Planning Committee: 05 January 2011 **Item Number:**

Application No: W 10 / 1455

Registration Date: 03/11/10

Town/Parish Council: Rowington **Expiry Date:** 29/12/10

Case Officer: Steven Wallsgrove
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Oaktree Wharf, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden, B95 5HQ

Use of land for stationing of mobile home for permanent residential occupation (retrospective) FOR Mrs Giblin

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This application is being presented to Committee due to the number of contrary letters received and the need for enforcement action.

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: "Object to this application and, having reported the arrival of the mobile home to WDC Enforcement in August 2010, and having regard to the Planning Inspector's Formal decision of the residential occupation of this land in 2007, view this application as vexatious. Councillors would like to make the following points:

Responses to questions posed in the planning application form appear incorrect:-
Q.12 The site is in area at risk of flooding.
Q.13 The site is part of Ecosite 24/16 Rowington Junction to Henley in Arden and part of the site is in Ecosite 47/16 Stratford on Avon Canal. Both these sites have been identified as potential Sites of Importance for Conservation (pSINC) with the possibility of protected species being present. Biodiversity Management Plan produced by the Senior Ecologist of Warwickshire Museum Field Services dated January 2006.
Q.15 See Appeal decision. Clause 3(ii) regarding protected species.
Formal Decision at Appeal three years ago was to limit residential occupation of the site for 2 years only (Condition 1)
Condition 2 'When the premises cease to be occupied by Mr and Mrs Giblin and their dependants, or at the end of two years whichever shall first occur, the residential use hereby permitted shall cease and all domestic effects brought on to the land in connection with the use shall be removed'
Condition 3 of the appeal decision does not appear to have been complied with.

Whilst it may be that the applicant is providing a service to the community, there are other taxi services nearby in Shrewley and Councillors cannot see that any special need or circumstances exist which would support the permanent siting of a mobile home which has to be viewed as unsightly in the Green Belt / SLA, adjacent to the Lowsonford Conservation Area. The site is highly visible, not at all large and inadequate for such occupation in a relatively small village. It is furthermore believed that it would set an undesirable precedent for other forms of mobile accommodation to seek similar permanency."

WCC (Ecology): Request a reptile note due to existing records.

Public Response: Thirty nine letters of support have been received, almost all referring to the taxi service operated by the applicants.

RELEVANT POLICIES

- Planning Policy Guidance 2 : Green Belts
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP4 - Providing Rural Affordable Housing (Warwick District Local Plan1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The only relevant application (W05/0232) was for the use of the former railway and canal side land as a domestic garden, etc., the erection of small buildings for domestic purposes, and the creation of a residential mooring. This was refused on 16th December 2005. Two subsequent Enforcement Notices were taken to appeal when the Inspector gave the appellants a two year temporary consent for the use of the land for residential purposes and for the construction of a mooring platform for the narrow boat. The use had to cease and the mooring had to be removed by the end of this period. The reason for the temporary consent was the then educational needs of the appellants son, who was 16 years old.

KEY ISSUES

The Site and its Location

The application site consists of a narrow strip of land to the south-east side of the embankment of the disused railway and a similar narrow strip on the west bank of the canal, the two pieces forming an 'L' shape. The whole area lies in the Green Belt, on the north edge of Lowsonford village, and the site is reached via an established access track along the south-east side of the disused railway.

Details of the Development

The proposal, which is retrospective, is for the permanent use of the land for the stationing of a mobile home, which has been sited close to the junction of the two points of the 'L' shape.

Assessment

The principal issue in this case is whether there are any 'very special circumstances' to justify the siting of a mobile home, as required by PPG2: Green Belts, since such a use of land is not an 'appropriate' use within the green belt and is therefore, by definition, 'harmful'. The applicant is aware of this important issue since she was one of the applicants in the previous, refused proposal for the mooring for the narrow boat and the use of the land, and the appeals on the subsequent Enforcement Notices.

In this context, the applicant has engaged a firm of planning consultants to act as her agent. They state that, following compliance with the Enforcement Notice, the applicant moved into temporary accommodation, but has been unable to secure permanent accommodation, and that she is not eligible for Council or Housing Association properties. They also state that, if a property was available, she would not be permitted to operate a business, namely the private hire company operated by the applicant and her husband for the last four

years. The continued operation of this business, as a local facility, is the reason given for the applicant's need to live on the site.

In terms of Green Belt policy, PPG2 states that "the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt". It is clear, therefore, that the provision of a 'taxi' business does not amount to very special justification for a dwelling, whether a permanent house or, as in the present case, a permanent caravan and the situation, therefore, is similar to that when the application for the residential mooring was refused in December 2005 and dealt with by the Inspector at the subsequent appeal.

It is accepted that there is a lot of local support for the applicant, generally based on the taxi business, but the operation of such a business does not amount to very special justification, and there are other taxi businesses in the area.

It is considered, therefore, that the 'very special circumstances' needed to over-ride Green Belt policy do not exist and, therefore, the application should be refused and an Enforcement Notice served to cease the use of the land for residential purposes and remove the mobile home since there is no need for its retention in connection with the residual use of the land for agricultural purposes.

RECOMMENDATION

REFUSE, for the following reason, and that Enforcement Action be authorised to cease the use of the land for residential purposes and to remove the mobile home within 12 calendar months.

REFUSAL REASONS

1 The site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against “inappropriate” development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated.