

**Item B. 6**                      **07/00453/COU**                      **Refuse Full Planning Permission**

**Case Officer**                      **Mr David Stirzaker**

**Ward**                                      **Euxton North**

**Proposal**                              **Retrospective application for the change of use of residential curtilage and a further parcel of land to enable the storage of 25 additional caravans**

**Location**                              **Park View Runshaw Lane Euxton Chorley PR7 6HD**

**Applicant**                              **Mr & Mrs S Mawdesley**

**Proposal**                              This application relates to land to the rear of the property known as Park View, which is located on Runshaw Lane, Euxton in the Green Belt.

The application relates to the continued use of the land, which comprises of part residential curtilage and a further parcel of land abutting the northern boundary of this for caravan storage. The application increases the number of caravans from the presently lawful 10 that can be stored within the residential curtilage up to 35 caravans comprising of an additional 20 within the residential curtilage and a further 5 on the adjoining land. The positions of the caravans are shown on the attached plan although it should be noted that both parcels of land are already being used to store caravans hence the requirements of the Enforcement Notice are being breached.

**Background**                              Members will recall authorising the issue of an Enforcement Notice when the unauthorised storage of caravans on the land in question was reported to Development Control Committee in March 2004 following an earlier enforcement investigation. An appeal against this Enforcement Notice was subsequently dismissed in November 2004 although in his decision, whilst upholding the Enforcement Notice, the Inspector varied its terms by allowing the storage of up to ten caravans together with any caravan used solely for a purpose incidental to the enjoyment of Park View as a dwelling house on the southern half of the appeal site (the residential curtilage/garden). This was because the Inspector considered that the appellant had demonstrated a lawful use for the storage of ten caravans on this particular part of the site.

**Planning History**                              Apart from the aforementioned upholding of the Enforcement Notice at appeal, albeit encompassing a variation of its terms, a planning application for the change of use of land from residential to private leisure and caravan park (the applicant's intention being to operate a low key recreational facility for users of caravans parked on the site) was refused in 2004 (9/04/00279/COU). A subsequent appeal against this decision was withdrawn by the applicant.

Members will also recall that in 2005 a further planning application (05/00198/COU), for the change of use of the applicant's residential curtilage to caravan storage only was submitted

following the Inspectors decision on the Enforcement Notice appeal. This application proposed the storage of 30 caravans in addition to the 10 allowed following the Inspectors decision. This application was reported to Development Control Committee on the 5<sup>th</sup> April 2005 and refused planning permission. Following this, an appeal was made and heard at a Hearing. The Inspector dismissed this appeal as he concluded that the storage of caravans was inappropriate development in the Green Belt. The Inspector also concluded that the proposed highway improvement works could not be the subject of a Grampian condition because the use of the land had already commenced.

Three planning applications for the erection of a dwelling were submitted in the late 1950s and early 1960s and refused although they have no relevance to this application.

### **Applicant's Case**

Further to the refused 2005 application (05/00198/COU) and subsequent dismissed appeal, by virtue of the application now to hand, the applicant proposes storage of 5 caravans on the further portion of land to the north of the residential curtilage as well as 20 within the residential curtilage although this use is already taking place. The applicant asserts the following in support of this new application: -

- The total number of caravans to be stored on the site has been reduced from 40 to 35.
- Whilst no caravan storage is proposed on that part of the residential curtilage to the west of the existing track (so as to safeguard the residential amenity of neighbouring properties – Mayfair and Roselea).
- At the same time the density of storage has been reduced by the inclusion of a small area of storage on the parcel of land to the north of the Leylandii trees, which denote the garden boundary.
- Significant landscaping is proposed to mitigate any impact on visual amenity.
- To facilitate highway junction improvements, the existing roadside hedges will be lifted and replanted on a new line. The applicant states that the land required for the highway improvements is the subject of a Deed of Option.
- The applicant has also submitted a business plan, which contains several letters of support.

The applicant accepts that the development is by definition “inappropriate development”, thus requiring the existence of very special circumstances for a grant of planning permission to be granted. The applicant also asserts that the Inspector when dealing with the 2005 application failed to take proper account of the evidence which was presented to him at that time, regarding the location and occupancy/vacancy rates of caravan storage facilities in the area. The applicant now asserts that the situation has since deteriorated further with the recent announcement of the imminent closure of the storage site at Tracey's Garage, Clayton-Le-Woods, from which it is understood as many as 28 caravan owners are to be displaced hence the case for the caravan storage is all the more compelling.

A letter of support from Lancashire Rural Futures has also been submitted with the application.

<b>Planning Policy</b>	Policy DC1	-	Green Belts
	Policy GN5	-	Building Design/Landscaping
	Policy TR4	-	Highway Development Control Criteria
	PPG2	-	Green Belts

**Consultations** The Planning Policy Section advises that the caravan storage is contrary to Policy DC1 and recommend refusal.

The CPRE comments that the main concern with the application is the visual impact of the caravan storage.

