

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 March 2020

AUTHOR/S: Joint Director of Planning and Economic Development

Application Number: S/4002/19/VC

Parish(es): Fowlmere

Proposal: Removal of condition 2 (The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1156/92/F

Site address: Apple Acre Park, London Road, Fowlmere

Applicant(s): Park View Group Ltd

Recommendation: Approve

Key material considerations: Principle of Development
Character and Appearance of the Area
Housing Density
Affordable Housing
Developer Contributions
Design Considerations
Parking
Highway Safety

Committee Site Visit: 10th March 2020

Departure Application: Yes

Presenting Officer: Luke Simpson

Application brought to Committee because: Departure and in the wider public interest

Date by which decision due: 18th January 2020

1. Executive Summary

2. The current application seeks removal of condition 2 (The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1156/92.
3. The effect of this will be that up to five mobile homes could be located on the site instead of, or in combination with touring caravans. The number of units would be controlled by the existing planning condition attached to the original consent. No variation is proposed to this condition.
4. The Applicant has appealed against non-determination of a similar application to that which is currently before the Planning Committee. That application was discussed at Planning Committee in November 2019 under application reference S/0913/19/VC. The planning committee minutes are included for reference at Appendix A. The application proposed the removal of condition 2 in respect of two different areas of the site, 'Area A' (adjacent to London Road) and 'Area D' (Adjacent to Chrishall Road). Given that there was (and still is) an appeal against non-determination, it was not possible for the Planning Committee to determine that application. However, Planning Officers did recommend that Members support a certain position at the forthcoming appeal. Namely, that consent should be granted to remove condition 2 in respect of Area D and refused in respect of Area A. Members voted unanimously in favour of the Officer Recommendation.
5. The appeal has not yet been scheduled, no start date has been provided by the Planning Inspectorate and as such a Statement of Case, outlining the Council's position at appeal, has not been submitted. Planning Officer's will prepare the Statement on the basis of the aforementioned November 2019 committee decision.
6. This current application has been submitted by the Applicant in the interim. The application relates solely to Area D. This current application is identical to the Area D aspect of the appealed application. There is no reason why this application can not be determined by the Planning Committee. Planning Officers have consulted the Council's Solicitors and legal advice has been received which states that the application can be determined. If members wish to defer this application then they may do so at their discretion. However, Members are advised that every application should be determined on its own merits. The current appeal relates to the non-determination of this planning application by the Council. Approving this current planning application would have a bearing on the appeal in that the appeal would only be focused on Area A and the matters in dispute between the Council and the Appellant (Applicant). Members are advised that it is common for applications to be determined for identical developments where a non-determination appeal is ongoing.
7. It is considered that whilst there would be a conflict with Local Plan Policy S/7 (Development Frameworks) in approving the proposed use, this conflict is outweighed by other material considerations. Namely that the proposed use would not result in any conflict with the specific purposes of Local Plan Policy S/7 (Development Frameworks). Planning Officers consider that the proposed use of Area D would accord with all other relevant Local Plan Policies.

Officers recommend that this application is approved subject to the conditions listed at the end of this report.

8. **Planning History**

The site has an extensive planning history, as follows:

S/0913/19/VC – Variation of condition 2 (The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1156/92/F and variation of condition 2 (The site shall not be used other than as a touring caravan site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1155/92/F - Refused

S/3048/18/LD - Application for lawful development certificate for existing use not complying with Condition 4 of S/1155/92/F or Condition 4 of S/1156/92/F (occupation restriction). Certificate Granted

S/3324/17/LD - Lawful development certificate for the proposed siting of eight static caravans. Certificate Granted

S/1385/17/VC - Variation of Condition 2 of S/1155/92 & Condition 2 of 1156/92/F) to allow the siting of 15 and 5 static caravans for permanent residential occupation on areas of the caravan park restricted to touring caravans only. Appeal Dismissed

S/2449/16/LD - Certificate of Lawfulness for the siting of fifteen static caravans for the purposes of permanent residential occupation. Appeal dismissed.

S/2738/15/LD - Certificate of Lawfulness for the change of function of the site (within the caravan park) from garaging, storage and ancillary uses to the siting of 6 caravans for the purposes of human habitation. Approved 7 September 2016.

S/1635/06/F- 3 Touring Caravan / Tent Plots – Approved 03 Oct 2006.

