

Item 1.5

Reg. No. 9/2008/0849/F

Applicant:

Mr Daniel Redfern
Mount Pleasant
Church Broughton
Derby
DE65 5DE

Agent:

Mrs Caroline Large
Ashley Adams Rural
The Estate Office
Melbourne Road
Nr Ashby de la Zouch
Leicestershire
LE65 1RT

Proposal: The erection of three log cabin chalets on land adjacent to Oaklands Farm Mount Pleasant Church Broughton Derby

Ward: North West

Valid Date: 11/08/2008

Reason for committee determination

Councillor Bale has requested that this application be brought to committee as local concern has been expressed about a particular issue.

Site Description

The site comprises a field adjacent to Oaklands Farm. It is bounded to the north by a substantial belt of trees and hedges that separate it from Sutton Road. There is a garage court to the west boundary that serves the housing at Mount Pleasant Farm. There is a young hedge (2.0 metres high) to the east and south boundary beyond which is the house to the farm. Access would be from the existing farm access with a spur off into the field where the cabins would be sited. The new Mount Pleasant Farm complex lies to the north of the lane along with a pair of semi-detached dwellings. A power line passes through the site.

Proposal

The proposal is for 2 x 3-bedroom lodges and 1x 4-bedroom lodge spaced well apart within the field. One of the lodges would be adapted to provide for wheelchair access. The 3-bedroom lodges would be 11.7m x 6.1m x 3.5m; the 4-bedroom lodge would be 14.5m x 6.1 x 3.5m. Each would be constructed in timber under a shingle roof. Minimal tree planting is proposed as the site is already well screened from Sutton Lane and extensive planting would change the open character of the landscape in this location.

Applicants' supporting information

The siting of the lodges has been done in a way such that the impact on surrounding properties is minimised. A fence has been erected on the boundary to the garage court so that there are no views from the site into the adjoining properties.

The proposal represents a diversification of farming activities at the holding as encouraged by national and local planning policies. These policies including those relating to tourism and listed buildings are included in the planning submission together with an assessment of government advice on 'Planning for Tourism'.

The farmer owns 46 acres and is responsible for farming a further 390 acres on short and medium term tenancies. He operates a mixed farm of livestock and arable crops.

The new enterprise would create an additional job in the community (cleaner) and would bring additional monies into the local economy. A safe access can be provided to the site and the log cabins would be unobtrusive in the countryside with minimal impact on the nearby listed structures.

Planning History

The farm holding became established following the conversion of the farm buildings at the original Mount Pleasant Farm to residential use in the early 1990's. Originally it was farmed from the farmhouse but following the sale of the farmhouse, a new dwelling was established on the farm in the early part of this century following occupation of a mobile home to establish the viability of the new farmer's business.

Responses to Consultations

Church Broughton Parish Council has no objections

The County Highway Authority has no objection provided minimum visibility splays are provided. (splays have been assessed and can be provided within highway limits).

Severn Trent Water has no objection subject to foul and surface water drainage details being submitted.

The Environmental Protection Manager has no objection.

Responses to Publicity

Two letters have been received objecting to the development for the following reasons:

- a) The development would be out of keeping with the character of a small hamlet in the countryside.
- b) Residents require access to the back of the garages for maintenance purposes
- c) There would be an increase in traffic levels day and night.
- d) Noise would be a problem day and night

- e) Privacy, security and the presence of strangers in the locality are also of concern as is the presence of dogs that may worry horses and other animals.
- f) There are services such as water pipes and land drains that pass through this field.

Development Plan Policies

The relevant policies are:

RSS8: Policies 24 & 25

Saved Local Plan Policies: Environment Policy 1 & 13, Employment Policy 4, Recreation & Tourism Policy 1.

Other Material Planning Guidance

PPS 7 – Sustainable Development in Rural Areas & The Good Practice Guide on Planning for Tourism.

Planning Considerations

The main issues central to the determination of this application are:

- The Development Plan
- The impact of the development on the countryside
- The impact of the development on the nearby listed buildings
- Access considerations
- Control of the occupation of the log cabins
- Other matters raised during the planning application process.

Planning Assessment

Government advice in PPS 7 is directed towards the diversification of the rural economy in a sustainable way. Tourism is recognised as a means of adding to farmers' income to assist with the preservation of the countryside. The Good Practice Guide recognises the economic benefits of tourism in rural areas helping to maintain local services such as shops and rural pubs. Provision is made within the Development Plan for the provision of tourist accommodation. This is subject to access and environmental considerations.

Satisfactory access can be provided to the site subject to the provision of visibility sight lines. The site is well screened from Sutton Lane and the buildings may be visible from roads and footpaths to the south but would be seen in the context of the buildings and the barn conversions at Mount Pleasant Farm. It is not considered that the development would represent a significant intrusion into the countryside.

In addition to the above, Mount Pleasant Farm and its outbuildings are Listed Grade II. The Authority has a duty to consider whether development would adversely affect the setting of the listed building to a point where permission should be refused.

The proposed lodge buildings are set apart from the listed buildings by the garage court that does not form part of the curtilage of the listed building. In addition to the garage

court and parking area, various wooden stables have also been erected without compromising the setting of the listed building. It is therefore considered that the lodges would not adversely affect the setting of the listed building.

It would be necessary to control the occupation of the lodge buildings as they are of a size that could be occupied as separate dwellings. The usual condition to limit occupation of the buildings is recommended.

The matters of water mains and drainage routes are a matter between the individual owners and do not form a valid reason for refusing planning permission.

In conclusion the development is considered to accord with the provisions of the Development Plan subject to the recommended conditions being imposed.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
Reason: In the interests of flood protecting and pollution control.
3. Notwithstanding the provisions of Part C, Class 3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises hereby permitted shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order without the prior grant of planning permission by the Local Planning Authority. The unit shall not be occupied by any individual or groups of persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.
Reason: The Local Planning Authority is only prepared to grant permission for holiday accommodation because another dwellinghouse in this location would be contrary to the development plan and the objectives of sustainable development.
4. Prior to the first use of the development hereby permitted, the land in advance of the sight lines measuring 2.4 metres x 80 metres in each direction shall be cleared and thereafter retained free of all obstructions to visibility over a height of 1 metre above the adjoining carriageway level.

Reason: In the interests of highway safety.

5. Details of the colour of the shingles to be used on the roof of the structures shall be submitted to and approved in writing by the Local Planning Authority before the buildings are brought onto the site. The roofs shall then be clad in the approved colour and be maintained as such in perpetuity.

Reason: In the interests of helping to mitigate the impact of the development in the countryside.

6. In the event that the structures are no longer required to meet the requirement for tourist accommodation, they shall be permanently removed from the land and the land shall be restored to agricultural use in accordance with a scheme that shall have received the prior written approval of the Local Planning Authority unless the Local Planning Authority has granted planning permission for the retention of the structures in response to an application made in that regard. For the purposes of assessing if the structures are no longer required for tourist accommodation, the register required by condition 3 above shall be inspected and if no occupation has occurred in the 24 months prior to the date of the inspection of the register then that shall be the trigger for assessing if the structures are no longer required as tourist accommodation.

Reason: The structures by their nature are of a non-permanent construction and as such the Local Planning Authority seeks to ensure that when the structures are no longer required for their approved purpose, they are removed from the site and the land returned to agricultural use.

7. Before the structures are brought to the site, details of the formation of the access between the farm access and the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the chalets and be thereafter maintained in place.

Reason: In order to ensure that any conflict between farm vehicle and traffic using the site is minimised.

8. No development shall take place until a scheme indicating provision to be made for access by people with disabilities has been submitted to the Local Planning Authority. The scheme as approved shall be implemented before the development is brought into use.

Reason: To ensure adequate opportunity of access for people with disabilities.

Informatives:

A Caravan Site Licence may be required from the Council's Environmental Health Department.

Item 1.6

Reg. No. 9/2008/0925/FH

Applicant:

Mrs Cordelia Mellor-Whiting
Walton-on-Trent
Swadlincote
Derbyshire
DE12 8NH

Agent:

Mrs Cordelia Mellor-Whiting
42 Rosliston Road
Walton-on-Trent
Swadlincote
Derbyshire
DE12 8NH

Proposal: **The siting of a mobile home (amended scheme to previously approved application 9/2008/0043/FH) to the rear of 42 Rosliston Road Walton-on-Trent Swadlincote**

Ward: **Seales**

Valid Date: **08/09/2008**

Reason for committee determination

Councillor Timms (ward member) has requested that this application is brought to the Committee because local concerns have been expressed.

This application was deferred at the Committee meeting on 14th October. The report has been updated where necessary.

Site Description

The site consists of the rearmost third of a garden at the rear of a detached bungalow within the confines of the village. The site slopes gradually down towards the dwellings on Rosliston Road.

This area of garden has approximate dimensions of 18m (average) deep x 12m wide. It has been planted in the past with a variety of shrubs and trees and these have matured to form a densely planted area. To the south are 2 other visually distinct parts of garden, the furthest one comprising a lawned area immediately to the rear of the bungalow.

Beyond the site to the south are open fields, separated from the site by both a hawthorn hedge, marking the field boundary, and a line of conifers within the site. The field to the rear is uneven and sloping, rising up away from the site.

There is another line of conifers marking the site's eastern boundary with a neighbour's rear garden. A low fence against the planting on the site marks the west boundary which is the side boundary of a neighbour's garden.

