

Application No: W 06 / 1041

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Town/Parish Council: Shrewley

Expiry Date: 18/08/06

Case Officer: Penny Butler

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**Land at, Green Lane, Shrewley, Warwick, CV35 7HJ**

Stationing of a temporary mobile house (for three years) FOR Mr & Mrs Lan

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This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

**SUMMARY OF REPRESENTATIONS**

**Parish Council:**

Comments from Cllr Rob Wesbury

"I consider this proposal to be contrary to the policies of the Warwick District Local Plan with regard to the Green Belt and Special Landscape Area for the following reasons:

1. The applicant indicates that the land had been previously used for keeping pigs in connection with which a wooden shed was erected. Local residents (those with very long memories) inform me that the pigs were only on this land in the autumn, as was the tradition many years ago, and that this was well before the shed was erected by the previous owner. There is no evidence of previous permanent agricultural use.
2. The applicant states that the polytunnel, which was granted planning approval on appeal, has yet to be constructed as the *'viability of the enterprise depends upon securing consent for some form of on-site accommodation'*. This must have been known at the time of the original application. It was not declared as relevant information for the Inspector in determining the original appeal and should not now be accepted as meeting the requirement of very special circumstances. Any polytunnel used to grow crops which the owner feels needs 24 hour on site presence could be the subject of a successful planning application for residential accommodation, if this application is granted. Alternative arrangements for providing cover could have been considered, if absolutely essential, e.g. employing someone locally and routing the alarm to their home.

The provision of a letter from one restaurant indicating an interest to consider buying produce from this site *'dependent on considerations relating to matters of price and quality'* does not constitute a well researched market plan. I am sure most businesses would indicate this to a potential supplier. There is no evidence that the business would be able to sustain full time employment now or in the future.

The intention to move the hanging basket business to this site is not material since it does not require 24 hour presence and is already suitably accommodated elsewhere.

Additionally, the applicants have indicated they intend to live in this as their main residence. Given the uncertainties in establishing, starting and maintaining a viable business, any granting of planning permission for temporary siting of a mobile home could have many problems in the future. The site has been for sale for over 6 months with a guide price of £85,000. Recently, the 'For Sale' board has been taken down and is lying just inside the entrance to the site. However, the sale details are still on the agents' website. This does not indicate that the applicant has any great commitment to establishing a business here.

3. The proposed temporary mobile home is extremely large for the purpose and its design and location are totally unacceptable in the now open aspect of this site and the local landscape.

4. The proposed siting of the mobile home will require access on to Coffee Pot Lane which is an unadopted road. A gate has already been put in the hedgerow in anticipation.

5. The applicant indicates that there have been eleven recorded incidents of criminal damage. Local residents find this extremely hard to believe. Little Shrewley is a very low crime area. The Parish Council has not received any police reports of criminal damage in this area for a number of years.

6. I would also comment on the landscaping carried out on this site. The site is currently described in the sale particulars as *'extensively landscaped by its current owner for recreational purposes and comprises metal vehicular gates with metal post fencing to both sides of hardstanding car parking area'*.

This landscaping and planting on the site is more suited to gardens and parkland and these developments should have required planning permission as they have changed the character of the site completely. It is difficult to see how this has prepared the land for future agricultural use, as claimed by the applicant.

The removal of the hedgerow was also contrary to Hedgerow Regulations made under the Environment Act 1995, as no Hedgerow Removal Notice was submitted to WDC.

Indeed the Planning Inspector in granting the Appeal APP/T3275/A/04/1151799 for the polytunnel made the following comments:

- It is of course regrettable that many previous landscape features have been lost from the site but providing that these are replaced and supplemented with new indigenous planting, the loss of character need not be permanent.

- I do not accept that conifer planting has any place within an acceptable scheme (save perhaps for occasional groups or specimens well within the site), so changes to recently completed planting would become necessary.

- I can see no reason why with suitable indigenous boundary planting, the site should not effectively contain the development whilst creating a form of enclosure

that would restore hedgerow patterns in line with the Council's landscape guidelines.

- Landscape conditions are required in the interests of visual amenity and this should include a landscape management plan to ensure landscape design and objectives are defined and fulfilled.

These comments were made before the fence was installed which is completely out of character with the surrounding landscape.

None of these conditions has yet been met and planting is maturing. The applicant indicates that the planting will provide strong visual screening along the road frontage, but the Inspector determined that most of this planting should be removed."

#### Comments from Val Sturdivant

"I agree with all of the statement from Rob Wesbury and I add my own for added weight to the argument against the mobile home on this site.

I have lived in the area for 20 years and have never seen pigs on this site. My husband Ray has lived around here all his life states that every one had a pig in their back garden 40 years ago, that does not give the whole area agricultural status.

There are several nurseries in and around the area, Barnclose being the nearest on the Hockley Road, another in Henley, Henley Market Wednesday, Saturday and Sundays providing hanging baskets. Several nurseries in Warwick and Leamington and Hilliers and Castle in Studley hardly a need for another company.

Crime on the site has not been reported to the Parish Council by the local Police Officer or the neighbourhood watch since the Lams purchase of the land. Since Christmas this year there has been a break in of a van on Shrewley Common and a bike theft last year.

There has been for sale a house on the corner of Little Shrewley and the Hockley Road with an agricultural tie, I think this could be perfect for the Lam's intentions. They do not need to give up any creature comforts and the site provides three acres, perfect for growing conditions. The house is with the agent John H Cranmer & Co. 147 High Street, Henley, details enclosed.