S/1031/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1158/92/F) - 6 Permanent Caravans – Approved 25 June 2003.

S/1030/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1157/92/F) - Storage for 20 Caravans – Approved 27 June 2003.

S/1029/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1156/92/F) – 5 Touring Caravans and Tents – Approved 27 June 2003.

S/1028/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1155/92/F) – 15 Touring Caravans – Approved 27 June 2003.

S/1027/03/F - Removal of Personal Occupancy Condition (Condition 1 of Planning Permission S/1194/87/F) – 1 Mobile – Approved 27 June 2003.

S/1026/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1302/75/F) – 4 Mobiles – Approved 27 June 2003.

S/1155/92/F - 15 Touring caravans – Approved 17 August 1993.

S/1156/92/F - 5 Touring caravans or tents – Approved 17 August 1993.

9. **Planning Policies**

National Planning Policy Framework 2019

South Cambridgeshire Local Plan 2018

S/1 Vision

S/2 Objectives of the Local Plan

S/3 Presumption in favour of sustainable development

S/7 Development Frameworks

S/10 Group Villages

CC/3 Renewable and low carbon energy in new developments

CC/4 Water Efficiency

CC/7 Water Quality

CC/8 Sustainable Drainage Systems

CC/9 Managing Flood Risk

HQ/1 Design Principles

NH/4 Biodiversity

H/8 Housing Density

H/9 Affordable Housing

H/12 Residential Space Standards

E/20 Tourist Accommodation

SC/7 Outdoor Play Space, Informal Open Space, and New Developments

TI/3 Parking Provision

TI/10 Broadband

10. Consultation

11. Fowlmere Parish Council- The Parish Council's response dated 8th January 2020 states in full:

Fowlmere Parish Council Planning Committee discussed this new planning application at our meeting on 17th December.

We note that in the South Cambridgeshire District Council Planning Committee meeting of 13th November a decision was taken regarding the position that SCDC would take at the forthcoming appeal against non-determination of application S/0913/19/VC. However, the committee did not propose or agree that the condition should be removed with immediate effect; it only resolved the opening position that SCDC would take as one of the interested parties in the appeal.

We strongly believe that the current appeal process should be allowed to run its course. SCDC have publicly recognised and minuted that now that an appeal is underway it is no longer the determining Authority for the application to remove the condition. It should therefore be in the hands of a Planning Inspector to consider the application on its relative merits and allow all interested parties to make submissions as part of this process. It would be wrong for SCDC to now make a determination on an equivalent application.

Fowlmere Parish Council wishes to have the opportunity to make its case against the removal of the planning conditions to the Planning Inspector as an interested party in the forthcoming appeal, and believe that it is probable that an Inspector may decide to uphold the position of the 2018 planning appeal on this very same matter and find against the removal of the condition. To determine in advance of that appeal would deprive Fowlmere PC of the ability to put forward their case to the Planning Inspector.

We therefore urge the planning officers to refuse this fresh application and allow the

existing appeal to correctly run its course.

Should officers be minded to consider approving this application prior to the forthcoming appeal, we bring their attention to our previous submissions on this matter and the clear conclusions of the Planning Inspector in appeal reference: APP/W0530/W/17/3183813. However, in such a situation we would also take independent advice regarding the legality of a decision to determine outside of an appeal and may seek an independent review of the way that the planning department has handled the range of applications and the breaches of conditions that have occurred regarding this site over recent years. We therefore also wish to put you on notice of a potential freedom of information request, and request that the case files from all relevant planning applications and enforcement cases are properly archived and retained in full so that they can be made available for inspection, if required.

(A full copy of the Parish Comments is attached as Appendix B)

12. Environmental Health Officer – No response received (out of time)
13. Drainage Officer – No objection: No flood risk or drainage issues
14. Lead Local Flood Authority (Cambridgeshire County Council) – No response received (out of time)
15. Affordable Housing – No comments (response received)
16. Contaminated Land – No comments (response received)
17. Local Highway Authority – recommend refusal on the basis that *'The application is not supported by sufficient highways and transport information to demonstrate that the removal of Condition 2 of Planning Permission S/1156/92/F would not be prejudicial to the satisfactory functioning of the highway.'*
18. Environment Agency – No response received (out of time)
19. Landscape Officer – Drawings and reports reviewed. No comments.
20. Urban Design - No response received (out of time)
21. S106 Officer – No response received (out of time)
22. Tree Officer – No objection

Representations

23. **6 letters of support were received which made the following summarised points:**

- The units were purchased on the understanding the whole site would be park homes
- General support for the proposals
- The Council has already resolved to support the removal of condition 2 (November 2019 planning committee)

- Site controlled under Mobile Homes Act 2013
- Touring caravans have caused more problems
- These units provide an “affordable” home
- The park is age restricted to members who are over 45 years of age which will have no impact on village schools or nurseries but would support the village social club and pub.

