

Committee date: 4th November 2010

Reference: 10/00689/FUL
Date submitted: 13.09.2010
Applicant: Mark Stevens
Location: The Maples, Knossington Road, Somerby
Proposal: Mobile home for security purposes.

Proposal :-

This application relates to full planning approval for a mobile home to provide on site security on a former commercial scrap recycling site.

The site lies within the open countryside adjacent to an existing Leicestershire County Council civic amenity site. The site is fairly well screened by mature planting and there is approx. 3 metre high palisade fencing and gates along Knossington Road and leading into the site. Access to the site is via the Knossington Lane and utilises the same junction to the civic amenity site. The village of Somerby is approx. a mile away to the north of the site.

The application has been supported with crime number's to support the claims that there are prevailing security issues at the site.

It is considered that the main issues relating to the proposal are:

- **Policy Considerations relating to residential development in the open countryside**
- **Impact upon the character of the countryside**

The application is presented to Committee as a ward member has called the in application given the sensitive issues relating to the site and the complex policy issues.

Relevant History:-

None relevant

Planning Policies:-

PPS1 'Delivering Sustainable Development' - The guidance says that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce the need to travel by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. The Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper.

PPS3 Housing - states that there is a need to provide housing in rural areas especially where they can assist people to live near their work, benefit from key services, minimise environmental impact and where possible, encourage environmental benefits. PPS3 requires development to be focussed in suitable locations 'which offer a range of community facilities and with good access to jobs, key services and infrastructure'.

PPS7 ‘Sustainable Development in Rural Areas’: contains advice on dealing with applications in rural areas and applies the principles of sustainable development in promote more sustainable patterns of development by:

- focusing most development in, or next to, existing towns and villages; preventing urban sprawl;
- discouraging the development of ‘greenfield’ land, and, where such land must be used, ensuring it is not used wastefully;
- promoting a range of uses to maximise the potential benefits of the countryside fringing urban areas.

All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Local Planning Authorities should support countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside. With regards to dwellings to support commercial activates in the countryside, it sets out 'functional' and 'financial' tests for new dwellings. The PPS advises that local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings and advises that security reasons alone are insufficient justification for a dwelling.

PPG 13 ‘Transport’ - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area.

Melton Local Plan (Saved Policies)

Policy OS2 - Development in the countryside: The site is within the open countryside where Policy OS2 applies. The policy generally presumes against development outside the town and village envelopes except for certain developments that are specified by criteria. In particular, criterion a) presumes against residential development in the countryside unless it is essential to the operational requirements of agriculture and forestry. Criterion b) allows for small-scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy BE1 - Siting and design of buildings: Allows for new buildings subject to the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Policy C10 - Sets out the circumstances in which consent for mobile homes in the open countryside would be granted. It permits such use for the purposes of agricultural workers where permanent on-site residence is essential for the operation of the activity, where there is no alternative accommodation available and subject to satisfying criteria relating to access, design and environmental issues.

Melton LDF Core Strategy: seeks to protect the countryside and limits development to small scale for employment and leisure purposes and homes essential for agricultural requirements.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – No comments received to date.	The proposal would be served from the same access to the scrape recycling site. Parking can be provided for the residents, away from the commercial activities of the site to avoid conflict in

<p>Somerby Parish Council: No objections</p> <p>The site has been subject to thefts and there would be a proven need that on site security would be beneficial. A condition should be imposed to restrict to one mobile home only.</p>	<p>uses.</p> <p>The proposal has no policy support at local or national level. PPS7 specifically states that security, the protection from theft or intruders, is not sufficient justification for a new dwelling in the open countryside.</p>
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Representations:

A site notice was posted at the entrance of the site. There are no neighbouring properties that require formal consultation. As a result no letters of objection or comments have been received to date.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy.</p> <p>Policy OS2 carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development.</p> <p>Policy C10 states that applications for mobile homes will be treated as though they were for residential buildings and therefore be subject to the appropriate policies and criteria. As an exception planning permission will be granted for a temporary period providing its for agriculture or forestry worker and that it complies with policy C8 which sets out the circumstances in which consent for mobile homes in the open countryside would be granted. It permits such use for the purposes of agricultural workers where permanent on-site residence is essential for the operation of the activity, where there is no alternative accommodation available and subject to satisfying criteria relating to access, design and environmental</p>	<p>The site is outside the village boundary and development could proceed only as an exception to the Local Plan policy. Such an exception can be justified only if there are material considerations present to outweigh the development plan. The applicant has provided four crime incidents numbers to demonstrate the level of recent security breaches at the site. The applicant has also stated what extra security levels have been introduced, at a considerable cost to the business in order to address security issues. The information has been considered as part of the assessment of the application for live in security on the site but it is considered that the information does not outweigh the development plan policies. It has been stated that lighting has not been installed as this is seen as being intrusive within the open countryside but would be considered as a fall back position should the application be refused. Any lighting would need require a separate application .</p> <p>The proposal is for a permanent mobile home for residential living to aid the security on the site. The policy can not be met as the proposal does not relate to agriculture or forestry. It is not known if the applicants reside close to the site or what delays occur for attending security issues however it is noted that the village of Somerby is less then a mile away from the site where there are dwellings for sale and for rent. This is the advice given in PPS7 when considering applications for workers accommodation in the open countryside.</p>

