

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

5th April 2006

AUTHOR/S: Director of Development Services

**S/0049/06/F – Longstanton
Mobile Home (Renewal of Period Consent S/1422/03/F)
at Mill View Farm for PJ Hansberry.**

**Recommendation: Refusal with Enforcement Action
Date for Determination: 9th March 2006**

Update

1. At the 1st March 2006 Committee meeting (Item 24) members resolved to refuse this application with enforcement action to commence by the end of the year. Prior to the March Committee meeting the applicant had been invited to comment on the findings of Acorus, the Council's agricultural consultant. These comments were received by officers after the Committee meeting and, given their content, were considered material to the determination of the planning application. The Decision has not been issued.

Further Representations

2. The applicant has raised the following comments:
 - a) He believes that planning policies do not exclude successive renewals of planning permission for temporary mobile homes.
 - b) He does not consider that he was made fully aware of the policy regarding successive extensions of consent for mobile homes and quoted a letter from the Authority which accompanied the 2001 consent which reads "At the end of the 2 year period for which permission is being given, you will need to demonstrate that you can clearly meet the financial test as well as show that the enterprise is financially viable. If not officer support cannot be given for further renewals." He goes on to state that, according to the Planning Inspectorate Journal (Issue 21), regarding the functional test as far as temporary agricultural dwellings are concerned, there is no stated requirement for the need to relate to a full-time worker. Also, Annexe 1 (PPS7: Sustainable Development in Rural Areas) does not contain a definition of viability and so far as temporary dwellings are concerned does not require that the agricultural unit must be economically viable in order for temporary consent to be granted. He considers this to mean that once the functional test is met, and the enterprise is financially viable, support will be given for a renewal, and considers that the history of previous consents demonstrates such.
 - c) Statement regarding the development of the business – includes comments that flooding occurs on the land during heavy rainfall (the applicant attributes this to the neglect of the disused rail track adjacent and expects that this problem will be overcome in the near future with the proposed guided bus) and cites the health of his partner as a contributory factor (a supporting statement from his partner's doctor, Dr Amure of Over, was enclosed with the letter).

- d) He considers that no observation in the original Acorus report supports the recommendation of refusal.
- e) The mobile home is the applicant's sole residence and has been for the last 15 years. He realises now that he may not be able to rely on renewals as an option for the future. He considers that he would require an additional consent to afford him the necessary time to get a consultant to prepare an appraisal of the business and submit an application for a permanent dwelling, at the same time as maintaining the nursery, including the installation of a new irrigation system.

Consultation

- 3. **Acorus** (acting in the capacity formerly undertaken by the County Farms Manager) comments, in respect of the applicant's latest submission that "current policy in PPS7 states that successive extensions to temporary permissions should not normally be made and I consider that in view of the length of temporary consent and numerous renewals, that the situation should now be rationalised.
- 4. I therefore consider that the applicants should be invited to submit an application for a permanent dwelling which would be considered against criteria one to five of paragraph three of Annex A PPS7. In particular, any application would need to demonstrate that there is an existing functional need for a full time worker to be resident on site and that the business is financially sound. In terms of meeting the financial test the business would have to show that it could support one full time worker together with the cost of providing the dwelling.
- 5. I note the comments put forward by the applicant in their letter dated 23rd February 2006, which highlights problems from flooding and personal medical circumstances and whilst I would not concur to any substantial renewal of temporary consent, renewal for a limited period could be an option in order to facilitate the submission and consideration of any ensuing application for permanent accommodation."

Planning Comments – Key Issues

- 6. Further to the comments raised in my report to Committee of the 1st March 2006 I do not consider that the circumstances or the information presented by the applicant have materially altered such as to affect the consideration of consent for the siting of the mobile for an extended period time. In essence, in light of the policy in PPS7, members are considering the merits of allowing a further temporary period of consent for the mobile home to allow the applicant to submit a planning application and evidence to support the principle of a permanent dwelling upon the site to support the agricultural activity of the holding.
- 7. The applicant appears to be mistaken in his assessment of planning policy regarding consent for mobile homes. The approval of temporary structures on a permanent basis is contrary to the proper planning of the area as they do not contribute positively to, and usually detract from, the character and appearance of the area.
- 8. In light of Policies HG16 and HG18 of the Local Plan consent for temporary mobile homes is therefore usually only granted where the Authority considers that an applicant requires the opportunity to demonstrate that a new agricultural enterprise can support a residence on the site, both financially and functionally. The Authority is, in essence, allowing an applicant the opportunity to use the site on a residential basis temporarily to provide greater evidence, or otherwise, of the need for a permanent

agricultural dwelling on the site, in accordance with the criteria laid out in Paragraph 3 of Annexe A of PPS7 and Local Plan Policy HG16.

9. The applicant has had a significant period of time to establish the holding and demonstrate that it is capable of meeting the various tests to determine whether it is capable of supporting a permanent residence on the site. My recommendation to members is to refuse the application for a further renewal of consent, on the basis of the advice laid out in PPS7 and Policy HG18, and to delay enforcement action to remove the temporary mobile home for a period of 9 months to allow the applicant sufficient time to submit an application for a permanent dwelling and for its determination. Should any subsequent application for a permanent dwelling on the site be successful then the period for compliance of an enforcement notice could take account of the period of the period necessary to implement the permission.

Recommendation

10. Refusal with enforcement action delayed for 9 months for the following reasons:
 1. Consent has been renewed for the mobile home repeatedly since 1991, with a view to the applicant growing the business in order to demonstrate that the holding can support a permanent dwelling on the site and comply with the criteria outlined in Paragraph 3 of PPS7 Annex A 'Permanent Agricultural Dwellings'. Paragraph 13 of PPS7 states that authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling. The applicant has failed to demonstrate to the satisfaction of the District Council that a functional need exists for a dwelling on the enterprise and that financially the enterprise can support a permanent dwelling.
 2. A further renewal of consent for the mobile home would therefore be contrary to Policies HG16 and HG18 of the South Cambridgeshire Local Plan 2004 and to advice contained within PPS7 Annexe A Paragraphs 3 and 13.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Draft Local Development Framework 2006
- Planning file Refs: S/0049/06/F, S/1422/03/F, S/1287/01/F, S/1095/98/F, S/2056/94/F, S/0464/91/F

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