

7 DCNC2006/3379/F – USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF. NC2002/1416/F WHICH STATES “THE CARAVANS SHALL BE USED FOR HOLIDAY PURPOSES ONLY AND SHALL NOT AT ANY TIME BE USED AS THE SOLE PRIMARY RESIDENCE” AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN.

**For: Miss P Moore per HLL Humberts Leisure,
Pavilion View, 19 New Road, Brighton, E. Sussex,
BN1 1UF**

Date Received:
25th October 2006

Ward:
Leominster South

Grid Ref:
52835, 58589

Expiry Date:
20th December 2006

Local Member: Councillors D Burke and J Thomas

1. Introduction

- 1.1. This application was deferred by the Northern Area Planning Sub Committee on 6th December 2006. Members had made a request for additional information regarding the occupancy of the units and also a formal response from Strategic Housing.
- 1.2. A Site inspection was also undertaken on 13th February in order that Members could view the site.
- 1.3. The detailed information requested from the agent in terms of the provision of an annotated plan with each of the units marked, details of each family group and their length of occupancy has not been provided, but the applicant's agent has provided the following additional statement:-

“Unfortunately, Miss Moore is unable to confirm the date when each of the mobile homes was first occupied by the present tenant, but she has confirmed that the majority of the present occupiers have been in residence for over two years, whilst some have been in occupation for much longer.

As you know, part of the site does have planning consent for the siting of caravans for residential use, and another part of the site has the benefit of a Certificate of Lawfulness in respect of five caravans for residential use.

Miss Moore has asked me to stress that she only permitted additional caravans to be used for residential purposes after she has received an amended site licence which was headed “**Permanent Residential Mobile Site Licence Conditions, Caravan Sites and Control of Development Act 1960, section 5**”.

The amended site licence indicated that the number of mobile homes to be sited should not exceed 86.

As you know, our client made the assumption that the site licence had been issued in good faith, and that Herefordshire Council had decided to authorise the use of Meadow Bank Caravan Park for the siting of mobile homes.

In addition to the above, Miss Moore has indicated that several of the present occupiers were referred to her by what she refers to as Leominster Council, although again she cannot now recall which of the present residents were so referred.

In earlier correspondence, I suggested that the County Council had carried out improvement works to several of the mobile homes, with particular reference to additional thermal insulation and exterior cladding.

I now understand that, more accurately, the occupiers of those caravans were able to obtain grants from the Council for the work to be done.

During our telephone conversation we also discussed the possibility of a planning condition to improve landscaping at Meadow Bank Caravan Park, and whilst the caravans are set well back from the road, it is entirely possible that additional In addition to the above, and whilst it may not be as appropriate as a planning condition, I can confirm that I will recommend that my client reviews the existing drainage system, with a view to ensuring that any discharge to water courses fully complies with relevant standards.

I hope that above, together with the information obtained during the site visit, will enable the Development Sub-Committee to grant the consents that are being sought.

- 1.4 Strategic Housing have commented that they have never been aware of any homeless nominations made by Herefordshire Council, but it appears that Leominster District Council regularly received applications from the site, often referrals from the Private Sector.
- 1.5. They also confirm that Housing Benefit is paid in these cases. In determining entitlement there is no requirement to determine whether a property has permanent planning approval, merely that a bona fide tenancy exists.

The original report now follows

2. Site Description and Proposal

- 2.1 Meadow Bank is an established caravan park. It is located within the open countryside in an undulating landscape. The application site is positioned on an area of low lying flat land. It is formally laid out as a caravan park with surfaced access roads and designated plots for each of the static caravans.
- 2.2 Other parts of the site lie on sloping land. To the north are a number of other caravans and a large complex of agricultural buildings beyond. These are used in conjunction with the applicants equestrian based business. The land to the south also rises but is open agricultural land.
- 2.3 The application is for the removal of condition no.2 of NC2002/1416/F. Planning permission was granted for the extension of the caravan park to accommodate a further 10 units and condition no.2 prohibits the use of caravans as permanent

residential accommodation. It now appears that all of the units on the site are permanently occupied, and have been for some time. The application is retrospective and seeks permanent residential use.

