

Ward Ottery St Mary

Reference 22/0158/FUL

Applicant Mr Nigel Morgan

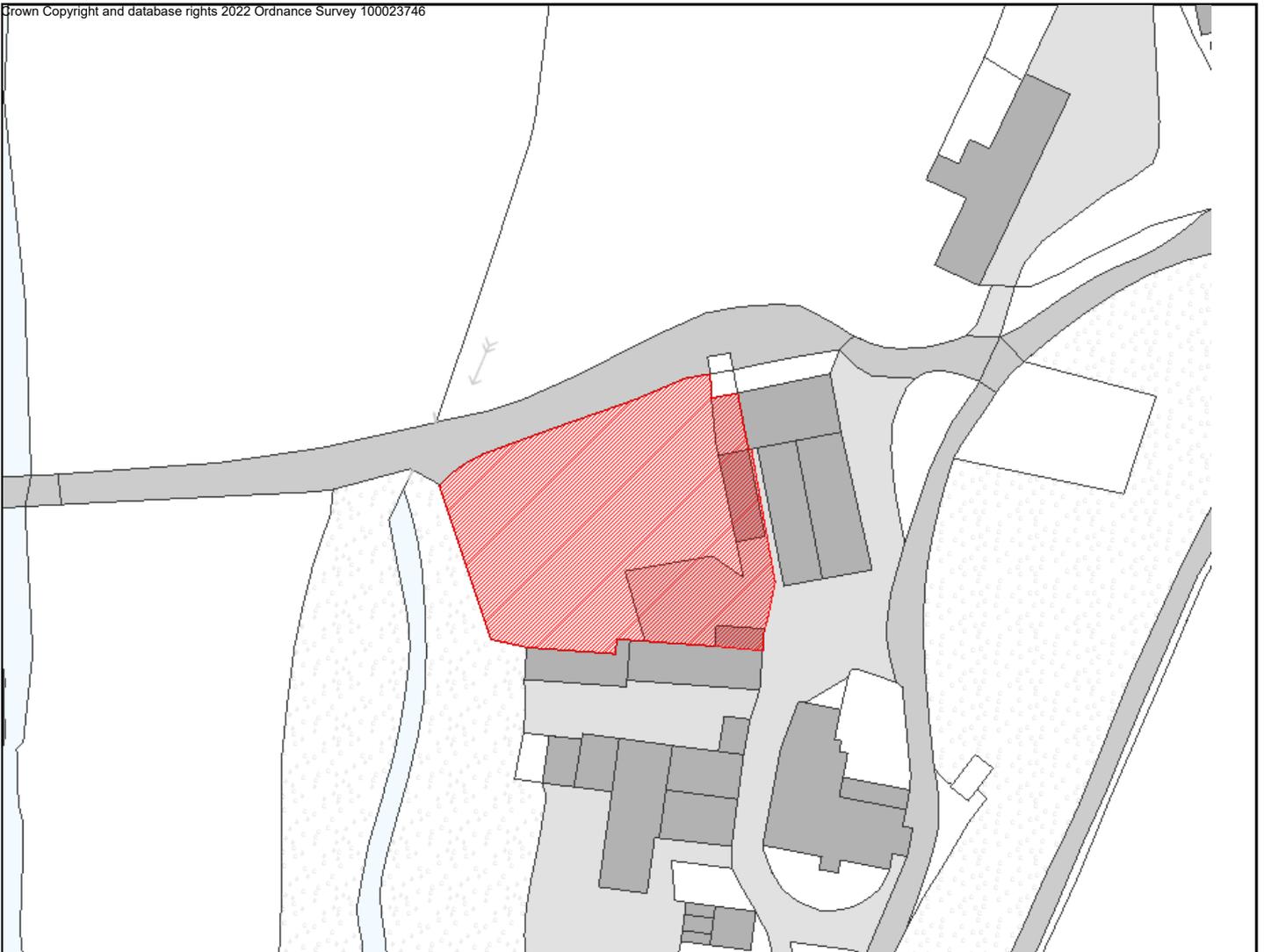
Location The Yard (Mobile Home) Clapperentale Farm
Escot Park Ottery St Mary EX11 1LU

Proposal Change of use of land to residential for retention
of a static caravan.



