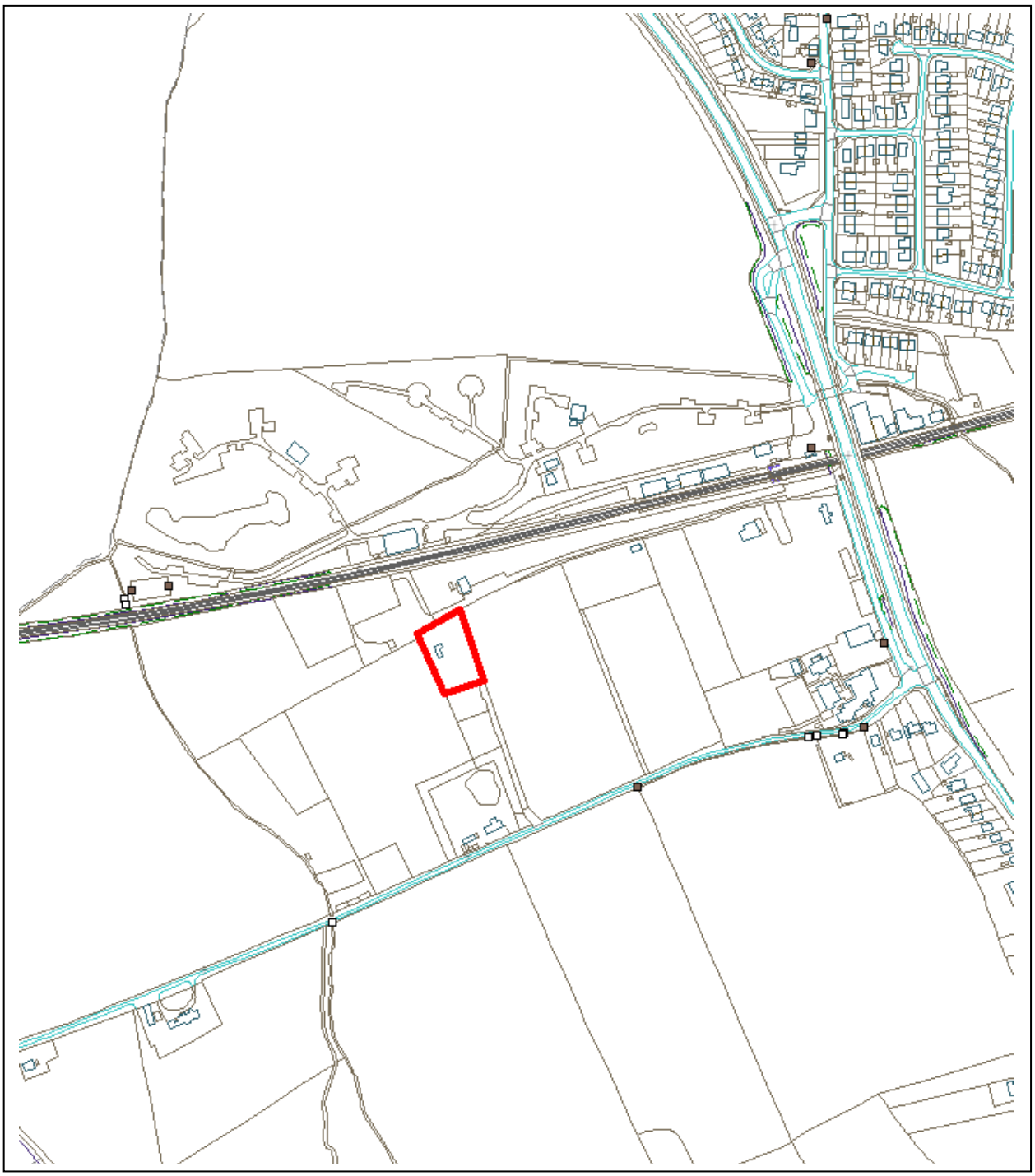
PLANNING COMMITTEE

29 JANUARY 2013

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 12/00935/FUL - LAND AT GUTTERIDGE HALL LANE, WEELEY, CO16 9AS



Application:	12/00935/FUL	**Town / Parish**: Weeley Parish Council	
Applicant:	Mr Tom Doran		
Address:	Land at Gutteridge Hall Lane, Weeley, CO16 9AS		
Development:	Variation of 1 no. pitch layout permitted under application ref: 08/00960/FUL granted at appeal ref: APP/P1560/A/08/2090227 to include the change of use of a stable building to a utility/day room.		

