 2014 by Members as outlined in the relevant planning history section above. This consent allowed one caravan to be erected for a period of 5 years, of which expired in September 2019. As such the applicant is in breach of planning condition relating to condition 02 of 14/01068/FUL and therefore a breach of planning condition notice could be served seeking the caravans' removal from site in the event that Members resolve to refuse this planning application. Members should be conscious however that the caravan is currently occupied and should the application be refused, enforcement colleagues would first engage in negotiations with the applicant to seek a resolution to its removal before resorting to formal action as a last resort due to the sensitive nature of the occupier.

A breach of condition notice does not have to be issued at the same time as any decision of this authority as there is no right of appeal. Therefore a formal resolution of Members is not required in which to seek action.

### RECOMMENDATION

**That planning permission is refused for the following reasons:**

01

The proposal represents the retention of a self-contained caravan, which constitutes a dwelling, in the open countryside which is contrary to national and local planning policies. New housing should be directed to more sustainable and easily accessible locations which have access to facilities and are not reliant on the use of car borne journeys. Paragraph 79 of the NPPF and Policy DM8 of the Allocations and Development Management DPD seeks to protect the open countryside from the harm of non-essential new housing development, even on a temporary basis, and this proposal is considered to result in an unsustainable and unjustified form of development within the open countryside. Therefore the proposal is contrary to the National Planning Policy Framework 2019 and policy DM8 of the Adopted Allocations and Development Management DPD 2013.

### Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

## **BACKGROUND PAPERS**

### **Application case file.**

For further information, please contact Lynsey Preston on ext 5329.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 19/01900/FUL