RECOMMENDATION: Refusal

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		Committee Date: 30.09.2022
Ottery St Mary (Ottery St Mary)	22/0158/FUL	Target Date: 25.07.2022
Applicant:	Mr Nigel Morgan	
Location:	The Yard (Mobile Home) Clapperentale Farm	
Proposal:	Change of use of land to residential for retention of a static caravan.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the committee as the officer recommendation differs from that of two ward members.

The site refers to an area of land to the north of the farmhouse known as Clapperentale Farm. To the west of an existing workshop is an area of land in which a mobile home has been placed and is being used as an independent residential unit. This application seeks to retain this caravan and change the use of the land to residential. It is believed that the caravan has been occupied since 2014 and has an enforcement case open against it.

The site is located outside of any built up area boundary, is in the open countryside and is not a strategic allocation. Residential development in the countryside is resisted in the Local Plan. Due to its remote and unsustainable location it is considered that occupiers would not be able to access essential services and facilities required for daily living by any other method of transport other than private motor vehicles. This would be contrary to Strategy 5B, Strategy 7 and Policy TC2 of the East Devon Local Plan and Policy NP9 of the Ottery St Mary and West Hill Neighbourhood Plan.

There has been no further justification for the retention of the caravan which would enable it to be retained under other Local Plan or Neighbourhood Plan policies such as Policy H4 which enables residential development in the countryside for persons employed in rural businesses.

It is not considered that the caravan would have a detrimental impact upon the character of the area, residential amenity of neighbouring residents, highways or the adjacent flood zone. The harm arises from its unsustainable location which is remote from services and facilities leaving residents reliant on private transport to the detriment of the wider environment and measures to address

climate change. This harm and the lack of support within the Local Plan means that the caravan is unacceptable in principle.

It has been suggested by the Town Council and Ward Members that due to the personal circumstances of the applicant permission should be granted on a temporary or personal basis. However, it is not considered that the personal circumstances of the applicant outweigh the provisions of the development plan. There is nothing to suggest that there is a functional need for the applicant to live at the site or that their personal circumstances would justify a departure from policy.

Therefore a recommendation of refusal is made.

CONSULTATIONS

Parish/Town Council

The Town Council supports this application subject to any permission granted, being personal to Mr Knight

Ottery St Mary - Cllr Peter Faithfull

In my view, based on the information presently available to me is that it should be given temporary permission to allow time for a more comprehensive understanding of the need. Within the Tale valley there has been a considerable amount of environmental work, which is usually voluntary. This work is environmentally important but usually not financially economical.

I would like more time to establish the importance or otherwise as to how much need there is for the various jobs that Mr Morgan does around the estate.

These are my views, based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

Ottery St Mary - Cllr Geoff Pratt

Thank you for your email and report.

I appreciate your recommendation to refuse this application is based on Strategy 7 and Policy TC 2 of the local plan and policy NP 9 of the Ottery St Mary Neighbourhood

The Town Council have suggested that planning permission should be granted subject to a condition limiting the permission only to the occupation of Mr Morgan

Mr Morgan is 70 years old .In his letter he states that he pays council tax and is able to vote "vote from here" He helps out on the estate. The Estate have given permission for Mr Morgan to make this application

In the circumstances I agree with the Town Council that permission should be granted but limited only to the occupation of Mr Morgan. This is against policy

But there is little harm caused by this .

Other Representations

No third party representations have been received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP9: Accessible Developments

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

ANALYSIS

Relevant Planning History

An enforcement case has been open against the caravan since 2019 (19/F0365). The investigation has been ongoing due to the impact of the COVID pandemic and the site was fenced off and officers were unable to determine whether the caravan had been removed. The owner of the caravan states that he has occupied the caravan for over 10 years, however, historic aerial photos held by the council indicate that the caravan has been sited since 2014.

