

PLANNING APPLICATION REPORT

Case Officer: Claire Boobier

Parish: North Huish **Ward:** South Brent

Application No: 2795/20/FUL

Agent/Applicant:

Mr Nigel Rockley - Archade Architects
Ltd
1 Furnells Close
Raunds
NN9 6LJ

Applicant:

Mr Paul Gorman
19 Barchland Road
Sparkwell
Plymouth
PL7 5DN

Site Address: Land at SX 711 588, North East of Horsebrook Farm, Avonwick, TQ10 9EU

Development: Proposed static caravan on agricultural land



Reason item is being put before Committee:

Cllr Pannell, Cllr Smerdon and Cllr Brazil have put this item before Committee to consider whether the scale of the proposed static caravan is appropriate and whether the recommended conditions for the protection of water supply are sufficient.

Recommendation: Conditional Approval

Conditions:

- Time limit (3 years);
- In accordance with approved plans;
- Development should only be used as a welfare facility associated with the small holding operating from the land and for no other purpose;
- The static caravan hereby approved shall not be occupied overnight or used for any residential purpose;
- This consent only grants consent for the static caravan to be sited on the land and does not grant consent for any other development on the land for the avoidance of doubt;
- Prior to installation of any part of the foul drainage scheme full details to be submitted and agreed;
- Prior to the installation of any part of the surface water management scheme full details of the most sustainable drainage option to be submitted and approved in writing this should demonstrate that the proposal would not adversely impact natural water supply or the watercourse in the area.

Prior to installation drainage conditions agreed by agent in email dated 17.11.2020

Key issues for consideration:

Principle of development; impact on landscape character; amenity; local road network; drainage and heritage considerations.

Site Description:

The application relates to land adjacent to Horsebrook Farm, however it should be noted that the land is not in the same ownership as Horsebrook Farm.

The land has a gated access off Horsebrook and is approx. 2.46 hectares which is used by the applicant as an agricultural small holding and for the keeping of horses. Animals on site include horses, goats, geese and chickens.

The site is located in the countryside however it does not fall within any landscape designations including AONB, Undeveloped Coast or Heritage Coast. The site also does not fall within a Conservation Area. Horsebrook Farmhouse adjacent to the site; however, under separate ownership, is Grade II listed.

The Proposal:

The application seeks consent for a static caravan on the site to be used as a welfare facility.

The caravan would be used by the applicant for welfare purposes whilst undertaking work on the land i.e. for hand washing facilities, daytime shelter, lunches, tea/coffee making facilities etc. whilst attending to the land.

Consultations:

- County Highways Authority

No highway implications

- Environmental Health Section No response received
- North Huish Parish Council Object

North Huish Parish Council believe the scale of this proposal to be excessive. Both a shed and caravan are reported to be present on the site already. The Council would welcome an inspection of the site.

- South Brent Parish Council Object

South Brent Parish Council wish to object to the proposal as they consider the scale of the proposal excessive and if you are minded to grant the application the parish council request a site inspection.

- Drainage No objection

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include conditions to finalise the drainage design.

Representations:

Five objection representations have been received their comments are summarised below (see case file for full representations):

- Comment on Horsebrook Farmhouse being incorrectly recorded as the address and the site notice being displayed at Horsebrook Farmhouse (**Case Officer note:** This was discussed with the applicant's agent and the error was acknowledged and a corrected address was supplied. The application was then re-advertised and a revised site notice displayed and the originally posted site notice was requested to be removed by the localities team);
- Comments report other works not the subject of this application which have taken place on the site including sheds, stables, play equipment, concrete drain and placing a touring caravan on the site and engineering operations;
- Comments query the need for static caravan proposed in this application as there is already a touring caravan on site that could provide the applicant with human shelter and meet welfare needs;
- The applicant has stated that the proposal is not within 20m of a watercourse however this is inaccurate as within 20m of our drinking water supply (2 Horsebrook Barn) and a stream; Concern is raised with regard to surface water run off and contamination;
- Concern with regard to scale of septic tanks for foul water disposal and proximity to neighbouring drinking water supply and watercourse;
- Concern with regard to power supply for caravan (**Case Officer note:** This is not a material planning consideration);
- Site can be seen from neighbouring land; the comment in supporting information that the location of the caravan means it cannot be seen is inaccurate;
- Scale of caravan disproportionate to stated purposes;
- Concern raised with regard to how it would be feasible to get a caravan of this size on site and concern is also raised with regard to lorry vehicle movements to empty foul tanks and likely frequency of these movements.

In response to the above representations the applicant has submitted a response to the objection comments received which is available to view online.

Relevant Planning History

None of direct relevance to this application.

ANALYSIS

Principle of Development/Sustainability:

The development for which consent is sought comprises the provision of a static caravan to be used on the land to provide a welfare facility.

Development in the countryside is restricted to that which reasonably requires such a location, and in the case of agricultural-related development is necessary for the purposes of agriculture as set out in policy TTV26 of the Joint Local Plan.

The applicant does not live locally and therefore has no residence within the vicinity of the site to go to in order to meet their welfare needs. In this context therefore it is considered that the use of a static caravan as a welfare facility to support their use of the land as a small holding is a reasonable requirement.

It is only on the basis of the welfare need identified that the static caravan would be supported in this location and support would not be given for overnight stays in the unit or for the static caravan to be used for residential purposes which would be prevented by use of conditions.

The design is functional for the intended use and the caravan could be removed from the site if no longer required to provide a welfare facility in connection with the small holding operating from it and the land restored. A condition would be recommended to be applied to secure its removal if the use of the land as a small holding ceases.

