

P/16/0691/FP

MR MILES DORAN

TITCHFIELD

AGENT: PHILIP BROWN
ASSOCIATES

ALTERATIONS TO ROOF AND ELEVATIONS, AND EXTENSION OF EXISTING AMENITY BUILDING/DAY ROOM TO CREATE A SINGLE DWELLINGHOUSE (USE CLASS C3)

293B TITCHFIELD ROAD STUBBINGTON FAREHAM HAMPSHIRE PO14 3ER

Report By

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Site Description

The application site comprises a residential caravan site which was first granted planning permission on appeal in March 2013 (our ref P/11/1097/CU / Planning Inspectorate ref APP/A1720/A/12/2183866). A later planning permission in March 2014 granted permission for the extension of this site and the siting of an additional caravan (our ref P/13/1089/CU). The consent allows for the occupation of the site by Mr Miles Doran and Ms Elizabeth Connors and their resident dependants and for no more than three caravans to be stationed on the site at any time (of which no more than one can be a static caravan).

The site lies on the western side of Titchfield Road to the immediate north of a commercial nursery site and along a lane used to access around half a dozen houses (nos. 293, 293a, 295, 297-299, 301, 303) as well as the site itself. The site lies outside of the defined urban settlement boundaries and within the Meon Gap (strategic gap).

Except for a small patch of ground the site is entirely hardsurfaced with a mixture of tarmac and block paved finishes. There are two existing buildings on the site - a timber outbuilding which was recently erected and for which retrospective planning consent is sought in a separate planning application (our ref P/16/0931/FP) and a day/amenity block which has stood on the land for a number of years and is understood to have been used at various points in the past as an artists studio and cattery. The single-storey amenity building provides living accommodation for the family of Mr Doran and Ms Connors as well as ancillary storage space. The building has a slight mono-pitch felt covered roof and its external walls are rendered and painted white. The site is enclosed by high level fencing with a set of gates and brick wing walls at the entrance with the lane on its northern side.

Description of Proposal

Planning permission is sought for alterations and extension of the existing day/amenity building and for its use as a single dwellinghouse.

The extension to the building would be on its western and southern sides. A new pitched and gabled roof over the whole of the extended structure would increase its overall height to around 3.9 metres. Timber cladding would be added to the external elevations and changes made to the existing UPVC fenestration. The effect of the works would be to create a single storey dwelling house with three bedrooms, bathroom, kitchen and dining/sitting room.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS22 - Development in Strategic Gaps

Development Sites and Policies

DSP2 - Environmental Impact

DSP6 - New residential development outside of the defined urban settlement boundaries

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP47 - Gypsies, Travellers, and Travelling Showpeople

Relevant Planning History

The following planning history is relevant:

<u>P/08/0063/CU</u>	USE OF FORMER CATTERY BUILDING AS ARTISTS WORKING STUDIO (RETROSPECTIVE APPLICATION)	
	RETAIN DEVLPMT	20/03/2008
<u>P/11/1097/CU</u>	CHANGE OF USE OF LAND AND PREMISES TO USE AS A RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS, INCLUDING NO MORE THAN ONE STATIC MOBILE HOME AND USE OF EXISTING BUILDING ON SITE AS ANCILLARY ACCOMMODATION FOR FAMILY UNIT	
	REFUSE	22/06/2012
	APPEAL: ALLOWED	14/03/2013
<u>P/13/1089/CU</u>	CHANGE OF USE OF LAND TO FORM AN EXTENSION TO AN EXISTING RESIDENTIAL GYPSY CARAVAN SITE, INCLUDING THE SITING OF ONE ADDITIONAL TOURING CARAVAN	
	APPROVE	06/03/2014
<u>P/16/0931/FP</u>	Storage shed - (Retrospective application)	

Representations

Five sets of comments have been received in objection to the application on the following grounds:

- Contrary to countryside policy to resist new dwellings
- Impact on strategic gap

- Granting permission would set a precedent for other caravan sites to be developed
- Planning permission was previously granted for this site to be used as a residential caravan site with clear conditions for one named gypsy family
- Failure of applicant to comply with requirements of previous planning permissions
- Laying of hardsurfacing and poor surface water drainage has led to flooding of adjacent properties
- Building contractors accessing lane will cause problems with traffic on the main road

Consultations

Trees - No objection

Highways - No objection

Environmental Health - No objection

Planning Considerations - Key Issues

a) Planning history and existing consent

The Planning Inspector's 2013 appeal decision is an important consideration in determining this current application because it set out the reasons why planning permission was granted for the use of the site as a 'residential caravan site for one gypsy family'.