9/2008/0925 42 Rosliston Road
Walton-on-Trent



Date Plotted 24/10/2008

9/2008/0925 42 Rosliston Road
Walton-on-Trent

Scale 1:1500

Plot centred at 421915 317890

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Proposal

This application seeks to site a mobile home for occupation by a dependent relative that presently lives in the bungalow at No 42. The mobile home would have dimensions 12m x 3.8 m and contain 2 bedrooms, a lounge, kitchen and bathroom and en-suite.

The mobile home would be sited centrally within the planted garden area and would not have vehicular access; it would be approached on foot only via a pathway to run in the centre of the remainder of the garden, to provide access from the existing bungalow.

The mobile home would have windows to all 4 sides, and be clad in metal with a metal shallow pitched roof.

Applicants' supporting information

The applicant has indicated that a supporting statement describing the personal and special circumstances behind this application will be submitted shortly. This will be reported verbally to Members at the Committee. However it is understood that the mobile home would be occupied by a dependent relative with health problems.

Planning History

Planning permission was granted under delegated powers earlier this year for the construction of a one bedroom log cabin in this property's rear garden for a dependent relative. This granted permission for a building with dimensions sited elsewhere in the rear garden to the current application close to the western garden boundary.

That permission has not been implemented and the present application is intended to be an alternative to that scheme. If planning permission were granted for the present proposals a legal agreement would be required to prevent the erection of both buildings.

The consent for the log cabin was subject to restrictive conditions including allowing it to be occupied only for purposes ancillary to the residential uses of the existing bungalow, No 42.

Responses to Consultations

Parish Council advises that it still objects to the proposal and requests a site meeting. It supports the objections already made and considers that the development would still be visible from Footpath no 9.

County Highway Authority response awaited and will be reported at the Committee.

The Council's Private Sector Housing Manager reports that if planning consent is granted and the project proceeds, the applicant will be required to apply for a Caravan Site Licence from Environmental Health. The Licence will have standard conditions attached requiring the applicant to make proper provision for fire safety, drainage, water supply, hard standing and any other matters the council deems necessary or desirable in the interests of the occupant or others (e.g. neighbours). She confirms that the purpose of the caravan is to provide an economic solution to the applicant's problem of caring for her relative, who is an older person with mental health problems. Her current accommodation is limited in size and the caravan would provide additional space and

some respite, allowing the relative a degree of independence, whilst still being cared for at home. The Council has assisted the applicant to consider other options such as permanent removal of the relative to a care home or extending the existing property through a Disabled Facilities Grant, which would be costly to the local authority. As such she supports the application that will satisfy the needs of the family in the short to medium term (i.e. over the next 10 years).

Responses to Publicity

Three letters of objection have been received. The comments are summarised as follows:

- Overlooking as only a 1m boundary fence exists on the site boundary,
- This application should be subject to consideration against full planning policy and building regulations as it is for a permanent dwelling.
- The mobile home will need heating, lighting, fire protection, toilet, washing and security alert precautions to meet national standards as it is intended for a disabled occupant.
- Will cause a fire risk to neighbours, as it would be sited close to hedge boundaries.
- Represents back land infill development, which if approved would set a precedent.
- A Mobile home would be out of keeping with the existing dwellings nearby.
- Mobile home will not be accessible by ambulance and fire services so it is unsuited to use by a disabled person.
- Neighbours will lose privacy unless all the overlooking windows are made opaque.
- Mobile home will need services and how these are to be provided is unclear, and these must be provided only via applicants land.
- When the mobile home is no longer needed by the disabled family member, there are concerns about its future use, For example they may be pressure for it to be used for a business, and business uses in this area are contrary to policy and would be strongly opposed by neighbours.
- Mobile home will be visible from a public footpath,
- To bring the mobile home onto the site will involve the loss of a hawthorn/elderberry hedge, and this should not be removed.
- Moving a mobile home onto the site via the field to the rear is not possible as the existing field access gates are not wide enough for this purpose.
- All the other dwellings nearby have been enlarged by rear extensions or loft conversions, to meet family needs.
- There is no potential to bring a mobile home to the site from the field from the Coton Road direction due to large trees in field.
- Bringing a mobile home to the site will result in road closures.
- There are only 2 parking spaces on the site, which will be insufficient for the parking needs of people occupying the proposed mobile home as well as existing occupiers of No 42. As a result this will cause on road parking opposite a busy road junction,
- There is legislation which requires remote ancillary buildings, such as this, to be used only by householders or their staff.
- Siting a mobile home in the garden is contrary to the Deeds of the dwelling.

Development Plan Policies

The relevant policies are:

Local Plan Housing Policies 5, 11 and 12

Planning Considerations

The main issues central to the determination of this application are:

- The principle of the development,
- Impact on residential amenity,
- The quality of the design and layout of the scheme,
- The impact on the character and appearance of the area.