No letters of objection were received from neighbouring residents.

Site and Surroundings

24. The application site is located at Appleacre Caravan Park which is situated on the south western edge of the village of Fowlmere. The caravan park comprises a mix of 21 no. static caravans, which are occupied as Park Homes, two fields for the siting of 23 no. touring caravans and use of part of the site for the storage of 20 no. touring caravans.
25. The Site falls within countryside in planning terms, however the park is contiguous with the framework, which runs along the eastern boundary of the park.

The B1368 London Road bounds the caravan park to the north and Chrishall Road bounds the park to the east.

26. There are currently 2no. mobile homes on the application site.

Proposal

27. This application is made under Section 73 of the Town and Country Planning Act (TCPA) (1990) to remove condition 2 (The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1156/92/F (known as Area D).

28. The application proposes the removal of planning conditions limiting the type of caravan which the site can be used for. The effect of this will be that the mobile homes could be located on the sites instead of, or in combination with touring caravans. The current wording of the condition does not allow for the siting of mobile homes.

29. The number of units would be controlled by the existing planning conditions attached to the original consent. No variation is proposed to this condition. This condition restricts the number of units on each site to 5 touring caravans.

This application relates solely to the use of the site for siting of mobile homes.

In considering and determining an application submitted under Section 73 of the TCPA (1990) the Council may consider imposing, removing or amending planning conditions other than those to which the application specifically relates.

Procedural Background

Appeal Against Non-Determination

30. The Applicant has appealed against non-determination of a similar application to that which is currently before the Planning Committee. That application was considered at Planning Committee in November 2019 under application reference S/0913/19/VC. The planning committee minutes are included for reference at Appendix A. The application proposed the removal of condition 2 in respect of two different areas of the site, 'Area A' (adjacent to London Road) and 'Area D' (Adjacent to Chrishall Road). Given that there was (and still is) an appeal against non-determination, it was not possible for the Planning Committee to determine that application. However, Planning Officers did recommend that Members support a certain position at the forthcoming appeal. Namely, that consent should be granted to remove condition 2 in respect of Area D and refused in respect of Area A. Members voted unanimously in favour of the Officer Recommendation.
31. The appeal has not yet been scheduled, no start date has been provided by the Planning Inspectorate and as such a Statement of Case, outlining the Council's position at appeal, has not been submitted. Planning Officer's will prepare the Statement on the basis of the aforementioned November 2019 committee decision.
32. This current application has been submitted by the Applicant in the interim. The application relates solely to Area D. This current application is identical to the Area D aspect of the appealed application. There is no reason why this application can not be determined by the Planning Committee. Planning Officers have consulted the Council's Solicitors and legal advice has been received which states that the application can be determined. If members wish to defer this application then they may do so at their discretion. However, Members are advised that every application should be determined on its own merits. The current appeal relates to the non-determination of this planning application by the Council. Approving this current planning application would have a bearing on the appeal in that the appeal would only be focused on Area A and the matters in dispute between the Council and the Appellant (Applicant). Members are advised that it is common for applications to be determined for identical developments where a non-determination appeal is ongoing. Indeed this was recently the case in respect of an application for residential development at Barrington Cement Works.
33. In summary, whilst Fowlmere Parish Council's comments are duly noted, Planning Officers respectfully advise that this current application can and should be determined. Legal advice is that the application can be determined.

Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013

34. This application relates to the use of the land. If planning permission is granted then the Site Operator will be required to apply to the Local Authority for a new site licence.
35. Under this current planning application, the Council have the power to modify, remove or add other planning conditions. This application seeks removal of condition 2 of, which would allow for mobile homes to be installed on the site. However, given that the site already has a lawfully established use for permanent residential use, any planning permission granted should also include the removal of the occupation time

restrictions conditions included on the original consents. This is discussed in further detail in relation to 'conditions' later in this report. The effect of that change would be that the site would become defined as a 'relevant protected site' under the Caravan Sites and Control of Development Act 1960. This Act and any conditions imposed by the Local Authority upon the existing or any new licence will control many aspects of the site.

