

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

1st September 2004

AUTHOR/S: Director of Development Services

S/1476/04/F - Willingham
Siting of Mobile Home as Annexe for Dependent Parent at 130 Rampton Road,
for Mr and Mrs S. Webster

Recommendation: Approval

Site and Proposal

1. No. 130 Rampton Road is a modern two-storey detached dwelling with a long rear garden situated on the southern side of Rampton Road. The rear garden of the property forms the southern property boundary of the village framework of Willingham, with the dwelling situated within the framework and the rear garden outside of this framework.
2. Within the rear garden of the property is a triple garage setback 35m from the rear elevation of the dwelling and an existing shed in a dilapidated condition. To the rear of the garden is a field. Along the north-western property boundary is a tall row of conifers some 5m in height, with an unkempt hedge along the south-eastern property boundary between 1-2m in height. Further to the east, a row of tall conifer trees some 5m high screens the site along the south-eastern property boundary of No. 132.
3. The full application, submitted on 14 July 2004 is for a two-bedroom mobile home to be used as an annexe within the far rear garden of the property. The mobile home measures 6m in width and 14m in length with a ridge height of 4.2m above ground level. The mobile home is positioned to the rear of an existing shed, 63m from the rear elevation of the dwelling.
4. The applicant in a covering letter has stated that the mobile annexe is for the use of the applicant's father, Mr Alf Webster, who has diabetes, Bell's palsy and oesophagitis. The applicant adds that he has also been treated for depression and has experienced a couple of falls in the past. Mr Alf Webster currently lives 130 miles away in Shropshire, and has no other family, except for a daughter suffering brain damage, residing in Cottenham Court Nursing Home. Mr Webster is in daily need of care and comfort, and the move would enable him to continue seeing his daughter residing in the Nursing Home. Mr Webster is no longer fit to drive the distance between Shropshire and Cambridge. The application is supported by Dr. J S Fitzgerald Frazer at Wellington Road Surgery in Newport, Shropshire.
5. A two-bedroom mobile home is proposed, to allow for the possibility that Mr Alf Webster may need a wheelchair at a future date, to allow family members to stay with him overnight as he becomes more frail, or require a live-in carer at a future date. The applicant adds that they have no objection to the use of a Section 106 legal agreement which ties the annexe to the dwelling, in the event that the application is approved.

Planning History

6. In May 1997, outline planning permission was given for a house on the plot (**Ref: S/0544/97/O**), with reserved matters later approved in May 1999 (**Ref: S/0338/99/RM**). The design of the dwelling was retrospectively amended by a new planning application, approved in November 1999 (**Ref: S/1285/99/F**)
7. In September 1999, planning permission was given for a change of use of a 65m length of land to the rear of the original garden area, to garden land and the erection of a triple garage (**Ref: S/1209/99/F**). The permitted development rights of the landowner to enclose land and/or erect outbuildings was not removed under conditions of consent. This permission has been implemented, with the garage near completion at the time of the site visit.
8. In October 2000, planning permission was refused for a garage with playroom over in the rear garden of the property (**Ref: S/1961/00/F**). In February 2001, planning permission was again refused for a garage with games room over (**Ref: S/0134/01/F**), which was later dismissed at appeal in July 2001.

Planning Policy

9. The proposed mobile home is positioned outside the village framework, within the Countryside.
10. **Government Planning Policy Guidance 1** (PPG 1) "General Policy and Principles" states that personal circumstances of the applicant may be material to the consideration of a planning application. In such circumstances, a permission may be made subject to a condition that it is personal to the applicant. However, such arguments will seldom outweigh the more general planning considerations. If the proposed development entails works of a permanent nature they will remain long after the personal circumstances of the applicant have ceased to be material.
11. **Government Planning Policy Statement 7** (PPS 7) "Sustainable Development in Rural Areas" outlines that Local Planning Authorities should strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans and adds that Isolated new houses in the countryside will require special justification for planning permission to be granted.

Policy 1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") restricts development in the countryside unless proposals can be demonstrated to be essential in a particular rural location.

Policy 1/3 of the County Structure Plan requires a high standard of design for all new development that responds to the local character of the built environment.