1. Executive Summary

1.1 This application was deferred at the meeting of the Planning Committee held on 4 December 2012 to give Members the opportunity to consider the reasons for refusal of application 12/00692/FUL for further pitches at the site. A copy of the decision notice has been circulated to members of the Planning Committee and attached as an appendix to this report (Appendix A). The application was further deferred at the meeting held on 3 January 2013 due to technical problems with the sound system.

1.2 This application is for the change of use of an existing stable building to an amenity building to serve one of the three pitches at the authorised traveller caravan site in Gutteridge Hall Lane. There is already planning permission for an ancillary amenity building for the pitch which has not yet been constructed. This would be an alternative building to that previously approved.

1.3 The change of use of the building would have no material adverse impact on the rural character and appearance of the area, no adverse impact on residential amenity or on the environment generally. Consequential changes to the site layout would also be insignificant and cause no material harm. The proposed change of use would, therefore, comply with the relevant Local Plan Policies and government guidance.

1.4 The application has been referred to the Planning Committee by Councillor Dawn Skeels.

Recommendation: Approve

Conditions:

1. Implementation of change of use within 3 years
2. Change of use in accordance with submitted plans
3. No other amenity building to be constructed within the pitch
4. No office use of building

Reason for Granting Planning Permission:

The proposed change of use of the existing stable building and consequential changes to the pitch layout would cause no material harm to the rural character and appearance of the area or to residential amenity. The building would provide a high standard of day accommodation for the occupiers and would meet the standards set out in government guidance on pitch layout. The development would also be in accordance with the saved policies of the Tendring District Local Plan and the National Planning Policy Framework.

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

Planning Policy for Traveller Sites (2012)

Designing Gypsy and Traveller sites – Good Practice Guide (2008).

Local Plan Policy:

Tendring District Local Plan (2008)

QL9 Design of New Development

QL10 Designing New Development to Meet Functional needs

QL11 Environmental Impacts and Compatibility of uses

HG22 Gypsy Caravan Sites

Tendring District Local Plan Proposed Submission Draft (Nov 2012)

SD1 Presumption if favour of sustainable development

SD9 Design of new development

PEO15 Traveller sites

3. Relevant Planning History

3.1 08/00960/FUL - change of use of the land to a residential caravan site to include the stationing of caravans and for the erection of utility / day-room buildings ancillary to that use. Approved on appeal

3.2 10/00806/FUL -Change of use of existing stable block as a dayroom/utility block to replace that approved and erection of new stable block to replace the existing. Withdrawn

3.3 12/00129/NMA - Non material amendment application to reposition the package treatment plant. Approved

3.4 12/00692/FUL - Change of use and proposed extension of existing residential gypsy site to create 8 no. residential gypsy pitches including the retention of 3 no. existing pitches and the provision of an additional 5 no. pitches with utility/day-room buildings and hardstanding ancillary to that use. Refused

4. Consultations

4.1 Weeley Parish Council objects as follows:

- The amended description is not accurate as the large area which is outlined in red on the plan was not approved as one pitch at appeal in 2009.
- The large size of the building is not consistent with its use as an amenity/day room for the number of caravans for which permission was granted at appeal in 2009.

- The conversion of the stable block took place prior to the date stated in the application form.
- Extent of ownership not correctly shown.
- New traveller development in the open countryside should be restricted in accordance with the latest government guidance.
- Site does not lie within one of the authorised pitches.
- Stable block is being used as a bungalow and has been allocated a UPRN number – does this indicate pre-disposal to grant permission?