<p>issues.</p> <p>PPS7 allows special justification for new isolated dwellings associated with rural based enterprises but the same stringent levels of assessment apply to these as to applications for agricultural worker's dwellings. PPS7 specifically states that security, the protection from theft or intruders, is not sufficient justification for a new dwelling.</p>	<p>PPS7 allows a wider acceptance of dwellings in the countryside provided the same tests are met as are set out for agricultural dwellings. These policies require that it should be shown that new dwellings are essential to allow the functioning of the business to which they are related. Careful consideration of the proposal therefore needs to be made to ensure that the proposal is in line with Government Guidance contained within PPS7, and the weight that this should be assigned in determining the application. The dwelling proposed in this application has been justified solely on security grounds and no further justification has been provided, it is therefore contrary to the guidance set out in PPS7. No financial information has been provided to demonstrate how the business will develop to a position to support a dwelling in future, and the application is contrary to PPS7 in this respect also.</p> <p>It is considered that in this instance that the information submitted does not present a unique set of circumstances nor does it deter from setting a precedent for other dwellings for a similar nature in the open countryside. There is no evidence that the residential development is necessary to allow the continual use of the site to precede and in this respect the proposal is contrary to PPS7.</p>
<p>Impact on the Open Countryside</p>	<p>The application relates to the erection of a mobile home within the site confines which will be partially screened from the open countryside by mature hedgerows and trees. It is considered that the impact upon the countryside location will be minimal given that the mobile home will be single storey approx. 15.2 metres x 6.4 metres which is not particularly large.</p>
<p>Impact Upon Residential Amenities:</p>	<p>The site is located approx. 1 mile away from the nearest residential dwellings. Due to this separation distance it is considered that there will be no impact upon residential amenities.</p>
<p>Sustainable Development:</p>	<p>The site is outside of any settlement and is therefore considered to be open countryside. PPS3 seeks to provide housing within easy reach of facilities such as public transport, shops, employment etc to reduce the need to travel by car. Mobile home applications are to be considered as permanent dwellings (policy C10) and therefore the proposal for a residential mobile home without special justification (policy OS2 and PPS7) should be resisted. The location is not considered to be sustainable and the proposal should be refused in line with the policy guidance and national and local level.</p>

Conclusion:

The application for the erection of a mobile home for security purpose only, on a site situated within open countryside. There are no policy justifications; nationally and locally which supports development of this nature. The proposed dwelling is not for agricultural or forestry purposes and therefore conflicts with the relevant development plan policies. National planning guidance (PPS7) advises that the erection of a new dwelling solely for security purposes cannot be justified in the countryside. Permission can be granted only if material considerations are present of such significance as to set aside the development plan. However, the only material consideration that has been identified as potential justification for the dwelling is security needs and, as set out above, authorities are advised that this is insufficient. For this reason the application can not be supported and is accordingly recommended for Refusal.

RECOMMENDATION:- Refuse

1. The proposed dwelling would stand on a site in open countryside outside any town or village envelope. The dwelling would be used in connection with security provision to a scrap recycling site. The dwelling would not be occupied in connection with any agricultural or forestry use. As such, the proposal is considered to conflict with policies OS2 and C10 of the adopted Melton Local Plan which seek to prevent residential development in open countryside unless it is essential for agricultural or forestry use; and with Planning Policy Statement 7: Sustainable Development in Rural Areas and there are no material considerations to justify departing from these policies. Approval of the proposal would set a precedent for the erection of new dwellings in unsustainable locations remote from existing settlements, without adequate justification, to the detriment of the rural character and appearance of the open countryside.

Officer to contact:

Mrs Denise Knipe

24th October 2010