

**6 DCNW2006/3816/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FOR SITING OF RESIDENTIAL CARAVAN MOBILE HOME AT THE GARDEN, NUTFIELD COTTAGE, BEARWOOD, PEMBRIDGE, HEREFORDSHIRE, HR6 9EF**

**For: Mr. P. Layton per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT.**

**Date Received: 1st December, 2006**    **Ward: Pembridge & Lyonshall with Titley**    **Grid Ref: 37756, 55994**

**Expiry Date: 26th January, 2007**

Local Member:    Councillor R.J. Phillips

## **1. Introduction**

1.1 The application was deferred by members for the submission of additional information to support the applicant's case. This has been received and can be summarised as follows:

6 letters of support from:

G.T. & C.J. Hughes, Lower Green Farm, Broxwood  
D.T. Owens, Luntley Court Farm, Pembridge  
Weston House Farm, Pembridge  
Sue Nevill-Parker 7 Ron Hill, Curlew Cottage, Weston  
P.J. Thomas, Weston Court, Pembridge  
C. Herraty, Waggoners Cottage, Weston.

1.2 These letters raise the following points:

Offer confirmation of the legitimacy of the applicant being bona fide local person employed in agriculture in and around the locality

Mr Layton assists on local small-holding with sheep, hedge trimming, fencing etc as and when he is needed.

This is an obvious site for the purpose suggested and ideal chance for Mr Layton to continue with the work he's done here for many years. He is a great asset to the local community with his expert knowledge in many areas. He manages to divide his time and skills amongst the local farms. Skills include being able to lay hedges and repair machinery, fencing and hedge trimming, apple picking, lambing and crops. He is an essential part of the local labour force.

Mr Layton is a hard working individual simply trying to earn an honest living in the countryside where his family has lived for at least three generations to my knowledge.

There is an absence of reasonable priced accommodation in the area.  
His wife works locally and children attend the local school (or will do)

- 1.3 In addition to these letters the applicant has produced a summary of the earnings (invoiced) for 2002 – 2006 as well as a schedule of the hours and work undertaken.
- 1.4 Although these documents provide some further information with regards to the nature of work they do not justify the development, which is contrary to policies as per the following report.

## **2. Site Description and Proposal**

- 2.1 The site for the retrospective development is in open countryside and forms a small flat piece of land measuring approximately 0.2 hectare adjacent to the C1082 public highway.
- 2.2 On site are two mobile caravans that are in use as one residential unit. Also on site are dog kennels and domestic/agricultural related, storage area.
- 2.3 The application proposes the retention of both mobile homes on site and change of use of the site to residential use.

## **3. Policies**

### **3.1 Planning Policy Statement 7: Sustainable Development in Rural Areas**

### **3.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

S1 – Sustainable Development  
S2 – Development Requirements  
DR1 – Design  
DR2 – Land Use and Activity  
DR3 – Movement  
DR4 – Environment  
H7 – Housing in the Countryside outside Settlements  
H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses  
H10 – Rural Exception Housing  
H11 – Residential Caravans  
LA2 – Landscape Character and Areas Least Resilient to Change  
CF2 – Foul Drainage

### **3.3 Leominster District Local Plan**

A1 – Managing the District's Assets and Resources  
A2(D) – Settlement Hierarchy  
A9 – Safeguarding the Rural Landscape  
A23 – Creating Identity and an Attractive Built Environment  
A24 – Scale and Character of Development  
A54 – Protection of Residential Amenity  
A58 – Mobile Homes  
A70 – Accommodating Traffic from Development

## **4. Planning History**

- 4.1 NW03/2193/F - Proposed single-storey agricultural building and proposed new vehicular access - Refused 2nd September 2003.

## 5. Consultation Summary

### Statutory Consultations

- 5.1 None required.

### Internal Council Advice

- 5.2 Transportation Manager - Recommends conditions be attached to any approval notice issued as visibility from the site onto the adjoining public highway is below acceptable standard.

