

<b>APPLICATION NO</b>	<b>PA/2018/1086</b>
<b>APPLICANT</b>	Mr B Williams
<b>DEVELOPMENT</b>	Planning application to remove condition 2 of PA/2002/1853 to allow mobile homes to be residential accommodation
<b>LOCATION</b>	Woodcarr Caravan Park, Sandtoft Road, Westgate, Belton, DN9 1PN
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Leanne Pogson-Wray
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from adopted development plan

## **POLICIES**

**National Planning Policy Framework:** Paragraph 11 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Section 5, paragraphs 59-79 relate to delivering a sufficient supply of homes and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 77 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraphs 124-132 state that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraphs 155-165 state that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Sequential and Exception Tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

## **North Lincolnshire Local Plan:**

Policy H8 – Housing Design and Housing Mix

Policy RD2 – Development in the Open Countryside

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

Policy DS1 – General Requirements

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy DS16 – Flood Risk

Policy LC12 – Protection of Trees, Woodland and Hedgerows

### **North Lincolnshire Core Strategy:**

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS3 – Development Limits

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS17 – Biodiversity

Policy CS19 – Flood Risk

Policy CS25 – Promoting Sustainable Transport

### **CONSULTATIONS**

**Highways:** No comments or objections.

**Environment Agency:** The site lies partly within (EA) Flood Zone 2 and partly within Flood Zone 3. Mobile and Park Homes are listed as ‘highly vulnerable’ in the NPPF. Development for highly vulnerable uses in FZ2 should be subject to the exceptions test and in FZ3 they are not compatible and not normally allowed.

The SFRA states that in this area the site is subject to the critical flood level of 4.1 metres above Ordnance Datum (AOD). If minded to approve this application would recommend that all residential development is raised 300 millimetres above the current floor level giving a finished floor level of 4.4 metres AOD.

### **PARISH/TOWN COUNCILS**

**Belton Parish Council:** No objections.

**Epworth Town Council:** Supports the Environment Agency’s comments.

## **PUBLICITY**

A site and press notice have been posted. No comments have been received.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No community involvement has been undertaken. This application is only a major application due to the site area.

## **ASSESSMENT**

The application site is an established static caravan park close to Sandtoft Industrial Estate, which is currently used for holiday lets. The site was established in the early 2000s for a caravan site, on what was a former nursery. The site has a license for up to 35 units. The site is subject to a condition restricting the site to holiday use only, for 11 months per year. This application seeks to remove this condition to allow permanent occupation of the mobile homes for residential purposes.

**The main issues in determining this application are whether the site is suitable for permanent occupation in terms of increased flood risk and whether a residential site in the open countryside is a suitable form of development.**

The site is subject to two previous planning applications:

PA/2001/0950 (original application) was granted for a change of use on the site from a nursery to a caravan site. This application was granted subject to conditions, with the key condition reading

“The mobile homes on this site shall not be occupied otherwise than as holiday accommodation and for the avoidance of doubt shall not be occupied between the 1 and 28 February each year, nor for any purposes falling within Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987” for the reason that the site was outside defined settlement limits.

This condition was varied under PA/2012/1853 to change the dates that the site could not be occupied to 7 January to 4 February. There are no other conditions restricting occupation such as keeping of records or restricting occupation to a maximum number of days per visitor.

Many of the units are owned by individuals who wish the site to become their permanent residence. The units are on site all year round and could be occupied 11 consecutive months per year. With the absence of other restrictive conditions, it is considered that the units are to all intents and purposes permanent accommodation. It is not considered that allowing occupation for one further month per year would result in significant further generation of traffic movements to the detriment of the sustainability of the area.

Whilst the site is outside defined development limits, as the site has been in use as a mobile home site for over 15 years, its impact on the character and appearance of the area has been well established. As such it is not considered that the use of the site for permanent residential use would have any adverse impact on the character of the area.

With regard to flood risk, as stated in the EA response, mobile homes are considered a more vulnerable use and the exceptions test should be undertaken in FZ2 and are not

considered appropriate in FZ3. However, permission for the site was granted prior to these categories being introduced; as such it is not practical to apply the exceptions test in this instance. Due to the lack of other restrictions on the previous permissions, and the fact that the mobile homes can be occupied for 11 consecutive months by the same person(s), it is not considered that allowing full residential occupation would significantly increase the dangers to the occupants from potential flooding. The EA has not objected to the application and advises a condition raising the level of the mobile homes to 4.4 metres AOD. An informative is also proposed advising that residents sign up to the early warning system and have evacuation measures in place.

Whilst it is accepted that allowing the removal of this condition would be contrary to planning policy by allowing new dwellings in the open countryside, it is considered that this application should be judged on its own merits, particularly that the site is existing and can be used for the majority of the year and, for the reasons outlined above, it is not considered that allowing permanent occupation would have any adverse impact on the character of the area, sustainable transport or increased flood risk. Additionally, with the absence of a five-year land supply, the NPPF promotes sustainable residential development, a mix of house types and supports rural sustainable housing. As such the proposal is considered to be acceptable.

