

8 DCNC2007/1986/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF 92C42 WHICH STATES NO CARAVAN SHALL BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION AT LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE. HR6 0GN.

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

Date Received: 19th June, 2007 **Ward:** **Grid Ref:**
Expiry Date: 14th August, 2007 **Leominster South** **52731, 58511**
Local Member: Councillors RBA Burke and RC Hunt

1. Site Description and Proposal

- 1.1 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.
- 1.2 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.
- 1.3 The application is for the removal of condition no.2 of application reference 92C42. Planning permission was granted for the extension of the site for the stationing of static caravans and condition no.2 prohibits the use of caravans as permanent residential accommodation. No restriction was placed on the number of static caravans that can be stationed on the land. 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.
- 1.4 It is accompanied by a supporting statement, extracts of which are re-produced later in this report, and also by the results of a questionnaire completed by the current residents of the site. The results of this show that 47 of the 50 units are occupied as permanent residences by their occupants and that length of occupancy ranges from a matter of months to 15 years.

2. Policies

2.1 Herefordshire Unitary Development Plan

- S1 - Sustainable development
- H7 - Housing in the countryside outside settlements
- H11 - Residential caravans

RST14 - Static caravans, chalets, camping and touring caravan sites

3. Planning History

- 3.1 Use of land for siting mobile homes by the deletion of condition 2 in the consent which states no caravan shall be used as permanent residential accommodation - Refused 28.2.07
- 3.2 NC2002/1416/F - Use of land for siting 10 static holiday caravans as an extension of existing park - Approved 15.7.02
- 3.3 NC2000/2090/F - Change of use to extend caravan park - Refused 09.10.00
- 3.4 N98/0220/U - Certificate of lawfulness for the use of land as residential caravan site for 5 caravans - Approved 6.10.98
- 3.5 92/0042/C - Extension of site for static holiday caravans - Approved 31.03.92
- 3.6 91/0655/C - Continued use of land for siting 14 static holiday caravans - Approved 03.12.91

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - No objections

5. Representations

- 5.1 Leominster Town Council – As a result of the failure of communication and action of the councils generally over the years, they provide a unique set of circumstances and feel obliged to recommend approval.
- 5.2 Kimbolton Parish Council – object to the application on the grounds of overdevelopment, amenity value, access and sewerage
- 5.3 Six letters of objections have been received from the following:
 - HF Parsons, North Rowley, Hamnish
 - Mr & Mrs Foster, Patty's Cross, Hamnish
 - Mr & Mrs Young, Juniper Cottage, Hamish
 - Mr Guest, Colaba Lodge, Hamnish
 - CCN Davis, South Rowley, Hamnish
 - Dr & Mrs Bowen, Rowley Grange, Hamnish, Leominster

In summary the points raised are as follows:

- 5.3.1 The application is contrary to Policy H11 of the Herefordshire Unitary Development Plan.

- 5.3.2 The applicant has erroneously translated what was a misleading site licence and thought that it altered the planning permission.
- 5.3.3 It is unclear what the actual number of units on site will be.
- 5.3.4 Access to the site is onto a narrow road, inappropriate for such a large development.
- 5.3.5 Foul drainage from the site is believed to seep into nearby watercourses.
- 5.3.6 The application is simply a re-submission of a previously refused scheme.
- 5.4 Seven letters in support of the application have been received from the following:
- Miss A Cann, 4 Shobdon Lodge, Meadowbank Park
 - Mrs JJ McCoy, 44 Meadowbank Park
 - Mrs AE Williams, 43 Meadowbank Park
 - Mr B Palliser, 42 Meadowbank Park
 - Mr AC Davis, 12A Meadowbank Park
 - Mr & Mrs Smith, 45 Meadowbank Park
 - Mr & Mrs Capper, 41 Meadowbank Park

All of the letters refer to the fact that their authors are permanent residents on the site. One has been resident since 1995 whilst the others vary in their length of occupancy from 1 to 4 years. Four of the seven letters state that caravans have been bought and are the occupants only residence. Their purchase was based on the fact that the site has a licence from the Council for permanent residential occupation. The authors also confirm that they pay Council Tax on the basis of the mobile homes being their permanent residences.

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

I know that you are fully aware of the circumstances that surround the present dilemma and that the Council's decision to refuse planning permission for the continued use of the caravans for residential purposes has naturally caused concern to both the owner of Meadowbank and to the occupiers of those mobile homes likely to be affected by these decisions.

I am aware that the Planning Committee expressed a number of concerns in their deliberations regarding my client's original applications and since that time my client has assembled further information regarding the occupation of the various caravans since 1994, in respect of the original caravan site and, since 2003 in respect of the site extension.