3. Policies

3.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable Development
H7 - Housing in the Countryside Outside Settlements
RST14 - Static Caravans, Chalets, Camping and Touring Caravan Sites

3.2 Leominster District Local Plan

A40 - Change of use from Holiday Chalet or Caravan Sites
A2 - Settlement Hierarchy

4. Planning History

- 4.1 NC2002/1416/F - Use of land for siting 10 static holiday caravans as an extension of existing park - Approved 15.7.02
- 4.2 NC2000/2090/F - Change of use to extend caravan park - Refused 09.10.00
- 4.3 N98/0220/U - Certificate of lawfulness for the use of land as residential caravan site for 5 caravans - Approved 6.10.98
- 4.4 92/0042/C - Extension of site for static holiday caravans - Approved 31.03.92
- 4.5 91/0655/C - Continued use of land for siting 14 static holiday caravans - Approved 03.12.91

5. Consultation Summary

Statutory Consultations

- 5.1 None required.

Internal Council Advice

- 5.2 Transportation Manager - No objections
- 5.3 Head of Environmental Health and Trading Standards - no objection.

6. Representations

- 6.1 Leominster Town Council - object to the application as the site is sufficiently large.
- 6.2 Five letters of objections have been received from the following:
 - H F Parsons, North Rowley, Hamnish
 - Mr & Mrs Foster, Patty's Cross, Hamnish

- Mr & Mrs Young, Juniper, Hamish
- Mr Guest, Colaba Lodge, Hamnish
- CCN Davis, South Rowley, Hamnish

6.3 In summary the points raised are as follows:

6.3.1 The application is contrary to Policy A40 and A58 of the Leominster District Local Plan.

6.3.2 The applicant has erroneously translated what was a misleading site licence and thought that it altered the planning permission.

6.3.3 It is unclear what the actual number of units on site will be.

6.3.4 Access to the site is onto a narrow road, inappropriate for such a large development.

6.3.5 Foul drainage from the site is believed to seep into nearby watercourses.

6.4 A supporting statement has also been submitted by the applicant's agent and this reads as follows:

"Following the issue of the planning consent to extend the park, Miss Moore received an amended site licence which was headed 'Permanent residential mobile site licence conditions Caravan Sites and Control of Development Act 1960 Section 5'.

The amended site licence indicated that the number of mobile homes to be sited should not exceed 86.

Our client made the assumption that the site licence had been issued in good faith and that Herefordshire Council had decided to authorise the use of Meadow Bank Caravan Park for the siting of mobile homes. The interpretation is not entirely surprising as it was well known that over the years Miss Moore had assisted the council by accommodating homeless people at Meadow Bank Caravan Park and that several of the occupiers on the static leisure park were occupying their units as a main residence and claiming housing benefit from the council. Indeed, over a period of time all of the caravans on the lower park had been assessed to Council Tax, indicating that your Council were treating them as dwellings rather than static leisure caravans.

To cap it all, I believe Herefordshire council carried out works to several of the caravans by way of exterior claddings to make them more suitable for occupation as residential units.

Against this background, Miss Moore proceeded to make investments in the caravan park with a view to changing all of the static holiday caravans on the lower park to mobile homes by way of additional exterior cladding and the construction of pitched and tiled roofs. Improvements have been made to the roadway and additional security has been provided in the form of an electronically operated entrance barrier, all in the belief that residential use was authorised by your Council."

6.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

7. Officers Appraisal

- 7.1 The starting point for this application is that it is clearly contrary to policy A40 of the Leominster District Local Plan which states that:

“Planning permission of the change of use of holiday chalets or caravan sites to residential chalets or mobile home sites respectively will not be permitted.”

- 7.2 However, the history of the site is also an important material planning consideration. The contents of the applicant’s agent’s comments are not in doubt and it is clear that there has been a history of permanent residential use. This is confirmed by one of the letters of objection which suggests that up to 120 people reside on the site, and that units have been advertised for sale as residential units by local estate agents.
- 7.3 In your officers opinion there are two options that can be taken. First would be to make a decision in accordance with policy and to refuse the application. The logical step from this position would then to be to take enforcement action issuing a breach of condition notice and require that the units are occupied in accordance with the original condition; that they should not be used for residential purposes. In effect this could require the units on site to be vacated by their occupants.
- 7.4 The Local Planning Authority could not take action against any mobile home which has been occupied for residential, as opposed to holiday purposes, for in excess of 4 years.
- 7.5 The alternative would be to take a more pragmatic view of the current situation, accepting the history of the site and granting a permission that allows permanent residential occupancy. This would draw a line under the current situation. The site would be required to comply with the requirements of a residential site licence and therefore an element of control would remain.
- 7.6 On balance it is your officer’s opinion that the latter approach is most appropriate and the application is therefore recommended for approval. No conditions are required in this instance.
- 7.7 Issues relating to existing drainage problems and the existing vehicular access are not material to this particular application as no intensification of use will result. They would be relevant if further applications are made to extend the caravan park.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

1. G04 - Landscaping scheme (general

Reason: In order to protect the visual amenities of the area.

