

<b>Item</b>	<b>09/00177/COU Refuse Full Planning Permission</b>
<b>Case Officer</b>	<b>Mr David Stirzaker</b>
<b>Ward</b>	<b>Euxton North</b>
<b>Proposal</b>	<b>Retrospective application for the change of use of land used as residential curtilage and an additional area of agricultural land to a mixed use of the land for residential curtilage, agricultural land and the storage of 20 touring caravans</b>
<b>Location</b>	<b>Park View Runshaw Lane Euxton ChorleyPR7 6HD</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Mawdesley</b>
<b>Proposal</b>	<p>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. Park View is a traditional brick and slate detached property with a large residential curtilage.</p> <p>The application relates to the continued use of the land, which comprises of part residential curtilage and a further parcel of agricultural land abutting the northern boundary of this land for caravan storage. The application proposes to increase the number of caravans from the presently lawful 10 plus the applicants own caravan that can be stored within the residential curtilage of the property up to 30 caravans comprising of an additional 5 within the residential curtilage and a further 15 on the adjoining agricultural land.</p> <p>The positions of the caravans are shown on the submitted site plan and additional landscaping is also proposed. It should be noted that both parcels of land are still being used to store caravans over and above the 10 allowed hence the requirements of an Enforcement Notice issued in 2004 are being breached.</p>
<b>Background</b>	<p>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 back 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 area). This was because the Inspector considered that the appellant had suitably demonstrated a lawful use for the storage of ten caravans on this particular part of the site.</p> <p>In 2007, Members will recall that a further planning application (Ref No. 07/00453/COU) was refused planning permission when it was reported to Development Control Committee on</p>

17<sup>th</sup> July 2007. The applicant did not choose to appeal against this decision to the Planning Inspectorate.

It should also be noted that because the 2004 Enforcement Notice has still not been complied with, legal proceedings for non-compliance have now been commenced by the Council.

## **Planning History**

As stated above, in 2007 (Ref no. 07/00453/COU), planning permission was sought for the use of the land for the storage of 35 caravans. This comprised of 20 caravans on the residential curtilage and 5 on the agricultural land adjoining. This application was refused planning permission by Members when it was reported to Development Control Committee on 17<sup>th</sup> July 2007 and as stated, an appeal against this decision was never lodged by the applicant with the Planning Inspectorate.

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 for which there were not 'very special circumstances' to justify it. 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.

Members may also recall that an advisory report by the Head of Planning Services was presented to Development Control Committee on 30<sup>th</sup> August 2005, which advised Members of existing national, regional and local planning policy with regard to caravan uses in the Green Belt and included a specific section on caravan storage.

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

## **Applicant's Case**

Further to the refused 2007 application (07/00453/COU), by virtue of the application now to hand, the applicant proposes the storage of 15 caravans on the further portion of agricultural land to the north of the residential curtilage as well as 5 within the residential curtilage although it should be noted that this use is, and has been taking place for many years. The applicant's case

is set out in a supporting statement from the Caravan Storage Site Owners Association (CaSSOA).

This statement sets out the background/history of the site and states that the proposals could generate a gross income of £7950 based on an annual rental of £295 although this would be subject to deductions for business rates and other running costs. It is also stated that there is a move within the insurance industry for all caravans to be stored, when not in use on secure sites.

The section covering the applicants 'very special circumstances' can be summarised as follows: -

