

**Ward** West Hill And Aylesbeare

**Reference** 23/2382/MFUL

**Applicant** Mr Martin Small

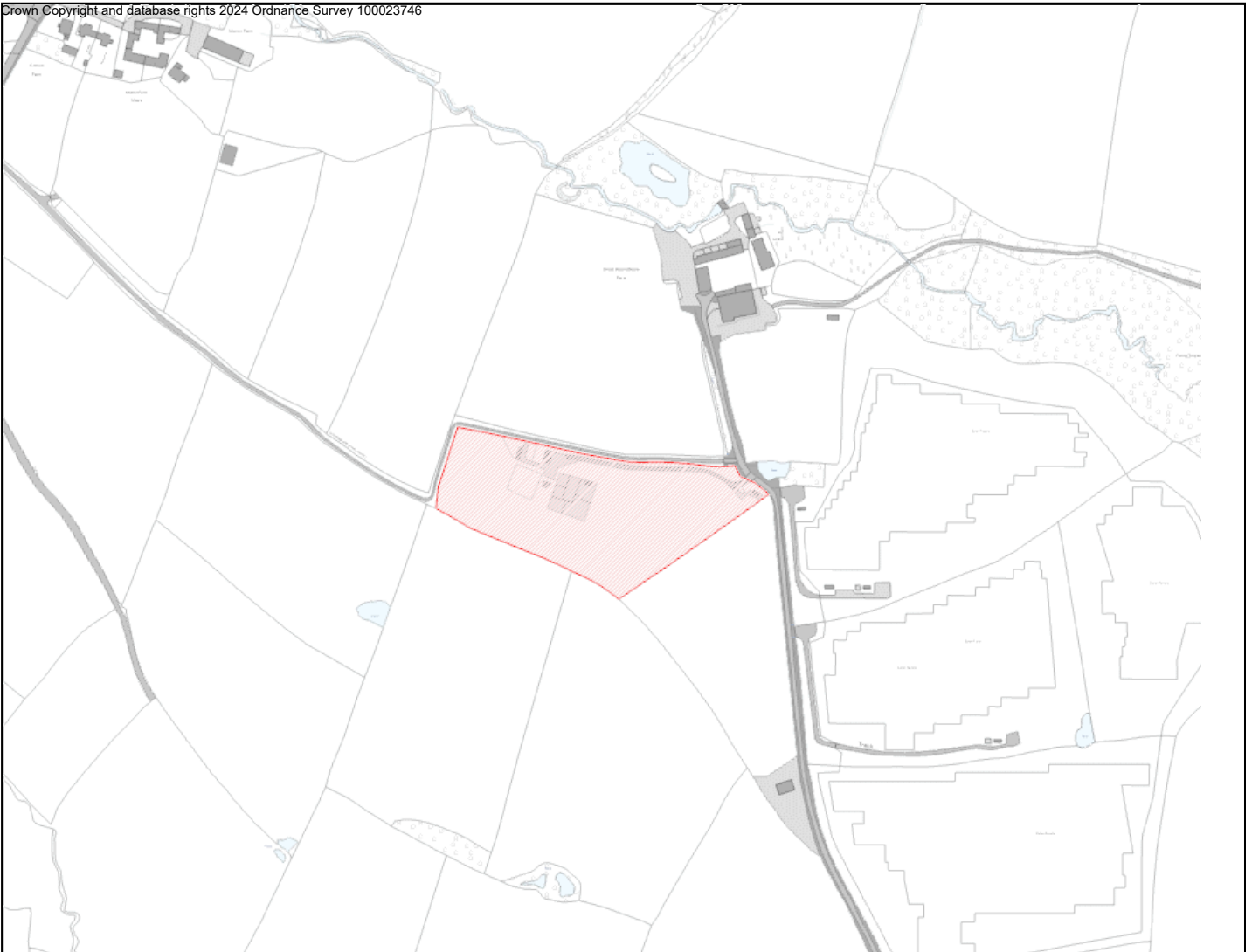
**Location** Great Houndbeare Farm Caravan 1 Sunnyfield  
Aylesbeare Devon EX5 2DB