Euxton Parish Council does not make any comments on the application.

No comments have been received from LCC (Highways). Any received will be reported in the addendum.

**Representations** A total of 32 letters of support have been received as well as petitions containing the signatures of 161 people expressing their support for the application. The letters include expressions of support from Stewart Longton Caravans, Barrons Caravans and CaSSOA (Caravan Storage Site Owners Association). The contents of these expressions of support can be summarised as follows: -

- The caravan industry is growing and requires resources to support it.
- There is a move within the insurance industry for caravans when not in use to be stored on secure CaSSOA sites.
- Most sites in the area are operating to capacity.
- Storage on secure sites reduces crime.
- The access from Runshaw Lane is acceptable and does not need upgrading.
- If caravans cannot be stored at Park View, many owners will have to consider selling their caravans and not therefore enjoy holidays in this country.
- Caravans may be forced to be parked on driveways, which may contravene covenants and result in increased levels of crime and vehicles parked on roads increasing danger to highway safety.
- There are very special circumstances and the caravan storage is not detrimental to the Green Belt.
- The site is off the main road and screened from view by mature trees.
- The site is pleasant to visit to prepare caravans for holidays.
- Other storage sites are not within easy travelling distance for many caravan owners.
- The recent closure of the Tracy's Garage site in Leyland has resulted in caravan owners having to find new sites with caravans being stored on driveways in the interim, which causes problems with neighbours.
- If caravans are stored on driveways, when holidays are taken, the fact that the caravan is away advises potential burglars that a property is empty.

A total of 15 letters of objection have been received. One of these letters was forwarded to the Council from Lindsay Hoyle MP. The contents of the expressions of objection can be summarised as follows: -

- The area is designated Green Belt and caravan storage is commercial development contrary to Green Belt Policy.
- The applicants "special circumstances" do not justify the granting planning permission for the development.
- The caravan storage cause harm to residential amenity by virtue of overlooking and loss of outlook.
- The site is clearly visible from neighbouring properties, farmland and the public footpath through Bournes Farm.
- The use would cause harm to highway safety.
- Proposed screen planting will take many years to become established.
- It is unlikely that the translocation of the existing hedge will be successful.
- Caravan storage has no place in the Green Belt considering the availability of existing specialist storage sites in the Green Belt.
- A dangerous precedent will be set if planning permission is granted retrospectively.
- The white and pale coloured caravans are of materials that can be seen from all directions and are an inappropriate and unacceptable feature in the landscape.
- The movement and parking of caravans creates noise as does the use of the site as a picnic ground and meeting place for caravan owners which introduces a leisure use behind the existing houses.
- The stored caravans present a fire hazard.
- There are serious concerns about the sanitary provision and how waste and effluent is disposed of.
- The fundamental principles remain unchanged from the previous applications and appeals.
- The caravan storage impacts on the social and emotional welfare and privacy of the residents living in adjacent properties.

## **Assessment**

The main issues to be considered are whether or not the development is inappropriate in the Green Belt and if so whether very special circumstances exist which outweigh the presumption against such development, the effect on highway safety and whether the amenities of local residents are adversely affected.

The storage of caravans is not expressly in any of the categories of appropriate development in the Green Belt given in Policy DC1 or in PPG2. Paragraph 3.5 of PPG2 advises that essential facilities should be genuinely required for uses of land, which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In paragraph 3.8(b) of PPG2, extensive external storage is exemplified as a feature conflicting with the openness of the Green Belt hence it is clear that caravan storage does not fall within any category of appropriate development referred to in either national or local Planning Policies.

Only appropriate uses of land, which do not harm the character, appearance, and openness of the Green Belt will therefore be permitted in such areas. The storage of caravans on the land is a prominent feature in this rural area, even more so than the concentration of 30 additional caravans within the applicant's residential curtilage proposed by the 2005 application, as the caravans would be spread over a larger area of the site.

It is therefore considered that the open storage of caravans in the Green Belt is inappropriate development and it is worth noting that the applicant does not dispute this particular point.

With regard to the applicant's argument that very special circumstances exist which would justify the granting of planning permission in the Green Belt for caravan storage, this is not considered to be the case. The applicant also asserts that the Inspector did not fully consider the merits of the case and whilst it was thereafter open for the Inspector's decision to be challenged, this never occurred. Nonetheless, the applicant's points, which have been summarised above, add little to those forwarded in support of the application at the appeal hearing other than the fact that the Tracy's Garage site will be closing resulting in the loss of storage space for 28 caravans and support for the caravan storage is expressed by Lancashire Rural Futures and CaSSOA.

The volume of representations made in support of the application express concerns at the loss of the site and many of these letters come from the owners of caravans stored here. It is not disputed that there are limited facilities for caravan storage but this is certainly not an argument of sufficient weight to override the presumption against caravan storage in the Green Belt nor is the displacement of caravans from the site.