36. The Caravan Sites Act 1968, as amended in England 2006 and Wales 2007 has several criteria for what constitutes a 'caravan' which includes touring caravans and mobile homes. The maximum dimensions as prescribed are as follow:
- Length (excluding any drawbar) 20 m
 - Width 6.8 m
 - Overall height (internally, from the floor at its lowest to the ceiling at its highest) 3.05 m
37. The Council may impose additional conditions on a site licence under Section 5 of the Caravan Sites and Control of Development Act 1960, which states in part:
- 'A site licence issued by a local authority in respect of any land may be so issued subject to such conditions as the authority may think it necessary or desirable to impose on the occupier of the land in the interests of persons dwelling thereon in caravans, or of any other class of persons, or of the public at large; and in particular, but without prejudice to the generality of the foregoing, a site licence may be issued subject to conditions—*
- (a)for restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at any one time;*
- (b)for controlling (whether by reference to their size, the state of their repair or, subject to the provisions of subsection (2) of this section, any other feature) the types of caravan which are stationed on the land;*
- (c)for regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, of structures and vehicles of any description whatsoever and of tents;*
- (d) for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;*
- (e)for securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;*
- (f)for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.*
- (2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction'*
38. The design, layout, orientation and size of the mobile homes is therefore controlled under a separate regulatory regime to the planning system. As previously noted, the number of units would still be controlled by the existing planning condition restricting the number of units on the site. Planning Officers advise that this condition should remain unaltered through any grant of planning permission.

Planning Assessment

Principle of Development

Local Plan Policy S/7 (Development Frameworks)

39. The application site is located wholly outside of any defined development framework boundary. The settlement boundary of Fowlmere is immediately adjacent to the site, albeit located to the east on the opposite side of Crishall Rd. Part two of adopted South Cambridgeshire Local Plan Policy S/7 (Development Frameworks) sets out the relevant considerations for development located outside of development frameworks. It states:
- '2. Outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted'*
40. Planning Officers consider that none of these exemptions apply and that there are no policies in the plan which indicate that the use should be permitted in principle. However, it is necessary to consider whether there are any material considerations which indicate that a decision should be made other than in accordance with the development plan.
41. In considering whether there are material considerations which indicate that a departure should be made from the development plan, it is logical to consider the purpose of Policy S/7. Local Plan Paragraph 2.50 sets out the purpose of Policy S/7 which can be summarised as having two strands:
- 1) To ensure that the countryside is protected from gradual encroachment on the edges of villages
 - 2) To help safeguard against incremental growth in unsustainable locations
42. These two considerations were both addressed in the Appeal Decision made in April 2018 (APP/W0530/W/17/3183813). In their consultation response, the Parish Council, make reference to the conclusions reached by the Planning Inspector in the previous appeal.
43. The appeal decision and the conclusions reached by the Planning Inspector are material considerations in the determination of this current application. However, the conclusions reached by the Planning Inspector must be read alongside the change in circumstances since that decision was made. The most significant change since the appeal occurred in February 2019, is that the Council granted a certificate of lawful use in respect of the two sites (A and D).
44. This certificate of lawful use means that two sites (A and D) benefit from a lawful use for permanent residential use. On the basis that this certificate has been issued, there is no limit in terms of the number of days that the caravans can be occupied for. Therefore, the application site (Area D) can be occupied for permanent residential use.
45. Therefore, when the Inspector considered the appeal, he was doing so in a materially different set of circumstances, where the use of the sites was restricted to not more than 28 days in total in any one calendar year. The existing lawful use of the site is a

significant material consideration when considering the principle of development and is hereafter referred to as '*the fallback position*'.

46. With the fallback position taken into account, Planning Officers address each of the purposes of Policy S/7 as follow.

