

APPLICATION NO	PA/2008/1670
APPLICANT	Mrs C Muscroft
DEVELOPMENT	Planning permission for the variation of condition 9 of planning permission 2004/0616 to allow permanent occupation of a mobile home to be then tied to the existing equestrian enterprise on site
LOCATION	Battlefield Stud, Woodhouse, Belton
PARISH	BELTON
WARD	Axholme Central
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Applicant request to address the committee
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy ST2 seeks to ensure that future growth in North Lincolnshire takes place in accordance with a set hierarchy. The Scunthorpe and Bottesford urban area sits at the top with the principal growth settlements, the medium growth settlements and then the minimum growth settlements all below.</p> <p>Policy ST3 (Development Boundary) - development is only permitted outside the development boundary within the open countryside if it is essential for the purposes of forestry or agriculture or to meet a special need associated with the open countryside.</p> <p>Policy H1 (Housing Development Hierarchy) – the primary focus for housing development is to be within the Scunthorpe and Bottesford urban area. In the open countryside residential development will only be permitted where it is essential to enable agricultural and forestry workers to live at or near their place of work, or in other circumstances where there is special justification.</p> <p>Policy RD2 (Development in the Open Countryside) lists the type of development that is considered to be acceptable within the open countryside.</p>

Policy DS1 provides general design guidance for all new development.

Other relevant guidance: Planning Policy Statement 7: Sustainable development in rural areas – Annex A provides detailed guidance in relation to agricultural, forestry and other occupational dwellings.

Planning Policy Statement 1: Delivering sustainable development sets out the Government's policies and the ways in which the planning system can contribute to the delivery of sustainable development.

CONSULTATIONS

Highways: Views awaited.

Environment Agency: Views awaited.

PARISH COUNCIL

Views awaited.

PUBLICITY

Advertised by site notice and neighbouring properties notified. To date, no representations have been received.

ASSESSMENT

The proposal is to allow the permanent occupation of the existing mobile home on the site which will then be tied to the existing equestrian enterprise on the site.

A previous planning application (2008/1024) for the same proposal as this application was refused under delegated powers on 12 August 2008.

The main issues associated with this application are whether it is acceptable in planning policy terms for the mobile home to be retained on this site and tied to the equestrian use of the site, and if the proposal is found not to be acceptable in planning policy terms, whether a case of very special circumstances has been put forward that justify departing from prevailing planning policy and granting the proposal.

The site lies outside the development boundary of Belton, within the open countryside. New dwellings are only permitted within the open countryside if they are replacement dwellings or if it can be demonstrated that a new dwelling is required for agricultural or forestry worker(s) or to meet a special need within the countryside.

In this particular case, a replacement dwelling for the mobile home was permitted (2004/0616). That application was submitted by the same applicant as for this application (Mrs C Muscroft). Mrs Muscroft owned

the whole site. Condition 9 of that planning permission was for the mobile home to be removed. The replacement dwelling has been completed and is now occupied by the applicant's daughter. Therefore, policy RD10 of the North Lincolnshire Local Plan, which permits replacement dwellings within the open countryside, is not relevant to this application as a replacement dwelling has already been permitted on the site. Policy RD10 only allows replacement dwellings on a one for one basis.

The applicant wishes to retain the mobile home on the site so that they can carry out the existing equestrian business on the site. The applicant's daughter now resides in the replacement dwelling and this dwelling is not tied to the equestrian use of the site. It is unclear as to whether the applicant still owns the replacement dwelling or whether it is now owned by her daughter. The proposal therefore has to be judged against advice given in PPS7, in particular Annex A.

It has to be established whether there is an essential need to be on site at all times. This will depend on the needs of the enterprise and not on the personal preferences or circumstances of the individuals involved. Annex A of PPS7 provides detailed guidance on the criteria which must be fulfilled.

No financial details of the business have been submitted to the local planning authority and therefore it is unknown whether the business is financially viable. The proposal therefore fails paragraph 3(iii) of PPS7.

The use of modern technology such as CCTV, alarm systems, security guards and weather forecasting could alert the applicant to any potential emergencies that may arise in terms of the equestrian business. It is therefore not considered that there is a functional need for a dwelling to be located on the site in order for the applicant to carry out the equestrian business. The proposal therefore fails paragraph 3(i) and paragraph 4 of PPS7.

The applicant's daughter resides in a large house adjacent to the application site. If there was a need to be on site there would be potential to use part of this property to stay overnight or a small extension could be carried out to this property to provide additional accommodation for the applicant. There is also potential to convert some of the garaging to habitable accommodation. There are several properties for sale or for rent in the immediate and adjacent area. The

applicant could purchase a property nearby and cycle, walk or drive to the site. There is therefore alternative accommodation available to the applicant adjacent or close to the site.

It is noted that the applicant is in poor health. However, it is considered that the personal circumstances put forward by the applicant do not outweigh the fundamental planning policy objections to the proposal. The retention of the mobile home on the site is tantamount to allowing a new dwelling within the open countryside. It is not considered that there is a functional need for the mobile home to be retained on the site. There are alternative options available to the applicant in order to continue carrying out the equestrian business from the site.

RECOMMENDATION

Refuse permission for the following reasons:

1.

