

Item 4c **13/00033/FUL**

Case Officer **Matthew Banks**

Ward **Heath Charnock And Rivington**

Proposal **Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding.**

Location **Middle Derbyshire Farm Rivington Lane Rivington BoltonBL6 7RX**

Applicant **Mr David Dalton**

Consultation expiry: **19 February 2013**

Application expiry: **22 March 2013**

Proposal

1. Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding.

Recommendation

2. This application is inextricably linked to the application 13/00741/FUL which seeks permission for the "*Erection of a detached dwelling incorporating basement living space*".
3. If Members resolve to grant approval for the application 13/00741/FUL, then it is considered reasonable to grant consent for the proposed development for a period of 18 months.
4. However, if Members resolve to refuse the application 13/00741/FUL, then it is considered the current application should also be refused as it would be inappropriate development within the Green Belt and the circumstances presented in support of the application are not considered to outweigh the harm to the Green Belt.

Main Issues

5. The main issues for consideration in respect of this planning application are:
Background information

Planning Policy

- Link to planning application 13/00741/FUL;
- Refusal of 13/00741/FUL;

Other considerations

- Design and impact on the streetscene;
- Impact on neighbour amenity;
- Impact on highways/access;
- Impact on ecology.

Representations

6. 1 letter of objection has been received raising the following concerns:
 - In other cases, caravans in Rivington have remained on site with associated materials for many years. It therefore would be useful to ensure the caravan and associated 'metal boxes etc.' are removed from site after a time period by planning condition.
7. 1 letter of support has been received raising the following concerns:

- The applicant acquired Middle Derbyshire's Farm in October 2012 and was alarmed at the condition of building;
- Surveys were carried out by an appropriately qualified structural engineer who advised the controlled demolition of the farmhouse and associated buildings due to their structural stability and health and safety risks;
- Demolition of the building took place on the 15th October 2012;
- An application for a replacement dwelling will be submitted in the next five days;
- The rationale for the temporary mobile home relates to the fact that the applicant purchased the property in good faith as a dwellinghouse, however, had to demolish it based on real health and safety concerns;
- The mobile home is required as a temporary measure;
- Steven Abbott Associates LLP have been directly involved in a number of cases of this type where planning permission is sought for a replacement dwelling in the Green Belt, but in circumstances where the original dwelling/building has had to be removed or demolished;
- The legal position around such cases is often complex and uncertain. Issues around abandonment and loss of long established use rights can arise in such cases;
- The structural issues only became apparent once the applicant could assess the actual condition of the buildings after the previous owner/occupier vacated the property in October 2012;
- The recent occupation is also relevant in considering abandonment issues;
- Following the decision to undertake the controlled demolition in mid-October 2012, the applicant sought immediate engagement with officers of the LPA to discuss how proposals for rebuilding the property could be achieved which took place on the 30 November 2012;
- Decision makers have the ability to take a pragmatic and sensible approach to such cases based on site specific circumstances;
- Strong arguments can be advanced under Article 8 of the European Convention on Human Rights where refusal of permission for rebuilding or replacement may have impacts on the right to family life and home;
- The full planning application will be supported by information about various cases where similar issues have arisen;
- The applicant's requirement for basic living accommodation on site during the planning and construction phases should be noted;
- Steven Abbott Associates LLP are aware of numerous examples where a temporary consent has been issued for a mobile home on a site where development of a permanent house is to take place;
- There are matters of timing involved with this case, but that should not affect the matters to be taken into account.

Consultations

8. **The Coal Authority** – standing advice
9. **Lancashire County Council Ecology Service** – As the applicant has not provided any details of what would be destroyed by the creation of hardstanding and siting of a caravan, LCC Ecology are unable to comment on the biodiversity implications of the development.
10. **Parish Council** – none received

Assessment

Background information

11. The application is one of two under consideration by the Council:
 - 13/00033/FUL: Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding.
 - 13/00741/FUL: Erection of detached dwelling incorporating under-croft garaging.
12. The current retrospective application is for the temporary siting of a static caravan and laying of hardstanding. Both the static caravan and hardstanding had been moved to the site so the applicant could live there whilst consideration was given to securing permission for a new

dwelling. This was as a result of the contract concerning their temporary rented accommodation coming to a close.