1) To ensure that the countryside is protected from gradual encroachment on the edges of villages

47. Appleacre Park is located to the south of the settlement of Fowlmere. Approaching from the South along Chrishall Road there is a transition from open agricultural land to a slightly more enclosed character, which is still rural but characterised by tall hedgerows and trees interspersed with occasional residential development. Upon reaching Appleacre Park there is existing linear residential development to the east on the opposite side of Chrishall Road. Area D of the application site is directly adjacent to Chrishall Road and is not read as being of open character. This area is surrounded by other parts of the site comprising mobile homes, touring caravans and other operational development.
48. Approaching towards Fowlmere from the west, along London Road, the surrounding landscape is characterised by open agricultural land with a transition to a more enclosed character, albeit still rural. As approaching the Appleacre Park entrance (adjacent to Area A) there are limited views into the site which appear open, with touring caravans visible through the site entrance. Conifers line much of the site's northern boundary. The first sense of urban development is appreciated a hundred metres further along London Road from the junction with Chrishall Road.
49. Given the different character of the two parts of the site it is useful to consider them separately, as the Planning Inspector did in relation to the previous appeal.

Area D

50. The Planning Inspector in considering the previous Appeal assessed the impact upon the character of Area D in relation to the surrounding area. Paragraphs 38 to 39 of the Appeal Decision state as follow:

'38. I am not, however, persuaded that the same applies to Area D. Although visible from the properties that front Chrishall Road, this part of the site does not play the same role in terms of affecting a transition between rural to built form as does Area A. This is partly because the built form of Fowlmere village extends further south than Area D, partly because the mobile homes in Areas B and C already extend to the southern boundary of the site and partly because Area D is to some extent adjoined by the static mobile homes in Areas C and E.

39. In this context, the although the stationing of up to five permanently stationed mobile homes would significantly alter the character and appearance of this part of the site, I consider that this change would not unacceptably harm the character and appearance of the wider area. I therefore conclude that, in respect of Area D, Condition No 2 attached to planning permission Ref S/1156/92/F is no longer necessary.'

Planning Officer's concur with that assessment and consider that it applies equally in the case of this current application. Area D has a far less open character than Area A and development of this part of the site would not have the effect of appearing as 'gradual encroachment' on the edge of a village. For these reasons Planning Officers

consider that there would be no conflict with this purpose of Policy S/7 should permission be granted for Area D. It is also relevant to note that this part of the application site is restricted to 5 units and would remain restricted to 5 units if consent is granted in accordance with the Officer Recommendation set out in this report.

2) To help safeguard against incremental growth in unsustainable locations

51. The Planning Inspector considered the locational sustainability of the site in relation to the previous appeal. It is important to note that the conclusion was reached in a materially different context, where the caravan park (areas A and D) did not benefit from lawful permanent residential use, as is now the case. Paragraphs 63 to 66 of the Inspectors Report state as follow:

'36. Fowlmere is categorised as a Group village in the Core Strategy, a status that it would retain in the emerging Local Plan. The Council defines Group villages as providing some services to accommodate the day-to-day needs of its residents. In terms of facilities, there is a primary school but no secondary school. There are no medical facilities in the village, no food store and no post office. There are two public houses and a restaurant. There is a village hall close to the appeal site and there two recreation grounds in the village.

64. I have been provided with a copy of the current bus timetable for route 31, which shows that there are up to six services on Mondays to Fridays and on Saturdays that stop at Fowlmere. There are no bus services on Sundays and Public Holidays. Route 31 serves Cambridge, Barley and Thriplow, the latter being the closest village to Fowlmere with a convenience store. The bus stop is located at the junction of London Road with Chrishall Road, close to Appleacre Park. The nearest railway stations are at Shepreth and Foxton, with halfhourly connecting services to Cambridge from both.

65. Taking into account the facilities within Fowlmere itself and the lack of employment opportunities in the village, the occupiers of the 20 mobile homes that could be stationed on Applecare Park should condition 2 on planning permissions S/1155/92/F and S/1156/92/F be removed would be heavily reliant upon the private car for most day-to-day activities, including to reach the railway stations at Shepreth and Foxton.

66. The Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. I am also mindful that the appeal site adjoins a Group village that does provide some services to accommodate the day-to-day needs of its residents. Nevertheless, for the reasons given above, it seems to me that the scale of the development that would result from the removal of condition 2 on planning permissions S/1155/92/F and S/1156/92/F would not be consistent with the objective of promoting sustainable development in rural areas set out in the Framework.'