The Inspector's assessment of the case is split into four sections. The first three sections cover the issues of the effect on the character and appearance of the area, the site's accessibility and the need for a financial contribution towards the provision of off-site open space. The fourth part discusses any other material considerations with paragraph 35 stating that "As I have concluded there would be no conflict with Government advice or the development plan, it is not necessary for me to consider the other material considerations in support of the development put forward by the appellant, including the need for gypsy and traveller caravan sites and the appellant's personal and family circumstances". Planning permission was not granted because of the appellant's status as a gypsy since the Inspector found the development to be acceptable in any case.

The appeal decision continues to explain why conditions are needed such as the one which restricts the occupation of the site to Mr Doran and Ms Connors and their resident dependents (condition 1). Paragraph 37 explains that "A condition restricting occupation of the site to the appellant and his family is necessary, as other occupants moving on to it from outside the area could represent an increase in the Borough's resident population and the demand for open space. As the site is otherwise acceptable in policy terms, it is not necessary to limit the permission to a temporary period, but the personal condition needs to be accompanied by one governing the restoration of the site if the family were to leave [condition 2]". The reason behind each of the conditions is not due to the appellant's gypsy status.

Paragraph 38 goes further to say that condition 3 (the limit of the number of caravans) is required in the interests of the area's character and appearance as with condition 4 (site development scheme). Finally, condition 5 states no commercial activity shall take place on the land, including the storage of materials.

b) Visual impact

In determining the 2013 appeal the Planning Inspector noted that "The site is part of an

enclave of development surrounded by countryside and the proposal would not lead to any outward spread of development into the [strategic] gap. It would not diminish the separation of Titchfield and Stubbington, physically or visually, and especially as it is previously developed land supporting an existing building, it would have no effect on the integrity of the gap" (paragraph 17).

At present the existing amenity building already carries to some degree the external appearance of a dwellinghouse. The building has a front door and integral garage/store set in its front elevation and is visible immediately on entering the site and from the access lane. The proposed alterations through the addition of a modest pitched roof and external timber cladding would improve the appearance of the building. In visual terms the physical works proposed would enhance the appearance of the site and no conflict is found with the aims of Core Strategy Policy CS14 or CS17, namely to protect the landscape character and appearance of the countryside and to respond positively to the key characteristics of the area. The scale of the works proposed would have no appreciable effect on the gap between settlements preserved by the strategic gap.

Neither the extension, being located on the western and southern side of the building, or the modest increase in the bulk of the roof would be harmful to the light to or outlook from neighbouring properties.

c) Use as single dwellinghouse

Core Strategy Policy CS14 seeks to strictly control development outside of the defined urban settlement boundaries and is the principal local plan policy in resisting new residential development in the countryside. Local Plan Part 2 Policy DSP6 expands on the principal policy by setting out a presumption against new residential development outside of the defined urban settlement boundaries. It does however offer a number of instances where new dwellings in the countryside will be permitted including the conversion of existing non-residential buildings.

In this instance a lawful residential use already exists on this site. The Planning Inspector in dealing with the 2013 appeal found that the use of the site as a residential caravan site "would be acceptable in terms of its accessibility to shops, schools and health facilities by public transport, walking or cycling" (paragraph 24), that it would not harm the character and appearance of the surrounding area and that, subject to the payment of an financial contribution towards the provision of off-site open space, planning permission should be granted.

The current proposal therefore involves the extension, alteration and conversion of an existing residential building but with no intensification of the existing residential use. The building, although not a dwelling in its own right, is of a reasonable size and already contains some of the day to day facilities required to enable Mr Doran and his family to live on the site. Officers consider that were the applicants' family to fully occupy the amenity building as a dwelling instead there would be no material difference, for example in the number of vehicle movements to and from the site. The statement provided by the applicant's agent explains that his client "has no intention of giving up his nomadic lifestyle and would retain his touring caravans in order to continue to be able to travel away for work, in accordance with his traveller lifestyle". It continues by saying that "the use of the site as a settled residential base for a travelling family would be little different, in land use terms, whether the permanent living accommodation is provided in a permanent building or a mobile home, other than the visual appearance of the building and site would be improved".