- Caravan storage has taken place on this site for 22 years without any traffic incidents.
- The land to be developed is within the residential curtilage of the property.
- The site will be configured to minimise the visibility of the caravans to public view.
- Within a 400m radius of the site, there are other developments that do not fall within the scope of PPG2
- A sand quarry is due to open nearby that will violate the openness of the Green Belt although the applicant accepts that quarrying can only take place where the raw material is located.
- The Land Design statement rebuts the argument that the development will be a major visible intrusion
- A site audit of 66 caravans previously stored at Park View shows that 42 were from Chorley, 20 from Leyland and 4 from the surrounding area. Of these 66, 17 are still on site (this figure includes the 10 that can lawfully be stored), 22 have been sold, 13 have been moved to other storage sites out of the area and 9 are now being stored on private driveways.
- In caravan storage terms, this is a small scale facility but it would still provide a facility for the caravanning public of Chorley and would go some way to replace a lost facility.
- Caravans stored on secure sites are safer, at less risk from crime and are less of a nuisance to the public. Chorley Borough has a statistically high incidence of caravan thefts from insecure sites. In 2007, 109 caravans were stolen in Lancashire, 22 of which were stolen in the Chorley Borough. This equates to 20% of all thefts in Lancashire taking place from within the Chorley Borough, which is a comparatively rural area. It is vital that the Local Planning Authority plays its part recognising the application has crime prevention as an essential feature.

The application is also accompanied by a statement by Land Design, seeking to provide justification for the development from a landscape impact perspective. This statement sets out proposals to mitigate the visual impact of the caravan storage and is accompanied by various photos of the site, which seek to demonstrate that the caravans can be accommodated on the site subject to mitigation measures.

As with the previous 2007 application, a letter of support from Lancashire Rural Futures has also been submitted. This letter briefly sets out the history to the site and also states that the site provides a vital service for the residents of Chorley. It also states that the closure of the site would require the applicant to seek employment elsewhere or start claiming benefits. The letter also states that the closure of the site would have a knock on effect on the wider tourism sector and result in Chorley residents having to move their caravans to other areas if alternative storage can be found. The letter also states that in the present economic climate, this important economic sector should not be put under further pressure.

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

**Consultations** LCC (Highways) have objected to the application. It is stated that the site has been visited on several occasions and that the turning demeanour to Tithebarn Lane would be very difficult. It is also stated that exiting Tithebarn Lane onto Runshaw Lane with a standard car is difficult as existing without towing a caravan or trailer whilst Runshaw Lane is a 60mph road and vehicles using the road are travelling at a high speed. Visibility lines at the junction with Runshaw Lane are impaired and the required 4.5m by 120m visibility splays are not achievable. It is further stated that the area is very busy and that the highway is not equipped for extra leisure vehicles and that if permitted, the caravan storage would exacerbate the risk of accidents with other vehicles and pedestrians and there is a high risk of existing safety issues being exacerbated.

The Crime Reduction/Architectural Liaison Officer advises that planning decisions are correctly considered by the Council and are not within the remit of an Officer making comments on a particular application. The advice is also that safe and secure storage is welcomed but clearly the location of this type of storage has to be correctly managed by Planners as appropriate. Figures for the theft of caravan thefts in the Chorley area for the past 5 years are provided in the comments. In 2004 and 2005 no caravans were stolen, in 2006 one was stolen and in 2007, 26 were stolen and one reported no crime and in 2008, six were stolen. Many of the twenty six stolen were from what was considered to be secure sites and four were stolen from private homes. The Crime Reduction/Architectural Liaison Officer also states that crime reduction is not only the provision of secure sites but the attachment of wheel clamps, hitch locks, tracking devices etc to caravans and trailers also.

The Parish Council do not raise any objections but does suggest that road marking at the access should be considered to indicate to other road users to alert them to the presence of the junction.

**Representations** To date, 390 copies of the same standard letter of support (each signed individually) have been received along with a further 28 letters of support, some of which also comprise of standard letters that have been signed by the occupants of the same property. The 338 letters of support constitute a petition

and the contents of these letters can be summarised as follows:

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*Very special circumstances exist to warrant the change of use because: -*