Policy SE8 of the South Cambridgeshire Local Plan 2004 ("The Local Plan") states that residential development outside village frameworks will not be permitted. The supporting text for this policy goes on to say that, in cases where the village framework cuts across the rear gardens of properties, this policy "will not be operated to establish a presumption against the granting of planning permission for ancillary domestic buildings in those parts of residential cartilages excluded from the framework. Where permission is required for such developments, applications will be treated on their individual merits."

Policy SE9 of the Local Plan states that development on the edge of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.

Policy HG11 of the Local Plan specifies criteria for development to the rear of existing properties. This policy aims to protect the amenity of existing and adjacent residential properties and the character of the pattern of development within the vicinity.

Policy HG19 of the Local Plan specifies that any planning permission for a mobile home will be subject to a condition that the mobile home shall not be subdivided into more than one unit.

Policy CS1 of the Local Plan specifies that the Council will seek to negotiate planning obligations to ensure the provision of matters that are necessary for planning purposes, and in the absence of which, planning permission should not be granted. The supportive text for this policy outlines that planning obligations, usually in the form of agreements under Section 106 of the Town and Country Planning Act 1990, is required for family annexes where the size and location of the proposed annexe is considered sufficiently capable of independent occupation as a separate dwelling unrelated to the principle dwelling. The agreement will tie occupation of the annexe to membership of the same family as the principle dwelling or their domestic employees. It is noted that this is the only policy that specifically applies to annexes within the Local Plan.

Consultation

12. **Willingham Parish Council** – Recommendation of refusal. They add that

“Willingham Parish Council refused the application on the grounds that:

- It appears to be outside the village framework;
- It appears to be over development and back land development contrary to policy 16A (Policy HG11);
- It is out of keeping with the area.”

Representations

13. Objections to the planning application have been received from the occupants of 105, 109, 122 and 124 Rampton Road, Willingham. These occupants have raised the following grounds for objection:

- The distance of the mobile home (annexe) to the existing dwelling, with two existing buildings in-between the dwelling and proposed mobile home;
- The siting of the mobile home outside the village framework, in the Countryside;
- The proposed mobile home is not consistent with the common-use definition of a mobile home, in terms of its size, siting away from the existing dwelling, design and materials;
- The proposed mobile home has the “appearance of a house, intended to become permanent and capable of housing a family”;
- The accommodation and structure of the proposed mobile home is excessive with two bedrooms (one with ensuite and walk-in wardrobe), lounge, dining room, study and hall;

- The existing dwelling is of sufficiently large size to accommodate the dependent parent without the need of separate accommodation. It is claimed that the dependent relative has been living at 130 Rampton Drift for the last two to three months;
 - The proposal if approved would set a precedent for similar types of mobile homes within the Countryside;
 - The proposal is contrary to planning policy for Countryside areas;
 - The occupation of the mobile home by persons other than the dependent parent, would contribute to the already very high level of traffic movements and noise generated by the existing house;
 - Concern regarding the use of the mobile home when no longer required by the dependent parent, that is, that it will be used in the future by other members of the family or rented out to non-related persons;
 - Concern that the proposed mobile home is really an attempt by the applicant to gain planning permission for a permanent, second dwelling on the plot.
14. The occupant of 105 Rampton Road, has requested that in the event of planning permission being granted, that it be subject to a strict time limit, which would expire when the dependent parent ceases to require the accommodation. Whilst the occupant of 122 Rampton Road, suggests that if the application is approved, that planning conditions limit the occupation of the mobile home to the dependent parent only, and requires its removal after this need no longer applies; that the mobile home can only be sold as part and parcel of the main house and site and that the screening boundary hedge is maintained at its present height of 4m.

Planning Comments – Key Issues

15. The key issues for consideration in the assessment of this application are the appropriateness of this development within the Countryside, the visual impact of the proposal on the surrounding Countryside, impacts on the residential amenity of adjacent properties impacts on highway safety and the personal circumstances of the applicant.

Appropriateness of development within Countryside

16. The proposed mobile home to be used as an annexe in association with the existing dwelling on the site, does not constitute a separate dwelling in its own right. Policy SE8 states that there is no in-principle objection to ancillary residential buildings within the countryside, and that these applications will be treated on their own merits. It is noted that the proposed mobile home is situated within the residential curtilage of the dwelling, the expansion of which was approved under planning application S/1209/99/F.

