Design and Access Statement

PROPOSED TEMPORARY MOBILE HOME

THREE ACRE (WILD ACRE)

BAULKINS DROVE

SUTTON ST JAMES

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.

RC75

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Design and Access Statement

1. **Introduction: -**

The existing site comprises of an approved bungalow and double garage foundations (currently being constructed) with a large existing plantation of various native foliage which will be extended (laurel hedging) to help shield the agricultural shed from neighbouring residential properties. Baulkins Drove is predominately a residential area but as the road follows south the residential side dwindles off to allow farming buildings and complexes. The proposed site in question is nearly surrounded by agricultural buildings, to the north of the site there is a large agricultural shed which is separated from my client's site via two fields. Immediately west of the application site is an agricultural shed and complex (please see photo attached below).



Mobile homes are technically regarded as 'Caravans'. There are touring caravans, Motor homes, static caravans, twin unit mobiles. These are all caravans. You will also hear the terms 'Park home' 'leisure lodge' 'log cabin'. These are not legal definitions. We use the term 'mobile home' because this refers to static caravans and twin unit mobile homes.

2. **Compliance with Planning Policies:-**

Local Plan LP12;
Part A: New development in villages will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Any proposal will need to satisfy the applicable policies of this document
(Including the thresholds set in Policy CS3), as well as all the following criteria:

- The site is in or adjacent to the existing developed footprint* of the village; and
- It would not result in coalescence with any neighbouring village; and
- It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland; and
- The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance; and
- It would not extend existing linear features of the settlement, or result in ribbon development; and

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- The site retains and respects natural boundaries such as trees, hedgerows, embankments and drainage ditches; and
- The site retains and respects ecological, archaeological and biodiversity features; and
- It would not result in the loss of important spaces within the village; and
- It would not result in the loss of high grade agricultural land, or if so, comprehensive evidence is provided to justify the loss. This should include an assessment of all alternative reasonable opportunities in the locality to develop on lower grades of agricultural land; and
- It would not put people or property in danger from identified risks; and
- It can be served by sustainable infrastructure provision, such as surface water and waste water drainage and highways.

If a proposal within or on the edge of a village would, in combination with other development built since April 2011 and committed to be built (i.e. with planning permission),

- Increase the number of dwellings in the village by 10% or more; or
- For non-dwellings, have a floor space of 1,000sq m or more or have an operational area (Including, for example, parking and storage spaces) of 0.5ha or more, then the proposal should have demonstrable evidence of strong local community support for the scheme (with such support generated via a thorough and proportionate pre-application community consultation exercise or a Neighbourhood Plan exercise).

Local Plan LP16;

High quality environments will be delivered and protected throughout the district. Proposals for all new developments, including where possible advertisements and extensions and alterations to existing buildings, will only be permitted if it can be demonstrated that the proposal meets all of the following criteria:

- Protects and enhances and affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with policy CS18
- Protects and enhances biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection that is given to internationally and nationally designated sites, in accordance with Policy CS19.
- Retains and incorporates natural and historic features of the site such as trees, hedgerows, field patterns and drains.
- A positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and doesn't adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- Does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- Provides adequate, well designed facilities for the storage, sorting and collection of waste that are user friendly and appropriate to the amount and type of development proposed, including taking account of any district or county Supplementary Planning Documents which are in force at the time of the proposal).
- Provides publicity accessible open space for play, sport, recreation and access to nature, in accordance with the standards set out in Appendix B, or financial contribution of equivalent value where on site provisions is impracticable.
- Provides sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of

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the area, this means a minimum of a third of the plot cartilage should be set aside as private amenity space.

- Provides well designed hard and soft landscaping incorporating sustainable drainage systems as appropriate.
- Provides safe environments and incorporates security measures to deter crime in accordance with policy CS17.
- Enables flexible use and adaptation to reflect changing lifestyles.
- Mitigates against any existing or proposed sources of noise, emissions, pollutions and contamination
- Complements and enhances the quality of riverside settings.

The NPPF seeks to promote sustainable development in rural areas where it will maintain the vitality of rural communities. This is further supported by the policies within the Local Plan and Emerging Core Strategy where it is determined that new development in villages will be supported where it contributes to the sustainability of the settlement and does not harm the wide, open character of the countryside.