52. Fowlmere is still defined as a 'Group Village' under Local Plan Policy S/10 (Group Villages). This policy sets out maximum parameters for residential development within the defined development frameworks. These parameters do not apply in this case given that the site is wholly located outside of the development framework. When taking into account the fallback position, the proposed use would not result in any net increase in the number of units on the application site.
53. Since the appeal was dismissed the Council has granted a certificate of lawful use for areas A and D which means that they can be lawfully used for the stationing of up to 20 touring caravans for permanent residential use (all-year-round). This fallback

position is a material consideration when considering the sustainability of this location for permanent residential development.

54. Planning Officers conclude that the removal of condition 2 would not result in any increase in the number of permanent residential units in this location. Therefore, there would be no additional harm associated with the proposed use, in locational sustainability terms.

Conclusion

55. Planning Officers consider that there would be a clear conflict with Development Plan Policy S/7 as a result of the proposed use. However, it is necessary to consider whether material considerations indicate that a decision should be made other than in accordance with this policy. In doing so, Planning Officers have set out and considered the particular purposes of Policy S/7.
56. Planning Officers conclude that there would be no harmful impact in terms of encroachment on an edge of village location. This is consistent with the findings of the Planning Inspector in relation to the previous Appeal.
57. Planning Officers consider that the second purpose of Policy S/7, to ensure that development is located in sustainable locations, would not be conflicted with. This is because the fallback position allows for permanent residential use of the site for up to 20 units at present. The grant of planning permission in this instance would not result in any increase in the number of units and would therefore not result in any increased harm.
58. In considering a split decision with reference to the previous Appeal, the Planning Inspector concluded that the erection of mobile homes on Area D of the site would not result in unacceptable harm. However, he concluded that there remained a conflict with Policy DP/7 (now replaced by S/7). In reaching that conclusion, he clearly took into account his own conclusions on locational sustainability. These conclusions were made in a different context where the use of the sites was restricted to 28 days. In essence, new residential units were being proposed in that instance. In the current instance, there will be no net increase in units.
59. On this basis, taking into account relevant material considerations, Planning Officers consider that the principle of Development on Area D is acceptable.

Impact upon character of the countryside and surrounding area

60. The impact of the proposed use on the character and appearance of the countryside and surrounding area is described above in relation to the principle of development and the first 'purpose' of Local Plan Policy S/7.
61. As explained in relation to the principle of development, the application site (Area D) is urban in appearance and is surrounded by other parts of Appleacre Park which generally comprise a more urban character, with mobile homes and associated development present. In addition, this part of the site is opposite the linear residential development on Chrishall Road and does not extend any further south than this neighbouring residential development. Furthermore, the Application Site would accommodate a maximum of five mobile homes. Planning Officers consider that the use of the Application Site for the siting of mobile homes would preserve the character of the local urban and rural area and would therefore accord with part A of Local Plan Policy HQ/1.

Design and Landscaping

62. This application relates to the use of the site for the siting of mobile homes. The fallback position is that the site can already be used for the siting of touring caravans and tents. As explained earlier in this report, the design, layout and orientation of caravans on site, including the mobile homes proposed in this instance, would be controlled under a separate regulatory regime. There would be no increase in the number of units above that specified in the existing planning condition (five for Area D). For these reasons it is not considered that there would be any conflict between the proposed use and Local Plan Policy HQ/1 (Design Principles).
63. It is not considered necessary to impose new conditions requiring landscaping and planting details to be submitted to the Local Planning Authority. Landscaping and planting are dealt with under the separate regulatory regime of the Caravan Sites and Control of Development Act (1960).

Density

64. The application site is approximately 0.21ha and the existing consent allows for up to 5 touring caravans. The use of this part of the site for the siting of 5 mobile homes would result in a density of approximately 23 dwellings per hectare.
65. Local Plan Policy H/8 (Housing Density) seeks a net density of 30 dwellings per hectare in Group Villages, such as Fowlmere. Part 2 of the policy states that density may vary from this figure depending upon the character of the locality and other local circumstances. The proposed density is considered to be in keeping with the density of the existing consented mobile home development within the caravan park and also with the neighbouring residential development on Chrishall Road. The proposed use would therefore comply with Local Plan Policy H/8.