## 6. Representations

- 6.1 Pembridge Parish Council object to the application stating:

*'Pembridge Parish Council is sympathetic to the personal circumstances put forward by the applicant's agent in respect of this change of use application. However, this Council objects to the application on the following grounds:-*

- 1 The residential caravan is not for use by an agricultural worker, therefore no essential long term need has been proven, and there is no justification for over riding the established planning considerations set out in the Town and Country Planning (General Permitted Development) Order 1995 as far as this relates to the siting of residential caravans.*
- 2. The area indicated for the continued siting of the residential caravan is on open rural land that should be protected from such damaging development that would have a negative impact on the visual amenity of the locality. There is a need to safeguard the rural landscape.*
- 3. The application does not comply with either of the following emerging Unitary Development Plan Policies:-  
H7 Housing in the Countryside outside Settlements  
H8 Agricultural and Forestry Dwellings Associated with Rural Businesses*

*The Council requests that under all the circumstances this application be refused.'*

- 6.2 One letter from the occupant of Nutfield Cottage, Bearwood, has been received to this application querying the correct postal address of the application site. The letter also states no objection to the proposal.
- 6.3 As part of the application the applicant has submitted a brief statement stating that the applicant and his family were living in rented accommodation within the locality and were given notice to relinquish the tenancy as the owner wished to sell the property. As they had no where to go they decided to move on the piece of land in Mr Layton's ownership. The statement emphasises that the family are neither travellers or gypsies.
- 6.4 Also submitted with the application are several letters and photocopied letters in support of the application signed by persons either living in the locality or connected to Mr Layton who is a self-employed rural labourer.

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 key issue in relationship to this application is:-

*'Is there sufficient essential need to house the applicant on site'*

7.2 National Planning Policy Statement 7: Sustainable Development in Rural Areas states in Annexe A: Agricultural, Forestry and other Occupational Dwellings that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of their place of work and that essential work related need must be proven for such a need to live on site and must not be on the personal preferences or circumstances of any of the individuals involved.

7.3 Policy H11 – Residential Caravans in the Herefordshire Unitary Development Plan (Revised Deposit Draft) states:-

'Proposals for the use of caravans or mobile homes for permanent residential use will be subject to the same locational requirements as permanent residential development. Temporary planning permission for caravans or mobile homes may be permitted to meet special identified shorter term needs under Policy H8.'

7.4 Policy H8 – Agricultural and Forestry Dwellings and dwellings associated with rural businesses emphasises that it must be demonstrated that a long-term genuine need exists for the dwelling as an essential part of a financially viable business. Policy A43: Agricultural or Forestry Dwellings in the Leominster District Local Plan also emphasises this requirement.

7.5 The applicant has not supplied as part of his application any agricultural justification of the essential need to live on site. Other than to state that he and his family had to vacate their rented accommodation on 5<sup>th</sup> June 2006 as the owner wished to sell the property. As they had nowhere to go they decided to move into mobile homes on the site subject to this application that is in Mr Layton's ownership. The applicant as part of his application has emphasised that he has lived and worked in the area for over 42 years, working on surrounding farms and businesses and has two small children one of which attends Pembridge Junior School.

7.6 Whilst the personal circumstances of the applicant and his family are to be sympathised with, this does not justify development, which is contrary to Policies S1, H7, H11 and H8 of the Herefordshire Unitary Development Plan. Policies A1, A2(D), A43 and A58 of the Leominster District Local Plan and National Planning Policy Statement 7: Sustainable Development in Rural Areas.

**RECOMMENDATION**

**That planning permission be Refused for the following reason:-**

- 1 - The application proposes residential development in the open countryside for which no essential need has been proven. Therefore the application does not comply with Policies S1, H7, H11 and H8 of the Herefordshire Unitary Development Plan. Policies A1, A2(D), A43 and A58 of the Leominster District Local Plan and National Planning Policy Statement 7: Sustainable Development in Rural Areas.**

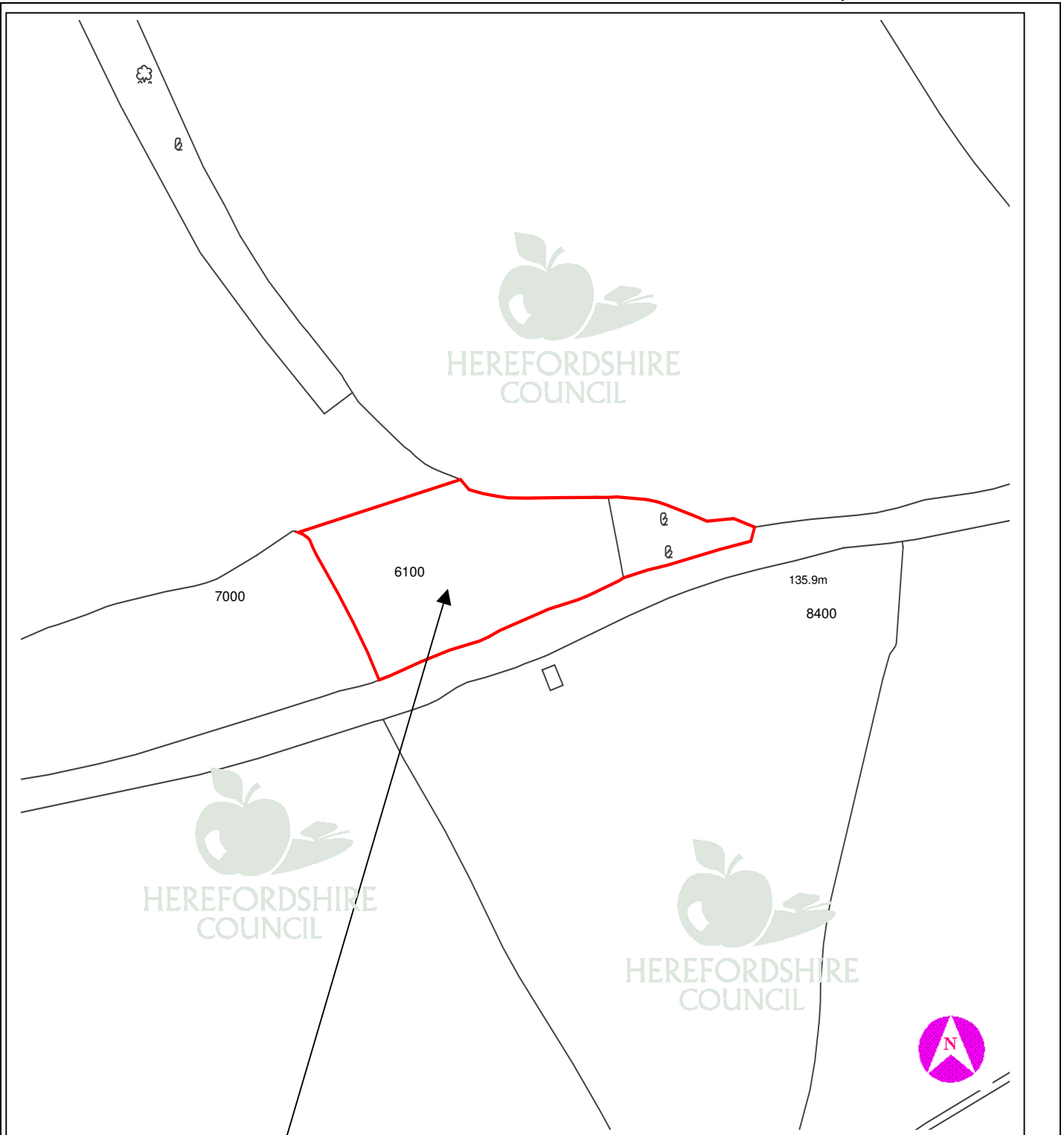
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2006/3816/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Mobile Home at The Garden, Nutfield Cottage, Bearwood, Pembridge Herefordshire HR6 9EF

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