- The site is within the curtilage of a domestic dwelling.
- Lawful use for caravan storage already existing on the majority of the site since 1986.
- Caravans are already on the site and the application is simply an increase in numbers
- If the application is unsuccessful, there will still be caravans on the site.
- For over 22 years, cars towing caravans have used the junction without any traffic incident and in 2004, 66 caravans were on the site using the junction.
- The site will be configured to minimise the visibility of the caravans.
- The site is within close proximity of the Runshaw Sand Quarry due to open shortly.
- Since the site has been under threat of closure, 22 caravans have had to be sold. This will have an effect on employment, at local caravan dealerships and on leisure and tourism nationally.
- Caravans stored in secure storage are safer and less of a nuisance to the public.
- There is an intense growing need within the Chorley area for secure caravan storage with the increase in residential development, all or most new properties having covenants preventing caravans being kept there.
- In 2007, 109 caravans were stolen in Lancashire; of this 22 were stolen from the Chorley area, representing 20% of all Lancashire's caravan thefts taking place within the Chorley area.

The contents of the further 28 letters of support, which again include some letters sent from the same household by different family members, can be summarised as follows: -

- It is a must for every caravan owner to have access to safe and secure storage
- There are very few storage sites around Chorley
- There is very little space on modern housing layouts to store caravans and they often look like an eyesore stored on drives
- The Council is short sighted in not allowing caravan storage
- If the storage is not permitted, caravans may have to be sold and foreign holidays taken instead of UK holidays
- There should be more storage in countryside areas
- I have stored my caravan at Park View for 10 years without any problems
- Leaving a caravan on a driveway would be unfair to neighbours
- The site is very well screened
- There is very little alternative storage in the area
- Caravanning is a growth industry and helps support the local economy

St John Ambulance have also written in support of the application stating that the site has been used to store a first aid caravan since 2003 and the caravan has been vandalised on the site it had been stored on previously. It is also stated that there have been no problems with vandalism when the caravan has been stored on this site nor have there been problems with the access.

To date, 4 letters of objection have been received, the contents of which can be summarised as follows: -

- The caravans are highly visible in the winter months from a significant distance away to the detriment of the Green Belt
- Some of the vehicles stored on the site are not touring caravans but a mixture of vans and commercial vehicles, some in a poor condition
- The site has already developed into a commercial enterprise without authority from the Council and in direct contravention of planning laws
- There are specific highway safety concerns regarding the access and there have been a number of road traffic accidents
- Caravans have been stored on this site without planning permission for in excess of 5 years
- The caravans parked on the lower part of the site are clearly visible from properties on Runshaw Lane
- The need for caravan storage is not a sufficient 'very special circumstance' to justify this development
- Caravans do not blend in with the character of the surroundings
- The caravans have a detrimental impact on outlook
- Caravan owners cause noise and disturbance and invade privacy
- Access to the site is inadequate and constitutes a traffic hazard
- In recent weeks, the number of caravans on the site has dramatically reduced
- If this is permitted, it would dramatically reduce the Council's ability to refuse similar projects in the locality
- If this application is permitted, it will be followed by a further amendments to increase the number of caravans on the site

## **Assessment**

The main issues for consideration are as follows: -

### **Green Belt**

As the site is in the Green Belt, wherein caravan storage is by definition inappropriate development, there must be 'very special circumstances' which outweigh the presumption against such development.

The storage of touring caravans is not expressly listed in any of the categories of appropriate development in the Green Belt given in Policy DC1 of the Chorley Borough Local Plan Review 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 and it is therefore considered that the open storage of caravans in the Green Belt is inappropriate development. It is worth noting that this fact is readily acknowledged in the CaSSOA statement.

It is considered that the storage of 30 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 plus the applicants own caravan, these numbers mean that their impact is limited and this has been established through the granting of a Certificate of Lawful Use as a result of the 2004 enforcement appeal and not a planning permission. It is not considered that the storage of a total of 30 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, a matter dealt later on in this report.

It is not considered that the landscaping proposed would adequately mitigate these harmful effects and the fact that a site is well screened, or out of sight, does not overcome the inherent Policy failings in that the development is by definition inappropriate. Landscaping would certainly not outweigh the harm that is caused to the Green Belt by virtue of inappropriateness and the concept of "openness" in Green Belt terms means freedom from development, which is only partly concerned with the degree of visibility.