Officers agree with this assessment in relation to this particular site. Granting planning permission for the use of the amenity building as a dwellinghouse would have no material planning implications and there is no conflict with the strategic aims of Core Strategy Policy CS14 to protect the countryside from development "which would adversely affect its landscape character, appearance and function".

d) Relevance of Policy DSP47 of the adopted Local Plan Part 2: Development Sites and Policies

Officers have considered the relevance of Local Plan Part 2 Policy DSP47 (Gypsies, Travellers and Travelling Showpeople), namely the final paragraph which advises that:

"All sites allocated or granted planning permission for permanent and transit gypsy/traveller provision, and travelling showpeople's provision will be retained for such uses. Outside the defined urban settlement boundaries planning permission granted will restrict the construction of permanent structures to small amenity buildings associated with each pitch; planning permission will not be granted for the replacement of gypsy traveller accommodation with permanent dwelling houses outside of the defined urban settlement boundaries".

Whilst the 2013 appeal decision granted permission for a 'residential caravan site for one gypsy family' its occupation was not controlled by condition to only persons falling within the definition of "gypsies and travellers" given in the national guidance "Planning policy for traveler sites (PPTS)". As explained above, the reason for the personal condition to Mr Doran's family was not due to his gypsy status but in relation to the provision of open space within the Borough. Although, as the Planning Inspector noted, Mr Doran and his partner satisfy the definition of "gypsies and traveller" given in the PPTS, the weight to be ascribed to this particular planning policy is significantly reduced by the fact that the Inspector did not seek to limit occupation of the site to only gypsies and travelers.

Turning to the amenity building itself; Officers recognise that the existing building could be considered to be larger than that typically found on gypsy and traveler sites as amenity blocks. This is due to the fact that it was not specifically built for that purpose but instead constructed many years ago and has been used in a number of different ways since, for example as a cattery and artists studio. In this respect its modest extension and conversion to a dwelling as proposed would not be as significant a change in visual terms compared to other gypsy traveller sites.

For the above reasons it is considered that the specific requirements of the final paragraph of Policy DSP47 could reasonably be set aside in this individual case.

e) Conditions

If Members of the Planning Committee are minded to grant planning permission, Officers do not consider it would be reasonable to limit occupation of the dwelling to Mr Doran and his family only. As set out above, the Inspector's reason for imposing such a condition in the 2013 appeal related to the desire to prevent other parties from being resident and therefore placing added pressure on the provision of open space in the Borough. There would not be the same concern over the potential for additional persons to reside at the property if the residential use was within a single dwelling. Existing powers to control unauthorised subdivisions of residential properties would be sufficient for the local planning authority to prevent the establishment of a separate unit of accommodation in the future.

The imposition of conditions relating to the number of caravans on the site and commercial uses is considered to be reasonable and necessary for the same reasons previously given by the Planning Inspector. Concerns have been raised by several local residents over non-compliance with the existing conditions at the site and Officers have themselves witnessed four caravans on the site at present. The statement submitted by the applicant's agent makes it clear his client wishes to retain his touring caravans but that by granting permission for the use of the amenity building as a dwelling there would be no need for a separate mobile home. A planning condition could be used to limit the exact number of caravans on the site appropriately.

Officers recognise the problems reported by the immediate neighbour concerning poor surface water drainage from the site. Notwithstanding, the conversion of the amenity building to a dwelling would have no material affect on water run-off from existing hardsurfaces on the site and it would not be appropriate to request the applicant to address this issue if planning permission was granted.

Conclusion

The proposal is considered to be acceptable in that the works to extend and alter the building would have no impact on the living conditions of neighbours and would enhance the appearance of the building and the site. The use of the building as a single dwellinghouse would have no material planning implications given the existing residential use. There would be no harm to the landscape character, appearance or function of the countryside or the integrity of the strategic gap.

There is no conflict with the relevant policies of the adopted Fareham Borough Core Strategy and Local Plan Part 2 and it is recommended that planning permission be granted.