Some of the representations received draw attention to the touring caravan which is located on site and shown in the photograph provided by the applicant. This is gutted inside and used for animal feed storage it therefore does not meet the welfare need that the static caravan is sought for and consent for this touring caravan is not been applied for under the current application.

Design/Landscape:

The site is not subject to any landscape designations.

The nature and location of the development is such that whilst the static caravan will be visible from neighbouring land it is not of a scale that will have a significant visual impact on the wider landscape and its design is functional for its intended purpose.

Neighbour Amenity:

The nearest neighbour Horsebrook Farmhouse is approximately 25m from the proposed position of the static caravan. Given the siting of the caravan it is not considered that the

presence of the static caravan would harm neighbouring amenity in terms of being overbearing, resulting in loss of light or raising overlooking/loss of privacy concerns.

Highways/Access:

DCC Highways have advised that they consider that this proposal raises no highway implications.

Whilst concern has been raised in representations received with regard to the ability to navigate the local road network to be able to locate a static caravan on this site, it is for the applicant to ensure that they can gain access to the site without impacting on neighbouring land and if they find they can't it is for them to seek consent for an alternative proposal. This is not a matter on which planning consent could be refused.

Given the applicant already visits the site, the extent of vehicle movements is not likely to be significantly more than the current situation as it would be the applicant who would be using the welfare unit and it could be argued less movements would be created as the applicant would not need to go off site for food, and to find hand washing/toilet facilities etc. The only additional vehicle movements would therefore be when the foul sewage system infrequently needs emptying. It is not considered that this would result in an unacceptable increase in vehicle movements on the local road network to an extent to justify a refusal of planning consent.

Drainage considerations:

Concern has been raised with regard to foul and surface water drainage disposal from the proposal and its impact on natural drinking water supply and a watercourse.

The Council's Drainage engineer has been consulted and he has raised no objection based on the information provided. In his consultation response it is concluded that support can be offered for the proposal. Sufficient information has been provided to demonstrate a workable scheme can be achieved. The final design would however need to be agreed with the Local Planning Authority and therefore the drainage engineer recommends that planning permission should be granted including conditions to finalise the drainage design for foul and surface water disposal prior to installation.

With these conditions in place, it is considered that the Local Planning Authority will be able to retain control of the final design of the drainage systems to ensure that the local water supply and watercourse can be protected from harm as a result of the development.

Heritage Considerations:

Given the scale and location of the development it is concluded that the proposal would not adversely impact on the setting of Horsebrook Farmhouse a Grade II listed building.

Other Matters:

A number of the representations received raise concern with regard to other development that has taken place on the land, whether this did or didn't require planning permission and whether the necessary consents are in place. This application can only consider whether or not planning permission should be granted for the static caravan applied for and cannot consider

the acceptability of other development on the land this will be considered as a separate matter to this application.

Conclusion:

On balance, the development (provision of static caravan to provide a welfare facility on the site) is considered acceptable in planning terms. However, given that the need is driven by the applicant not having alternative facilities to meet their welfare needs locally, conditions are recommended to restrict the use of the caravan to a welfare facility only to avoid overnight stays or residential use of the caravan and a condition is also recommended for the removal of the caravan should circumstances change and it no longer be required to serve the small holding.

For the reasons outlined above and subject to the recommended conditions the development is considered acceptable.

As a number of the representations raise concerns about other works that have taken place on site which are not subject to this application for the avoidance of doubt a condition will be applied to make it clear that this application is only permitting the siting of a static caravan on the site to act as a welfare facility.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT11 Strategic approach to the historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment

DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 was adopted by Plymouth City Council on 22 June 2020, West Devon Borough Council on 9 June 2020 and South Hams District Council on 16 July 2020.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

List of Conditions:

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents received on:

17 September 2020

Rain Water and Foul Water Details contained in email from Nigel Rockley dated 17 September 2020

21 September 2020

Drawing no. 03 Rev A Proposed Site Plan

Reason: In order to ensure compliance with the approved drawings/documents.

3. The static caravan hereby approved to be sited on the land shall only be used as a welfare facility associated with the small holding operating from the land edged red on the submitted proposed site plan (drawing number 03 Rev A) received by the Local Planning Authority on 21 September 2020 and for no other purpose.

Reason: The Local Planning Authority consider that the use of the static caravan for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits.

4. The static caravan hereby approved shall not be occupied overnight or for any residential purpose or use.

Reason: To prevent residential use of the static caravan which is located in the countryside.

5. This consent only grants consent for the static caravan to be sited on the land and does not grant consent for any other development on the land or change of use.

Reason: For the avoidance of doubt.

6. Notwithstanding the submitted details, prior to the installation of any part of the foul drainage scheme, full details of the works for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority (LPA). Please note that a treatment plant should be used rather than a septic tank or cesspool. Once approved the foul drainage scheme shall be installed prior to first use of the static caravan and retained and maintained for the lifetime of the development.

Reason: In the interests of the prevention of pollution.

7. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). This shall include details to demonstrate that the proposal will not adversely impact natural water supply and the watercourse in the area. Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%). Please note a pumping system for surface water drainage cannot be accepted, therefore the scheme should rely solely on gravity.
4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
5. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.
6. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

Informatives:

1. For the avoidance of doubt, notwithstanding the red line submitted this consent relates only to the siting of the static caravan in the position shown on the submitted plan and does not grant consent for a change of use of the wider site.

2. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

3. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.