

Area North Committee – 23 March 2011

Officer Report On Planning Application: 10/05122/FUL

Proposal:	Temporary permission for the siting of a mobile home (Retrospective) (GR 339587/124870)
Site Address:	Old Oak Farm, Back Lane, Curry Rivel
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Mr Derek Nelson (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date:	3rd March 2011
Applicant:	Mr A Jones
Agent: (no agent if blank)	J Wratten, The Waggon Shed., Flaxdrayton Farm, South Petherton TA13 5LR
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee at the request of the Chair and Ward Member as the comments of the Parish Council are contrary to the officer's recommendation.

SITE DESCRIPTION AND PROPOSAL



The site is located to the southeast of Curry Rivel, outside the defined development area. The site currently accommodates an arboricultural landscaping and agricultural contractors depot with associated storage for machinery, vehicles and equipment and storage and processing of logs, chippings and topsoil.

This application seeks permission for the retention of a timber clad mobile home, which is being used for residential use. The application is accompanied by various supporting information with the aim of justifying the functional need and financial requirement as set out in Annex A of PPS7.

The agent has submitted additional information in response to the objection raised by the Highway Authority. The additional information includes further details on the visibility splay requirements and a response on the sustainability argument put forward by the Highway Authority. Further information submitted by the agent also includes correspondence from the applicant's insurance company, stating that it is essential that the applicant resides on site to oversee the security of the work site and the various plant and equipment and stock items located on the site.

HISTORY

10/03406/COL - Application for a certificate of lawful use for existing use of land as an arboricultural landscaping and agricultural contractors depot with associated storage for machinery vehicles and equipment together with storage and processing of timber and arisings. Application permitted on 30/09/2010.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 5 - Landscape Character

Policy 33 - Provision of Housing

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

Policy TP7 - Residential Parking Provision

Policy HG15 - Agricultural and Forestry Dwellings

National Guidance

PPS1 - Sustainable Development

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

South Somerset Sustainable Community Strategy
Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes
Goal 9 - A Balanced housing Market

CONSULTATIONS

PARISH COUNCIL - No objection

COUNTY HIGHWAY AUTHORITY - It appears from the design and access statement that the accommodation is required in connection with the business activities on the site. In principle the site is located outside the development boundaries for Curry Rivel and distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and SRT6 of the Somerset and Exmoor national Park Joint Structure Plan Review. In detail access to the mobile home is off Back Lane, a mature rural lane which serves a small number of properties and farms and links the B3168 to Honeylands/Drayton Lane. The entrance to Old Oak Farm is a joint one with that to Fairview House to the east or right on emerging from the access. Visibility currently achieved to the east is well provided; however as this is across the front garden of Fairview House, land outside the red or blue line areas of the application this visibility splay cannot be conditioned and permanently secured. Visibility to the left is obstructed by the boundary hedge to Old Oak Farm. However it is noted from the submitted plan that there is sufficient land within the applicants control for the necessary improvements to be made and appropriate visibility provided. It is also noted that the facilities within the site provided for parking and waiting/turning are restricted in dimension raising concerns about the potential for manoeuvring on the highway. Therefore, given the concerns relating to the principle of the development and limitations with the existing access I would recommend that the application be reused. ON RECEIPT OF FURTHER INFORMATION FROM AGENT - The information relates to visibility splays either side of the access and presents some evidence regarding the suitability of the location for the current occupants in regard to their ability to make trips by different modes of transport. Within the red line of the application drawing, visibility to the west of the access can be improved to an acceptable degree, which could be appropriately conditioned if this was acceptable to the Planning Authority. However, to the east of the access, visibility required across the neighbouring property Fair View House, the situation is more problematic. Although the Highway Authority would be content with a formal agreement from the neighbour to maintain an appropriate splay, as this area is not currently within the red line plan I understand this could not be conditioned. Without such surety the Highway Authority would continue to hold reservations about this application with regard to highway safety due to the uncertainty around securing improvement of the access to appropriate detailed design standards. On the principle of this proposal in this location and whether or not it should be considered sustainable this is a matter for the Local Planning Authority to decide; whether there is sufficient justification for the siting of a temporary mobile home in this location to outweigh the Highway Authority's concerns. I note the applicant's evidence about their choice of sustainable transport with regard to walking a child to the village school and proximity to bus services. However the distance between the site and local services and facilities are considerably greater than those set out in RPG10 Annex A Table 1 indicating desirable maximum walking distances. There would be two main routes of choice, either walking to the village along a country footpath across a field or a

slightly further distance around the local lanes where there are neither footways nor lighting for much of the route, requiring any pedestrians to walk in the carriageway which in the hours of darkness will be unlit, and also without speed limits such that traffic speeds may be hazardous. It is considered that this is quite likely to result in the use of the car for a proportion of trips made.

AREA ENGINEER - No comment

COUNTY ARCHAEOLOGIST - No objection

LANDSCAPE ARCHITECT - I believe the main landscape issues to be:

1. the principle of development (policy ST3) and;
2. the impact upon landscape character (policies ST% para 4 and EC3).