13. This application was submitted on the 14th January 2013 and was originally recommended for refusal at the committee meeting on the 5th March 2013. However, this application was subsequently withdrawn from the committee agenda as the application 13/00179/FUL (for a dwellinghouse) was submitted in late February. It was the view of officers and Members of the planning committee that the most sensible way forward was to consider both applications together and return them to committee at a later date.
14. Both applications were returned to planning committee on the 6th August and Members refused the application 13/00179/FUL. However, Officers were informed that the applicant was looking to amend the scheme to address the concerns raised in the officer report and discussions at planning committee. This resulted in an amended scheme (ref: 13/00741/FUL) submitted to the Council on the 9th August 2013.
15. As such, this application is now being considered alongside the application for the erection of a detached dwelling incorporating under-croft garaging (ref: 13/00741/FUL).

Planning Policy

16. The application site is within the Green Belt and so the relevant guidance within the National Planning Policy Framework (The Framework) and Policy DC1 of the Adopted Chorley Borough Local Plan Review applies. These policies prescribe certain types of development which can be considered appropriate within the Green Belt. Where development does not fall within the appropriate types of development, The Framework states that it must be inappropriate development by definition. The Framework goes further to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
17. The Framework also states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
18. This application seeks retrospective planning permission for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding, the former of which does not fall within one of the appropriate types of development as listed in The Framework or local plan policy DC1.
19. The development is therefore inappropriate development by definition and the test is whether any very special circumstances have been presented by the applicant to clearly outweigh the harm to the Green Belt.

Link to planning application 13/00741/FUL

20. The applicant's supporting statement indicates that the caravan is required during pre-planning stage and during the construction of a new dwelling in place of the property which was recently demolished. In addition, it is also noted that the applicant's personal circumstances have progressed and they are now looking to move to the site as their contract on a rented property has recently come to a close. The applicant states that it is uneconomic to rent a house and pay for a mortgage. However, whilst this situation is unfortunate, it is not considered to amount to very special circumstances sufficient to clearly outweigh the harm to the Green Belt.
21. It has been noted that a supporting statement has been submitted by Steven Abbott Associates LLP which attempts to justify the development. However, it is considered that the majority of the supporting statement relates to justification concerning the new dwellinghouse and not the application for the caravan. The remainder of the statement, in essence, states that due to unfortunate circumstances, the applicant has no place to live. However, this is not considered to amount to a case for very special circumstances sufficient to clearly outweigh the harm to the Green Belt in this case.

22. If Members are minded to approve the application 13/00741/FUL for the erection of a detached dwelling incorporating under-croft garaging, Officer's consider it reasonable to permit temporary living accommodation (18 months from the date of permission) in the form of a static caravan, whilst the new dwelling is being constructed.
23. Should this scenario arise, it should be noted that the caravan has been applied for on a temporary basis of 18 months (which would be restricted by planning condition) and so any harm to the Green Belt would not be prolonged. The proposal would therefore be justifiable in accordance with the guidance in The Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.
24. In addition to the above, it is also relevant to consider the impact of the development in relation to the openness of the Green Belt. The Framework states that the openness of a Green Belt is one of its most important attributes and any impact on openness should be considered as part of a planning application.
25. The caravan is sited to the western portion of the site, within close proximity to Rivington Lane. Late in 2012 the site was cleared of the former dwelling, adjoining barn, many of the associated outbuildings and some of the trees and foliage surrounding the site. This has made the site more visible from the streetscene, particularly when viewed from the north and south from Rivington Lane. However, the application site is at a higher land level than Rivington Lane (approximately 1m higher) and is shielded to the west (immediately fronting Rivington Lane) by a tree line including low level shrubbery. This in part, shields the development from the streetscene.
26. The caravan itself is standard in size, is not excessive in height and so does not appear overly visible or prominent, thereby lessening the visual impact on the Green Belt. Furthermore, the caravan could be moved from site with assistance from the relevant machinery which lends itself to a temporary permission.
27. The associated hardstanding has been laid immediately surrounding the caravan, however in terms of visual impact on the Green Belt and given the untidy character of the site (following demolition of the former house and barn), it is not considered this element of the proposal would impact visually on the openness of the Green Belt to such a degree to warrant refusal of the application on these grounds. Furthermore, it should be noted that The Framework states that engineering operations are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
28. As such, it is not considered a refusal of the application could be sustained in respect of the openness of the Green Belt and furthermore, it should be noted that any harm caused to openness would be for a temporary 18 month period in which the development would be removed from site.
29. The development would therefore be in accordance with The Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

