

2016/2573/FUL

Application for utility room, fence and shed in association with existing traveller pitch
Alfie's Retreat, Turner's Court Lane, Binegar BA3 4UA

Binegar Parish Council considered this application at its meeting on 6 December 2016 and recommends

History

2014/0045/FUL granted approval with conditions for change of use of land to 1 traveller pitch and associated works comprising 1 mobile home, 1 touring caravan and hardstanding.
Received 10/1/14, validated 17/3/14, decision notice 30/7/14.

2014/1750/APP approved details reserved by conditions 5 (landscaping) and 6 (external lighting/refuse storage and means of disposal of foul and surface water).
Received 27/8/14 validated 27/8/14, decision notice 15/12/14.

2015/2684/FUL sought approval for a utility room, porch and shed.
Received 9/11/15, validated 18/12/15, withdrawn 13/7/16.

Reasons for recommendation

In correspondence received on 26 August 2014, the applicant accepted the conditions of 2014/0045/FUL and submitted revised plans with 2014/1750/APP that were approved. The differences between the approved 2014/1750/APP plans and the one supplied with the current application are:

- Added a 7600 x 2700 mm building labelled 'utility room'
- Added a 5600 x 3200 mm building labelled 'shed'
- Removed touring caravan
- Moved the location of the entrance gate
- Removed five-bar entrance gate and replaced with 1800 mm pair of close board gates
- Removed post and rail fence and replaced with close board fence boundary
- Removed boundary hedge planting

On site but on neither plan is a 4000 x 3800 mm building (on a drawing submitted with the withdrawn 2015/2684/FUL, it is labelled 'porch')

Site status

There has never been a touring caravan on site. Removing the location for a touring caravan changes the site status. It is no longer a traveller site.

The approved static caravan is connected to services and, for foul waste, is plumbed directly to a sewage treatment plant on site. With a pitched roof and standing behind foundations of the 'porch', it is static. It is not a mobile home. It is not a touring caravan.

The case put forward to retain the utility room, however, relies on the static caravan being classed as a touring caravan. The agent uses a 2008 guide to claim that traveller sites should include a utility room. As the government has formally withdrawn the guide, it has no status. The planning authority is not obliged to heed it. Even if it did, the authority would note that an "amenity building" (not a 'utility room') on a traveller site caters for the occupants of touring caravans. It is to give those who live in touring caravans access, when they reach a traveller site, to the kind of facilities enjoyed by most in society.

No touring caravan has ever visited this site and the current application removes the space for one. The static caravan is 36' x 12'. Such static caravans come equipped with the facilities (cooking, washing etc.) that an "amenity building" would provide for those who spend their lives touring in their caravans.

There is no justification to approve the 'utility room'.

No case is made for the large 'shed' and the 'porch' receives no mention.

Effect of development

The approved plan allows for a 40 sq m static caravan (10970 x 3660 mm). The 'utility room', 'shed' and 'porch' add 53 sq m. Developed space has more than doubled from 8% to 20% of the site area.

The site lies outside the village development limits. Removing the touring caravan, removes its 'traveller site' status. As a result, the extant development is tantamount to the creation of a permanent dwelling in addition to the existing permission for the siting of a mobile home and a touring caravan. The proposal put forward constitutes an isolated permanent dwelling in the open countryside. There are no special circumstances related to sustaining the wider rural area as identified in Core Policy 4 of Mendip's Local Plan. Approving the development would be contrary to Core Policy 1, which states that development in open countryside will be strictly limited, and to paragraph 55 of the National Planning Policy Framework, which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

This opinion is supported by the note in the case officer's February 2016 review in 2015/2684/FUL, by the Senior Enforcement Officer's statement to the 24 February 2016 Emborough Parish Public

Meeting, based on the case officer's advice, and by the Council's successful defence of Appeal APP/Q3305?W/14/3001583 dated 10 February 2016.

The application warrants refusal.

Boundary with Turner's Court Lane

Condition 5 of 2014/0045/FUL concerned landscaping and ensuring the provision of an appropriate landscape setting to the development. At issue, in particular, was the 2014/0045/FUL proposal to erect a 1.8 m close board fence at the boundary. The revised plan submitted with 2014/1750/APP showed a mixed hedge behind visibility splays either side of an inset central entrance gate flanked by 1.2 m high post and rail fencing. A submitted plan of the elevation from the lane showed a five bar gate, the post and rail flanking fences and hedging.

The accompanying letter on the applicant's behalf stated:

"Condition 5 - AGREED - Additional planting of trees and shrubs of a heritage nature to the area will be planed within the gaps in the boundary hedge - within the first planting season. Plants will be pot grown up to two feet in height and planted in two row staggered line. All trees and shrubs will be managed a(nd maintained for a period of five years - dead plants will be replaced. Species to be planted: holly Ilex aquifolium), hazel (Corylus avellana), alder (Sambucus nigra), privet (Ligustrum vulgare), blackthorn (Prunus spinosa)"

The boundary landscape condition was not imposed without reason, Mendip's Local Plan policy DP15 makes clear that a site should not have an adverse impact on the landscape, character, built heritage and appearance of the surrounding area. The Government's 2015 "Planning policy for traveller sites" emphasises the importance of promoting "peaceful and integrated co-existence between the site and the local community" (paragraph 13(a)). Policy H concerns determining planning applications and states that local planning authorities should attach weight to:

- "sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness" and
- "not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community" (paragraphs 24(b) and 24(d))

James U'Dell, the case officer, went to considerable lengths to explain the reasons to the applicant's then agent, Ms M. Smith-Bendell. In an email of 30 October 2014, Mr U'Dell wrote: "Turning to your question about the current fence, the LPA would not wish to retain the current fence, whether

it is painted or not as it represents a very suburban and closed treatment. It is worth noting that you could erect a fence fronting the road measuring up to 1m in height without needing planning permission and this could stay in situ until the vegetation (hedging) has established and then should/could be removed. Perhaps look for something that better relates to the rural context of the site and has a more open treatment. . ." He sent pictures of suggested fencing.

As things stand, the fence now in place is in defiance of the 2014/1750/APP approved plan.

The current application seeks to retain the existing fence giving neither explanation nor justification for doing so. In terms of Government policy and Mendip's Local Plan policy, this is not acceptable and warrants refusal.