4.2 Anglian Water – no response received

5. Representations

5.1 A local Ward Member has referred the application to the Committee because amongst other things the building has been unlawfully converted into living accommodation and the Council has served an enforcement notice against this change of use. The change of use could lead to applications for additional stables on adjoining land would then be converted into bungalows. There is no need for any office accommodation.

5.2 There have been 13 other representations objecting to the change of use (two of which have been directly circulated to members).

- Conversion of stable block unauthorised and subject to enforcement action by the council;
- Retrospective application;
- Application includes a site office, but no business actives are allowed on the site;
- Stable building not included in the original planning decision;
- Site not being occupied by travellers
- Stable block excessively large for use as amenity block;
- Site in flood zone 1 so where will foul water be drained to;
- Change of use could exacerbate flooding in the area;
- Extent of ownership not correctly shown;
- Other enforcement issues at the site
- 8 caravans visible from the lane rather than 6 for which have permission
- No horses in either of the fields and a static caravan and portaloo on field adjacent
- Applicant has ignored conditions set by Planning Inspector
- Permission to remain living in the bungalow which has been created should be refused
- Site would accommodate 42 no. caravans is all permissions eventually granted
- Totally inappropriate for the area
- 12/00692/FUL maybe subject to a future appeal
- Future stable buildings would be far more obtrusive
- Question where the applicant's family are living/sleeping
- Foul drainage concerns including alleged unauthorised use of a septic tank
- Unsuitable single track access evidenced by a large vehicle slipping into ditch resulting in access difficulties for local people
- NPPF allows Council's to give weight to emerging local plans as material considerations and therefore the requirements of Policy PEO15 is relevant

5.3 The objections raise a number of material planning matters that are addressed below where not covered in the main report:

5.4 Planning legislation allows for and in some circumstances even encourages retrospective applications to deal with unauthorised development. Therefore, there is nothing wrong in principle in the Council considering a retrospective application.

5.5 The Council has alleged in its enforcement notice a change of use to a dwelling; however, the planning application is not for a dwelling it is for an amenity building for which there is approval in principle for such buildings on the site.

5.6 The issue of the enforcement notice does not prevent the Council from determining the application as it concerns different development. Had the application been for a dwelling then the council could have declined to accept it.

5.7 The stable building lies within the authorised residential caravan site. The appeal decision does not prevent the applicant from submitting further applications for development within the site.

5.8 The issue of site occupation and other potential breaches of the planning permission are not material to this application and are subject to separate investigations.

5.9 The extent of ownership is not correctly shown but the council is aware of the correct boundary, a modification to the plan has been requested.

5.10 The Council allocates UPRNs to properties but this is not a planning function and does not necessarily reflect the authorised planning status of the building or site.

5.11 The original application drawings showed part of the building as offices. This has subsequently changed to a store room.

6. Assessment

The main planning considerations are:

- Background;
- Application details;
- Planning considerations; and,
- Other issues.

Background

6.1 Planning permission was granted on appeal in 2009 for a three pitch traveller caravan site to the north of Gutteridge Hall Lane, Weeley. The current application area comprises the northern part of this site. The permission allows for three pitches each containing a static caravan, touring caravan and utility/day room. The details of each of the utility/day rooms have been agreed in accordance with a condition of the Inspector's decision, however, to date none have been constructed. The site has been laid out as a three-pitch site, although differently to the layout considered at the appeal. This application concerns the most northerly of the three pitches (pitch 3).

6.2 Within the permitted area is a stable block granted permission in 1997. This was used in accordance with that permission until converted into living accommodation in 2008/2009. The conversion works include the insertion of additional windows and doors and internal partitions. The area in front of the building has been block-paved and enclosed with fencing. These changes give the building a domestic appearance. The building is constructed of painted block-work, with upvc windows and a tiled roof. The building has been occupied as living accommodation by the applicant.

6.3 In the appeal decision the Inspector noted that the stable building was to be retained but at the time of her site visit was being used as a utility / day room. This use was stated to be only temporary until the utility buildings proposed in the application had been constructed.