**Proposal** Proposal for 1no. additional mobile home, and  
stable with concrete floor for chickens and  
ducks.



**RECOMMENDATION: Approval with conditions**

Crown Copyright and database rights 2024 Ordnance Survey 100023746



		<b>Committee Date: 18.06.2024</b>
<b>Feniton (Gittisham)</b>	<b>23/2382/MFUL</b>	<b>Target Date: 05.04.2024</b>
<b>Applicant:</b>	<b>Mr Martin Small</b>	
<b>Location: West Hill and Aylesbeare</b>	<b>Great Houndbeare Farm Caravan 1 Sunnyfield Aylesbeare Devon EX5 2DB</b>	
<b>Proposal:</b>	<b>Proposal for 1no. additional mobile home, and stable with concrete floor for chickens and ducks</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

This application is brought before the planning Committee as, due to the size of the site, the application is a major application and there is an objection from the Parish Council.

The site has a personal planning permission to be occupied by a single gypsy and traveller family granted in 2010 including 2 mobile homes and one touring van sited within a large rural field.

The proposal relates to the provision of an additional mobile home for specific individuals related to the applicants. A relatively minor building to keep animals is also proposed. Given the circumstances as outlined within this report, it is considered that the proposal complies with the relevant policies of the local plan. Therefore subject to condition, the proposal is recommended for approval.

### **CONSULTATIONS**

#### **Parish/Town Council**

05/02/24 - 17/02/24

Aylesbeare Parish Council objects this application as there have been no material changes since the limitations placed on the development under application 10/0562/FUL. All the conditions imposed with that permission should remain.

West Hill and Aylesbere – Cllr Jess Bailey 17 April 2014

I see that updated plans have been submitted. I don't specifically wish to comment on those plans but I would query the fact that the previous consent 10/0562/FUL was expressed to be for the personal use of the applicant and his partner/spouse due to their special circumstances. It is unclear to me how this current application is consistent with that condition.

### EDDC Trees

23/01/24 - No arb concerns.

### Other Representations

One letter of objection received which is summarised as follows:

- Residential amenity concerns.
- Conditions were placed in the 2010 application to limit the occupiers of the site to solely the applicant and his girlfriend.
- Query why a third mobile home is needed on the site.
- Concern about the size of the stable building and its potential further development.
- Great Houndbeare Lane is unsuitable for additional road users and traffic.
- The existing site is now registered as two separate addresses.

[Officer Comment: These points will be addressed in the following analysis.]

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

H7 (Sites for Gypsies and Travellers)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

## Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

## Other Relevant Document

Gypsy and Traveller Site Design and Layout SPD (2017)

## **PLANNING OFFICER SITE NOTES**

**Consultation Period End Date: 02.02.2024**

## **CONSULTATIONS**

## **OFFICER REPORT**

### Site Location and Context

The application site is at the end of Houndbeare Lane, to the north east of Aylesbeare. This site falls outside of any Built Up Area Boundary (BUAB). The existing two caravans on this site are positioned on the northern edge of the site around its centre and are accessible from Houndbeare Lane. To the south of these, a number of low level chicken runs and other assorted agricultural structures have been erected.

### Proposed Development

Planning permission is sought for the addition of a new mobile home and the erection of a stable with a concrete floor to keep animals. The mobile home under consideration was originally proposed to be positioned at the entrance of the site where it would have been visually prominent. The application has been amended to site the mobile home further into the field, closer to the existing structures. It has been stated by the applicant that it will be occupied by the daughter of the applicant and her family (2 adults and 4 children). There would be no associated ancillary structures linked to this.

The stables building would be located on the southern edge of the site.

