Planning application for the retention of a mobile home to be occupied in association with the Compact Car Corner, Wisbech Road, Long Sutton

Planning, Design and Access Statement on behalf of the Compact Car Corner.



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Town Planning Consultancy

Planning Design and Access Statement in support of a retrospective planning application for the retention of a mobile home to be occupied in association with the operation of Compact Corner Cars

Introduction

Whilst it is acknowledged that as the application is made for the retention of a single mobile home a design and access statement is not legally necessary; in the context of the history of the site and the special circumstances of the application it is considered useful to describe the operation and set out the arguments in favour of the proposal.

This Planning, Design and Access Statement incorporates statements in accordance with local and national planning guidance, and is to be read alongside the submitted plans and documents.

The role of this statement is to aid decision making. This is achieved by communicating the process employed to inform the development by considering the form, character, structure and impact of the proposed development in the context of its surroundings (as set out in Note 1 below which is extracted from the Planning Policy Guidance note on Design 2014).

This statement includes an assessment of the scheme against the policies of the adopted Development Plan and other material planning policy considerations.

The application should also be considered within the context of the National Planning Policy Framework (NPPF). The key principles of national government planning policy are set out in this document and surround the concept of creating developments that are sustainable and of high quality in terms of design, sustainability, socially inclusive and protect the environment.

A Design and Access Statement is a concise report accompanying certain applications for planning permission and applications for listed building consent. They provide a framework for applications to explain how the proposed development is a suitable response to the site and its setting and demonstrate that it can be adequately accessed by prospective users.

Paragraph: 034 Reference ID: 26-034-20140306

Planning Design and Access Statement in support of a retrospective planning application for the retention of a mobile home to be occupied in association with the operation of Compact Corner Cars

Proposal

The application is made for the retention of a mobile home on site to enable continued occupation by the owner of the Compact car Co and his family.

Background

The applicant acquired the site in 2005 and set Compact Car Corner in 2014 and it has been trading successfully from the site ever since.

Early in 2015 following a business rates assessment site visit the assessor noted that Mr Upton was living on site an appears to have notified South Holland DC, which has triggered the contact from the SHDC Council tax department.

It is noted that immediately following contact from the council tax department Mr Upton has cooperated as described in his words below;

3 days later they called me and put me in band 'A' and sent a bill and I paid; I then went into SHDC arranged refuge collection and registered to vote on electoral role and my driving licence and banks everything registered to this address.

The mobile home was placed in a council tax residential band and has paid council tax in full since 2015. Mr Upton had assumed that this process confirmed that he was able to live on site with the full knowledge of the council.

It was then 2 ½ years later that Mr Upton had a site visit from the planning enforcement officer (letter dated 21 August) This retrospective planning application is made in response to the councils enforcement offer's letter (see annex 1).

Site

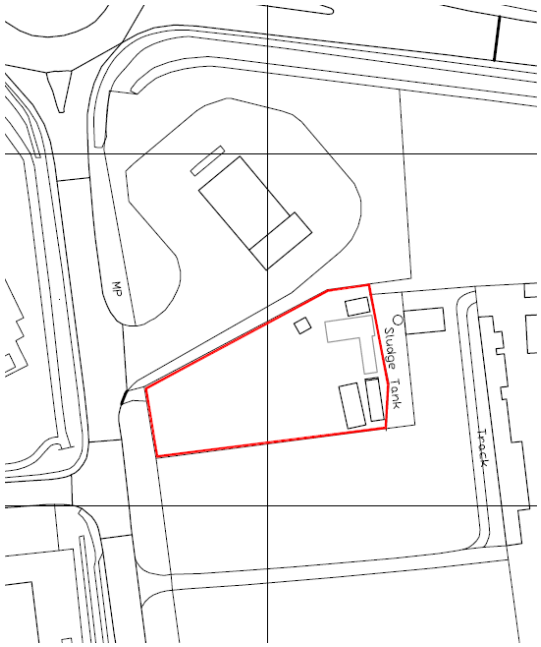
Location – the site is ideally located for a car sales centre, some 100m south of the A17 and its junction with Wisbech Road, to the immediate south of Long Sutton.

See below. - note relationship to surrounding commercial uses



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Above; Location plan showing extent of the application site in relation to the nearby roads and in particular the A17 roundabout.





Existing Use – since 2014 the site has been lawfully used as a car sales yard in accordance with planning permission H11-0092-14.
Further applications were made latterly for an improved access and erection of security fencing.

