Design and Access Statement

Retrospective siting and residential occupation of a mobile home to provide family supported accommodation for the applicants father

The Poplars

North Road

Gedney Hill

Spalding

Lincs

PE12 0NS

This report's aim is to demonstrate how the design process has been established and created the thought process behind the planning application. The report outlines the provisions of a high standard of design with the inclusion of accessibility for all, whist complying with planning legislation.

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Alexandra Design
Southfork Farm, Seadyke Bank, Murrow, Wisbech, Cambs, PE13 4SD
T: 07891175649 E: info.alexandradesign@gmail.com W: www.alexandradesign.co.uk

Design and Access Statement

Introduction: -

his Design and Access Statement has been prepared in support of a retrospective full planning application for the siting and continued residential occupation of a mobile home.

The mobile home is occupied by the applicant's father and provides accommodation close to members of his immediate family, who reside in the principal dwelling within the wider landholding. Its location enables the applicant and other family members to provide regular care, supervision and practical support to the occupant.

The accommodation was originally understood to perform a function comparable to a residential annex because its occupation is directly connected to the applicant's family and the care and support provided from the principal dwelling.

However, South Holland District Council has advised that the mobile home cannot be regarded as a conventional residential annex because of its physical separation from the principal dwelling and its location on land that the Council considers to fall outside the established residential curtilage.

The application therefore does not seek to present the mobile home as a residential annex. Instead, it seeks retrospective permission for its siting and residential occupation as family-supported accommodation for the applicant's father.

Application description

The proposed development is described as:

Retrospective siting and residential occupation of a mobile home to provide accommodation for the applicant's father, enabling care and support to be provided by family members residing at the adjoining dwelling.

Retrospective status

The mobile home has been stationed and occupied at the site for approximately three years.

The application is therefore made retrospectively under section 73A of the Town and Country Planning Act 1990, which allows planning permission to be granted for development that was carried out before the date of the planning application.

The fact that the mobile home has not been present for a sufficient period to establish immunity from enforcement does not prevent an application being made retrospectively. The purpose of the application is to allow the Council to assess the development on its planning merits and, where appropriate, regularise its continued use.

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Site and surrounding area

The application site forms part of a larger area of land within the applicant's ownership.

The principal family dwelling is situated within the same overall ownership. However, the mobile home is positioned on land that has historically formed part of a paddock rather than the conventional domestic garden associated with the dwelling.

Although the land is within the same ownership and has a direct functional relationship with the applicant and their family, the Council has indicated that ownership alone does not establish that the land forms part of the residential curtilage.

It is acknowledged that the mobile home is physically separated from the principal dwelling and is not located within what would ordinarily be perceived as its immediate rear or side garden.

The application has therefore been submitted on the basis that the mobile home represents a separate residential use of the relevant part of the land, albeit one with a specific and important family care function.

Planning history and surrounding development

The character of the immediate area is not one of entirely undeveloped or isolated agricultural land.

Planning permission has been granted immediately to the south of the application site for the conversion of an existing barn to holiday accommodation. The approved holiday-let development lies between the principal family dwelling and the retrospective mobile home.

The presence of this approved development is a material consideration when assessing the relationship between the mobile home, the principal dwelling and the surrounding pattern of development.

The approved holiday accommodation introduces an additional residentially related use and built form into the intervening area. As a result, the mobile home should not be assessed as an isolated structure positioned within an entirely open and undeveloped paddock.

The planning history demonstrates that the Council has previously accepted the principle of accommodation-related development within the immediate locality. Although holiday accommodation and permanent residential accommodation are different planning uses, the approved development remains relevant to the physical and visual character of the site and its surroundings.

The mobile home occupies a location influenced by the principal dwelling, the approved holiday accommodation and the wider established landholding.

Purpose and need for the accommodation

The mobile home is occupied by the applicant's father.

Its purpose is to enable him to reside close to his immediate family so that care, supervision and practical support can be provided when required. The arrangement allows him to retain a reasonable level of privacy and personal independence while remaining sufficiently close to family assistance.

