

18/01458/VAR

Applicant Mr Felix Connors

Location 22 Landcroft Lane, Sutton Bonington, Nottinghamshire

Proposal Vary condition 2 of planning permission 17/02133/FUL to increase number of caravans from 2 to 3

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application relates to a single family traveller site situated approximately half a mile to the east of the Sutton Bonington University Campus and approximately a mile from the main settlement of Sutton Bonington. The site is situated on the south side of Landcroft Lane, with a long ribbon of predominantly detached properties running along the opposite (north) side of this road. The site formerly comprised of a paddock before being settled by the traveller family.
2. The site consists of an area of hardstanding accommodating a static mobile home positioned to the west side of the site and a touring caravan to the southern edge of the site. The current area of hardstanding was approved under application 17/02133/FUL. There is a paddock immediately to the rear of the site. There is a residential property to the east at 24 Landcroft Lane and a vacant plot to the west at 20 Landcroft Lane with outline planning permission for the erection of a dwelling (16/00330/OUT). There is dense tree screening to either side boundary with a high hedgerow along the front boundary.

DETAILS OF THE PROPOSAL

3. Condition 2 of approved application 17/02133/FUL states, *"No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan or mobile home) shall be stationed at any time within the curtilage of 22 Landcroft Lane, comprising of the areas edged red and blue on the Ordnance Survey location Map submitted with the application"*.
4. The current application seeks to vary this condition to increase the number of caravans on the site from 2 to 3.

SITE HISTORY

5. An application for two caravans and associated hardstanding, fence, shed and utility building for a gypsy/traveller family was refused in 2008 (planning ref: 07/01956/COU). A subsequent appeal against the refusal of permission was allowed (appeal ref: APP/P03040/A/08/2070387). Condition 1 of this appeal stipulated that no more than two caravans shall be stationed on the site at any one time, of which no more than 1 should be a static caravan.

6. Following enforcement investigations into an alleged enlargement of the site and the siting of an additional caravan, a retrospective planning application was submitted (ref: 12/00624/FUL) seeking permission for use of land for the siting of an additional caravan (3 total) for single gypsy family, with associated hardcore. Permission was refused in July 2012 and an enforcement notice was served in the same month in respect of the unauthorised development. The area of hardstanding referred to in the enforcement notice was larger than the area for which planning permission was sought.
7. The refusal of planning permission and enforcement notice referred to in paragraph 6 were the subject of appeals to the Planning Inspectorate, which were dealt with as a conjoined appeal. The enforcement case related to a southern extension to the area of hardcore approved under 07/01956/COU by between approximately 10.6 and 17.3 metres as measured along the west and east boundaries respectively. This element of the appeal (Appeal A) was dismissed and the enforcement notice was upheld, the Inspector taking the view that the development represented an unduly large extension of the site.
8. The planning application sought retrospective permission to retain a smaller area of hardstanding to the south of the site, equating to an area of between approximately 7 and 14.5 metres in depth along the west and east boundaries of the site respectively. This element (Appeal B) was allowed at appeal on a temporary and personal basis, for a period of three years or until the applicant ceased to occupy the land, whichever was the shorter. Condition 6 of this permission stated that no more than 1 caravan shall be sited within the application site (as outlined in red). The remaining section of hardcore, measuring between 3.6 and 2.8 metres in depth, was removed following the dismissal of the appeal against the enforcement notice.
9. An application was submitted in June 2017 to vary conditions 1 and 2 of the permission allowed at appeal to make the permission permanent rather than for a temporary 3 year period. However, this application was submitted after the 3 year temporary permission (allowed at appeal) had lapsed and was, therefore, invalid.
10. A subsequent full planning application was submitted in 2017 to retain the area of hardstanding allowed on appeal on a permanent basis. The application was approved under planning reference 17/02133/FUL. This permission limited the number of caravans within the whole site to two of which no more than one shall be a static caravan.

REPRESENTATIONS

Ward Councillor(s)

11. The Ward Councillor (Cllr Brown) objects to the proposal, commenting that it would result in over-development and that the applicant has still not complied with the conditions of the previous application i.e. the hedging between the hard standing and paddock area.

Town/Parish Council

12. Sutton Bonington Parish Council object, commenting “*Over intensive development of the site.*”

Statutory and Other Consultees

13. Nottinghamshire County Council as Highway Authority do not wish to raise an objection on the basis that the additional traffic generated by the proposed development would have a minimal impact on flows/safety along Landcroft Lane.
14. The Environmental Health Officer have no environmental health comments/objections.

Local Residents and the General Public

15. Two letters of objection have been received from local residents and the general public with the comments summarised as follows:
 - a. The further expansion of the site is contrary to the views of the Inspectorate on the last appeal.
 - b. The intention for the site appears to be commercial rather than residential.
 - c. Concerns regarding commercial waste.
 - d. The increase in commercial traffic would be unacceptable.
 - e. The encroachment into the meadow could create a precedent.
 - f. Play equipment is sited on the meadow and could encroach further.
 - g. Pre-existing planning conditions appear to be ignored.
 - h. Not in keeping with the area.
 - i. Object to the form of development and disregard to planning consent and to neighbours, concerns over compliance with conditions.
16. One resident made comments indicating they were neither objecting to or supporting the application, with the comments summarised as follows:
 - a. Concern regarding the non-compliance with previous conditions and those quoted in revised application.
 - b. Accept that a mobile could be easily accommodated without being overly intrusive, however without the establishment of the hedge line between the hard standing and field there are concerns that further incursion into the open countryside may occur.