Neighbour and Occupier Amenity

66. With regard to amenity, it is not considered that the introduction of mobile homes on the application site would have any detrimental impact in terms of overlooking, loss of light or loss of privacy to neighbouring residential development. The nearest neighbouring dwellings are located to the east on the opposite side of Chrishall Road. Caravans are also single storey by their very nature. In addition, the application site already has consent for up to 5 touring caravans.
67. In terms of amenity impacts between the units themselves, these will depend upon the layout and orientation of the dwellings which is controlled under the separate regulatory regime of the Caravan Sites and Control of Development Act 1960.
68. For these reasons it is considered that the proposed development would comply with Part N of Local Plan Policy HQ/1 (Design Principles) which seeks to safeguard amenity of occupiers and surrounding uses.

Biodiversity

69. The site is already in use as a caravan park. Planning Officer's are not aware of any records indicating that protected species are present or likely to be present on the application site and there are no sites of ecological importance (national or local) within close proximity to the Application Site. The proposed use is therefore considered to comply with the requirements of Policy NH/4 (Biodiversity).

Access and Parking

70. Local Plan Policy TI/3 (Parking Provision) states that car parking provision should be provided through a design-led approach in accordance with the indicative standards set out at Local Plan Figure 11. Figure 11 states that residential dwellings should accommodate 2 car parking spaces per dwelling. There would be up to 5 units proposed which would result in an indicative requirement for 10 parking spaces. However, this current application relates to the use of the site. The layout and orientation will be determined and controlled by the Site Licence under a separate regulatory regime. In any case, Planning Officers consider that it is likely that the site could accommodate the indicative parking requirements, albeit these are not considered directly applicable to the type of development proposed. For these reasons the proposed development is considered to comply with the provisions of Local Plan Policy TI/3.
71. The Local Highway Authority has objected to the proposed development on the grounds that insufficient information has been provided by the Applicant to enable them to consider the impact of the development upon the safety of highway users. Planning Officers consider that there would be no adverse impact on highway safety. There would be no alteration to the access as a result of the proposed use. The application relates to the use of the site and does not include any operational development. There would be no increase in the number of permanent residential units permitted on the site. For these reasons it is considered that there would be no adverse impact in terms of highway safety and no additional information is required from the Applicant.

Affordable Housing

72. The proposed use would not result in any increase in the number of residential units on site. The existing consents (planning permission and lawful development certificate) allow for five permanent residential units (in the form of touring caravans).
73. Local Plan Policy H/10 (Affordable Housing) requires that all developments of 11 units or more provide 40% affordable housing. Given that there would be no net increase in the number of residential units on site, i.e. no new dwellings, it is not considered that the threshold set out under Policy H/10 is surpassed. On this basis Planning Officers consider that the proposed use would not generate an affordable housing requirement.
74. Furthermore, the exact number of units itself is controlled by existing planning conditions which will be transposed to any planning permission granted. These conditions set a maximum number of dwellings. The removal of condition 2 as proposed would mean that any combination of tents, touring caravans and mobile homes up to the maximum of five units is possible. On this basis it is not possible to determine whether or not there would be an increase or reduction in the number of units on site. Even taking a worse case scenario position the number of residential units would not exceed that which can already lawfully be implemented on site.

Developer Contributions

75. For the same reasons as outlined above in relation to 'affordable housing' Planning Officers do not consider it necessary to require any contributions in respect of the proposed use.

76. The number of permanent residential units on site would not increase above the number lawfully permitted at present. On this basis there would be no increased burden on local infrastructure as a result of the proposed use.

Flood Risk and Drainage

77. The site is located in flood zone 1, at low risk from flooding. The EA have not objected to this application and the drainage officer has commented that there are no flood risk or drainage issues associated with the proposed use.

Water Quality, Broadband and Renewable Energy

78. Policy TR/10 (Broadband) requires that new development includes infrastructure to enable delivery of high speed broadband. However, in the case of the proposed use this policy is not considered to be applicable given that the units are constructed off site, by their very nature as caravans, and they could move around the site within the provisions of the existing or any subsequent site licence.
79. Policy CC/7 (Water Quality) sets out requirements in relation to water quality including ensuring adequate water supply, sewerage and land drainage. These issues are all controlled under the site licence under a separate regulatory regime and it is therefore considered that it would be unnecessary to impose a condition requiring these details to be submitted in respect of this current application.
80. Policy CC/3 (Renewable and Low Carbon Energy in New Developments) requires that proposals for new dwellings reduce carbon emissions by a minimum of 10% through the use of on-site renewable energy. Any mobile home units are constructed off site, often to standard specifications. Furthermore, the number and type of units on site can change at any time within the parameters of the planning permission (up to 5) and the site licence. On this basis it is not considered reasonable or necessary to impose a condition requiring details of on-site renewable energy.

