

APPLICATION NO	PA/2018/413
APPLICANT	Mr & Mrs M White
DEVELOPMENT	Planning permission to retain a static caravan for residential use
LOCATION	Rose Cottage, Turbary Road, Haxey, DN9 2JN
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council Statutory consultee objections (Environmental Health and Historic Environment Record)
POLICIES	

National Planning Policy Framework:

Paragraph 55 – To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Paragraph 100 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local plans should apply a sequential, risk-based approach to the location of development to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.

Paragraph 131 – In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 137 – Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

North Lincolnshire Local Plan:

RD2 (Development within the Open Countryside)

DS1 (General Requirements)

LC14 (Area of Special Historic Landscape)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS6 (Historic Environment)

CS19 (Flood Risk)

CONSULTATIONS

Highways: No objections.

Environment Agency: Recommends refusal given that the application is within flood zone 3 and there is a high probability of flooding.

Archaeology: Recommends refusal as the application would have a negative impact upon the open countryside as well as on the Area of Special Historic Landscape.

PARISH COUNCIL

Objects to the application on the grounds that it is not in accordance with the plan. The proposal would have a negative impact upon the open countryside.

PUBLICITY

The application has been publicised by site and press notices. An objection has been received from a neighbour who points out that the proposal is not in accordance with the plan nor is it in keeping with its surroundings.

ASSESSMENT

Proposal

The applicant seeks planning permission to retain a static home outside of the residential curtilage of the dwelling, to be used as overspill accommodation to house family members.

Principle of development

The application is located in the open countryside, some distance from the nearest settlement boundary of Haxey. Policy CS1 of the Core Strategy states that in the countryside support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Policy CS2 states that any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted: only development which is essential to the functioning of the countryside will be allowed to take place. This echoes the aims of policy RD2 of the local plan.

The applicant seeks to retain a static home outside of the residential curtilage of the existing dwelling for use as 'overspill' accommodation. The home is self-sufficient and would be tantamount to a new dwelling within the open countryside. The applicant has stated that the home is currently being used by family members as there is insufficient room within the dwelling.

The proposal is contrary to the aforementioned plans and is unacceptable in principle.

Flood risk

The static home is located within flood zone 2/3a and would have a high probability of flooding. The Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) classifies caravans intended for permanent residential use as highly vulnerable to flooding, and states that such development should not be permitted in Flood Zone 3. The Environment Agency has been consulted and has stated that the application should be refused given the flood risk classification and end use.

The applicant has submitted a flood risk assessment (FRA), sequential test and exceptions test. The sequential test is irrelevant given that the proposal is retrospective, however the applicant has put forward mitigation to be built into the development in respect of flooding. This includes the floor level being built up to 3.18 metres above Ordnance Datum (AOD), one way valves and creating more robust foundations, as well as an evacuation plan.

It is considered, even with all the measures contained within the FRA and exceptions test, that the proposal is contrary to policy CS19 of the Core Strategy, paragraph 100 of the NPPF and flooding guidance contained within the Planning Practice Guidance.

Archaeology

The application site is also within an Area of Special Historic Landscape Interest (local plan policy LC14). The area is designated for its unique historic landscape retaining the pattern of medieval open strip fields surrounding villages as well as parish turbaries; this application is located within Haxey Turbary.

The council's archaeologist has been consulted and has stated that the application should be refused as the extension of the residential curtilage would adversely affect the character, appearance and setting of the historic turbary contrary to policies LC14 of the local plan and CS6 of the Core Strategy, as well as paragraphs 131 and 137 of the NPPF.

It is considered that the proposal would be detrimental to the Area of Special Historic Landscape Interest.

Other issues

Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity.

It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission should be granted permanently.

A condition requiring the demolition, after a stated period, of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Conditions requiring demolition of buildings which are imposed on planning permissions for change of use are unlikely to relate fairly and reasonably to the development permitted.

It is considered, given that the accommodation is currently being used by a family and the supporting statement clearly demonstrates that there is a need (at least for the short term) to provide accommodation, that a temporary permission is appropriate in this instance.

Conclusion

The proposal is contrary to the above planning policies and would not be supported in the longer term; aside to this there are also flood risks to consider. It is considered, however, that there is a need in the short term for this accommodation and this is demonstrated within the design and access statement and gauged from the officer's site visit. The application will be tied to the flood mitigation put forward in the FRA, conditioned to remove the static home from its location and given a temporary permission until a longer-term solution is found.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The temporary accommodation hereby permitted shall only be occupied by Mr and Mrs White and their family for a limited period, being the period of 12 months from the date of this decision, or the period when suitable alternative accommodation can be found, whichever is the shorter.

Reason

Permission is granted only after taking account of the particular personal circumstances involved and therefore as an exception to policies CS1, CS2 and CS19 of the North Lincolnshire Core Strategy and LC14 of the North Lincolnshire Local Plan.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Flood Risk Assessment prepared by Mark Simmonds dated February 2018; Site Plan Ref: LIRO 002 and Location Plan PA/2018/413/1.

Reason

For the avoidance of doubt and in the interests of proper planning.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Ruins

Haxey Carr

Rose Cottage

Drain

Drain

Drain

Drain

Track

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