### Relevant Planning History

07/3364/COU – Use of land as caravan site for one Gypsy family with associated works and structures – Temporary Consent (2 years) granted 12/02/2008.

[Officer Comment: This temporary condition included a condition limiting its occupation to the applicant, his partner, his daughter and her children.]

10/0562/FUL – Use of land as caravan site for one gypsy family with associated works and structures. Renewal of permission 07/3364/COU. – Granted subject to conditions 09/06/2010.

This decision established this permanent usage of this site for accommodating this gypsy family. As part of this decision, the following conditions were imposed:

1. *Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 18 March 2010.  
(Reason - To comply with Section 63 of the Act.)*
2. *The site hereby permitted shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of the ODPM Circular 01/2006.  
(Reason – The site is in an open countryside location where a residential use would not normally be permitted but is justified by the special circumstances of the occupiers and to ensure future occupation of the site is in accordance with these special circumstances.)*
3. *The site shall only be occupied by one family and each of the two static caravans or mobile homes permitted on the site shall not be occupied by individuals or persons unrelated from the occupants of the other caravan.  
(Reason - To ensure the site is limited to one family to ensure the scale of the development remains at a compatible level for the locality and available services.)*
4. *No more than three caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be a static caravan or mobile home) shall be stationed on the site at any time.  
(Reason – To define the permission, in the interests of sustainability and to protect the character of the open countryside.)*
5. *The site shall not be used for the carrying out of any trade or business or the open storage of goods, plant or materials in connection with any trade or business, unless prior permission has been obtained in writing from the Local Planning Authority.  
(Reason – In the interests of sustainability and to protect the character of the open countryside.)*
6. *The site shall be occupied by Mr Martin Small and his partner/spouse and by no-one else.  
(Reason – The special circumstances of the applicant and his partner warrant a personal permission.)*

These conditions represent a material consideration and will be addressed in the following analysis.

## **Analysis**

### **Principle of Development**

The key policy against which this application must be considered is policy H7 (Sites for Gypsies and Travellers) of the East Devon Local Plan 2013-2031. This sets out the criteria which must be met in order for a development of the nature proposed to be considered acceptable. These are assessed as follows:

1. It has a satisfactory relationship with other neighbouring land uses.

The use of the land would not change, and it is not considered that the use would conflict with other land uses in the vicinity.

2. It has acceptable vehicular access and provision for on-site turning, parking and servicing.

The proposal would use the existing entrance to the site as well as the on-site parking and turning provision presently found. The lane to the site is narrow and serves a variety of users along its length. It is not considered however, that the scale of development is such that it would be harmful to highway safety or the wider network. No comment or objection has been received by the County highways Authority.

3. It contains satisfactory proposals for screening or landscaping.

The submitted information indicates no additional landscaping but it is noted that the site is largely screened by the existing trees, hedgerows, and front fence. While it is acknowledged that the proposed mobile home would be sited virtually across the site's entrance, given the limited views from which this would be visible owing to this screening, it is not considered necessary to supplement this landscaping.

4. It has no significant adverse impact on the appearance or character of the landscape or amenity of occupiers of neighbouring properties and any impacts will be mitigated to an acceptable level.

The application site is not located within any landscape designations in policy terms and in a relatively remote location. The scale of the proposed development is such that the existing screening would remain effective. Considering the existing usage of the site and the abovementioned screening, it is not envisioned that the nature and the scale of the proposal would result in harmful impacts to the character of the landscape.

In terms of neighbours, there are no neighbours adjoining the site and a material separation to the next nearest dwellinghouse. Given this, while the proposal would intensify the use of the site, it is not considered that the proposal would result in material harm to neighbouring amenity in any way.

5. In respect of proposals Outside Built-up Area Boundaries The local East Devon need has been proven and cannot be met elsewhere in the District.

