

BOSTON BOROUGH COUNCIL

Planning Committee – 7 February 2017

Reference No: B/16/0385

Expiry Date: 12-Dec-2016

Application Type: Full Planning Permission
Proposal: Siting of wardens accommodation (mobile home unit)
Site: Meadowvale Touring Park, Five House Lane, Wyberton, Boston, Lincs, PE21 7JA

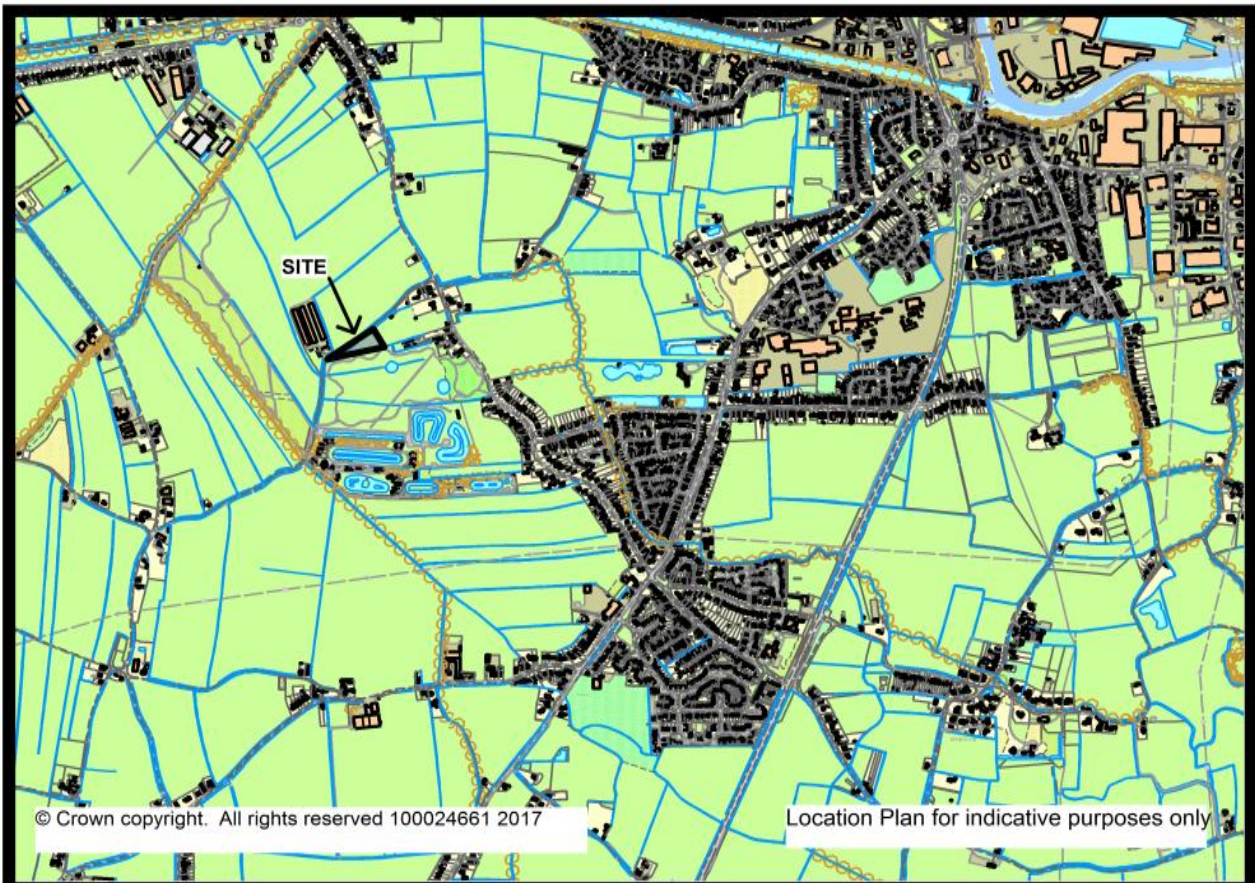
Applicant: Mr B Adams

Ward: Wyberton
Parish: Wyberton Parish Council

Case Officer: Trevor Thompson

Third Party Reps: 2

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee at the request of Councillor R Austin. Whilst Councillor R Austin is in favour of this application he has requested that it should be presented to this Committee because he considers that there is 'significant concern in the neighbourhood'. He adds that 'complete transparency is important in this case'.

