

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	15 February 2017
Application Number	16/11413/FUL
Site Address	Mobile Home, Woodbarn Farm, Stanton St Quintin, Chippenham, SN14 6DJ
Proposal	Removal of existing mobile home and replace with twin static lodge as retirement accommodation (Resubmission of 16/07310/FUL)
Applicant	Messrs. R & O Bishop
Town/Parish Council	STANTON ST. QUINTIN
Electoral Division	KINGTON – Councillor Howard Greenman
Grid Ref	389174 180177
Type of Application	Full Planning
Case Officer	Catherine Jackson

Reason for the application being considered by Committee:

The application has been called to Committee by the Local Member, Councillor Howard Greenman, in order to consider whether or not *'the harm resulting from the planning application refusal and subsequent insecurity to two very elderly brothers from that refusal outweighs the strict interpretation of planning policy in this unique situation.'*

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be refused.

2. Report Summary

The main issues in the consideration of the above application are as follows:

- The principle of the proposal.
- Whether the proposed development would be in a sustainable location.
- The impact of the development on the character and appearance of the application site and surrounding landscape.
- The impact of the development on the residential amenities of neighbouring properties.
- The impact of the development on highway safety.

At the time of recommendation, no comments have been received from Stanton St. Quinton Parish Council with regard to the application. No comments have been received from members of the public as a result of the direct neighbour notification letters or site notice.

3. Site Description

The site to which this application relates is a parcel of land located to the west of the Small Village of Stanton St. Quintin, within the open countryside. The site includes various outbuildings used for commercial purposes. A woodland is located to the east and south of the site and open agricultural land is located to the west.

4. Planning History

N/92/00785/EUC	Established Use Certificate – Agriculture and Land Drainage and Earth Moving Contractors Depot	Granted July 1992
14/08250/CLE	Certificate of Lawfulness for Use of Structure as Dwelling	Refused October 2014
15/00242/ENF	Unauthorised stationing of a caravan on the land for residential purposes	Case Open - Proceedings Ongoing
16/07310/FUL	Removal of existing mobile home and replace with twin unit Static Lodge	Refused October 2016

A review of the planning history of the site indicates that the existing mobile home on the site does not benefit from planning permission. It appears that the mobile home was stationed on the site in June 2010 and has been occupied ever since.

The lawfulness of the structure as a dwelling has been tested through the submission of the CLE application in 2014. This was refused as it was determined that the mobile home had not been in situ and occupied for a period of at least 10 years at the time of the application.

5. The Proposal

This application seeks permission for the replacement of an existing unauthorised mobile home with a twin unit static lodge, to be used as retirement accommodation.

The proposed static lodge would consist of two bedrooms (one with en-suite), an open plan kitchen/dining/living area, a bathroom and a study. The accommodation would be of tin construction with UPVC windows and doors.

Access to the static lodge would be gained via the existing access point to the north east of the location of the proposal.

The existing unauthorised mobile home on site would be removed.

6. Planning Policy

National Planning Policy Framework (NPPF):
Paragraphs 14, 17 and 55; Sections 6 and 7

Planning Practice Guidance:
Determining a Planning Application
Rural Housing

Wiltshire Core Strategy (WCS):
Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy
Core Policy 46 – Meeting the Needs of Wiltshire’s Vulnerable and Older People
Core Policy 48 – Supporting Rural Life
Core Policy 51 – Landscape
Core Policy 57 – Ensuring High Quality Design and Place Shaping
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development

North Wiltshire Local Plan 2011 (NWLPL):

7. Summary of Consultation Responses

Stanton St. Quintin Parish Council – No response received at the time of recommendation.

Wiltshire Council Highways – *‘As a replacement dwelling the unit would be like for like replacement and no additional strain would likely be placed on the highway network due to the proposal.*

However as a new dwelling in the countryside this would be a proposal that could trigger a highway objection due to being development outside of any development boundary in a non-sustainable location contrary to Core Policy 60 and would be situated remote from a range of services and having little or no alternatives to private car use.

If you are satisfied that this is a like for like replacement and there are policies in place to support the proposal then I would raise no highway objection subject to parking indicated being conditioned. However, if you are minded to follow the principle objection due to the location of the proposal, then please note highways comments above.’

Wiltshire Council Rights of Way – Objection raised – *‘The proposed development would obstruct the definitive (legal) line of SSTQ10. The council has a statutory duty to protect the definitive line of rights of way and circular 1/09 says they are a material consideration in planning applications.’*

8. Publicity

The application was advertised by site notice and direct neighbour notification letter. No representations from members of the public have been received.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of the development:

The application site is located outside of a defined Settlement Framework Boundary and is not situated with, or well related to the built form of Stanton St Quintin. The site therefore sits within the open countryside. As a matter of principle, Core Policies 1, 2 and 60 direct new residential development towards settlements identified in the hierarchy set out in the Core Strategy, ensuring that new occupants would have adequate access to local employment, services and transport.