2. G05 – Implementation of landscaping scheme (general

Reason: In order to protect the visual amenities of the area.

INFORMATIVES

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

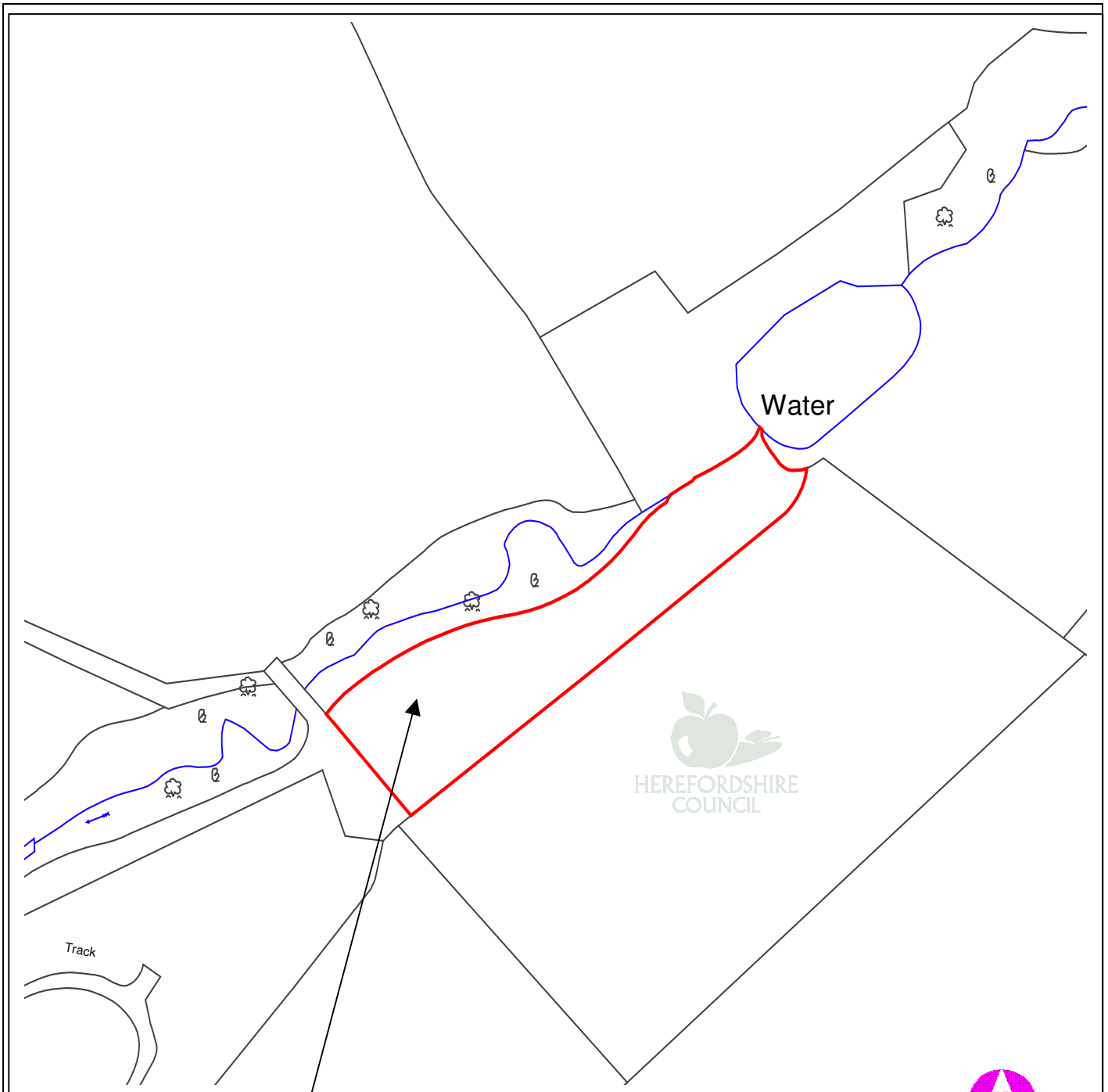
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3379/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Meadow Bank, Hamnish, Leominster, Herefordshire

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