Recommendation Report for Planning Permission

REF NO: **BN/22/14/PL**

LOCATION: The Cottage Piggeries
Church Lane
Barnham

PROPOSAL: Application for the variation of condition 1 following planning approval BN/22/11 for the siting of 1No. 3 bedroom mobile home.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Condition Number 11 states that: "The development hereby approved shall be carried out in strict accordance with the size and location of the mobile home as specified by the approved plans dated 23.1.12 & 23/10/2011. Thereafter, the mobile home shall be permanently retained in this position and should not be moved without the grant of further planning permission of the Local Planning Authority." It is now proposed to remove the approved caravan and replace it with a larger caravan to be stationed broadly in the same location.
SITE AREA	0.3 Hectares approximately.
TOPOGRAPHY	Sloping downwards from the front of the site to the Barnham Rife at the rear of the site.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2m high fencing all along north boundary. Mature trees and 2m high fencing all along south boundary. 2m high fencing all along west boundary.2m+ high wall and gates to east entrance.
SITE CHARACTERISTICS	A formerly vacant backland site with two redundant agricultural barns to the rear of the site now used for storage and as a utility building. A single unit mobile home is sited to the rear of the site alongside the storage barn housing a Gypsy family measuring 12.5m long x 4m deep x 3.8m high comprising 2 bedrooms. There is an existing vehicular

	access into Church Lane adjacent to Sandon Cottage.
CHARACTER OF LOCALITY	Residential area sited within a rural locality just south of Barnham village centre. Surrounding properties are varied in design, detached two storey chalets and bungalows set within large plots.

RELEVANT SITE HISTORY

BN/22/11 granted permanent planning permission for the stationing of a mobile home for Gypsy occupation only. This application is necessary to house a growing family of soon to be 5.

REPRESENTATIONS

Representations received:

Barnham Parish Council

No objection

1 letter raising no objection but querying why new mobile home already delivered.

Comments on Representations received:

Applicant informed the planning office that mobile home was to be delivered and old one taken away but that the family would be moving in to a tourer whilst application was being decided. However, applicant subsequently adviced office that family would be moving out of tourer and into new caravan on doctors advice concerning advanced preganacy of Mrs Brazil.

CONSULTATIONS

Environment Agency
NHS Property Services
Environmental Health
WSCC Strategic Planning
Environment Agency

Consultations responses received:

Environment Agency
No objections.
Environmental Health
No objection subject conditions proposed.
WSCC Highways
No objections.

Comments on Consultation responses:

The conditions suggested by environmental health are those that would be imposed by way of a caravan site license. An informative will be added to remind applicants that they will need to renew their caravan site license.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX7	Planning Policy for Traveller's Sites

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE
The principle of this mobile home for gypsy occupation was established by permission reference BN/22/11. This application seeks to vary condition number 1 which restricted the use of the land to only site the mobile home granted permission. The principle of using the land to site a mobile home for Gypsy occupation has therefore been establsihed.

The height of the new mobile is the same as before and it is to be sited approximately in the same position as before. In terms of its footprint it is to be wider by 1m and deeper by 3m. It is the impact of these differences that need to be assessed under this submission.

VISUAL AMENITY
The proposed increase in size of the mobile home would have limited impact upon the character and appearance of the area given that the site benefits from:
*extensive screening by vegetation on the south side,
*a 2m high wooden fence which screens the home from the residential unit/curtilage to the north and farmland to the west.

In addition the mobile home is set well back into the site some 120m away from Church Lane. There are therefore limited, if any, views of it from the public highway and neighbouring residential units meaning that the increase in size of the mobile home would have negligeble visual impact on the open nature of the locality.

RESIDENTIAL AMENITY
The nearest residential properties to the mobile home are approximately 100m to the south east (Birchwood House) and 110m to the north east (Tars Farm House) and any views of the increase in size from those properties are very limited given the extensive screening along the south and north side of the site. It is therefore considered that the increase in size will not have an undue impact on the residential amenities of adjoining residents.

OTHER ISSUES

The Council's Environmental Health division are satified with the proposal subject to conditions which would be imposed through the submission of a site license application.

County highways do not foresee any material change in vehicular activity from the proposal and therefore raise no objections.

With regards to flooding the Environment Agency raise no objections to the proposal.

SUMMARY:
In summary, the principle of gypsy occupation on the site, as a departure from Development Plan policies, was established under planning permission BN/22/11/. The proposed replacement of the existing mobile home with a larger unit is not considered to have an adverse impact on the rural or visual amenities of the area, or on residential amenity.It is therefore recommended that planning permission is granted subject to conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
Human Rights Act:
The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.
Consideration has been specifically given to Article 8 (right to a home) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010
In assessing this proposal a positive impact has been identified upon those people with the following protected characteristics: race.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:1:1250 location map & 1:500 site plan. Thereafter, the mobile home shall be permanently retained in this position and should not be moved without the grant of further planning permission of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

2 The buildings marked "Day room/wc" and "Barn what is already here" on the approved plan shall be used solely for purposes incidental to the residential occupation of mobile home and shall not be used as a separate unit of accommodation.
Reason: To accord with policy GEN7 Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

3 No more than one residential mobile home, including therein any vehicle designed or adapted to residential use, shall be stationed on the land at any one time,together with one touring caravan which shall not be used for independant residential occupation.
Reason: In the interest of the amenities of the area and in accordance with policy GEN7 of the Arun District Local Plan.

4 This permission does not authorise the use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in paragraph 15 of Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites.
Reason: To ensure the adequate provision of Gypsy and Traveller sites in the District in accordance with Planning Policy for Traveller's sites.

5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6 INFORMATIVE: The applicant is advised that the proposed use of the site will require a Caravan Site Licence. Please contact the Council's Envronmental Health Department for further information.