

Application No: W 08 / 0880

Town/Parish Council: Shrewley

Registration Date: 12/06/08

Case Officer: Penny Butler

Expiry Date: 07/08/08

01926 456544 penny.butler@warwickdc.gov.uk

Barn Close Nurseries, Old Warwick Road, Shrewley, Warwick, CV35 7AX

Retention of existing mobile home on a permanent basis for the current occupier and his partner only FOR Mr M Collins

This application is being presented to Committee due to an objection from Shrewley Parish Council.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal as originally submitted in 2008 was to retain the existing mobile home on site for a further three years. An agricultural appraisal was submitted with the application, making a case for the need for a second agricultural workers dwelling. The Council commissioned their own agricultural consultant to assess this information against the requirements of Annex A of PPG2- Green Belts, which found that there was not sufficient functional need for a second worker to live on site. The agent then submitted further information regarding the health of the current occupier of the mobile home. The elderly occupier has a number of medical conditions confirmed to the Council by his doctor, who considers that his health would be best served by being allowed to remain living on the site with his wife. The son of the applicant works at the nursery and lives with his family in the modern bungalow, whilst the applicant who lives in the mobile home acts in a managerial capacity. The proposal has since been amended to request permanent retention of the mobile home on a personal basis, for the benefit of the applicant and his wife only. On discontinuance of their occupation it is agreed that the mobile home will be removed from site.

THE SITE AND ITS LOCATION

The application site consists of the site of a mobile home, referred to as The Bungalow, which is sited at the end of the vehicular access to the plant nursery site known as Barn Close Nurseries. A modern detached house known as Doneroaming sits 5m away to the West, which is the agricultural workers dwelling approved in 2004 for the nursery.

The applicant owns the 0.8 hectare parcel of land which makes up the nursery and this includes one large glasshouse with a sales area provided within an annex, a number of polytunnels and outdoor beds. The site fronts Old Warwick Road where a further detached dwelling adjoins the site to the East. The land is

a short distance from the loose scattering of dwellings making up Little Shrewley and the area is within the Green Belt

PLANNING HISTORY

Temporary consent was given in 1997 for use of the land for siting a mobile home, which expired in 2000. Permission was granted in 2004 (W04/0697) for the erection of an agricultural workers dwelling which has since been built. An agricultural occupancy condition was imposed on the dwelling along with a condition preventing its occupation prior to the removal of a mobile home on site, since there was no justification for a second agricultural workers dwelling on the site.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: Raise objection on the following grounds: Planning Committee granted permission in 2004 for a bungalow to replace the mobile home on this site with a condition requiring the mobile home to be removed, since there was no justification for a second dwelling on the site. Since this time there has been no change in functional need sufficient to alter this view.

A Planning Inspector dismissed an appeal in 2007 in Little Shrewley (Ref: APP/T3725/A/06/2030585) for growing Thai vegetables on the basis there was no functional need for a 24 hours site presence due to the possibility of using back up equipment with alarms that would enable someone to live up to 30 minutes away and satisfactorily deal with emergencies. Suitable alarms and CCTV would also deter criminals. The reasons for retaining the mobile home on the application site are very similar. As the full time nursery manager lives in Lapworth only five miles away (approx. 10 minutes drive), then he is easily available to respond to problems outside normal business hours if required, particularly as there is a permanent dwelling on the site to provide site supervision.

Public response: One objection received from Mill Farm. The condition requiring removal of the mobile home imposed on the replacement dwelling has been ignored, so it is doubted that the three year period of retention now being requested will be enforced. The justification submitted with the application is considered to be emotional and based on self imposed constraints. Two further people question why a decision has not been made when the application was to extend the permission from 2008 to 2011.

WCC Ecology: No comment.

ASSESSMENT

The condition imposed on the 2004 consent for the agricultural workers dwelling required the removal of the mobile home and therefore its presence on site is a breach of planning condition. The relevant enforcement period for development (in this case involving a change of use of the land for the positioning of the

mobile home) is 10 years, which has not yet elapsed since 2004, and therefore permission is required for its retention.

The NPPF states that new buildings within the Green Belt are to be regarded as inappropriate development but exceptions to this are buildings for agricultural purposes (Para.89). The Council's agricultural consultant does not consider there is a robust case for permitting a second agricultural workers dwelling for the nursery so the proposal should therefore be refused except in very special circumstances. The NPPF places substantial weight on any harm to the Green Belt, and states that very special circumstances to justify inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant's case relies on the fact that they are in poor health and wish to remain living on the site with his spouse rather than being forced to relocate home at a difficult time. In terms of harm, the mobile home has been in position for some years, so the visual impact of the development is readily apparent. The visual impact is limited since it is sited at the rear of the nursery premises at a distance of over 130m from the road, adjacent to two field hedges bordering arable land behind. The building itself is a low lying structure with a shallow pitched roof, therefore the visual impact of the building in this location is somewhat limited in terms of loss of openness. Harm to the character of the countryside is also limited since the building is sited within the built up part of the nursery site, very close to the modern workers house and the array of polytunnels. The visual harm to the Green Belt is therefore considered to be limited, and the circumstances put forward by the applicant need only outweigh the harm to the Green Belt by reason of inappropriateness.

The applicant has put forward very special circumstances related to his medical conditions which have been substantiated by letters from his doctors. An applicant's medical situation can be regarded as a very special circumstance. Having regard to the limited harm to the Green Belt, the medical conditions of the applicant, the fact that the applicant has lived in the mobile home on site for some years, and that the use of the land would cease on discontinuance of his occupation, it is considered that very special circumstances exist and that permission should be granted subject to the condition.

CONCLUSION/SUMMARY OF DECISION

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the applicant has demonstrated very special circumstances sufficient to justify inappropriate development within this Green Belt area, and on this basis the proposal is considered to comply with the policies listed.

CONDITIONS

- 1 The use hereby permitted shall be carried on only by Mr and Mrs Michael Collins and on the discontinuance of Mr Michael Collins occupancy of the site the use of the land for the positioning of the mobile home hereby permitted shall cease and the mobile home shall

be removed from site permanently within 3 calendar months of this date. **REASON** : Since permission for the development would not normally be granted other than in the special circumstances put forward by the applicant.