Site Location and Description

The site is located within the grounds of the Escot Park Estate. The caravan is located directly west of a workshop which is to the north of Clapperentale Farm house. A private road enables access and links to the unnamed road that connects Feniton to the old A30 just outside Fenny Bridges to the east and the road that connects Escot Park to Fairmile to the west.

The yard in which the caravan is located is within Flood Zones 2 and 3, however, the caravan itself is located outside these zones. There are no other constraints on the site.

Proposed Development

The application seeks permission for the change of use of the land to residential to enable the retention of a caravan which is being inhabited fully independently. The caravan itself is not a building and therefore the application refers only to the change of use of the land upon which it is sited. The caravan is located in a yard adjacent to a workshop next to Clapperentale Farm.

The land has never received a formal application to change the use of the land to residential. Historical aerial photographs show that the site has been used in connection with the farm and adjacent workshop and has clearly never been used for residential purposes. Therefore, a change of use of the land to residential purposes is required. The caravan itself is a moveable structure and does not require planning permission in its own right. Essentially if permission is granted it would allow the siting of any caravan on the site.

Consideration and Assessment

The main issues for consideration are considered to be:

- Principle of Development
- Impact to the Character and Appearance of the Area
- Neighbour Amenity
- Highway
- Flood Risk

Principle of Development

The strategic approach set out within the East Devon Local Plan is to direct the majority of new development to existing settlements within the district that are considered sustainable. Each town which is considered sustainable is named within the Local Plan whilst other smaller towns and larger villages are also included within Strategy 27 and the adopted Villages Plan DPD. Each sustainable settlement has a designated built up area boundary whereby it is considered that there is a sufficient range of services and facilities needed to meet the everyday needs of residents and reasonable transport connections.

This site is not located within any of these settlements and is considered to be in the open countryside in planning terms. As a result, Strategy 7 applies. This strategy states that only development which accords with a specific Local or Neighbourhood Plan policy shall be permitted and where it does not harm the area's distinctive landscape, amenity and environmental qualities.

Policy H4 of the East Devon Local Plan makes allowances for dwellings for people that work in agriculture, forestry or people employed in rural enterprises or activities. It is understood that the current occupier is retired and helps with the Escot Estate on an ad-hoc basis. No further information or justification has been provided which would enable the council to view the caravan with this policy in mind. The extent of employment is not fully understood but its ad-hoc nature suggests that it would not be in compliance with the policy as being necessary for agricultural, forestry or a rural

enterprise/business. Therefore it is considered that the caravan could not be justified under this policy.

The caravan is not considered to be supported by Policy H4 and there are no other specific policies within the East Devon Local Plan or the Ottery St Mary and West Hill Neighbourhood Plan which would support additional independent living accommodation outside of a built up area boundary.

Additionally, as the caravan is located outside of a built up area boundary it is not considered that it would be located in an area that provides the services that meet the needs for everyday living within walking/cycling distance or has sufficient public transport links. It is considered that any occupiers of the caravan would be dependent on private modes of transport in order to access day to day services and facilities. There are no nearby services which can be accessed by walking and there is little public transport within the proximity of the caravan.

Therefore, it is considered that the principle of residential accommodation is unacceptable and would be contrary to Strategy 5B & 7 and Policy TC2 of the East Devon Local Plan and Policy NP9 of the Ottery St Mary Neighbourhood Plan.

Paras. 12 and 47 of the NPPF confirms the Development Plan as the starting point for decision making and that development that conflicts with it should be refused unless other material considerations indicate otherwise.

Para. 79 sets out the special circumstances that need to be demonstrated in relation to proposals for new isolated homes in the countryside. It is not considered that the proposal is being promoted as, nor would it be likely to meet any of the special circumstances outlined, and as such this exception to the general policy constraint of new dwellings in the open countryside would not apply.

Impact to Character and Appearance of the Area

The caravan is located adjacent to a workshop approx. 25 metres to the north of the existing Clapperentale Farmhouse. It has a large fence surrounding it with open fields to the north and west which make up the grounds of Escot Park. To the east is the workshop which obscures views of the caravan and the south is also obscured by the existing buildings.