The local planning authority does not consider that there is a functional need for a mobile home to be located on the site in connection with the existing equestrian enterprise. The use of modern technology such as CCTV, alarm systems, security guard(s) and weather forecasting could alert the applicant to any potential emergencies that may arise. The proposal is therefore contrary to Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas, and policies ST2, ST3, H1 and RD2 of the North Lincolnshire Local Plan.

2.

The local planning authority considers that there is suitable alternative accommodation in the vicinity for the applicant to reside in whilst she carries out her duties at the equestrian enterprise. The applicant's daughter resides in a large house on the site which could accommodate the applicant. In addition, there are a number of properties for sale or rent in Belton which is a short distance away from the application site. Some of these properties could also provide suitable alternative accommodation for the applicant. The proposal is therefore contrary to Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas and policies ST2, ST3, H1 and RD2 of the North Lincolnshire Local Plan.

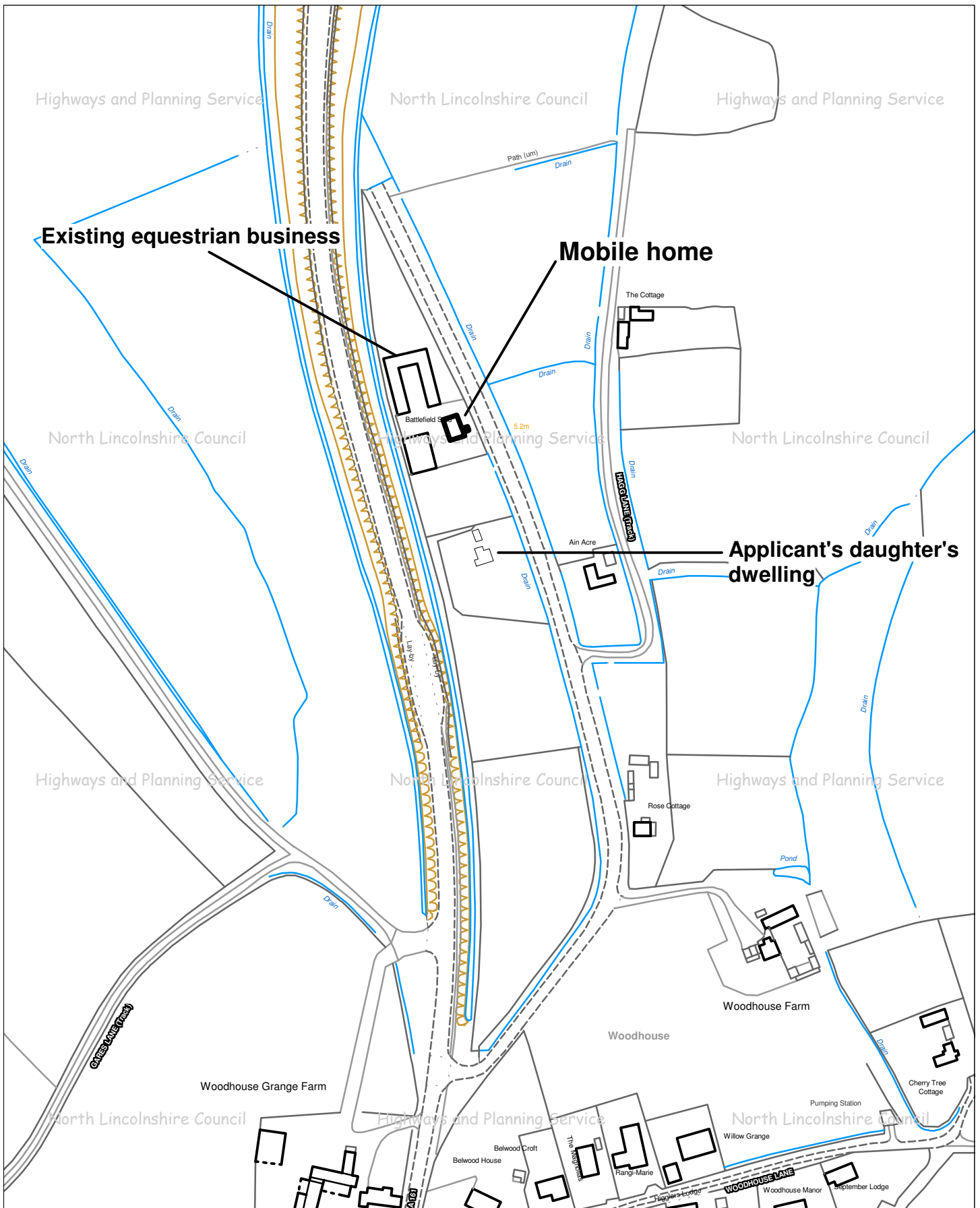
3.

The applicant has not submitted any evidence that the business is economically viable. No financial information

has been submitted to the local planning authority to demonstrate that the business is profitable. The proposal is therefore contrary to Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas.

4.

The local planning authority does not consider that the case of very special circumstances that has been put forward by the applicant is sufficient, sound and convincing enough to depart from prevailing planning policies and grant this proposal. The proposal is tantamount to a new dwelling within the open countryside and would be contrary to policies ST2, ST3, H1 and RD2 of the North Lincolnshire Local Plan and advice given in Planning Policy Statement 7: Sustainable Development in Rural Areas.



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Highways and Planning Service

**Service Director,
G Popple**

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