Caravan Sites Act 1968 Defines a caravan as:

(1) A structure designed or adapted for human habitation which—

(a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and

(b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a **[**highway**]** **[**road**]** when assembled.

(2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (*a*) and (*b*) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

(a) Length (exclusive of any drawbar): **[**65.616**]** feet (**[**20**]** metres);

(b) Width: **[**22.309**]** feet (**[**6.8**]** metres);

(c) Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): **[**10.006**]** feet (**[**3.05**]** metres).

(3) The **[**Minister**]** **[**Secretary of State**]** may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order.

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(4) Any statutory instrument made by virtue of subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

LP Policy HG7 deals with housing development in the countryside. It says that new residential development will not be permitted outside the confines of an existing village unless it constitutes one of a series of exceptions.

3. Case Law

Case Law

Miller-Mead v Minister of Housing and Local Government (1963)

Skerrits of Nottingham Limited v Secretary of State for the Environment, Transport and the Regions (2000)

Measor v Secretary of State for the Environment, Transport and the Regions, and Tunbridge Wells Borough Council (1998)

Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Company Limited (1949)

Carter v Secretary of State for the Environment (1991)

Barvis Ltd v Secretary of State for the Environment (1971) 22 P&CR 710, DC

Hobday v Nicol [1944] 1 All ER 302

Wyre Forest District Council v Secretary of State for the Environment

Carter and another v Secretary of State for the Environment and another

Mr and Mrs Carter appealed to the High Court from that decision under section 246 of the Town and Country Planning Act 1971. The appeal first came before Judge Marder QC, sitting as a deputy judge of the Queen's Bench Division. In fact he did not deal with the matter in substance because he required the presence of the local authority in order to assist him. He did, however, make some observations in passing, which were not definitive. His observations cannot carry any weight in the context of the consideration by this court of this appeal.

Following the necessary adjournment for the local authority to appeal, the matter was considered substantively by another deputy High Court judge, Mr Lionel Read QC. He gave judgment on February 28 1990. He allowed the appeal and held that the inspector had fallen into error in failing to consider whether the park home was a caravan within the statutory definition. He observed at p15G of the transcript of his judgment:

Prima facie -- I say no more than that -- park home was a caravan within the statutory definition. The Secretary of State remitted the matter for redetermination concerning the enforcement notice to which I have referred. A second inspector considered the matter on further written representations, and then reported to the Secretary of State on August 12 1991. In the report he described the structure

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which he had been to see. He considered the terms of section 29(1) of the Caravan Sites and Control of Development Act1960, and he expressed his view in para 18 of his report. I cite the whole of that paragraph in order to indicate how he expressed his opinion:

In relation to the definition of the word "caravan" in S29(i) of the Caravan Sites and Control of Development Act 1960 Part 1 it is my opinion that the 4 units which make up the Park Home form a structure "designed or adapted for human habitation". The Park Home is capable of being moved from one place to another. The evidence at the inquiry was that it was delivered to the site on a lorry in 4 prefabricated sections. It is clearly capable of being moved again in like manner. There is no criteria to require that the 4 units have to be moved together as a single unit, nor is there any criteria which state that the movement has to be by road. Limitations as to the size of loads that can be moved on public highways do not in my opinion have any bearing here. The ability to move it from one place to another, say within the same field, appears to me to be embraced in the overall definition. The Park Home is not a motor vehicle and (a) and (b) of the definition do not apply either. In my view the Park Home is a caravan in terms of the definition in the 1960 Act.

BYRNE v. SECRETARY OF STATE FOR ENVIRONMENT and ARUN [1997J EWHC Admin 190 (27th February, 1997)

"Turning to the statutory definition of a twin unit, which I understand to mean two caravans joined together, sub section 13 (1)(a) of the 1969 Act describes a structure of not more that two sections separately constructed and designed to be assembled on site by means of bolts, clamps or other devices. When assembled it should physically be capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and that it should be treated as a caravan even though it cannot legally be moved on the highway when so assembled."