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Adjacent uses of note –

The site lies outside of the development boundary of long Sutton but in a zone of mixed commercial development. It has the MacDonald's drive through restaurant to the west, a caravan and mobile home sales site to the north, a smallholding to the south and Whites emporium - a mixed retail leisure and educational facility to the south west (see Google Earth view below).







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Site features –
The site currently contains 2 workshops, an office and a mobile home.

The new mobile home that the applicant was constructing has now been removed and he and his family are living in the mobile home pictured below, although this has been relocated to the rear of eh workshop - see block plan and has been repaired with new windows and doors - the plywood patches have now been removed.



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Planning background

Reference	**H11-0092-14**
Status	Approved
Proposal	Change of use from wasteland to car sales area with log cabin for office use and 2 metre high palisade fencing
Location	Compact Car Corner Wisbech Road Long Sutton Spalding PE12 9AG

Reference	**H11-0497-14**
Status	Approved
Proposal	New vehicular access (retrospective)
Location	Compact Car Corner Wisbech Road Long Sutton Spalding PE12 9AG

Reference	**H11-0498-14**
Status	Approved
Proposal	Details of layout of site, boundary treatment and external materials (conditions 3, 4 and 5 of H11-0092-14)
Location	Compact Car Corner Wisbech Road Long Sutton Spalding PE12 9AG

Planning policies

The emerging local plan (and the adopted local plan) identified the site as being outside of the development boundary for Long Sutton and as such is deemed in planning terms to be in open countryside.
Policy 2 clarifies this position and confirms how applications for development in the countryside will be considered.

D. Countryside The rest of the Local Plan area outside the defined settlement boundaries of the Sub Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The supporting text accompanying policy 2 confirms that the relationship to an existing development and / or land use can be material in considering new development.

Countryside 3.2.15 The Countryside of South East Lincolnshire is a precious resource, mainly in its role for agriculture but also for recreation. There are types of development that require a Countryside location either because it is the location of an existing building or use of land.

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National planning policy is contained in the NPPF and new residential development in the countryside is considered in Para 55.

When determining Planning Applications the NPPF directs LPAs to apply the presumption in favour of sustainable development; the 'golden thread' which is expected to run through their plan-making and decision-making. It must be noted however that this is expected to apply except where this conflicts with other policies contained within the NPPF, including those relating to the protection of designated heritage assets. (Paragraph 14)

Reference is also made to the provision of the NPPF para 49 in relation to the requirements for local planning authorities to maintain a deliverable 5 year supply of housing land. It is evident that South Holland District Council cannot demonstrate the requisite supply as required by Para 49 and as such the provisions of Para14 are applicable

Inter alia
where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

It is noted that Para 55 seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Whilst it goes on to resist ' isolated new homes ' in the open countryside it does not prevent new development in sustainable rural areas.

It is acknowledged at a national level that there is an overriding need for the delivery of new homes and the recent ministerial paper 'Towards a one nation economy: a 10 point plan for boosting productivity in rural areas.' Sets out the direction of new policy and the government express desire to increase availability of housing in rural areas.

This document sets out a 10-point plan that the government will put into action to increase productivity growth in England's rural areas. The actions are organised around five areas considered to reflect the key priorities for rural areas:

- rural areas fully connected to the wider economy
- a highly skilled rural workforce
- strong conditions for rural business growth
- easier to live and work in rural areas
- greater local control

It is therefore considered that the proposal could help deliver much needed new homes to help the council meet its targets in the near future.

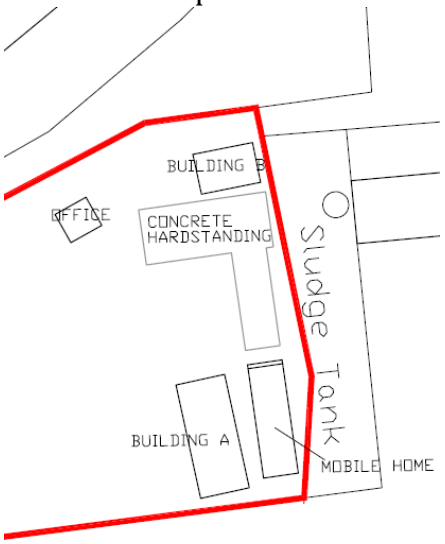
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Design and Access