In light of the Inspector's decision on the previous application, it is still considered to be the case that the special circumstances forwarded in support of the application by the applicant still do not justify granting planning permission for a land use which is at odds with the objectives and guidance contained in PPG2 and Policy DC1.

It is considered that the storage of 35 caravans spread out over the site would undoubtedly increase the massing and visual impact of the caravan storage thus lessening the openness of the Green Belt, which paragraph 1.4 of PPG2 advises is its most important attribute. The presence of the caravans in the landscape will increase significantly during the autumn and winter months due to tree leaf fall. Aside from this, the concept of "openness" in Green Belt terms can be considered to mean freedom from development, which is only in part concerned with the degree of visibility.

Although 10 caravans can be stored lawfully these numbers mean that their impact is very limited. It is not considered that the storage of a total of 35 caravans spread over all of the site would have a lesser impact on the Green Belt than 10 caravans stored only within the residential curtilage. In addition the storage of a larger number of caravans would lead to a greater number of vehicular movements, which would be detrimental to highway safety.

It is not considered that a landscaping scheme could adequately mitigate these harmful effects. The fact that a site is well screened, or out of sight, does not overcome the fact that the development is by definition inappropriate and it certainly would not outweigh the harm that is caused to the Green Belt by virtue of inappropriateness.

Notwithstanding the above, Members should be aware that to approve such a land use in the Green Belt which is contrary to PPG2 would put the Council in a weak position if similar proposals were to come forward as a dangerous precedent would have been set wherein the Council would find it incredibly difficult to refuse other caravan storage sites in the Green Belt. Such a situation could potentially have a devastating effect on the areas of Green Belt within the Borough by facilitating a gradual erosion of the attractive open rural areas that characterise Chorley. It is not therefore considered that there are any very special circumstances that would warrant approval of the proposal in contravention of normal Green Belt Policy.

Access to the site is restricted in terms of width and visibility and slow moving vehicles such as caravans increase the risk to highway safety. The applicant has a Deed of Option on the land adjacent to the access, which would enable the provision of junction improvements if permission were to be granted. These junction improvement works were seen as mitigating highway safety concerns at the previous appeal hearing and in normal circumstances, if it was considered to be reasonably likely that the applicant could undertake the works by securing the land, the imposition of a Grampian style condition could be used. In essence, this would require the works to the junction to be carried out in accordance with the plans before the development for which permission was granted is implemented. This means that if the applicant is not able to undertake the said works for example by not being able to secure the land necessary, the development could not commence and the permission would eventually expire without any harm being caused. However, in his decision, the Inspector noted that the appeal related to the continuation of a use already taking place hence in those circumstances, a Grampian style condition would be unenforceable and inappropriate as without securing the junction improvements, its increased use would increase the danger to road users.

As the use of land is already taking place, the circumstances remain the same hence as per the appeal against the 2005 refusal, the imposition of a Grampian style condition, as suggested by the applicant is therefore unenforceable and moreover inappropriate. Notwithstanding this, because of its nature and maturity, the successful relocation of the existing hedge along sections of Tithe Barn Lane and Runshaw Lane that is necessary to secure appropriately improved junction radii and visibility splays cannot be guaranteed. A newly planted hedge would take time to mature hence the potential loss of the existing attractive hedge would add to the harm to the visual amenities of the locality.

Turning to residential amenity, it is not considered that the caravan storage causes undue harm to the amenities of nearby residents in terms of disturbance arising from coming and goings

to the site and harm to outlook. The Inspector concurred with this view in his decision on the 2005 application.

**Conclusion** On the basis of the above, it is considered that the caravan storage is inappropriate development in the Green Belt and that there are no “very special circumstances” to justify granting planning permission whilst the use also results in detrimental harm to highway safety. It is therefore recommended that planning permission be refused.

**Recommendation: Refuse Full Planning Permission**

**Reasons**

1. The site is located within the Green Belt wherein caravan storage is not expressly in any of the categories of appropriate development allowable in such areas given in Policy DC1 of the Chorley Borough Local Plan Review, Policy 6 of the Joint Lancashire Structure Plan and PPG2. Caravan storage is therefore by definition inappropriate development and as such, very special circumstances must exist in order to justify planning permission being granted. In this case, the very special circumstances advanced in support of the application are not considered to be of sufficient weight to justify planning permission being granted.

2. The caravan storage results in detrimental harm to the open rural character and appearance of the Green Belt and is therefore prejudicial to the purposes land being included within the Green Belt, contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review, Policy 6 of the Joint Lancashire Structure Plan and PPG2.

3. The imposition of a Grampian style condition to secure the proposed highway junction improvement works would be unenforceable and therefore inappropriate as the use to which this application relates is already taking place. Given the vehicular access to the site is as existing substandard in terms of width and visibility, the increased vehicular movements are likely to increase the risk of accidents to the detriment of highway safety, contrary to Policy TR4 of the Adopted Chorley Borough Local Plan Review if the said works were not carried out.

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