The Inspector decided not to impose any conditions on the future use of the stable block considering it a matter for the Council to enforce as necessary.

6.4 The Council served two enforcement notices in April 2012 alleging the change of use of land and the stable building to a dwelling house. No appeal has been made, nor has a planning application been received to seek to regularise the alleged change of use.

Application details

6.5 This is a retrospective application for the change of use of the stable block into a utility/day room instead of constructing a new building as approved under the appeal planning permission. The proposed accommodation would comprise a kitchen and dining/lounge area; laundry/utility room, bathroom/WC and store room. There would be no additional external door or windows, or other external changes. The existing internal room layout would also remain, with no additional partitions. Foul water drainage would be directed to the existing package treatment plant adjacent to the building. The proposal will require an application for Building Regulation consent due to the size of the building if the change of use is permitted.

6.6 The stable building is reached via the existing site access and the surfaced part of the site extends up to the front of the building. There are no proposals for any additional surfacing or for any additional fencing.

Planning considerations

6.7 There are no specific planning policies in relation to the layout of traveller pitches in the Local Plan or guidance on the size of utility/day rooms. Local Plan policy HG22 only requires that sites provide a good standard or residential amenity for occupiers. The main guidance on site design and layout is found in *Designing Gypsy and Traveller sites – Good Practice Guide (2008)*. This government guidance advises that it is essential for an amenity building to be provided on each pitch. It goes on to say that the amenity building must include, as a minimum hot and cold water supply, electricity supply; a separate toilet and hand wash basin; a bath/shower room; a kitchen and dining area. Amenity buildings must also include secure storage space for harmful substances/medicines; enclosed storage for food, brooms, washing, cleaning items etc and space for connection of cooker, fridge/freezer and washing machine. The provision of a gas hob should also be considered. The inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area. Providing a living room would replicate what is provided as standard by other parts of the community. What amenity buildings should not include are bedrooms. Sleeping accommodation is provided in the caravans. There is no guidance on the size of the amenity building; however, it is clear form the guidance that it should provide an appropriate level of accommodation and be of domestic appearance.

6.8 The main consideration in this case is whether the change of use would cause material harm in terms of impact on the rural character and appearance of the area, adversely on residential amenity or on the environment generally. The matters are addressed in Local Plan policies QL9, QL10 and QL11. The building lies within the area permitted as a residential caravan site. The permission includes the provision of an amenity building for pitch 3 in accordance with the guidance and best practice for traveller sites. The National Planning Policy Framework seeks to deliver sustainable development. The re-use of an existing building to provide an essential facility for the site, rather than the erection of a new building can be considered sustainable in terms of the impact on the environment. The re-use would potentially reduce the amount of building on the site and help to reduce the overall impact on this rural location.

6.9 The building is authorised as a stable block so whatever the use the visual impact would be broadly the same. Whilst the building is now (and would continue to be if permission is granted) of domestic appearance, it is single storey and not readily visible from outside of the site as only the roof is visible above the fence along the boundary of the site. Once the landscaping along this fence line has established the building would be even less visible. The impact of the roof would be the same whether the building is used as a stable or as an amenity building.

6.10 There are two residential properties near to the site, Reedlands and Starena Lodge. The latter has been demolished recently but there is permission for a replacement dwelling. The impact on the amenities of these properties from the change of use would be insignificant as there would be no change in the overall activities at the site. The location of the stable block compared with the approved location for the new amenity building is not significantly different. There would be no increase in the number of vehicles as a result of the change of use, so there would be no impact on the highway or on residential amenity. The building would remain visible from the Starena Lodge site, but this would be no different to the current situation. The boundary is already well vegetated and further landscaping could be required by condition. The building is not visible from Reedlands and there would be no material change in the impact of the site on amenity.