The accommodation has not been positioned on the site as speculative, unrestricted or open-market housing. Its occupation arose from the individual circumstances and care needs of the applicant's father.

The development responds to a genuine family need and provides an alternative to the occupant living at a greater distance from his support network or requiring more formal accommodation elsewhere.

The arrangement provides the following benefits:

- close and regular access to family support;
- assistance with day-to-day activities and personal welfare;
- reassurance for both the occupant and his family;
- the ability for family members to respond promptly when help is required;
- retention of an appropriate degree of independence and privacy; and
- reduced pressure to secure alternative accommodation away from the family.

The personal circumstances of the occupant and the care provided by the applicant's family are material considerations to be weighed in the planning balance.

Relationship with the principal dwelling

The mobile home is not presented as being physically contained within the residential curtilage of the principal dwelling.

Nevertheless, there remains a clear social and functional relationship between the mobile home and the family household.

The occupant is the applicant's father, and the reason for his residence at the site is his need to live close to the family members who provide his care and support. The occupation is therefore materially different from the establishment of an unrelated dwelling occupied independently on the open market.

The applicant would be willing to accept an appropriately worded planning condition restricting occupation of the mobile home to the applicant's father, or to a dependent relative requiring care and support from the occupiers of the associated family dwelling.

Such a condition would prevent the accommodation from becoming an unrestricted independent dwelling and would ensure that its continued occupation remained connected to the family care need relied upon in support of the application.

A suitable condition could state:

The mobile home shall be occupied only by the applicant's father or another dependent relative of the occupiers of [principal dwelling address] who requires care or support from those occupiers, and shall not be occupied as an unrestricted, independently let or separately sold dwelling.

This would provide the Council with continued control over the nature of the use while recognising that the accommodation cannot formally be treated as a conventional residential annex.

Principle of development and planning balance

It is acknowledged that the land has historically formed part of a paddock and that the Council does not consider it to fall within the established residential curtilage of the principal dwelling.

However, the application must be determined on the basis of all relevant material considerations rather than land ownership or curtilage status alone.

The principal considerations include:

- the genuine family care need;
- the close relationship between the occupant and the applicant;
- the functional relationship with the principal family dwelling;
- the length of time the mobile home has already been present;
- the existing physical and visual effects of the development;
- the approved barn conversion and holiday accommodation immediately to the south;
- the absence of an intention to create unrestricted open-market housing; and
- the ability to control occupation through a personal or family-care condition.

The National Planning Policy Framework supports planning decisions that create healthy, inclusive and safe places and requires the housing needs of different groups, including older people and people with disabilities, to be considered.

The personal circumstances in this case do not automatically override development plan policy. Nevertheless, they are directly relevant to the planning balance and provide a clear explanation for why the accommodation must be located close to the applicant's family.

The development provides a significant social and welfare benefit that should be afforded substantial weight.

Design and appearance

The development consists of a mobile home rather than a permanent traditionally constructed dwelling.

Its scale and form are modest and domestic in appearance. As a mobile structure, it is inherently less permanent than a conventionally constructed dwelling and could be removed if the approved need for the accommodation ceased.

The mobile home is viewed in the context of the wider landholding, the principal dwelling, existing buildings and the approved conversion to holiday accommodation immediately to the south.

The development has now been in place for approximately three years, allowing its actual effects upon the character and appearance of the area to be assessed. Its impact is therefore no longer hypothetical.

Where necessary, boundary planting or supplementary landscaping could be provided to soften views of the mobile home and assist its integration with the surrounding site.

Any landscaping requirement could be secured by an appropriately worded planning condition.

Residential amenity

The mobile home provides acceptable living accommodation for its occupant and allows him to maintain privacy while remaining close to family support.

Its siting does not result in an unacceptable loss of privacy, light or outlook for the occupiers of the principal dwelling.

The use is domestic in character and does not generate noise or activity materially different from ordinary residential occupation.

The restricted family occupation proposed would ensure that the use remained low intensity and closely connected with the existing household.

There is no reason to consider that the continued occupation of the mobile home would result in an unacceptable effect upon the amenity of neighbouring occupiers.