Conclusion

81. It is considered that whilst there would be a conflict with Local Plan Policy S/7 (Development Frameworks) in approving the proposed use, this conflict is outweighed by other material considerations. Namely that the conflict is in principle and the proposed use would not result in any conflict with the specific purposes of Local Plan Policy S/7 (Development Frameworks). Planning Officers consider that the proposed use of the site would accord with all other relevant Local Plan Policies.

Consideration of planning conditions

82. Under Section 73(2)(a) of the Town and Country Planning Act (1990) if the Council decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they should grant planning permission accordingly. It is therefore necessary to consider whether the conditions attached to planning permission reference S/1156/92/F (Area D) should be included on any new decision issued. These are considered in turn as follows.

*(1) The use hereby permitted shall be carried out only by Mrs A M C Jackson
(Reason – The permitted use would not normally be granted in the absence of
the personal circumstances in this particular case)*

83. This condition was removed under application reference S/1029/03/F granted 27th June 2003 .

(2) The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes use either for seasonal use or permanent residential accommodation (Reason – To satisfy a need for touring caravan sites and/or tent sites and to minimise visual impact upon the area of permanently stationed mobile homes)

84. This is the condition to which this application relates and Planning Officers consider that it should be removed for the reasons set out within this committee report.

(3) The number of caravans and/or tents which shall be stationed on the site shall not exceed 5. (Reason – To prevent the overdevelopment of the site)

85. Planning Officers consider that this condition should remain. The definition of a caravan includes mobile homes and therefore this condition would also control the number of mobile homes allowed on the site. The 'reason' should be revised to refer to the following: '*To prevent the overdevelopment of the site and ensure that the use of the site would be inkeeping with the character of the local area in accordance with adopted South Cambridgeshire Local Plan Policy HQ/1.*'

(4) Any caravan and/or tent shall not be occupied on this site for more than 28 days in total in any one calendar year (Reason – To ensure that the site is retained for seasonal/tourist use only and is not used for permanent residential accommodation which would be contrary to 'Approved Structure Plan Housing and Settlement Policies)

86. The lawful use for permanent residential use (all year round) has been established under the grant of a certificate of lawful use under reference S/3048/18/LD. Taking into account this fallback position, it is not considered necessary or reasonable to include this condition on any planning permission issued.

(5) No additional discharge, in excess of that generated by the current planning proposals, shall be directed to the existing foul drainage system (Septic Tank) (Reason – To ensure satisfactory drainage of the site and to prevent water pollution)

87. Planning Officers consider that this planning condition is not necessary given that drainage is controlled under a separate regulatory regime (site license). In addition, the Council's drainage officer has commented that there are no drainage issues associated with this application.

(6) The one way traffic flow arrangement identified on plan no. 2806/10B shall be laid out to the satisfaction of this Local Planning Authority within 2 months of the date of this consent. (Reason – To ensure the proper development of the site and to effect adequate highway safety provisions)

88. Planning Officers consider that it is unnecessary to impose this condition on any consent granted. The 'one way' system referred to is not actually indicated on plan reference 2806/10B. Furthermore, the Local Highway Authority have not objected to the application or commented on the 'one way system'. In addition, the layout is determined and controlled under the site license, a separate regulatory regime.

89. There is no clear condition referring to approved plans attached to the original consent, with the site plan referred to in the first paragraph of the decision notice. It is recommended that a plan condition, to include reference to this plan, is introduced in any new consent granted.

Recommendation

90. Delegated approval subject to the planning conditions set out below.

Planning Conditions

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 2806/10B (as approved under planning permission S/1156/92/F)

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990).

- (2) The number of caravans and/or tents which shall be stationed on the site shall not exceed 5.

(Reason - To prevent the overdevelopment of the site and ensure that the use of the site would be inkeeping with the character of the local area in accordance with adopted South Cambridgeshire Local Plan Policy HQ/1)

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Plan 2018
- South Cambridgeshire Local Development Framework SPDs
- Planning File reference S/4002/19/VC

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