4. Appeal Decisions

Appeal

- PINS ref-3321099-Rochford District Council- Application for a LDC for siting of proposed mobile home-ALLOWED- Note: For the "PJL categories" and "Case law references", see the related appeal decision 3232209.
- PINS ref 3225877-Aylesbury Vale District Council- Application for a Lawful Development Certificate for a Proposed use of a replacement mobile home with new twin unit mobile home, foul water services to be linked into existing septic tank system. -ALLOWED.
- PINS ref 3210200-East Staffordshire Borough Council- The provision of a mobile home to provide additional accommodation for family members as part of one household. - The use for which a certificate of lawful use or development is sought is the provision of a mobile home to provide additional accommodation for family members as part of one household. - ALLOWED
- Ref: APP/Z2830/X/13/2190381-The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC). -ALLOWED- 08/01/2014.

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- PINS ref 3192114-Breckland Council-Lawful Development Certificate for a Proposed Use or Development for the siting of mobile homes for permanent residential occupation. The use for which a certificate of lawful use or development is sought is siting of mobile homes for permanent residential occupation. ALLOWED

5. Use and amount:-

The temporary mobile home will serve the purpose of being on site while the dwelling is under construction. The applicant was not aware that permission needed to be sort for the temporary use while under construction, as defined by enforcement officer Sally Pusey.

This statement has been produced to show the concept and development of the proposal and to ensure that a high-quality development is produced, ensuring that it follows the guidelines laid down in Government Guidance but perhaps, more importantly, that the proposed development respects the local context that it will sit within. However, Fenland Core Strategy is now in use and for the foreseeable future the Council is not intending to allocate specific sites for housing development on an Ordnance Survey based map.

6. Design/Layout:-

(1) A structure designed or adapted for human habitation which—

(a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
(b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a [highway] [road] when assembled.

(2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

(a) length (exclusive of any drawbar): [65.616] feet ([20] metres);
(b) width: [22.309] feet ([6.8] metres);
(c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): [10.006] feet ([3.05] metres).

Caravan act conformity:

SIZE:

• Caravans from Habitat Park Homes Ltd conform to Section 29 of the Caravan Sites and Control of Development Act 1960 because they are of a size and construction that allows them to be moved from one place to another.

• All **Twin-Unit Caravans** are designed to conform to the Caravan Sites Act 1968 as

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they sit within a footprint no greater than 6.8m wide x 20m length and have in internal height no greater than 305cms.

MOBILITY:

Mobile Homes from Habitat Park Homes Ltd conform to Section 29 Caravan Sites and Control of Development Act 1960 in that they are designed to be moved from one place to another by road. The structural integrity of all our caravans is such as to enable them to be lifted by a crane on to a low-loader vehicle with no complicated procedures or adaption and every unit has the appropriate Dynamic Loading Capacity, that will allow it to moved at speed on a road.

The caravan is of timber frame construction with timber frame walls external and internally and can be lifted from the ground in one piece same as a static caravan. The design of the proposal is the same principles of a static caravan but the appearance is pleasing to the eye; raising the character of the area.

CONSTRUCTION:

Twin-Unit Caravans designed to conform to the
1968 Caravans Act in that;

(1) the central ridge beam is manufactured in two separate
and dividable lengths, one to each half of the structure, joined together by means of bolts, fitted as the last act of construction
(2) centrally running partition walls are made
from 2 x separate panels, permanently unconnected, allowing direct separation
(3) the
timber floor cassettes sit inside a timber 'ring beam' around the edge of each section.
The two halves are separately constructed and remain permanently unconnected down the central length and only joined at the external ends by means of bolts.
(4) The final
act of construction is to join the two halves by means of bolts or clamps.

• **Twin-Unit caravans** are separately constructed on-site in that; there is a physical space between the two halves. Enough that a saw blade can run between the halves uninterrupted

• All our Caravans sit unconnected, unfixed, to the groundwork/base.
The proposal is to be erected as a static caravan construction with removable bases which are not constructed from foundations but simply sit on top of the concrete base the same as a static caravan.

