

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th March 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2166/08/O – GAMLINGAY
Replacement of Existing Permanent Mobile Home with Dwelling,
6 Little Heath, for Mr Halpin

Recommendation: Refusal

Date for Determination: 18th February 2009

Departure Application

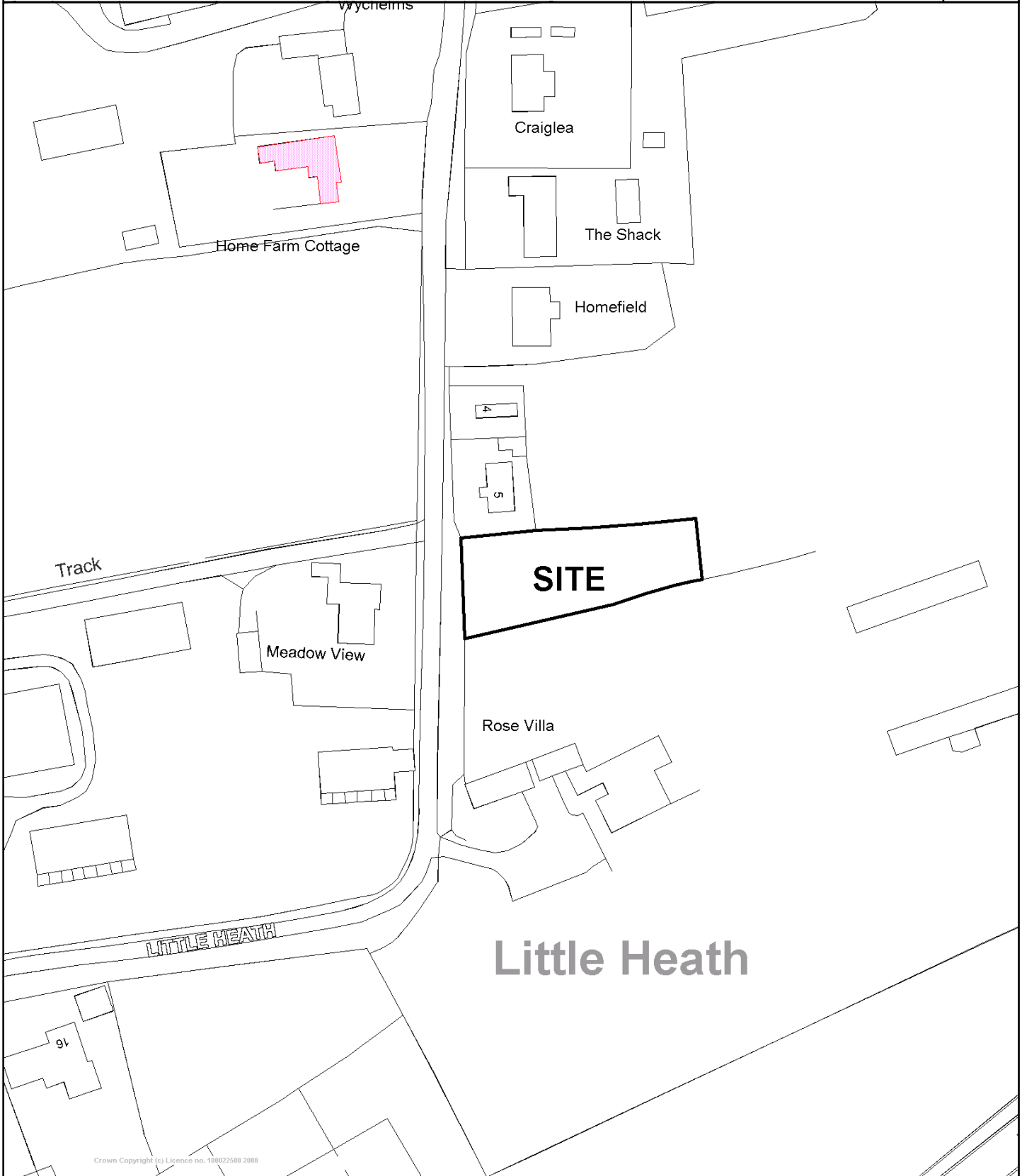
Members will visit this site on 4th March 2009.

Site and Proposal

1. The outline application, registered on 13th January 2009, proposes the replacement of an existing permanent mobile home with a dwelling and garage.
2. The mobile home is located on the east side of Little Heath and is immediately south of two further units that were granted consent for a single dwelling (see History below).
3. Neighbouring bungalows lie to the west and south of the site and paddock and agricultural land to the east.
4. No reserved matters are included for consideration at the outline stage, although the application is accompanied by an illustrative layout plan, which shows a detached dwelling and garage.

Planning History

5. The properties known as 4, 5 & 6 Little Heath Gamlingay were granted planning consent originally under planning reference **SC/22/66** with renewals including planning consent **S/1629/80** for the stationing of 3 caravans. In August 1987 under planning reference **S/1075/87/F** a further permission was granted for the siting of 3 caravans. This consent was not made personal to the applicant but a condition was imposed stating that the consent was to relate to the existing mobile homes on the site and upon their removal the land should revert to its former use.
6. In a letter from the applicant's solicitors, dated 1st February 2005, it was confirmed that in 1995 one of the caravans had been replaced on site in breach of this condition. This breach of condition had existed for more than 10 years, meaning that the caravans benefitted from permanent consent and could be replaced at any time without the need for further planning permission.
7. In 2004, an outline application (**Ref: S/2461/04/O**) was submitted to replace two of the mobile units at 4 and 5 Little Heath to a single dwelling and garage, and was



Reproduced from the 2008 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/1250 Date 17/2/2009

Centre = 523310 E 251669 N

March 2009 Planning Committee

recommended for approval by planning officers based on the permanent consent that mobile homes benefitted from, and also the potential visual enhancement to the site that would result after the removal of the two existing mobile homes had been secured by planning condition. The application was subsequently approved by members at planning committee on 2nd February 2005.