- c. Permission should be given on a temporary basis until such time all the planning conditions have been complied with, this should be time limited to allow the conditions to be monitored and revoked if not complied with

PLANNING POLICY

17. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.
18. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
19. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the Neighbourhood Plan, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

20. The proposal falls to be considered under the National Planning Policy Framework (NPPF) and should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well-designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
21. The document Planning Policy for Traveller Sites (2015) outlines the Governments planning policy relating to accommodating Gypsy and Traveller needs. Policy A requires Local Planning Authorities to use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. Policy C states that in rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Relevant Local Planning Policies and Guidance

22. Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy sets out that a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. The proposal falls to be considered under Core

Strategy Policy 9 (Gypsies, Travellers and Travelling Show People). Outside of existing settlements or Sustainable Urban Extensions, the policy states that planning permission shall be granted where certain criteria are met including (but not limited to) where the proposal does not conflict with issues such as flood risk, contamination, landscape character, protection of the natural, built and historic environment or agricultural land quality.

23. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan, specifically GP2d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.
24. Policy HOU12 (Gypsies and Travellers) sets out that planning permission will be granted for both permanent and transit traveller sites where, inter alia, the proposal would have good access to services and facilities; there would be good access to suitable roads without detriment to highway safety or traffic; and providing that the proposal would not detract from the amenity of nearby residential development. The proposal falls to be considered under Policy EN19 (Impact on the Green Belt and Open Countryside) and EN20 (Protection of Open Countryside), particularly ensuring that there would be no significant adverse impact upon the open nature of the open countryside, or upon important buildings, landscape features or views.

APPRAISAL

25. The application seeks to vary condition 2 of the previous permission to allow siting of an additional tourer caravan on the site. The main consideration is the impact of the proposal on the character of the open countryside and the amenities of the surrounding area.
26. 22 Landcroft Lane and the extent of the authorised site benefit from permanent use as a traveller site through previously approved applications. The principle of the land use and the extent of the existing area of hardstanding are not, therefore, under consideration. It remains that the site is used for residential purposes and the caravans, other domestic structures and vehicles are all used in connection with a single family unit.
27. The site is situated within a sporadic cluster of properties along Landcroft Lane rather than an isolated rural location. In the previous application it was considered that the approved area of hardstanding would be tantamount to a minor rounding of the site relative to the adjacent neighbours. There would be no extension of this hardstanding as a result of the current variation of conditions application. The proposed additional caravan would not result in an extension of the built up area or any further incursion into the open countryside.

28. In considering the impact upon the open countryside, there is currently a touring caravan stationed to the southern edge of the site, situated on the extended area of hardstanding approved under application 17/02133/FUL. This is the most visually prominent part of the site from the adjacent open countryside to the south. The layout plans show that the additional caravan would be stationed well within the site to the east of the existing static caravan, thereby limiting its prominence from the open countryside to the south. However, there is no condition or limitation on where the touring caravan(s) can be stationed within the site, only the total number that are permitted to be on site.
29. The site benefits from a high conifer screening along the side boundary with 24 Landcroft Lane which acts to completely screen the site from this neighbour. There is also a high hedgerow along the front boundary and a row of conifers along part of the side boundary with 20 Landcroft Lane, all of which act to screen the site from the street scene and the surrounding area.
30. In considering the cumulative impact of a second touring caravan in addition to the authorised static and touring caravan, it is not considered that the development would result in an 'urbanising effect' or an over-intensive use of the site. The needs of the family who occupy the site were set out in the previous application and it is not considered that the siting of an additional touring caravan would be disproportionate to their needs. The occupation of the site is limited to Mr Felix Connors and his resident dependents through condition 5 of the host application.
31. The concerns regarding the potential for commercial activities are noted. Condition 7 of the previous application prohibits the carrying out of commercial activities on the land including the storage of materials, thereby preventing the use of the proposed additional caravan for commercial purposes. Any breach of this condition would be subject to separate enforcement action.
32. The additional touring caravan is for the needs of the existing family and, therefore, the development would not result in materially greater volumes of traffic. The Highway Authority does not object to the proposal on the basis that the traffic generated by the proposed development would have a minimal impact upon traffic flows and highway safety on Landcroft Lane.
33. In considering Policy C of Planning Policy for Traveller Sites (2015), it is not considered that the scale of the proposal would dominate the adjacent settled community. The touring caravan would be for the sole needs of the Connors family. It is not considered that the development would be harmful to the character and appearance of the area or the open countryside.
34. The application was not the subject of pre-application discussions. The scheme, however, is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan or mobile home) shall be stationed at any time within the curtilage of 22 Landcroft Lane, comprising of the areas edged red and blue on the Ordnance Survey location Map submitted with the application.

[It is not considered that the site possesses sufficient amenities or is otherwise suitable to accommodate an additional independent unit of accommodation and also to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

2. The extent of the site permitted shall be maintained in accordance with the Site Layout Plan received on 12 June 2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

3. The extended site area shall only be used for purposes ancillary to the existing traveller site at 22 Landcroft Lane.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The occupation of the site hereby permitted shall be carried on only by Mr Felix Connors and his resident dependents.

[It is not considered that the site possesses sufficient amenities or is otherwise suitable to accommodate an additional independent unit of accommodation and also to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

5. Within three months of the date of this decision, a detailed landscaping scheme for the rear boundary of the site shall be submitted for the approval of the Borough Council. The approved scheme shall be carried out in the first tree planting season following the approval of the landscaping scheme by the Borough Council. Any trees or plants which within a period of 5 years from the date of the decision die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of the visual amenities of the surrounding area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

6. No commercial activities shall take place on the land, including the storage of materials.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]