Refusal of 13/00741/FUL

30. If Members are minded to refuse the application 13/00741/FUL for the erection of a detached dwelling incorporating under-croft garaging and in the absence of very special circumstances, it is considered the application for the temporary siting of a static caravan and hardstanding should also be refused as it would not be justifiable in this Green Belt location.
31. The development would therefore be inappropriate development within the Green Belt and the circumstances presented in support of the application would not outweigh the harm to the Green Belt.
32. The proposal would therefore be contrary to the guidance in The Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

33. The assessment of the development in relation to the openness of the Green Belt is considered to be the same as that under the above heading, whereby it is not considered a refusal of the application could be sustained in respect of the openness of the Green Belt.

Other considerations

Design and impact on the streetscene

34. At a national level The Framework states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
35. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
36. Policy 17 of the Central Lancashire Core Strategy states that the design of new buildings will be expected to take account of the character and appearance of the local area, including (amongst other things) the siting, layout, massing, scale, design, materials and landscaping. Development should also safeguard and enhance the built environment.
37. Policy GN5 of the Adopted Chorley Borough Local Plan Review states that the design of proposed developments will be expected to be well related to their surroundings. Applicants are expected to demonstrate that they have followed a methodology which sets out the design principles adopted, and have carried out a full survey of the site and its surroundings. Applicants should propose a design which is specific to the site including (amongst other things) the height, bulk and roof shape; external facing materials; layout and levels.
38. The applicant states the caravan would be sited on the land for a temporary period during pre-planning discussions or upon first occupation of a newly constructed dwelling. The caravan has already been sited on the land and is substantial in size.
39. In terms of impact on the streetscene, it has been established that some of the site has been cleared of natural screening which is predominately to the north, east and southern site boundaries. However, the site remains somewhat screened from Rivington Lane which comprises the main streetscene view of the site.
40. The site itself is set at a higher level than the road and being partially screened, meaning the caravan does not appear overly visible or prominent from within the streetscene. The caravan has a standard appearance and so is not excessive in height. Furthermore, the development has only applied for on a temporary basis and so would not have a prolonged impact on the character area. As such, it is not considered a refusal of the application could be sustained in respect of the impact on the streetscene.

Impact on the neighbour amenity

41. At a national level, The Framework states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
42. Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Central Lancashire Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.

43. The application site sits removed from nearby residential properties, with the closest residential properties being Pall Mall Cottages to the north and Rivington Park Independent School to the south. However, both these properties are over 100m from the application site and so are not materially affected by the development.
44. A single neighbour letter has been received in relation to this application, however, the concerns raised relate to the principle of the development rather than specific neighbour amenity issues.
45. As such, it is not considered the proposed development would result in any significant detrimental harm to the amenity of neighbouring residents to warrant refusal of the application on these grounds.

Impact on highways/access

46. The application site once comprised a dwelling, adjoining barn and associated outbuildings which were served from Rivington Lane via an existing vehicular access. The access itself has been unchanged as a result of the development and would solely serve the caravan on site.
47. Given the access recently served a dwelling, it is not considered the proposal would result in any greater demand for access improvements. In terms of off-road parking, the development incorporates an area of hardstanding immediately surrounding the caravan which provides adequate space to park and manoeuvre a number of vehicles.
48. As such, the development is therefore considered to be in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Impact on Ecology

