

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0711-19 **Applicant:** Mr Anthony Timbrell
Proposal: Siting of caravan for residential purposes (retrospective)
Location: Harwell Paddocks Sutton Road Sutton St James
Terminal Date: 25th November 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a retrospective application for the siting of a caravan for residential purposes at Harwell Paddocks, Sutton Road, Sutton St James.

Site Description

The site is located within the open countryside and comprises of mostly paddock and accommodates a kennel block, a small shed and the caravan in question. The boundaries of the site are defined by post and rail fencing. There are open views across the site. There are no residential properties in the vicinity. The nearest built development is located to the north of the site and comprises of brick and steel agricultural buildings. There is an IDB watercourse adjacent to the site boundary.

The site is not located within any defined settlement limit as set out in the South East Lincolnshire Local Plan (2019) and is therefore classed as being in the countryside.

History

APP/A2525/C/17/318349 - Appeal against enforcement notice (decided May 2018). Permission granted for greyhound/kennel use as a result but residential element dismissed on basis of no need established for it in this location (no licence details provided) and impact of caravan on character and appearance of area.

SHDC.EN106 - Enforcement notice issued in July 2017 for a breach of planning control, namely: Without planning permission the unauthorised use of the Land from the authorised use as a paddock, to a mixed use of paddock land and residential by the siting of a static caravan and associated unauthorised erection of a kennel block building.

APP/A2525/A/04/1150135 - Appeal against refusal of H20-1415-03 dismissed January 2005

H20-1415-03 - Temporary siting of mobile home to be used as rest area, plus erection of feed room and construction of sand manage (part retrospective) (refused March 2004)

H20-0078-03 - Change of use of agricultural land to paddock, plus erection of stable block and construction of access/roadway (approved April 2003)

Consultation Responses

Sutton St James Parish Council - Concerned about the noise it will create as this will add to the disturbance of the residents by other kennel within the village. Others are still being investigated because of this problem. This land has been the subject of previous fails planning applications.

SHDC Environmental Protection - No objection.

Environment Agency - The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each flood zone. The proposed development is classed as highly vulnerable in accordance with table 2 of the flood zones and flood risk tables of the PPG. The proposed development therefore falls within cell G11 of our local flood risk standing advice matrix. However, we would not object to the proposal as it falls outside of the maximum modelled hazard extents. The proposal does not therefore present any increase in flood risk.

South Holland Internal Drainage Board - No objection.

Planning Considerations

Principle

The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is therefore classed as being in the countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only 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.

In the Inspector's decision on enforcement appeal ref. APP/A2525/C/17/3180349, the proposal (including a caravan for residential use) was considered in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (2019) (NPPF). Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental. This approach is reflected in Policy 1 of the SELLP. Although the appeal decision was made in the context of the old 2012 NPPF, the general thrust of the revised Framework remains the same and, as such, it is considered that the Inspector's conclusion (as set out below) still applies:

In terms of promoting sustainable development in rural areas, the Framework is clear that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. It is therefore necessary to consider whether the caravan would represent an isolated home and, if so, whether harm would arise from this.

The site is surrounded by open fields, with other residential properties sporadically dispersed over the wider area. The caravan and associated kennel block do not extend or infill the established built up part of the nearby settlement. Whilst the development is not visually isolated in the sense of being hidden or secluded, the prevailing character of the area is one of open countryside. It seems to me that, on balance, the appeal site would still have the sense of being in a physically isolated location in terms of its relationship to other buildings.

Whilst it would be unrealistic to expect that residents could avoid use of private cars in this rural location, Sutton St James, though relatively nearby, offers only a very limited range of services. Furthermore the absence of footways and lighting between the site and the village would not be conducive to safe and convenient access for pedestrians. Despite the possibility of some reliance on online shopping, there is no information before me that leads me to conclude that a genuine sustainable transport choice would be available to allow for convenient access to a range of day to day essential services and facilities. I therefore conclude that a residential use in its own right would not have acceptable access in this regard and that there would be a lack of relationship between the site and the nearest settlement. In this respect the dwelling would be functionally isolated.

Drawing the above considerations together I find that the appeal site is both physically and functionally isolated. The development should not therefore be regarded as garnering support from the recognition within paragraph 55 of the Framework that development in one village may support services in a village nearby. Even though the provision of accommodation on site would obviate the need to travel to work, I conclude that because of a lack of detailed information about the business, as discussed above, special circumstances have not been satisfactorily demonstrated by the appellant that would necessitate the siting of a dwelling in this location.

In normal circumstances, given the above, an application for the siting of a caravan for residential purposes in this location would not be supported. However, the applicant has submitted a statement in support of the application contending that, as they are a licensed Professional Trainer, residential accommodation is required in this location in order to comply with the requirements of the Greyhound Board of Great Britain's (GBGB) Rules of Racing (in particular those relating to trainers, transportation and residential kennels). Rule 212 sets out the minimum requirements for all residential licenced kennels and the transportation of greyhounds. Part xx of this states that all premises shall be provided with over-night supervision to the satisfaction of the Area Stipendiary Steward. It has been confirmed by the relevant Stipendiary Steward that for a Professional Trainer to be licensed by the GBGB they need to have kennels to a standard that complies with Rule 212 of the GBGB Rules of Racing. Given this, it can be considered that the development is 'necessary to such a location' and the application therefore complies with Policy 1 of the Local Plan.

Impact upon character and appearance of the area

The Inspector's decision on enforcement appeal ref. APP/A2525/C/17/3180349 also considers impact on the character and appearance of the area. The Inspector commented that *'the static caravan is functional in design and because of its light coloured shell, is very prominent from various locations in the wider open landscape including from Sutton Road immediately to the north, from the bridleway adjacent to the South Holland Drain further to the north and from Ropers Lane to the south. The prominent functional design of the caravan appears incongruous with the rural character of its surroundings...The appellant also states that it is proposed to apply timber cladding to the caravan so as to match the kennel block. Whilst this would serve to reduce the prominence of the caravan, I am not persuaded that it would alleviate its functional design. The caravan therefore results in harm to the character and appearance of the area, and would not be suitable as a permanent feature on the site, which would be at odds with the Framework.'*

Dark cladding has since been applied to the caravan to reflect the materials used in the kennel block. This does reduce the prominence of the structure and some attempt at introducing planting adjacent to the caravan has been made, although it will be some time before this becomes fully established.

On balance, given that there is a permitted kennel use on the site and the applicant's license requires overnight supervision to be provided, it is considered that the harm would not be so significant as to warrant refusal of the application.

Flood risk

The site is located within Environment Agency Flood Zone 3a. National Planning Practice Guidance classifies caravans intended for permanent residential use as a 'highly vulnerable' use in flood risk terms and are not deemed appropriate in Flood Zone 3a. The siting of a caravan in such a location for permanent residential occupation is therefore contrary to national planning guidance.

However, the Environment Agency have not objected to the application on the basis that the site falls outside of the maximum modelled hazard extents and the proposal does not therefore present any increase in flood risk. There would therefore be no justification to refuse the application on flood risk grounds.

Other

Sutton St James Parish Council have objected on the basis that they have concerns about the noise the proposal will create as this will add to the disturbance of the residents by other kennel within the village. It should be noted that the kennel use already benefits from planning permission (via appeal) and a caravan being used for residential purposes would create no more noise than any other dwelling. The residential element of the appeal was previously dismissed because licence details had not been provided. This has now been provided as part of this application and it is considered that the proposal satisfactorily complies with Policy 1 of the Local Plan.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or

other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.