Planning Assessment

Prevailing development plan policies generally support the provision of dwellings in the village confines of Walton on Trent, subject to protecting important gaps and landscape features, conservation areas and listed buildings. In this case there are no such outstanding matters to be taken into account.

Specific to this particular proposal is Policy H12 which supports the siting of caravans, mobile homes and boats for accommodation needs as these can help provide low cost housing. The policy specifically supports the siting of such units within settlements, making it clear that that the planning considerations to be given to such proposals are their relationship to other development, environmental effects and provision for access, landscaping and screening. The application site is within a garden within the confines of a village, adjoining residential properties on 3 sides and an open field to the remaining side. It is therefore acceptable in principle.

The application seeks to site a mobile home for occupation by a relative in need of care who presently resides with the remainder of the family occupying the bungalow at No 42. The mobile home would only be accessed on foot via the existing dwelling on the site. No additional car parking is proposed due to the dependent nature of the intended occupant. There is a garage and 2 driveway parking spaces for off street parking in front of the existing bungalow.

The mobile home would be sited at the end of the rear garden, with the result that it would be approximately 45m from the neighbouring dwellings on Rosliston Road. The single storey nature of the mobile home and the existence of planting around the mobile home mean that it is considered that undue loss of privacy to neighbours should not arise. The distance between the window of the mobile home and the site boundaries and neighbours property's meets the Council's adopted standards. The siting proposed for the mobile home would result in an acceptable relationship with neighbours' properties.

As the mobile home would be set directly behind a dwelling, and accessible only on foot it would generally only be acceptable in planning terms, for a use that is ancillary to the use of the existing dwelling. Therefore it is suggested that a condition should be imposed restricting use accordingly.

It is proposed to restrict occupancy to a relative dependent on the occupiers of No 42 and require removal of the mobile home when such a need no longer exists, or within

10 years, whichever is the sooner. This type of condition would secure removal of the caravan before its appearance deteriorates to an unacceptable degree, and should allay some of the neighbours concerns about the occupation and future use of the mobile home.

The particular characteristics of the site are important considerations. The site chosen means that the mobile home would benefit from screening and landscaping by the existing dense planting on this part of the site. This should ameliorate the pale and angular appearance of the mobile home.

The presence of the existing dense landscaping on the site will also reduce any visual intrusion from neighbour's properties, the field to the rear and the public footpath beyond. In distant views the mobile home would be viewed in context of the surrounding domestic curtilages and against a backdrop of larger buildings, consisting of the dwellings on Rosliston Road.

This siting proposed for the mobile home differs from that approved for the log cabin earlier this year. That permitted a building to be built closer to the existing dwelling at No 42, and against the garden boundary, in closer proximity to the neighbours' garden side boundary. It is considered that the mobile home although larger, would be less visually conspicuous than the approved log cabin, for the reasons described above.

The mobile home would be brought to the site on a trailer and manoeuvred across the fields at the rear into the garden. The applicant has not yet ascertained whether this is feasible, or whether a crane would be involved, nor whether the landowner would allow permission to access the site from his fields. Nevertheless these are not reasons which are material to the planning consideration. If the rear access option were selected, it appears likely that a section of hawthorn field hedge across the rear garden boundary would have to be removed. However this could be replanted and its short-term loss would not have detrimental effect on the landscape.

Conditions can be imposed requiring any loss and damage to the present plants on the site and its boundaries, caused during installation of the mobile home, to be made good and these plants thereafter maintained as part of an approved landscaping scheme.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The mobile home hereby approved shall be removed from the site when it is no longer required for the accommodation of a dependent relative of the occupiers of the property at 42 Rosliston Road, or a period expiring within 10 years of the

date of this consent, whichever is the sooner, unless a new planning application has been made to vary this stipulation.

Reason: In order to secure removal of the mobile home when it is no longer required for the stated requirement

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

5. The colour of the mobile home hereby permitted shall be submitted for the approval of the Local Planning Authority prior to implementation of this consent, and the agreed details implemented and thereafter retained throughout the life of the development.

Reason: In order to protect the character of the area.

6. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of flood protecting and pollution control.

7. No development shall take place until the applicant has submitted to and had approved by the Local Planning Authority a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to ensure that the permission granted under 9/2008/0043 is not implemented.

Reason: For the avoidance of doubt.

Informatives:

That the hedgerows on the application site may contain nesting birds. It is an offence under the Wildlife and Countryside Act 1981 to intentionally kill, injure or take any wild British breeding bird or its eggs or damage its nest whilst in use or being built. The nesting season normally encompasses the months March to July inclusive. If you are in doubt as to requirements of the law in this regard you should contact English Nature, Peak District and Derbyshire Team, Manor Barn, Over Haddon, Bakewell, Derbyshire, DE4 1JE.

A Caravan Site Licence is required from the Council's Environmental Health Department.