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 very 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 resist 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 and are an integral feature of the Boroughs rural attractiveness.

### **Very Special Circumstances**

As the proposals constitute inappropriate development in the Green Belt, in accordance with PPG2, there must be other material considerations that amount to 'very special circumstances' sufficient to outweigh the presumption against such inappropriate development.

The applicants supporting statement accepts that the development is 'inappropriate' and asserts that there are 'very special circumstances' that override the presumption against the additional caravan storage.

The volume of representations made in support of the application express concerns at the loss of the site and it is not disputed that there are limited facilities for caravan storage in Chorley but this is 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 terms of the fact that limited storage can already take place on this site, this has little weight as it cannot be viewed as a positive factor set against the harm caused to the Green Belt by the additional storage of 20 further caravans. The limited storage allowed (10 caravans plus the applicants own) was the result of the Inspectors decision on the 2004 enforcement appeal.

It is also stated that there has been caravan storage on the site for 22 years without incident. However, this does not override the fact that the access is not up to the requisite standard and LCC (Highways) have objected to the application, a matter addressed in the next section of this report.

The applicant refers to Section 17 of the Crime and Disorder Act 1998, which requires Local Authorities to have regard to the prevention of crime and disorder. It is not disputed that caravans stored on secure sites are at less risk of theft than if they are stored on driveways. However, the Crime Reduction/Architectural Liaison Officer states that crime reduction is not only the provision of secure sites, but the attachment of wheel clamps, hitch locks, tracking devices etc to caravans and trailers also.

It is also stated that such sites should be managed through the planning process as appropriate so whilst some support can be gleaned from the comments received, they do not fully concur with the applicant's own views and make it clear that such sites should be the subject of assessment and management through the planning process.

On the above basis, the potential for crime reduction by permitting the additional storage is noted but it is not considered that this has sufficient weight to be considered a 'very special circumstance' that outweighs the harm that would be caused to the Green Belt by permitting the additional caravan storage. Moreover, if this argument were accepted on this site, then the Council would be placed in an incredibly weak position when other similar sites are proposed in the Green Belt. Essentially, a precedent would have been set and a proliferation of other sites would have a detrimental impact on the open and rural



character of the Green Belt in Chorley.

It is therefore considered that the other material considerations forwarded in support of the application, most notably those relating to crime reduction, are not of sufficient weight to constitute 'very special circumstances' that override the presumption against the additional caravan storage which is by definition 'inappropriate development contrary to PPG2.

### **Highways**

Access to the site is restricted in terms of width and visibility and slow moving vehicles such as caravans increase obviously the risk to highway safety although the applicant states that the access has served the site for 22 years without any traffic incident.

LCC (Highways) have provided specialist advice on the application based on several site visits. The recommendation is that planning permission should be refused. This is on the basis of the junction is not suitable for a car towing a caravan and the high speed of vehicles using Runshaw Lane which has a 60mph speed limit. LCC (Highways) also state that the required visibility splays of 4.5m by 120m cannot be met and that to permit the caravan storage would increase the risk of traffic accidents.

The applicant's comments regarding the 22 year period in which the access has been used without incident are noted but in light of the strong objections from LCC (Highways), the application is deemed unacceptable on highway safety grounds.

### **Residential Amenity**

Turning to residential amenity, the comments of neighbour objections are noted but 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 and the same view was concurred with by Members in 2007 when the previous application was refused.

**Conclusion** The 'very special circumstances' forwarded by the applicant are noted but are not considered to be of sufficient weight to justify granting planning permission for what is inappropriate development in the Green Belt contrary to PPG2. Notwithstanding this, the access to the site has been deemed unsuitable by LCC (Highways).

**Recommendation** On the basis of the above, it is recommended that planning permission be refused on the basis of impact on the Green Belt and Highway Safety.

## **Recommendation: Refuse Full Planning Permission**

### **Reasons**

1. 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 and PPG2.
  2. 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.
  3. 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 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.
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