**RECOMMENDATION: Grant permission subject to the following conditions:**

1.

No touring caravan or mobile home shall be brought into use until:

- (a) the vehicular access from Sandtoft Road has been improved within the limits of the public highway; and
- (b) provision has been made adjacent to it and clear of the internal private access road for hardened vehicle parking facilities and these facilities shall thereafter be so retained.

Reason

In the interests of highway safety.

2.

No trees shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees without the previous written consent of the local planning authority. Any trees removed without such consent, or dying or being severely damaged, or becoming seriously diseased, shall be replaced with trees of such size and species as may be agreed in writing with the local planning authority.

Reason

To protect the existing trees on the site.

3.

No mobile home on the site shall be occupied as permanent residential accommodation until the units are raised 300 millimetres above the current floor level giving a finished floor level of 4.4 metres above Ordnance Datum.

## Reason

To ensure the development is safe from flooding.

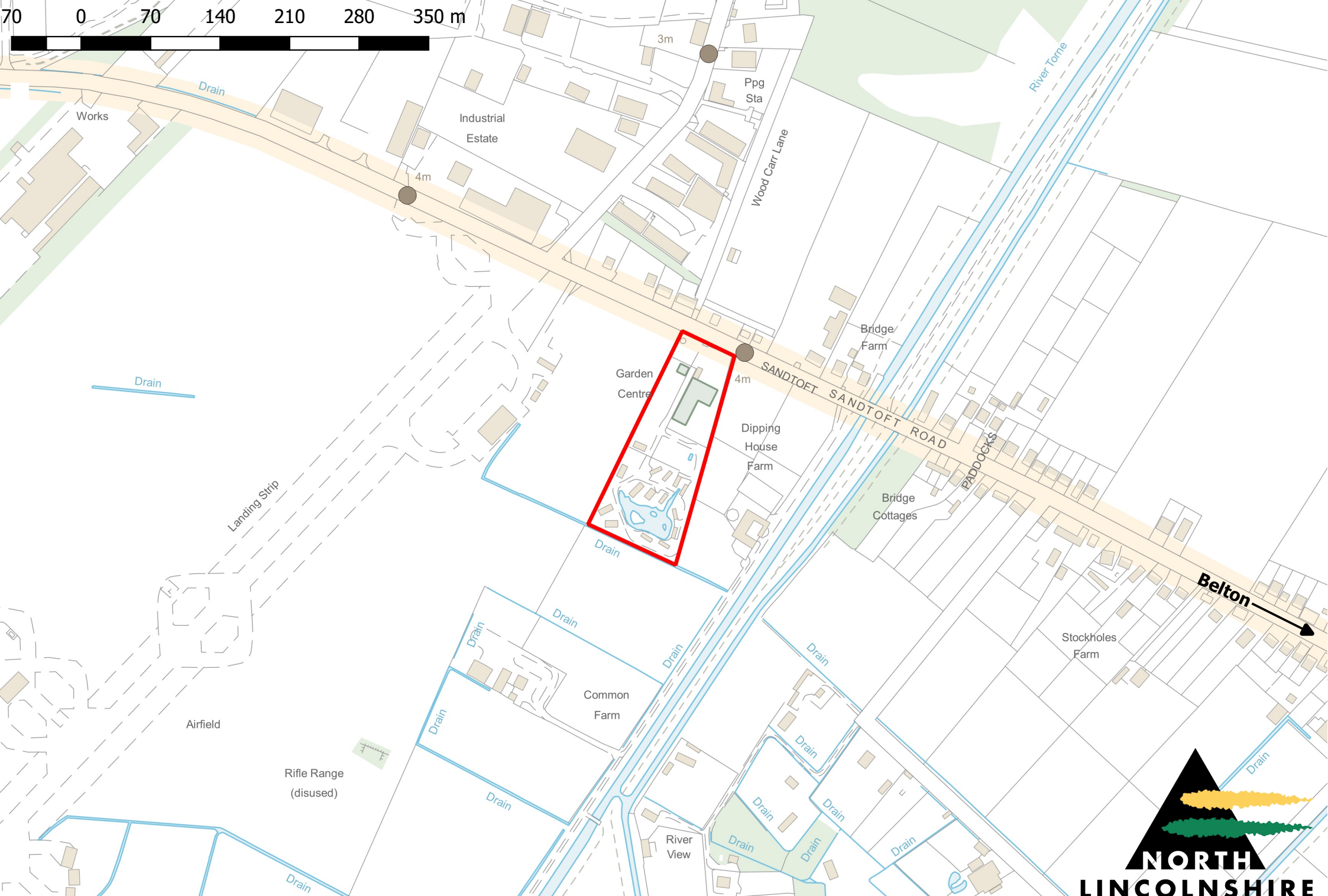
### **Informative 1**

The applicant is advised to sign up to the Environment Agency Flood Warning Scheme and prepare a flood evacuation plan in accordance with EA guidance.

### **Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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