49. Policy EP4 of the Adopted Chorley Borough Local Plan Review states that planning permission should not be granted for development which would have an adverse effect on protected species. As such, as part of the application Lancashire County Council (LCC) Ecology have been consulted to provide specialist advice concerning the potential impact on protected species, specifically concerning bats, amphibians and nesting birds.
50. Policy EP2 of the Adopted Chorley Borough Local Plan Review states that development likely to have an adverse effect on a Biological Heritage Site will not be permitted unless the reasons for the development are sufficient to override the nature conservation considerations.
51. The application site was previously occupied by a dwelling, adjoining barn and outbuildings. The site has now been cleared and vegetation removed to leave a relatively level site. The site is surrounded by Lever Park Biological Heritage Site (BHS) to all boundaries which provides a habitat predominately for birds.
52. The caravan and hardstanding are sited to the west of the site, within close proximity to Rivington Lane. Therefore, in terms of the impact on protected species, it is considered that given the extensive site clearance works recently undertaken, there is only a very limited likelihood that the development would result in any significant harm to protected species.
53. In terms of the impact on the BHS, it should be noted that the application site recently formed the domestic curtilage of Middle Derbyshire Farm, having more of a formal character rather than that of the open fields surrounding the site. It is therefore not considered the development would result in any significant detrimental harm to the BHS being sited firmly within the site and will not directly affect habitats of known ecological importance.
54. On balance of the above, the development is therefore considered to be in accordance with Policies EP2 and EP4 of the Adopted Chorley Borough Local Plan Review 2003.

Overall Conclusion

55. This application is inextricably linked to the application 13/00741/FUL which seeks permission for the "*Erection of detached dwelling incorporating under-croft garaging*".
56. If Members resolve to grant approval for the application 13/00741/FUL, then it is considered reasonable to grant consent for the proposed development for a period of 18 months.
57. However, if Members resolve to refuse the application 13/00741/FUL, then it is considered the current application should also be refused as it would be inappropriate development within the Green Belt and the circumstances presented in support of the application are not considered to outweigh the harm to the Green Belt.

Planning Policies

National Planning Policy Framework

Central Lancashire Core Strategy

Policy 17

Adopted Chorley Borough Local Plan Review

Policies DC1, GN5, TR4, EP2 and EP4

Planning History

The site history of the property is as follows:

Ref: 1976	76/00429/FUL	Decision: PERFPP	Decision Date: 15 June
Description:	Alterations to provide warden's accommodation and office		
Ref: 1979	78/01238/FUL	Decision: PERFPP	Decision Date: 30 April
Description:	Temporary works depot for use by M.S.C. STEP, comprising sheds, caravans and toilet accommodation		
Ref: 1980	80/00597/FUL	Decision: PD	Decision Date: 3 June
Description:	Change of Use: Storage building to outside toilet		
Ref: 1988	87/00866/FUL	Decision: REFFPP	Decision Date: 12 April
Description:	Alterations and extensions to enable change of use to country hotel and restaurant with associated car parking		
Ref:	12/00834/FUL	Decision: PCO	Decision Date:
Description:	Extensions and alterations to existing residential property and demolition and re-build of adjoining barn to include: first and second floor accommodation in place of existing barn structure, the re-modelling of existing barn door to front and the erection of first floor balcony to rear; to raise the ridge height of the application property; the erection of a first floor extension above an existing single storey side extension; the erection of a two storey rear/side extension; the installation of windows, doors, bi-folding doors and roof lights to elevations and; to demolish and re-build 1no. outbuilding to create a detached double garage (see submitted plans for more detail).		
Ref: 2013	13/00179/FUL	Decision: REFFPP	Decision Date: 13 August
Description:	Erection of a detached dwelling incorporating basement living space.		

Recommendation: Permit Full Planning Permission Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Indexed	Drawing reference:	Drawing title
15/01/2013	CV01	Existing, Proposed & Location Site plans
25/01/2013	-	Proposed Caravan Detail

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2. Within 18 months from the date of this permission, the caravan as detailed on the approved plan (Indexed: 15th January 2013; Drawing title: Existing, Proposed & Location Site plans) shall be removed in entirety from the site.**

Reason: To define the permission and to protect the open and rural character of the Green Belt in accordance with the National Planning Policy Framework.