Recommendation

PERMISSION

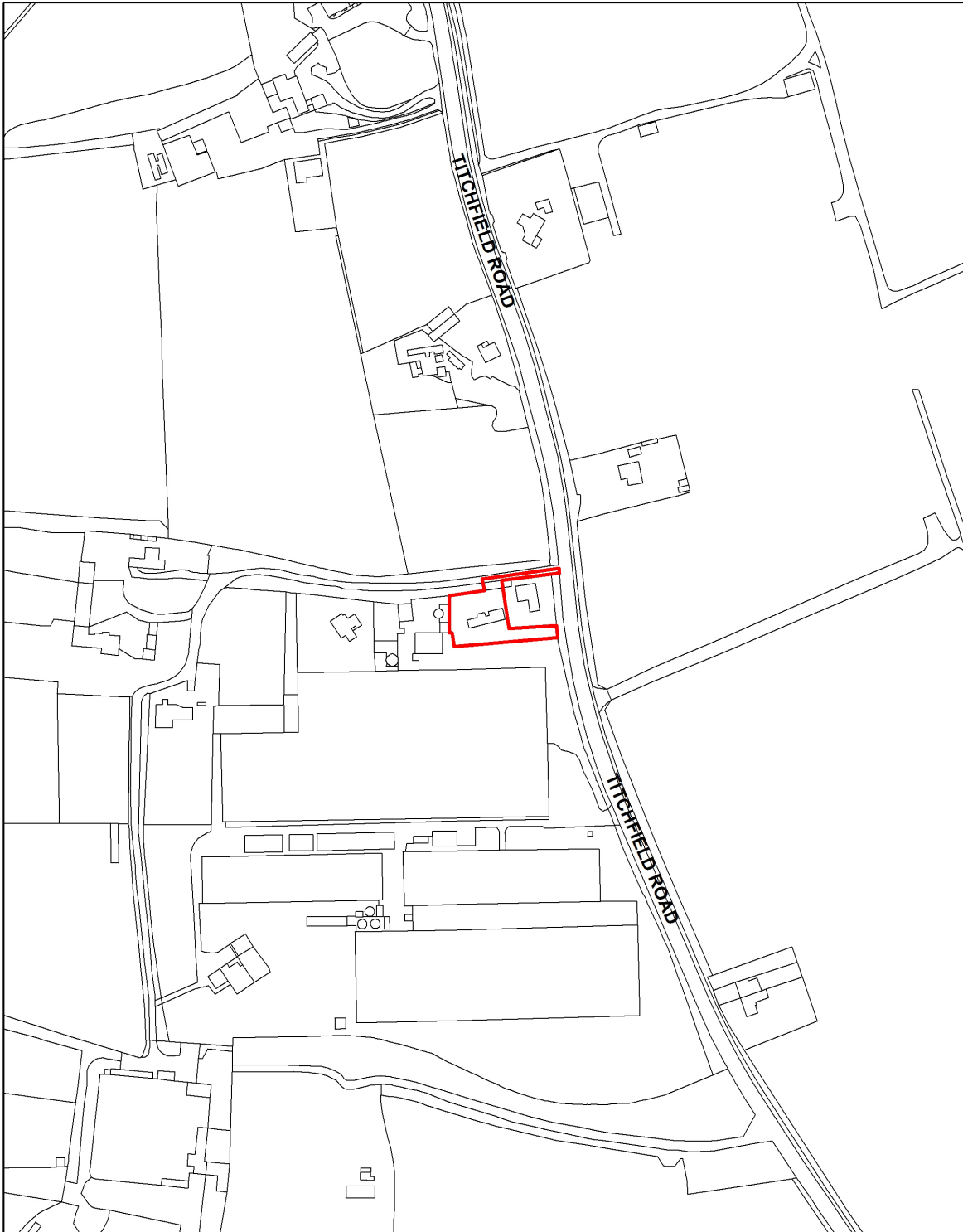
The full wording of the suggested conditions will be provided to Members of the Planning Committee by way of an update before the committee meeting.

Background Papers

P/16/0691/FP

FAREHAM

BOROUGH COUNCIL



293b Titchfield Road
Scale 1:2500



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