Mr. & Mrs. Lam have made a large case for their Thai produce. There are 2 large warehouses locally, catering for all Thai produce. E. Sidwell Ltd., which Ray, my husband, was M.D. for 30 years fulfils the need for this type of produce locally and now nearly nationwide. Birmingham wholesale market which also supplies the area with Thai produce is only 20 minutes away from the area, therefore, there is no special need for another crop grower.

I actually have a poly tunnel to breed exotics, there is no need to have automatic watering facilities. There is a need to be vigilant as the break ins are of the wild type and no measures will stop rabbits and mice breaking and entering."

**Neighbours:** Eight residents object due to open aspect of site, Green Belt, lack of commercial justification (crops need to be supplemented by hanging baskets), size of dwelling (which is not 'mobile'), building does not fit in with design or scale of other buildings in vicinity, heavy traffic not acceptable on narrow lanes, contrary to Local Plan Policies DAP1, RAP6 and RAP9, insufficient acreage to support a full time worker, and errors in the financial assessment.

**CPRE:** Objects on the grounds that the site lies in the Green Belt, concern about creeping development, not needed, very large, access has been provided without planning permission, scant evidence of being viable, domestic planting has taken place, and understand hedges have been removed without consent.

**WCC Land Agent:** is of the opinion that there is a functional need for a dwelling to support the business to ensure that there is no loss of crops due to emergencies.

**WCC Ecology:** Trees and hedgerows should be protected with a buffer zone, and nesting bird note recommended.

### **RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) H10 - Criteria for Permitting Agricultural Dwellings (Warwick District Local Plan 1995)
- (DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
- RAP6 - Housing for Rural Workers (Warwick District 1996 - 2011 Revised Deposit Version)
- PPS7 (Sustainable Development in Rural Areas)
- DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

### **PLANNING HISTORY**

A large poly tunnel (39m x 16m) for growing food crops, and a pond, were allowed at appeal in 2004 (W03/1758). It is understood that the construction of the poly tunnel has commenced, but the applicants have not complied with pre-commencement conditions that were imposed for landscaping to screen the development. This is currently the subject of an enforcement case.

An application was refused in 2005 (W05/0782) for the stationing of a mobile home on the site. This application was identical to the current proposal apart from there being no suggested time limit, however, very little supporting information was submitted to justify the need for the mobile home. This was refused.

Earlier this year an application for the stationing of portable toilet and canteen facilities was refused due to detrimental visual impact on the rural area and inappropriate development within the Green Belt.

## **KEY ISSUES**

### **The Site and its Location**

The site lies at the junction of Coffee Pot Lane and Green Lane and comprises 0.8 of a hectare. The land rises to the north following Coffee Pot Lane, where there is a good hedge screen. The boundary with Green Lane has been replaced with tall metal palisade fencing that appears totally out of character with the rural lane. There are no immediately adjacent residential properties, the nearest being on the opposite side of the two lanes.

### **Details of the Development**

It is proposed to site a mobile home measuring 6.1m by 18.3m in the northern most corner of the site. This will be constructed with timber walls and profile sheet roofing, providing two bedrooms, two bathrooms, office, kitchen and lounge. This is the maximum size permitted to be classed as a mobile home under the Caravan Sites Act 1960 (as amended by the 1968 Act).

### **Assessment**

The main issue to consider is impact on the Green Belt and Special Landscape Area. Within the Green Belt, agricultural development is permitted which preserves the openness of the rural area. Policies H10 and RAP6 of the Warwick District Local Plan set out criteria to be met for permanent agricultural workers dwellings. Annex A of PPS7 (Sustainable Development in Rural Areas) sets out criteria for temporary agricultural dwellings. If a new dwelling is essential to support a newly created agricultural unit it should normally be provided for the first three years by a caravan or other temporary structure. It should also satisfy the following criteria:

- (i) Clear evidence of a firm intention and ability to develop the enterprise
- (ii) Functional need
- (iii) Clear evidence that the proposed enterprise has been planned on a sound financial basis
- (iv) The functional need could not be met by another existing dwelling on the unit or in the surrounding area
- (v) Other normal planning requirements.

The County Land Agent is satisfied that a functional need has been demonstrated in that it would ensure that all emergencies could be dealt with so that there would be no loss of crops.

In terms of its location, it is to be sited close to the north east boundary (Coffee Pot Lane) where there is a good screen hedge, and on the opposite side of the fairly large pond to the approved polytunnel. In this location, the dwelling would be able to oversee the whole site and, in view of the grant of permission by the Inspectorate for the polytunnel, would not have any significant adverse visual impact on the Green Belt.

## **RECOMMENDATION**

GRANT, subject to the conditions listed below.

## **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, submitted on 23 June 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 2 The permission for the development hereby granted shall be limited to a period of time expiring on 31 August 2009 and shall enure only for the benefit of Mr and Mrs Lan. The mobile home shall be removed and the site restored to its former condition at or before the expiration of the time period specified in this permission, or on the discontinuance of their occupation of the site, whichever is the sooner. **REASON :** To meet the requirements of Annex A to PPG7 "Sustainable development in Rural Areas" which relate to temporary dwellings for developing rural businesses.
- 3 No work of any kind shall be begun on the site until protective fence(s) have been erected around the trees and hedgerow to be retained, and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

## **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development meets the requirements of Green Belt policy since the applicant has demonstrated special justification for a dwelling to be provided on site on a temporary basis whilst the business is being developed. The development is therefore considered to comply with the policies listed.

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