I do not support this application for it would result in

1. an erosion of the countryside (PPS7 and ST3) - by virtue of domestic expansion within an agricultural landscape, and;
2. adverse impact on landscape character (ST5 and EC3) - due to erosion of the landscape character by incremental development growth.

In more detail, the site lays outside and to the south of Curry Rivel, alongside Back Lane, a narrow country lane that runs through open countryside that is characterised by mid-scale agricultural fields delineated by hedgerows. Along the land are two development clusters, by Fairview House, and Rye Cottage. The site lays in the intervening ground between these two development clusters, with an agricultural building currently on site. The proposal would introduce a domestic plot into an agricultural yard, and bring about an aggregation of development form in a countryside area that lays beyond development limits. This incremental growth of built form does not intrinsically enhance the environment, as is required by local plan policy ST3, hence I believe there are landscape grounds on which to base a refusal.

REPRESENTATIONS

None received

CONSIDERATIONS

Principle

The site is located outside of any defined development area, where development is strictly controlled to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. PPS7 and Policy HG15 of the South Somerset Local Plan make provision for temporary and permanent exception dwellings in the countryside for agricultural, forestry or other occupational dwellings in association with a rural-based enterprise. However, to meet the requirements of these policies a number of criteria need to be satisfied.

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. A statement submitted in support of the application states that the primary reason why such a permanent residence is required is for the provision of adequate security. The statement goes on to say that a considerable amount of expensive and portable equipment is stored at the site as well as valuable timber and wood chippings, and that there have been a number of crime incidents involving the site in the past. The Local Planning Authority does not consider this as adequate justification for a temporary or

permanent dwelling in the countryside as paragraph 6 of Annex A in PPS7 infers that protection of stock from theft or injury from intruders is not sufficient justification for a new agricultural dwelling. Supporting evidence from the applicant's insurer also states it is essential for the applicant to reside on site for security reasons. As security is the principle ground this application relies on, it is considered the application fails to meet the functional need required for a new dwelling in the countryside.

The supporting statement submitted with the application goes on to state that the nature of the commercial business is such that it is essential for a person to reside on site in order to manage it effectively and efficiently, so that sub contractors who meet early in the morning can be given clear instructions with any issues being resolved immediately thus saving journey time and reducing the length of the working day. The opinion of the Local Planning Authority, this reasoning does not, in any way, prove a functional need for a person to be on site full time. Sub contractors could easily be given instructions the day before, or via another form of communication, e.g. telephone or email. Saving journey time and reducing the length of the working day is not the aim of exception housing in the countryside.

The supporting statement also states a full time presence is required on site to receive timber and landscaping materials and enables more stock to be stored. It is considered this argument holds little weight, given that deliveries could easily be organised to come at specific times, and that due to the nature of the business it is believed that the key worker is not on site full time in any case, as much of the work carried out by the business occurs at other sites.

The statement concludes the justification of the functional need with an argument based on personal circumstances due to the poor health of the application. However paragraph 1 of Annex A in PPS7 states the essential need for a worker to be on site will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved. Therefore the Local Planning Authority attaches little weight to this argument.

Profit and loss account sheets for the business from 2006 to 2008 have been submitted with the application. While these records demonstrate that the business has been profitable and healthy in the past, as the test for a functional need for a worker has not been satisfied, the development is considered to be unacceptable.

Highways

The Highway Authority has raised objections to the proposal on the basis of insufficient visibility splays to the site and the unsustainable location of the site.

While the neighbour has confirmed that visibility to the northeast of the site could be maintained over the top of the neighbouring low hedge line, this area falls outside the red line of the application site, and hence the required visibility splay could not be secured by a condition.

Furthermore, it is considered the provision of the visibility splay required to the southwest would have a detrimental impact on the visual amenity and rural character of the area, by requiring a substantial amount of hedge to be cut back and down.

Landscape Character

The Landscape Architect has raised an objection to the proposal on the basis that the proposal introduces a domestic plot into an agricultural yard and brings about an aggregation of development form in the open countryside. This development does not

intrinsically enhance the environment and hence is contrary to Policies ST3 and ST5 of the South Somerset Local Plan.

Conclusion

The proposal fails to meet the requirements of the policies set out to allow occupational workers dwellings in the countryside, in particular the functional test as set out in Annex A of PPS7. In addition to this, the site does not have an adequate access, and hence there is a highway objection to the proposal.

RECOMMENDATION

Permission be refused

Subject to the following:

01. The proposal fails to meet the requirements of Annex A of PPS7 and Policy HG15 of the South Somerset Local Plan, as a functional need for a dwelling in the open countryside has not been demonstrated in this application.
 02. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan since the increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to highway safety.
 03. The proposed development would be located where it is remote from adequate services, employment, education, public transport, etc. and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13, RPG 10 and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies ST3 and ST5 of the South Somerset Local Plan.
 04. The proposal represents an erosion of the countryside by virtue of domestic expansion within an agricultural landscape and has an adverse impact on the landscape character by incremental development growth, contrary to PPS7 and Policies ST3, ST4 and EC3 of the South Somerset Local Plan.
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