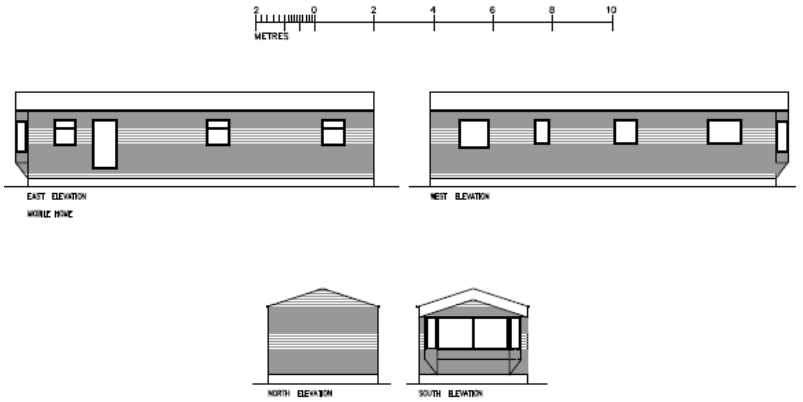
The section below addresses the key list of attributes required to be considered within the design and access statement, i.e.- the amount; layout; scale; landscaping and appearance of the scheme.

Amount; The application seeks the retention of a single mobile home on site for residential purposes as identified in the pictures above and proposed block plan opposite.

Layout; The proposed layout is as set out on the proposed block plan opposite. The mobile home has been relocated to the east of the workshop to make best use of existing screening to reduce visual impact.



Scale/ appearance; The application is made for the retention of the existing mobile home as shown in the photos and the plans and elevations below.



Landscaping; no additional landscaping is proposed; although the area of concrete hardstanding installed for the base of the previous mobile home (identified on the block plan) will be used for domestic open space.

Access; access to the site and to the mobile home remain unchanged and as approved in H11-0497-14. The residential use of the site is not considered to materially impact on traffic generation or highway safety.

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Planning issues

Principle of development

The business gained planning permission in 2014 and has operated successfully on site since then.

Due to security concerns and a number of attempted thefts from the site, the applicant has lived on site in a caravan or a mobile home since May 2015.

The location of the site close to the A17 whilst being good for passing business also means that it is attractive to thieves who can make a quick getaway on good roads.

Also the fact that this site is not well overlooked - particularly at night, means that security is compromised and this is not a factor that can be overcome with CCTV or remote security as by the time security reached the site the damage would have been done and the theft taken place.

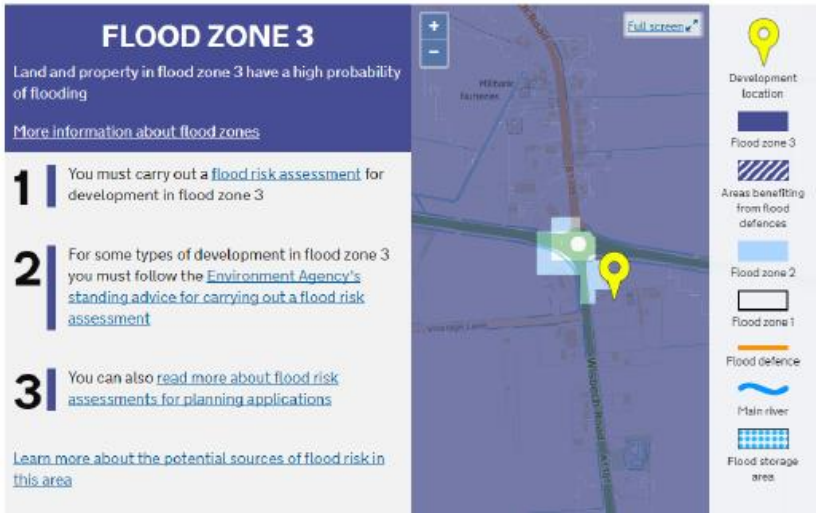
It is the applicants view (and that of his insurers) that the only reasonable method of securing the site is to live on it as a constant deterrent. Therefore in accordance with policy 2 and Para 55 the retention of the mobile home is in the interest of sustainable development in that it will enable to retention and continued growth of the local business.

The retention of the mobile home has no material impact on visual amenity and her are not considered to be any physical or environmental constraints that would preclude the proposed development.

Flood risk

It is acknowledged that this site is in FZ3 - as is almost all of Long Sutton - including the new housing allocations in the emerging local plan.

In recognition of this a site specific FRA has been commissioned from the Geoff Beel Consultancy and this is submitted with the application documentation.