The proposed development would involve additional accommodation within an existing site, rather than creating a wholly new site. The unit would be to accommodate immediate family members of the applicant, who are of a variety of ages. Given that it would be unreasonable to expect the persons involved in the scheme to live elsewhere in the district if the present site can accommodate them without issue. The occupiers of the site can be controlled by condition as it has before. The proposal would therefore comply with this part of the policy.

6. Where sites already exist within the locality, new pitches should be accommodated through expansion/ increased use of these existing sites though as smaller sites can be more acceptable, site size restrictions could be applicable to ensure sites do not become too large. Where it is not possible to expand/intensify existing sites, the cumulative impacts of additional sites, particularly on the character of the local area and existing community, will be taken into account in addition to other considerations.

As set out above, the proposal is to provide additional units on an existing site.

In light of the above analysis, it is considered that the proposal would comply with all elements of Policy H7. This similarly ensures that the design, amenity and highways impacts have been adequately assessed.

#### Consultee Comments and Conditions

The impacts of the proposal are considered to have been satisfactorily addressed in the above analysis.

In terms of the prior conditions of 10/0562/FUL, conditions controlling the start of works, the completion of works in accordance with the approved plans, the use of the site by solely gypsies and the solely residential use would be similarly applied.

For the users of the site, the consent of the consent of 10/0562/FUL specified that the site should be solely occupied by the applicant, Mr Small and his partner/spouse, under condition 06. Within the same permission, condition 03 specifies that the site should be used by solely one family. In this way, it is considered that these conditions somewhat conflict with each other with the present proposal being closer to condition 03 than condition 06.

Since this consent was granted in 2010, the site has remained in continuous use as a gypsy site. The present proposal would maintain this use but would intensify it through the introduction of a new mobile home. This development now also would be occupied by the daughter and son-in-law of the applicant as well as their children. Given the available size of the site that could easily accommodate this and the contradictory conditions of the prior consent, it is considered that this additional mobile home would be acceptable. To ensure that this site is maintained for use by this family, a condition to this effect may be imposed. A condition limiting the number of mobile homes and touring caravans will similarly be applied.

## Habitat Regulations Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and other European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal.

In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of this designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

In this instance, a HRA payment has been secured in relation to this application.

## **CONCLUSION**

The proposal relates to the provision of an additional mobile home for specific individuals related to the applicants. A relatively minor building to keep animals is also indicated. Given the circumstances as outlined within this report, it is considered that the proposal complies with the relevant policies of the local plan. Therefore subject to condition, the proposal is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply 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 approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The site hereby permitted shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of the ODPM Circular 01/2006.  
(Reason – The site is in an open countryside location where a residential use would not normally be permitted but is justified by the special circumstances of the occupiers and to ensure future occupation of the site is in accordance with these special circumstances.)



- 4 No more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than three shall be a static caravan or mobile home) shall be stationed on the site at any time.  
(Reason – To define the permission, in the interests of sustainability and to protect the character of the open countryside.)
  
- 5 The site shall not be used for the carrying out of any trade or business or the open storage of goods, plant or materials in connection with any trade or business, unless prior permission has been obtained in writing from the Local Planning Authority.  
(Reason – In the interests of sustainability and to protect the character of the open countryside.)
  
7. The site (including any buildings contained within) shall be occupied by Mr Martin Small and his partner/spouse, Mr Small’s children and their partner/spouse and children thereof only, and by no-one else unless otherwise agreed in writing with the Local Planning Authority.  
(Reason - In accordance with Policy H7 of the adopted East Devon Local Plan 2013-2031 the proposal is only acceptable in this isolated location due to the existing needs of the applicants and their children.)

**NOTE FOR APPLICANT**

**Informative:**

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

**Plans relating to this application:**

	Proposed Elevation	05.01.24
SCA-001	Proposed Combined Plans	05.12.23
	Location Plan	16.11.23
	Proposed Site Plan	06.12.23

**Statement on Human Rights and Equality Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Equality Act:**

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.