

**Planning Committee:** 06 January 2004  
**Investigation No:** ACT439/45/03

**Principal Item Number: 5**

**Town/Parish Council:** Stoneleigh

**Case Officer:** Mike Duffett  
01926 456520 [planning\\_appeals@warwickdc.gov.uk](mailto:planning_appeals@warwickdc.gov.uk)

### **LODGE FARM, WESTWOOD HEATH ROAD, STONELEIGH PARISH**

The carrying out on land of building, engineering or other operations namely the erection of a timber building for residential purposes – for Mr & Mrs Williams

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### **SUMMARY OF REPRESENTATIONS**

In early November 2003 it was brought to our attention that building works were in progress in the vicinity of Lodge Farm. The site was visited by the Enforcement Officer and photographs taken. The work in progress appeared to be the construction and fitting out of a new timber framed bungalow. The owner was seen who clarified that the various timber sections of the structure had arrived on site on 6 October 2003 and that its external dimensions accorded with the maximum dimensions permissible for a mobile home/twin unit caravan. He indicated that the site had an established use certificate for a mobile home on a permanent basis and that the work in progress was simply a replacement for the mobile home.

On 19 November 2003 a further site inspection was made which was again attended by the site owner. The details of the suppliers of the timber structure were requested to clarify how the structure arrived on site, and the method/period of construction. During the inspection it was noted that the whole of the structure had been placed on a concrete base and that work was in progress on the provision of internal partition walls and the provision of under floor heating.

The owner was advised to stop work because the evidence available on site appeared to indicate that the development required being the subject of a planning application. The structure did not appear to fall within the definition of a mobile home. On 25 November 2003 a letter was sent to the owner and the supplier of the timber structure with a copy of a relevant case law (*Carter v Secretary of State for the Environment and Carrick District Council 1994*) where the bolting together of four sections had not been considered by the courts to fall within the definition of a mobile home.

To date there has been no detailed response from the owner. The supplier has acknowledged the Council's concerns but has not provided any of the construction details as requested.

### **PLANNING HISTORY**

The site has been the subject of a couple of refusals during the 1980s for the siting of a caravan, and in 1991 planning permission was refused on Green Belt grounds for the replacement of the former caravan with a dwelling. (W910288)

In February 1991 an Established Use Certificate was granted for the use of land for the stationing of a mobile home on a permanent basis. (W901512) The location of the mobile home was shown in the north-west corner of the site, remote from the barn conversions of Lodge Farm.

### **RELEVANT POLICIES**

The site is within the Green Belt and outside a settlement. The Environment and Conservation section of the 1995 Warwick District Local plan sets out a number of specific policy objectives which are applicable. The relevant policy with regard to the protection of the Green Belt is policy

(DW) ENV1.

The strict control of development in the Green Belt is also reflected in policy DAP1 – Protecting the Green Belt in the First Deposit version of the 1996 – 2011 Warwick District Local Plan currently the subject of public consultation. Policy RAP2 – Directing New Housing is also applicable because the policy sets out the specific circumstances when permission for new housing would be granted.

## **KEY ISSUES**

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

The land is within the Green Belt, at the rear of the complex known as Lodge Farm, which is accessed from a long straight drive on the south side of Westwood Heath Road, close to the built up edge of Burton Green. The traditional brick barns associated with the listed building of Lodge Farm have been converted into a number of residential properties. The land drops gradually to the south-east and appears to have previously formed part of a paddock.

### **Details of the Development**

The alleged breach is the construction of building, engineering or other operations namely the erection of a timber building for residential purposes without the benefit of planning permission.

### **Assessment**

The key issue is whether the structure now on the site is within the definition of a mobile home. If not then the work carried out represents in Green Belt policy terms 'inappropriate development' because the site is not within an area where new residential development would normally be allowed.

1. What evidence is there of a breach of planning control?

A "Mobile Home" has the same meaning as "caravan" in part 1 of the Caravan Sites and Control of Development Act 1960 (as amended by the Caravan Sites Act 1968), and Section 13(1) of the 1968 Act defines a "twin unit caravan" as:

A structure designed or adapted for human habitation which:

- (a) is composed of not more than two sections separately constructed and designed to be assembled on site by means of bolts, clamps or other devices, and
- (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) It shall not be treated as not being (or as not having been) a caravan within the Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.

The maximum dimensions when assembled are required not to exceed a length of 60 feet (18.288 metres), width 20 feet (6.096 metres) and the overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level 10 feet (3.048 metres)

From the information verbally provided by the owner it appears that the timber framed structure arrived on site in a number of sections which were then fixed together and placed on the concrete base. The owner indicated that it was 5/6 sections, but this claim has to date not been confirmed by the supplier.

The windows were not fixed to the openings in the sections, but installed following the structure's arrival on site. Since October 2003 the structure has been fitted out by various trades' people. At the time of the inspection on 19 November 2003 workmen were in progress in the installation of under floor heating, as well as the introduction of internal partition walls and plaster board ceilings. The owner has claimed that the dimensions accord with those applicable to a mobile home.

Taking into account that no information has been forthcoming to show that the mobile home/caravan arrived on site in not more than two sections the conclusion reached is that the operational development requires being the subject of a planning application and that therefore there has been a breach of planning control.

## 2. Policy considerations

The site is within the Green Belt and not in a location where new residential development is permitted in normal circumstances. The erection of the structure for residential purposes therefore represents in policy terms 'inappropriate development' which is by definition harmful to the openness of the Green Belt.

In 1991 the refusal of planning permission for a dwelling was on the grounds that there was a conflict with Structure Plan policies, and it was considered that the residential development would constitute "sporadic" development and that "the circumstances relating to the existing use of the site are not of sufficient weight to justify overriding existing approved Structure Plan policies." This is reference to the Established Use Certificate for the siting of a mobile home for permanent residential use which had been granted earlier in 1991. These same policy considerations remain applicable because of the location of the site in the Green Belt.

### Justification for enforcement action

With regard to the claim that the structure is simply a replacement mobile home, the information provided over the sectional construction of the structure indicates that notwithstanding the external dimensions, the work carried out has been an engineering/building operation which should have been the subject of a planning application. The mobile home arrived in significantly more than two sections, and the period of time taken to make the structure habitable supports the view that a major building exercise has been carried out, rather than the simple and quick installation of a replacement mobile home, as defined by the relevant legislation.

There is relevant case law which supports the view that a planning application is required where more than two sections are brought to a site and then bolted together (*Carter v Secretary of state for the Environment and Carrick District Council*) This has already been brought to the attention of the owner and the supplier.

In view of the owner verbally indicating that the structure arrived in 5/6 sections and taking into account the manner in which the structure appears to have been built on site, the present conclusion is that the pitched roof structure does not fall within the definition of a mobile home, as quoted above. The degree of mobility of the structure is also unclear which is another criteria to consider when evaluating whether the structure is within the definition of a mobile home.

Taking into account the rural location of the site in the Green Belt, and the history of the site, the work which has taken place represents in policy terms 'inappropriate development'. The land owners are known to have previously lived at the Lodge Farm dwelling itself, but have sold this property and will be occupying the structure once completed. The owners wife is understood to have some disability which has allegedly influenced the layout of the structure, but to date no details are known.

## **RECOMMENDATION**

That enforcement action be authorised to require the demolition of the structure unless within the next month a planning application is made for the retention of the 'inappropriate development' supported by evidence in support of the alleged very special circumstances to enable Members to consider whether the breach of Green Belt policy has been justified.