6.11 The design of the development is considered acceptable as it would not differ significantly from a building that has already been permitted. The scale and nature of the development is considered to be appropriate to the locality. The building would meet the needs of the traveller family living on pitch 3 and provide an appropriate level of amenity. The environmental impact of the proposed development would not be significant given that there are existing facilities in place to deal with foul drainage. The change of use of the building would have no material impact on the landscape character and appearance of the area. Therefore, the development would comply with local plan policies QL9, QL10, QL11 and HG22 and would provide a good standard of accommodation for its occupiers. The level of amenity provided would accord with government guidance on site layout.

Other issues

6.12 Some residents have queried whether the stable block is within the authorised pitch as approved by the Inspector and if not argue that it should not be permitted. However, officers consider that the exact boundary of the approved pitch is not a material issue in this case as the stable building is within the area of land where the change of use to a residential caravan site has been permitted. The surfaced area in front of the stable building is continuous with that of pitch 3 and there would be no material difference to the layout of the site if the pitch is extended northwards. There is no fencing to demarcate the northern extent of pitch 3 and there is no need to do so in terms of the operation of the site. The application description also includes a variation of the pitch layout which would address this issue.

Background Papers

None.

APPENDIX A

TENDRING DISTRICT COUNCIL
Planning Services
Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Green Planning Solutions LLP -
Mr Matthew Green
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Upton Magna
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SY4 4TT

APPLICANT: Mr Tom Doran
C/o Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 12/00692/FUL **DATE REGISTERED:** 2nd July 2012

Proposed Development and Location of Land:

Change of use and proposed extension of existing residential gypsy site to create 8 no. residential gypsy pitches including the retention of 3 no. existing pitches and the provision of an additional 5 no. pitches with utility/day-room buildings and hardstanding ancillary to that use.
Land at Gutteridge Hall Lane Weeley Essex CO16 9AS

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

1 The proposal for the extension of an existing three-pitch traveller site to provide an additional five pitches, including utility/day room buildings is considered to be contrary to Policies HG22, TR1a and QL11 of the saved Tendring District Local Plan (2007) and the national guidance in Planning Policy for Traveller Sites (2012) for the following reasons:

(a) The proposed number of additional pitches would exceed the pitch requirement for Tendring up to 2021 identified in the Essex GTAA (2009). No personal or other circumstances have been put forward to justify the extension of the site into the open countryside to make provision in excess of that requirement. The development would, therefore be contrary to criterion (ii) of Policy HG22 of the Tendring District Local Plan (TDLP) and the guidance in paragraph 22 of Planning Policy for Traveller Sites (2012);

(b) The proposed development would have more than a minimal adverse visual impact on the character and appearance of the surrounding rural area, in that it would, by virtue of its visual nature, scale and location be harmful to the natural landscape and would contribute to the gradual erosion of the countryside, contrary to criterion (v) of Policy HG22 of the Tendring District Local Plan (TDLP);

(c) The proposed development would harm the residential amenity of nearby dwellings by reason of noise, disturbance and traffic movements, contrary to criterion (vi) of the said Policy HG22 and criterion (ii) of TDLP Policy QL11;

(d) Having regard to the existing traffic use and the additional traffic which this proposal is likely to generate or attract, the road which connects the access to the nearest traffic

distributor is considered to be inadequate to cater for the proposed development while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, construction, lack of adequate passing places and pedestrian facilities, contrary to criterion (iv) of the said Policy HG22 and TDLP PolicyTR1a.

(e) The proposed development would lead to the intensification of the use of the site access on to Gutteridge Hall Lane, which by reason of insufficient vehicular visibility splays and excessive width, would be to the detriment of highway safety contrary to criterion (iv) of the said Policy HG22 and TDLP PolicyTR1a.

(f) The proposal would lead to additional significant confusing and conflicting slowing and turning vehicular movements at the already busy and complex priority junction of Gutteridge Hall Lane with Clacton Road and the access slip road adjacent to the school , which would result in an unacceptable increase in the use of the roads, to the detriment of highway safety contrary to criterion (iv) of the said Policy HG22 and TDLP PolicyTR1a.

(g) No overriding need has been demonstrated that would overcome these material objections to the proposed development.

DATED: 16th November 2012 **SIGNED:**

Catherine Bicknell
Head of Planning