2.0 Application Site and Proposal

- 2.1 The application site is located within countryside on the southern side of Five House Lane, Wyberton. It consists of an approved touring caravan site consisting of up to 26 pitches (known as Meadowvale Touring Park) which is currently being developed. Access to the site is off Five House Lane and there are two passing places along this part of the highway which were installed to accord with a planning condition attached to a previous approval (see below). There is extensive landscaping along parts of the boundaries of the site which provides some screening from nearby residential properties and other land users.
- 2.2 There is a poultry farm (and associated house) on the opposite side of the road and residential properties to the north east near the junction of West End Road and Five House Lane, about 150m away from the site. A country park lies to the south and Westwood Lakes which includes fishing lakes and accommodation lies further to the south.
- 2.3 This application is for the permanent siting of a warden's accommodation (i.e. a mobile unit) to serve the touring caravan site. The mobile unit will be 15m long by 6m wide (90sqm) and will be sited along the southern boundary of the site. It will provide 2 bedrooms. Given flood risk requirements the unit needs to be raised above ground level and secured to the ground using adequate means such as chains or ground anchors. This means that the overall height of the unit will be 4.2m from existing ground level.

3.0 Relevant History

- 3.1 In July 2005 planning permission was granted for the change of use from agricultural land for the siting of 26 touring caravans subject to 8 conditions including condition 6 which restricted caravans to be sited for no more than 28 days in a 3 month period and that no static caravan should be placed on the site. In addition, conditions were attached which required parts of the existing landscaping along the front and rear boundaries to be retained at a height of no less than 3m and the provision of passing bays along Five House Lane (Ref; B/05/0334). Conditions were also attached which required the submission of a comprehensive landscaping scheme and its future management. Such details have been submitted by the applicant and have been approved by this Council.
- 3.2 In 2006, an application for planning permission for the construction of 2 toilet block/shower blocks and change of use of existing store/kitchen to provide wardens accommodation was refused on the grounds that the development involved the creation of a new residential unit in the countryside which was considered to be contrary to countryside protection policies. (Ref; B/06/0422)

- 3.3 At the subsequent appeal the Inspector gave a split decision, granting approval for the construction of a toilet blocks and refused the part of the application for the conversion of the store/kitchen into a dwelling/wardens accommodation. This appeal is discussed below. The construction of the passing bays has saved the permission but it has not yet been used for the siting of any touring caravans.
- 3.4 This current application differs from the appeal application in two ways. Firstly it involves the siting of a mobile unit instead of converting the existing store next to the eastern boundary and secondly the proposed accommodation will be much closer to the entrance to the site (i.e. opposite) for better surveillance rather than 26m away to the east.

Other relevant applications relating to similar forms of accommodation on other countryside sites

- 3.5 B/15/0448 – Erection of a caretakers residence (being a revision to the existing approval for a caretakers residence granted in August 2012) (B/12/0204) at Westwood Lakes, Five House Lane, Wyberton. This site is about 200m to the south of the current application site, separated by a country park. The proposed 6.8m high, brick built three bedroomed accommodation includes staff living room, dining, kitchen, offices at ground floor and 3 bedrooms with living and kitchen etc at first floor with additional accommodation within the loft space. Overall the residential accommodation (including the ‘flood safety loft room’) amounts to 250sqm. Permission was granted subject to conditions which tied the accommodation to Westwood Lakes and which required occupation to cease should Westwood Lakes be no longer used for recreation/ tourism purposes.
- 3.6 B/15/0509 – Erection of a site managers accommodation at First Steps Training Centre, Far Drove, Hubbert’s Bridge. This application was for a two bed log cabin some 6.6m wide by 15.6m long and was required to manage the facility especially during times the centre was not open. Permission was granted subject to a condition which linked the occupation to the First Steps Training Agency.