Saved Policy H4 of the NWLP allows for the replacement of existing dwellings within the open countryside. In order for the proposal to be considered under this policy, the residential use of the site must be lawful. The recent refusal of the CLE application (14/08250/CLE) indicates that the land in question had not been used for a period in excess of 10 years for the stationing of an occupied mobile home and associated residential curtilage. In addition, the existing mobile home does not benefit from planning permission and is subject to enforcement proceedings. The application therefore cannot be considered under Policy H4 of the NWLP.

Core Policy 2 of the WCS states other than in circumstances in accordance with paragraph 4.25 of the WCS, development outside of the defined limits of development will not be permitted.

The application has failed to provide any supporting information that would justify the siting of the static lodge in the location proposed under the terms of WCS CP2 or Saved Policy H4 of the NWLP. Although it is indicated on the Application Form that the proposal would be for retirement accommodation, the proposal does not provide evidence that Core Policy 46 of the Wiltshire Core Strategy has been met. In any event, WCS CP46 does not make provision for such accommodation in open countryside locations unrelated to larger settlements. Unsustainable, inaccessible and remote locations are not considered to be appropriate for elderly persons' accommodation. The site is located in an isolated location from which local services and facilities are not easily accessible unless travelling by car. Notwithstanding the modest scale of the proposal, the principal of residential development would therefore not be supported in this location.

Sustainability:

The spatial vision of the Wiltshire Core Strategy, as expressed in policies CP1 and CP2, is to locate new residential development within the settlement limits, in sustainable locations with good access to local services and facilities to minimise the need to travel. This approach reflects the emphasis for the location of housing set out in the NPPF and is also reflected in CP60.

Occupants of the development would be likely to be heavily reliant on the use of private cars for day to day activities. Traveline South West Service 92 runs every hour from Stanton St Quintin to Chippenham, however the nearest bus stop is approximately 1.6 km away from the application site over an unlit country lane with no footway. As such the development would be in an unsustainable location. The proposal would therefore be contrary to policies CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy.

Paragraph 55 of the NPPF says that local planning authorities should avoid approving isolated new homes in the countryside unless there are special circumstances. Based on the absence of any supporting information submitted, it is not considered that there are any special circumstances as identified in Paragraph 55 that would justify the stationing and occupation of the static lodge in the location proposed. In that context no evidence has been provided to suggest that the proposal is required for a rural worker to live at or near to their place of work for example. In addition, the proposal would not re-use a redundant or disused building and represents an unexceptional design which would not lead to an enhancement of the immediate setting.

Landscape:

The proposal would result in the general 'domestication' of the site's character, which would be emphasised by the accumulation of parked vehicles and domestic paraphernalia. The application does not clarify the proposed residential curtilage which may be at risk from becoming overly large should permission be granted. Notwithstanding this, the application site is well enclosed by hedging along its northern and western boundaries, as well as mature woodland to the south which would act to largely screen the modest static lodge from wider views.

In terms of design, the submitted Application Form indicates that the roof and walls of the proposal would be of tin construction. This is not considered to respond positively to the countryside setting of the application site, neither is it considered to represent high quality design.

Residential Amenity:

The proposal is located within the open countryside and an adequate distance away from nearby properties to ensure their residential amenities would not be compromised. On balance, this alone is not considered to outweigh the fundamental conflicts with the adopted development plan that have been outlined above.

Highway Issues:

As the existing mobile home on the site is unauthorised, the current proposal cannot be considered as a replacement dwelling but rather as a new dwelling within the countryside. As such, the Council's Highways Department have raised an objection to the proposal based on sustainability grounds as the site is situated remote from a range of services and occupiers of the site would have little or no alternatives to private car use. The proposal is therefore contrary to CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy.

10. Conclusion

On balance, it is considered that the proposed development is not in accordance with the relevant planning policy as highlighted above. In the absence of any overriding public benefit or exceptional circumstances, it is recommended that the application be refused.

RECOMMENDATION:

That planning permission is REFUSED, for the following reasons:

- 1 The development would be in a rural location outside any recognised development limits or settlement, resulting in the formation of a new dwelling in the countryside. This is contrary to Paragraph 55 of the National Planning Policy Framework, Policies CP1 and CP2 of the Wiltshire Core Strategy (Adopted January 2015) and Saved Policy H4 of the North Wiltshire Local Plan, which restrict development outside of the towns and villages in rural areas and the open countryside except in a number of exceptional circumstances which are listed under Paragraph 4.25 of the Wiltshire Core Strategy and Paragraph 55 of the NPPF, none of which apply in this instance. As such, the proposal fails to promote a sustainable pattern of development within the County and is contrary to the aforementioned local and national policies.
- 2 The proposal, located remote from services, employment opportunities and not well served by public transport, is contrary to Paragraph 34 of the National Planning Policy Framework which seeks to promote sustainable development and reduce growth in the length and number of motorised journeys. The proposal also is contrary to the principles of sustainable development set out in policies CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy (Adopted January 2015).
- 3 Due to the use of materials proposed, the development would represent poor quality design which would fail to improve the character and quality of the area and would not respond positively to local distinctiveness. The proposal is therefore in conflict with Paragraph 64 of the National Planning Policy Framework and Core Policy 57 (i and iii) of the Wiltshire Core Strategy (Adopted January 2015).