It is hoped that the additional information will enable the Planning Sub-Committee to give further consideration to this matter.

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."

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

6. Officers Appraisal

- 6.1 The starting point for this application is that it is clearly contrary to policy RST14 of the Herefordshire Unitary Development Plan which states that:

"Proposals to change of use of existing chalets and caravan sites to permanent residential sites respectively will not be permitted unless they are located within an area where the principle of residential development is acceptable"

- 6.2 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 the letters received from some of the residents on the site and the questionnaires submitted as part of the application.
- 6.3 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 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.
- 6.4 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 10 years.
- 6.5 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.

6.6 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.

6.7 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**

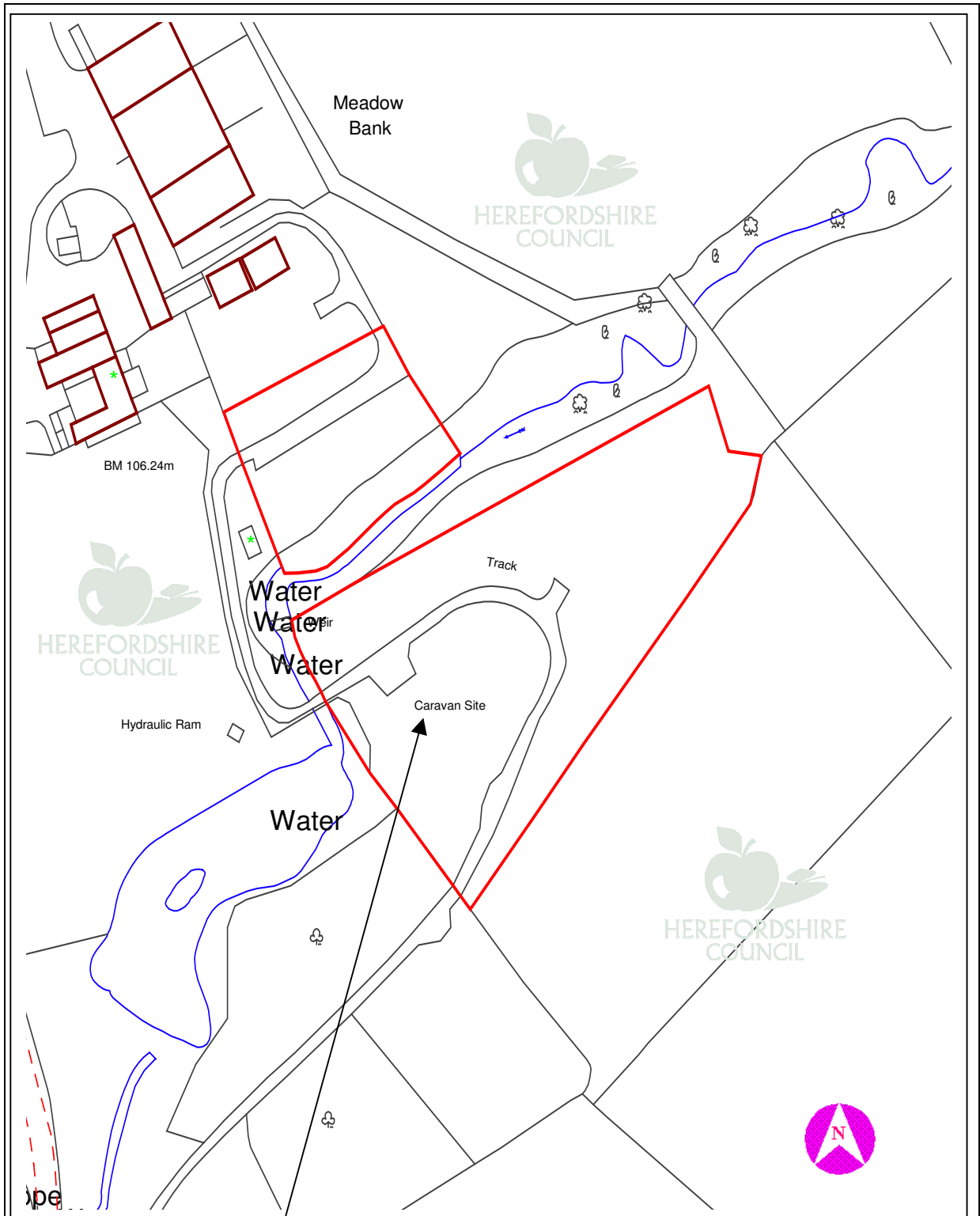
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/1986/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Meadow Bank, Hamnish, Leominster, Herefordshire. HR6 0GN.

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