4.0 Relevant Policy

Boston Borough Adopted Local Plan

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38(6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The land is within countryside as defined in the Local Plan
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- Policy G1 – Amenity
 - Policy G2 – Landscape Resources
 - Policy G3 – Surface and foul water disposal
 - Policy G6 – Vehicular and Pedestrian Access
 - Policy H3 – Quality of Housing Development
 - Policy CO1 – Development in the Countryside

- 4.4 Planning Inspectors at appeal have questioned the conformity of Policy CO1 with the NPPF and given that this Council does not have a 5 year supply, this Council now considers this policy cannot attract full weight in the determination of such applications. Such applications are now assessed more generally in relation to the objectives of Boston Borough Local Plan Policy G1 which relates to the character of an area and impact on amenity. Consequently the fact that the proposed development would essentially be within countryside may not by itself make it unacceptable in principle.
- 4.5 There are therefore no specific Local Plan policies which support a caretaker's accommodation in this countryside location. However the applicant has submitted details which may support the case that the wardens' accommodation is essential here and this matter is discussed below along with how this application compares with wardens accommodation at other sites within countryside locations.

National Planning Policy Framework

- 4.6 In terms of new residential development in the countryside paragraph 55 of the NPPF states, of relevance here (in part):

'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should...'

5.0 Representations

- 5.1 As a result of publicity 2 representations have been received from the owners/occupiers of the following properties:

- Westwood Lakes, Five House Lane, Wyberton
- No address given.

- 5.2 The concerns can be summarised as follows:

- Traffic generation and the ability of the country lane to accommodate extra traffic with limited passing places.
- Road surface/tarmac company is currently being run from the site and people are already staying in touring vans – road is not suitable for industrial uses.
- There are no footpaths and road is not wide enough.
- Noise disturbance.
- Development will disturb developing wildlife habitat.
- Concerns that the wardens accommodation will be for full time occupancy given site has license of 28 days at any one time.

6.0 Consultations

- 6.1 Wyberton Parish Council has not commented.
- 6.2 The County Highways Authority/LLFA has no objections.
- 6.3 Environmental Protection has no objections but points out that the applicant needs to apply for a site license under the provisions of the Caravan Sites and Control of Development Act 1960 with regard to the touring caravan site operation. Also confirms that the accommodation is not a caravan by virtue of the Caravan Site Act 1968.
- 6.4 The Environment Agency has no objections subject to 2 conditions.
- 6.5 The Black Sluice Internal Drainage Board recommends that a surface water scheme is submitted for approval to the LPA.

7.0 Planning Issues and Discussions

- 7.1 The proposed mobile home will be about 4m from the site's southern boundary shared with the country park and will be 15m long by 6m wide (90sqm). Overall the design of the mobile unit resembles a bungalow rather than a conventional mobile home and will be clad in cream coloured walls with pitched roof covered by 'metro' tile in slate grey.
- 7.2 The applicant advises that running and organising a site of this size requires 'on site skilled management, time and effort, and that given arrivals of the touring caravans may be during the late evenings the need for an on-site manager becomes 'imperative'. The applicant adds that it is important to be able to attend to visitors 'around the clock' and that given the site can accommodate 26 caravans means that in a 'worse-case' scenario, an incoming influx of visitors could cause queuing. There is therefore a need for a warden to oversee entry and exit of the touring caravans and the free flow of traffic in/out of the site and along the lane.
- 7.3 The applicant also considers that a warden is needed on site in the interests of the health and safety of the visitors, to ensure facilities including the maintenance of the sewage treatment plant, toilet and shower blocks and waste bin collection/delivery are all properly managed.
- 7.4 There were initial concerns expressed by neighbours before the application was submitted that this site was intended to be used as a 'travellers site'. The applicant states that this is not the case and will be used like any other touring caravan site. Indeed the applicant attended a meeting at the Parish Council to try to reassure the Parish Council and local residents that it would not be used as a travellers site and this may be one of the reasons why the application has not attracted formal 'objections'. It may also be argued that it is far better to have a warden on site to manage and control the site and look after the visitors than a site which does not have such controls. Any permanent use of the site can be the subject of investigation and enforcement if it is expedient.