History land use: The land has always seen the presents of agriculture and was granted planning permission for an agricultural shed, dwelling and double garage providing the owners are to use the land for agricultural purposes and not garden land. My client intends to erect an agricultural shed (reason for this planning application) and create a business from pigs and chickens.

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7. **Access:-**

Site access is existing and no changes are required to maintain its function.

Fire appliance Turning

The close proximity of the site against Baulkins Drove allows the Fire brigade to gain access to the site should the event of a fire break out.

8. **Biodiversity Checklist: Protected Species:-**

Bats- has the site been surveyed for bats? NO

Are there any structures on site which have the potential to support roosting bats? NO

Structures with high potential include all agricultural buildings, buildings with weather boarding, tunnels, mines, ice houses, bridges, cliff faces with crevices and woodland. Further guidance can be found in 'Bat Surveys: Good Practice Guidelines' available from www.bats.org.uk and the Bat Mitigation Guidelines available from Natural England.

Are there any trees on the site which have the potential to support roosting bats? NO

Barn Owls- has the site been surveyed for barn owls? NO

Is there any evidence of barn owls nesting in or near the site or are there suitable nesting areas on the development site? NO

Breeding Birds- has the site been surveyed for breeding birds? NO

Will areas of hedgerow/scrub/woodland/trees or other features likely to be used? NO

Badgers- has the site been surveyed for badgers? NO

Is there any evidence of badgers on or near the application site? NO

Are badgers commuting through the site to foraging areas? NO

Badgers use a wide variety of habitats and setts can be found in hedgerows, woodlands, scrub and field margins, as well as on Brownfield land. Wherever appropriate, safe routes to foraging areas should be incorporated into the development proposal. Further information can be found in 'Badgers and Development' available from Natural England.

Dormice- has the site been surveyed for dormice? NO

Is there suitable habitat for dormice on, or close to the application site? NO

Dormice are found in a variety of habitats including ancient semi-natural woodland, scrub, young plantations (both broadleaved and coniferous) and hedgerows. Occasionally they are recorded in gorse, scrub, heath land and alder trees in reed beds. Further information can be found in The Dormouse Conservation Handbook available from Natural England.

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Found only in parts of Essex and Suffolk in the East of England region.

Great crested newts- has the site been surveyed for great crested newts? NO

Is there suitable habitat for great crested newts on, or close to the application site? NO

Great crested newts are often recorded in ponds, reed beds, ditches and mineral workings. Terrestrial

habitat used by newts is varied and includes semi-natural grassland, woodland, hedgerows and pasture and are often found in urban sites including gardens. Further guidance on great crested newts can be found in the Great Crested Newt Mitigation Guidelines available from Natural England and the Great Crested Newt Conservation Handbook available from www.froglife.org.

Reptiles- has the site been surveyed for reptiles? NO

Is there suitable habitat on the site for reptiles? NO

Reptiles use a variety of habitats including rough grassland, heath land, allotments, scrub, Brownfield sites, field margins and abandoned gardens. Further information can be found in 'Reptiles: Guidelines for

Developers' available from Natural England.

Other protected species (white-clawed crayfish, water voles, otters)

Has the site been surveyed for any other? NO

Is there suitable habitat on the site for any other? NO

A current list of protected species is available from the Joint Nature Conservation Committee and the Office of Public Sector Information.

** If the answer to any of the above questions is 'Yes', then the survey report should include details of the species concerned, the population level at the site, the direct and indirect effects of the development upon that species, full details of any mitigation or compensation required and whether the impact is acceptable and/or licensable.*

Other features of nature conservation interest

Does the application site support habitats of principal importance or local biodiversity action plan priority habitats? NO

Details of Habitats of Principal Importance can be found on Natural England's web site and BAP Habitats can be found at www.natureonthemap.org.uk. Where such habitats are present on site, the application should include details of the habitat, the significance and recommendations for mitigation and compensation

If 'YES' list types of habitat:

Does the application site support species of principal importance or local biodiversity action plan species?

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If 'YES' list species.....

Details of Species of Principal Importance can be found on Natural England's web site. Where such species are present, the application should include details of the species, the significance and recommendations for mitigation and compensation

Have details of biodiversity enhancements been included with the application? NO

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