8. Following outline approval **S/2461/04/O**, full planning permission for the replacement dwelling was then obtained in 2005 (**Ref: S/1273/05/F**), having been approved at planning committee.

Planning Policy

9. *Local Development Framework (Adopted July 2007):*

DP/1 'Sustainable Development'
DP/2 'Design of New Development'
DP/7 'Development Frameworks'
HG/7 'Replacement Dwellings in the Countryside'

Consultation

10. **Gamlingay Parish Council** – Recommends approval
11. **Corporate Manager (Health and Environmental Services)** – Has no objection, though recommends that any consent granted be conditional to a submitted scheme for the investigation and recording of land contamination and remediation objectives.
12. **Local Highway Authority** – Has no objection, though recommends a condition to secure sufficient vehicular manoeuvring area and off-street parking prior to first occupation of the development. Add informative that double garages should have a minimum internal measurement of 6m x 5.5m shown on the drawings with a minimum opening of 2.2m.

Representations

13. One letter has been received from the neighbour at Rose Villa, objecting as follows:
 - a) Planners have said "No more building in Little Heath".
 - b) 6 Little Heath is situated to the west of Rose Villa not to the north as claimed by the applicant.
 - c) The caravan in question does not benefit from planning consent.
 - d) Question over the applicant's need for another house.
 - e) Concern that Little Heath will change into a housing estate.
 - f) Concern over the impact of more building works on road surface and wheelchair access to Rose Villa.
 - g) Unfair competition, with the applicant gaining previous planning consents and other residents not.
 - h) Another house will invade privacy.
14. One anonymous objector states:
 - a) Inaccuracies within the application: the mobile home in this application is not a permanent dwelling, as the site was previously vacated and a wooden house installed in 2006 that has never been occupied nor maintained. On removing the original caravan, the site should have been returned to its earlier

agricultural state (S/1075/87/F condition 1); the change of a previous caravan referred to (4.1) occurred in 1999, certainly within the last 10 years; one of the caravans caught fire in the summer of 1999 and was replaced shortly after; and section 3.1 should say permission has been granted to replace 2 mobile homes with one house.

- b) The mobile home to be replaced is not a dwelling because it has never been occupied. See council tax definition of a dwelling.
- c) In addition, the proposed development will certainly impact on traffic and there is no need for extra housing in the area.

Planning Comments – Key Issues

- 15. The key issue to be judged in determining this application is whether there is sufficient justification in this case to replace the existing mobile home in the countryside with a permanent dwelling given the presumption against such development under Policies DP/7 and HG/7 of the Local Development Framework (Adopted July 2007).
- 16. The presumption against the development in Policy DP/7 is that only development for agriculture, horticulture, forestry, outdoor recreation and other uses, which need to be located in the countryside will be permitted. Also criterion 3 of Policy HG/7 states that, “Caravans and mobile homes are distinct from permanent dwellings since they can be removed. Given the restrictions on development in the countryside the replacement of caravans and mobiles homes with permanent dwellings will be resisted outside development frameworks.”
- 17. Legal advice, obtained by planning officers on 1st April 2008, was to the effect that the mobile home at 6 Little Health, as with the adjacent two mobile homes, benefitted from permanent consent and could be replaced with another mobile home without the need for express planning permission, due to the 10 year breach of condition of planning consent S/1075/87/F. Planning officers, at pre-application stage in April 2008, were therefore of the view, that the replacement of the mobile home at 6 Little Health may be justified as a departure from policy HG/7 (3), on the basis that the Local Planning Authority could not secure the removal of the mobile home.
- 18. Despite earlier views on Policy HG/7, it has subsequently been resolved with the planning policy team that, even in circumstances where the removal of a caravan or mobile home cannot be secured through a planning consent or condition, the replacement by a permanent dwelling should not be permitted unless there are ‘special circumstances’ to justify approval. The basis for the justification, put forward by the applicant, in this application is that the application site benefits from a unique legal status and that a mobile home can be occupied on site in perpetuity. However, officers are of the view that the mobile home can still be easily removed from the site, even if not through the planning process, and therefore remains distinct from a permanent dwelling and contrary to Policy HG/7 (3).
- 19. Consideration has been given to the previous planning approval in 2004 and 2005 for the replacement dwelling for the other two mobile units north of the site. However, it is understood that the grounds for this decision were unique and do not set a precedent that the same decision prevail in this application. Moreover, this application should be judged on its individual merits.

Recommendation

12. That the application be refused.
20. The site lies in the countryside where Policy DP/7 of the South Cambridgeshire Local Development Framework (Adopted July 2007) restricts development to that which is essential in a particular rural location. Policy HG/7 of the South Cambridgeshire Local Development Framework (Adopted July 2007) states that the replacement of a caravan or mobile home in the countryside with a permanent dwelling will be resisted outside development frameworks. The proposed replacement of a mobile home in the countryside with a permanent dwelling is unacceptable being contrary to the aims of the above policies, and fails to demonstrate special circumstances that warrant a departure from said policies.

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

- South Cambridgeshire Local Plan 2004
- Planning Files Ref: SC/22/66, S/1629/80, S/1075/87/F, S/2461/04/O and S/1273/05/F

Contact Officer: Andrew Winter – Planning Assistant
Telephone: (01954) 713082