The summary of the FRA is reproduced below

. *The proposed development is not in a Functional Floodplain. It is located in the Passive Floodplain protected by the River Nene tidal defences and the South Holland IDB to a 1 in 200 year return period, (0.5%).*

. *Although the site is in Flood Zone 2 the actual risk of site flooding from any Environment Agency river system is very low (less than 0.5%). The site has been identified as liable of up to 250mm depth of flooding due to the failure of the River Nene tidal defences in the South Holland District Council's Updated Strategic Flood Risk Assessment Map.*

. *Although the site is located within an Internal Drainage District with a minimum standard of drainage of 1 in 50 years, this accords with Defra guidelines for rural development. Freeboard to design water level of 900mm to lowest land level is available for events greater than 1 in 50 years providing further storage within the drainage channels.*

. *Floor level of the mobile home has been raised 400mm above existing ground level and suitably anchored to the ground.*

. *On site rainwater from the development will be discharged via soakaway drainage to BRE365 design requirements to Building Regulations approval.*

Sequential test

Accepting that the mobile home occupation is necessary in respect to the continued operation of the business it is necessary to consider if alternative accommodation is available that will offer the same level of security and accessibility in a lower flood zone.

As stated above Long Sutton and its surrounding areas are identified by the EA as being within FZ 3 (High Risk)and as such alternative sites in the area are at the same risk and are therefore not sequentially preferable.

Exception test

The proposal will enable the retention of a successful local business that contributes both financially and socially to the local economy and communality and as such, having regard to policy 2 and its supporting text this can be considered to be an exception.

Conclusions

The applicant has been living on site (with the knowledge of the SHDC) and paying council tax for 2 ½ years without causing harm.

The curent application was requested follwing a visit from the enforcement officer in August this year. It is not clear what prompted this visit.

It is now accepted that the residential use of the site required planning permison and had not yet become lawful through the passage of time and a such this application is made.

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The continued occupation of the site is considerd to be essential to maintain security of the site and consequently to maintian the viability of Compact Car Corner as a local business. It is therefore considered to represent a form of sustiainable development as advocated for rural development in both policy 2 of the emerging local plan and para 55 of the NPPF.

Having regard to the personal circumstances of the applicant, it is noted that this is the family home and the busines has consumed most of his resources such that purchasing an alternative home is not currenlty a viable option.

It is therefore requested that planning permission be granted for the retention of the mobile home on site to maintain security to the business.

Tim Slater
BA (Hons) DMS MRTPI
3D Planning Ltd

Annex 1 - letter from SHDC Planning Enforcement

date: 21st August 2017
your reference:
our reference: ENF-197-17-E11
ask for: Kate Bellamy
email: kbellamy@sholland.gov.uk

Mr Melvin Upton
Compact Car Corner
Wisbech Road
Long Sutton
Spalding
PE12 9AG

SOUTH HOLLAND DISTRICT COUNCIL

Council Offices
Priory Road
Spalding
Lincolnshire PE11 2XE

tel: 01775 764501
fax: 01775 711253
www.sholland.gov.uk

Dear Mr Upton

Unauthorised caravan and dwelling under construction at Compact Car Corner, Wisbech Road, Long Sutton

I write further to my visit earlier today regarding the above to confirm the advice given.

You advised that you have been living in a static caravan on site for just over 2 years. Due to the dilapidated nature of the caravan, you are currently constructing alternative residential accommodation on site to house you, your partner and your son. Neither the caravan nor the new dwelling have planning permission, and are consequently unauthorised.

To resolve this matter, you will need to remove the caravan and part constructed dwelling from the site and cease the residential use. Alternatively you could look to submit a retrospective planning application for the dwelling and caravan. Should you choose this option in the first instance, the application form and guidance notes are available to download from our website, www.sholland.gov.uk. We have a planning duty officer available Monday – Thursday 9am-1pm by calling into the Council Offices or telephoning 01775 764703 between these times. Please note that this invitation to submit an application contains no implication, intentional or unintentional, of any likely outcome. An application should be submitted within one month of the date of this letter. Should you choose to remove the caravan and dwelling, please can you contact me to agree a date by which this will be done.

I would strongly urge you to seek independent advice from a solicitor or planning agent. Additionally, you may wish to speak with the Council's housing department regarding the possibility of alternative accommodation for you and your family.

Finally, I must inform you that by virtue of Section 172 of the Town and Country
Continued…

Planning Act 1990, this Local Planning Authority is empowered to take proceedings in respect of any breach of planning control. This can clearly be avoided with your co-operation.

Please don't hesitate to contact me should you wish to discuss this matter further. Please note I will be on leave until Monday 4th September.

Yours sincerely

Kate Bellamy
Senior Planning Compliance Officer