Access and parking

The mobile home is served by the existing access arrangements within the wider landholding.

The application does not seek to establish a materially intensified commercial or visitor-generating use. Vehicle movements associated with one occupant and visits from immediate family members are limited and domestic in nature.

Adequate space is available within the site for parking and manoeuvring without requiring vehicles to wait or park within the public highway.

The proximity of the mobile home to the family dwelling reduces the need for repeated vehicle journeys that might otherwise be required to provide care at a separate address.

Flood risk and drainage

The application should be considered having regard to the site's identified flood-risk status and any accompanying Flood Risk Assessment or standing advice relevant to the location.

The mobile home has already been positioned at the site for approximately three years. Any necessary flood-resilience, evacuation or occupation measures can be addressed through the submitted supporting information and, where appropriate, planning conditions.

Surface water and foul drainage arrangements are identified within the application documentation.

Ecology and Biodiversity Net Gain

This is an application for retrospective planning permission under section 73A of the Town and Country Planning Act 1990 for development and a use that have already taken place.

Mandatory Biodiversity Net Gain does not apply to retrospective planning permissions granted under section 73A. Accordingly, the statutory biodiversity gain condition, statutory biodiversity metric and Biodiversity Gain Plan are not required.

This exemption relates specifically to the statutory Biodiversity Net Gain regime. It does not prevent the Council from considering any separate protected-species, designated-site or ecological matters that are material to the determination of the application.

Access and inclusive design

The purpose of the accommodation is closely connected with the health, welfare and care requirements of the occupant.

The accommodation allows the applicant's father to live close to the people who provide his care while retaining a degree of independence.

The arrangement reduces the physical and practical separation between the occupant and his support network and enables assistance to be provided promptly.

The access arrangements around the mobile home are suitable for its occupant's day-to-day needs. Where required, minor adaptations may be made to improve accessibility without materially changing the external appearance of the development.

Suggested planning controls

It is considered that any concern regarding the creation of an unrestricted independent dwelling can be appropriately addressed through planning conditions.

The applicant would accept conditions covering:

1. restriction of occupation to the applicant's father or another dependent relative requiring care from the occupiers of the principal dwelling;

2. prevention of the mobile home being sold, let or occupied as an unrestricted separate dwelling;

3. removal of the mobile home and restoration of the land if the care-related occupation permanently ceases; and

4. provision and maintenance of any landscaping considered reasonably necessary.

The use of conditions would provide a proportionate means of addressing the Council's concerns while allowing the genuine family care need to continue to be met.

Conclusion

This application seeks to regularise the siting and residential occupation of a mobile home that has been present for approximately three years.

Although the accommodation was initially considered to perform a role comparable to a residential annex, it is acknowledged that South Holland District Council does not consider it to be an annex because of its location outside the established residential curtilage of the principal dwelling.

The application has therefore been submitted as a retrospective full planning application for a mobile home providing family-supported accommodation for the applicant's father.

The mobile home is located within land under the same ownership as the principal dwelling and has a clear functional and social connection to the applicant's family. Its occupation enables the applicant's father to receive care and support while retaining a suitable degree of independence.

The development is not intended to provide unrestricted or speculative residential accommodation. Its purpose is directly connected to the occupant's personal circumstances and care needs, and the applicant is willing to accept a condition restricting its occupation accordingly.

Planning permission has also been granted for the conversion of a barn to holiday accommodation immediately to the south, between the principal dwelling and the application site. That approved development forms an important part of the physical and planning context and demonstrates that the area between the dwelling and mobile home is not wholly undeveloped or devoid of accommodation-related uses.

The application should therefore be assessed on the basis of:

• the genuine and continuing family care need;
• the social and welfare benefits of the arrangement;
• the established functional relationship with the applicant's family;
• the actual effects of the mobile home during its three years on the site;
• the surrounding built and approved development;

• the modest and potentially removable nature of the structure; and
• the ability to control its occupation and future use through proportionate planning conditions.

When these considerations are weighed together, it is respectfully submitted that the continued siting and occupation of the mobile home is acceptable and that retrospective planning permission should be granted.