- 7.5 The part of the previous appeal decision relating to the warden's accommodation was dismissed. The Inspector made reference to the (now cancelled PPS7) and the need to meet the financial and functional tests contained within this guidance. Although the applicant claimed at that time that it was essential to have a trained warden on site, no evidence had been submitted which substantiated this claim or why such duties listed could not have been carried out by an on-site warden living elsewhere. The Inspector concluded that there was no justification to allow the conversion in the light of local and national planning policies.
- 7.6 Since the appeal decision referred to above, there has been a fundamental change in national planning policy. The NPPF provides guidance on residential development in the countryside and whilst para 55 of the NPPF says that local planning authorities should avoid new homes in the countryside unless there are special circumstances such as an essential need for a rural worker to live permanently at or near their place of work, there is no longer a need to meet the functional and financial tests laid out within the former PPS.
- 7.7 It is considered that given the reasons put forward by the applicant for warden's accommodation in this location and that similar applications have since been approved elsewhere in the district (i.e. at Westwood Lakes), there is no reason to refuse this application on the grounds of insufficient need as was the case previously. However given that the use of the caravan site has not yet commenced it would be prudent to impose a condition (i.e. Condition 5 recommended below) which ensures that the warden's accommodation is not sited or occupied until the use approved in 2005 becomes fully operational. It should be noted that there is no national planning guidance which requires warden accommodation to be provided on touring caravan sites over a certain number of pitches. Each application will therefore need to be assessed on its merits.
- 7.8 The size of the warden's accommodation will be about 90 sq m. In comparison the floor area of the caretaker's residence at Westwood Lakes is about 250 sq m and the accommodation at First Steps Training Agency is 102s sq m. Thus it is not considered that the proposed wardens accommodation is too large compared to the functional requirements of the caravan site.

8.0 Summary and Conclusion

- 8.1 The touring caravan site in this location is an approved use from the extant permission granted in 2005 and thus is not a matter before the Committee.
- 8.2 This application is for the siting of a mobile unit to become warden's accommodation to serve the caravan site and the main issue is whether the applicant's reasons for the wardens accommodation as detailed above are considered as 'an essential need' given the objectives of para 55 of the NPPF. It is considered that it is far better to have a warden on site for security, to manage and control the site, look after the visitors and to ensure that neighbouring residents are not harmed by any activities that may be conducted on the site than a site which does not have such controls. Condition 4 below ensures that the occupation of the mobile unit is by a warden of Meadowvale Touring Park and that occupation shall cease and the accommodation removed should Meadowvale Touring Park be no longer used for recreation/tourist purposes.

- 8.3 Furthermore, given the height, design and location of the proposed mobile unit coupled with the existing landscaping which is to be retained and enhanced around the perimeter of the site, it is unlikely that the amenity of nearby residential occupiers, nearby land users or the character of the countryside will be substantially harmed by this development.

9.0 **Recommendation: GRANT**

It is recommended that Committee grant this application 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.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan 1: 2500 (1/3)
 - General site plan ref 1368-960-7a (2/3)
 - Internal layout plan ref 1368-960307-14 (3/3)
 - Photographs 1 and 2 showing external appearance of the mobile unit**Reason:** To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1.
3. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Flood Risk Assessment and shall include the following measures:
 - The mobile home shall be secured to the ground using an adequate mechanism such as chains and /or ground anchors before occupation and shall be retained in that form thereafter.
 - The finished floor level of the mobile home shall be set no lower than 5.0m AOD.**Reason:** To define this permission and to reduce the risk of flooding to the proposed development and future occupiers. This condition accords with the requirements of the NPPF (2012).

4. The residential accommodation shall only be occupied by the warden of Meadowvale Touring Park for the purposes of the essential managerial presence in accordance with the details of the application and occupation shall cease and the accommodation removed from the site within 2 months of Meadowvale Touring Park no longer being used for recreational/tourism purposes.

Reason: In accordance with the details of the application, to prevent unrestricted residential development in the countryside and to accord with the objectives of the NPPF (2012).

5. The mobile unit shall not be brought onto the site and occupied until the caravan site known as Meadowvale Touring Park is used and operational as a recreational/tourist facility.

Reason: The works associated with the touring caravan site have not yet been completed and the recreational/tourism use has not yet commenced. This condition has been imposed to ensure that the warden's accommodation is located on the site only when there is a genuine managerial need for a warden to be on site. This condition accords with the objectives of the NPPF (2012)

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Paul Edwards
Development Control Manager