The caravan and nearby dwellings are accessed via a private road which is some distance from the public highway. Therefore the caravan is not widely visible from public view points.

Due to its low visibility from wider public spaces it is not considered that the caravan would have a detrimental impact on the character of the area. The proposal is therefore considered to comply with Policy D1 and Policy NP1 and NP2 of the Ottery Neighbourhood Plan in this regard.

Residential Amenity

In regards to residential amenity, the caravan is located away from any existing dwellings and does not overlook any properties. Therefore the caravan would not result in a loss of residential amenity in accordance with Policy D1 of the East Devon Local Plan and Policy NP2 of the Neighbourhood Plan.

Highways

The site is accessible through a private road which extends between two classified C roads and cuts through the Escot Park Estate. The private road is single track but has passing points to allow vehicles to pass. As the road is private, and lightly trafficked in any case, it is not considered to result in any concerns in regard to highway safety and the application complies with Policy TC7 of the Local Plan.

The courtyard which is found directly to the north of the Clapperentale Farm provides hardstanding areas which can be used for parking multiple vehicles close to the caravan. Additionally the caravan is located within its own hardstanding courtyard which could also provide parking. Therefore it is considered that there is sufficient parking around the site in accordance with Policy TC9 of the Local Plan and Policy NP2 of the Neighbourhood Plan.

Flooding

The courtyard in which the caravan is located within Flood Zones 2 and 3, however, the caravan itself is not within the zone nor does it touch the boundary. A Flood Risk Assessment has been provided which states this point and that flooding from surface water runoff is unlikely.

As the caravan is located outside of the flood zones, it is not considered that the proposal would increase flood risk potential of the site. The application complies with Policies EN21 and EN22 in this regard.

Other Matters

Comments have been received from the Town Council and Ward Members supporting the application based on the personal circumstances of the applicant and have stated that the permission should be temporary or personal to the applicant. Whilst the personal circumstances are noted however, it is not considered that this outweighs the policies contained within the development plan. A temporary or personal permission would not comply with government guidance on the use of such conditions. Therefore it is not considered appropriate to permit the development on this basis.

The application raises an important point of consistency in so far as the Council is currently pursuing enforcement action against a number of people who have set up home in mobile homes and caravans in the countryside in recent years contrary to the policies of the Local Plan. One such person has recently been successfully prosecuted for failing to comply with an enforcement notice served in 2020 requiring them to cease occupation of their unauthorised mobile home at Uplyme. It is important that the Council is fair and consistent in its approach to such matters.

Conclusion

The caravan is located outside of any built up area boundary as defined within the East Devon Local Plan or the Villages DPD. There is no justification for the caravan that would comply with policies within the East Devon Local Plan or the Ottery St Mary Neighbourhood Plan and it is considered to be an isolated form of accommodation which is not within easy reach of the services and facilities needed for everyday living by other forms of transport other than a private motor vehicle. Therefore the site is in an unsustainable location and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site lies in the open countryside outside of any designated Built up Area Boundary or Strategic allocation within the Adopted East Devon Local Plan or Villages Plan and there are no other Local or Neighbourhood Plan policies that would support the development. Residential development in this location would be unsustainable due to the distance to access essential services and facilities required for daily living and, as a result, future occupiers are likely to rely on the use of private transport for the majority of journeys. As such, and as no essential need has been demonstrated for a residential unit to be located at the site in connection with a rural business or any other justification demonstrated, the proposal would be contrary to the provisions of Strategy 5B (Sustainable Transport), Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013- 2031, Policy NP9 of the Ottery St Mary and West Hill Neighbourhood Plan and the guidance within the National Planning Policy Framework and accompanying Planning Practice Guidance.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Proposed Elevation	30.05.22
side	Proposed Elevation	30.05.22
end	Proposed Elevation	18.05.22

	Proposed Floor Plans	18.05.22
	Location Plan	13.05.22
	Proposed Site Plan	04.03.22
with trees marked	Proposed Site Plan	04.03.22
	Block Plan	26.01.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.