Visual impact of development within Countryside

17. The proposed mobile home has a ridge height of 4.2m above ground level, which is just below the ridge height of the existing triple garage at 4.25m and marginally higher than the ridge height of the existing shed, which is visually estimated to approximately 3.5m, also sited within the rear garden of the property.
18. The far rear garden of the property is well screened by existing outbuildings, conifer screening along the south-eastern property boundary of the site, in addition to a row of conifers to the south-east and south-west on adjacent land.

19. Given the screening of the proposed mobile home by vegetation, its siting within the residential curtilage of the dwelling and to the rear of existing outbuildings of similar height, the proposed mobile home is not considered to have an unduly prominent appearance within the Countryside. A landscaping condition is proposed to soften the appearance of the mobile home when viewed from the south.

Impacts on the Residential Amenity of Adjacent Properties

20. The proposed mobile home is situated approximately 65m from adjacent dwellings and has no first floor accommodation. This distance is considered sufficient to prevent the proposed annexe from causing serious harm to the residential amenities of adjacent properties in terms of outlook or lighting. A condition regarding details of boundary treatment to be agreed prior to works commencing is recommended, in order to ensure the provision of an adequate level of visual screening between the rear gardens of 130 and 132 Rampton Road.
21. The proposed use of the annexe by a dependent parent is not expected to generate a significant level of noise and disturbance to adjacent properties, including the use of the existing vehicular access to access the proposed annexe.

Highway Safety

22. The proposed use of the annexe for a dependent parent is not expected to generate a level of traffic movements that would lead to loss of highway safety along Rampton Road.

Personal circumstances of the applicant

23. The applicant has provided evidence of a specific personal need for the proposal, i.e. the need for a dependent parent in poor health to reside close to his family.

Recommendation

24. Approve, subject to the signing of a Section 106 family annexe legal agreement.

Conditions of Consent

1. Standard Condition A – Time limited permission (Reason A);
2. Sc5a – Details of materials for external walls and roofs (Rc5ai and aii);
3. Sc51 – Landscaping (Rc51);
4. Sc52 – Implementation of landscaping (Rc52);
5. Sc60 – Details of boundary treatment (Reason: to protect the privacy of occupants of adjacent properties and to ensure that the appearance of the site does not detract from the character of the area);
6. The mobile home, hereby permitted, shall not be subdivided into more than one unit. (Reason: to protect the amenities of occupants of 130 Rampton Drift and the mobile home, in addition to restricting the number of dwellings within the Countryside).

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:

- **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/2 (Environmental restrictions on development), P1/3 (Sustainable design in built development), P5/5 (Homes in Rural Areas) and P7/5 (Urban Fringe) and
 - **South Cambridgeshire Local Plan 2004:**
SE8 (Village Frameworks), SE8 (Village Edges), HG11 (Backland Development), HG19 (Sub-Division of Mobile Homes) and CS1 (Planning Obligations).
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Residential amenity including noise and traffic disturbance;
 - Highway safety
 - Siting and design of proposed annexe
 - Visual impact on the locality;
 - Inappropriateness in the Countryside.
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Other

1. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach (SUD) to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDs approach.
2. In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.
3. Further information on SUDS can be found in Planning Policy Guidance No. 25 appendix E, in the CIRIA C522 document Sustainable Urban Drainage Systems- design manual for England and Wales and the consultation draft Framework for Sustainable Drainage Systems (SUDS) in England and Wales. The framework consultation document provides advice on design, adoption and maintenance issues. This will form the basis of a Code of Practice on SUDS and is available electronically on both the Environment Agency's website at: www.environment-agency.gov.uk and CIRIA's website at: www.ciria.org.uk.

4. Where it is intended that disposal be made to public sewer, the Water Company or its agents should confirm that there is adequate spare capacity in the existing system and that they would be willing to accept any increases to flows.

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

Cambridgeshire and Peterborough Structure Plan 2003

South Cambridgeshire Local Plan 2004

Planning Policy Guidance 1 – General Policy and Principles

Planning Policy Statement 7 – Sustainable Development in Rural Areas

Planning File Refs S/1476/04/F, S/0134/01/F, S/1961/00/F, S/1209/99/F, S/1285/99/F, S/0338/99/RM and S/0544/97/O.

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