

Planning Committee: 21 October 2020

Item Number: 6

Application No: [W 20 / 0852](#)

Town/Parish Council: Shrewley

Case Officer: Rebecca Compton

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104 Shrewley Common, Shrewley, Warwick, CV35 7AW

Demolition of existing barn and change of use of land to station a mobile home for use as dwelling FOR Mr H Lowe

This application is being presented to Planning Committee as the Parish Council supports the application and it is recommended for refusal.

Recommendation

Planning Committee is recommended to refuse planning permission for the reasons set out at the end of this report.

Details of the Development

The proposal seeks a change of use of land to residential for the stationing of a caravan to be used a dwelling.

The Site and its Location

The application site consists of agricultural land situated to the rear of the existing dwelling at No.104 Shrewley Common. The site shares the same access as the host dwelling at No.104 Shrewley Common and the access track runs adjacent to the garden land serving No.104. The land wraps around the rear gardens of the dwellings along Shrewley Common and the caravan is proposed to be sited at the end of the rear garden of No.102 Shrewley Common. The site is washed over by Green Belt.

Planning History

None relevant.

Relevant Policies

- National Planning Policy Framework
- **Warwick District Local Plan 2011-2029**
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR3 - Parking
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- **Guidance Documents**
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

Summary of Representations

Shrewley Parish Council: Support the application provided that the mobile home is only retained for the applicant's elderly parents for as long as they require care.

Public Response: 1 letter of objection has been received from the neighbouring property raising concerns over loss of privacy, loss of light and impact on their amenity. Other concerns have been raised including impact on the rural character and inappropriate development in Green Belt.

Assessment

Whether the proposal falls within the definition of a caravan

A caravan is defined in Section 29 of the Caravan Sites and Control of Development Act 1960 as any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted, but does not include a) any railway rolling stock which is for the time being on rails forming part of a railway system, or b) any tent.

A brochure has been provided of the caravan; The caravan is a single unit with a detachable tow bar and so can be transported on and off site easily. The caravan is not required to be constructed on site and can be transported by road.

The caravan is considered to meet the definition of a caravan. As such the caravan itself does not constitute development requiring planning permission.

The principle of residential development

The permanent occupation of a caravan where the caravan is not located within the curtilage of a dwelling nor is incidental to the enjoyment of the dwellinghouse constitutes the creation of a new dwelling (Use Class C3).

Local Plan Policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the Proposal Maps. Shrewley Common is identified as a Limited Infill Village and therefore the development could be acceptable in principle *if* it meets the definition of limited infilling in accordance with Local Plan Policy H11, which is explored in more detail below.

Policy H11 of the Local Plan allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises of no more than two dwellings, infills a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

Therefore, although the site lies within a limited infill boundary, since the application site sits behind the existing built up frontage along Shrewley Common and would be in an isolated position behind the existing linear pattern of development along Shrewley Common, the proposal fails to satisfy the Council's definition of limited infilling and the requirements of Local Plan Policy H11 and is contrary to Local Plan Policy H1.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

The application site is located within the designated Green Belt. The NPPF is explicit that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and substantial weight should be attached to the harm arising due to the inappropriate nature of the development in accordance with the NPPF.

Paragraph 145 of the NPPF makes it clear that the construction of new buildings is inappropriate development in the Green Belt, unless they fall within one of the exceptions listed. However, since the proposal is for a caravan which is not in itself, development, this is not directly applicable. Paragraph 146 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Included in the list at (e) are material changes in the use of land.

The application site is an existing parcel of land which is currently occupied by single storey timber framed buildings and structures that relate to the wider agricultural use of the land. The site currently consists of agricultural buildings and

open land. The change of use of land for the siting of the caravan would introduce an urbanising feature that will be at odds with the immediate rural setting. The siting of a caravan would also in itself be harmful to the openness of the Green Belt. Moreover, the use of the caravan as a dwelling would be likely to lead to associated domestic paraphernalia around the caravan which would add further urbanising features that would encroach on the open countryside and the rural setting as well as harming openness.

The proposal is considered to constitute inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness.

It has been put forward by the applicant that a temporary permission could be issued that would ensure the development would not be a permanent feature and shall only be retained for the purpose of providing accommodation for the applicant's elderly parents. Officers have considered this and are of the opinion that this would not address the impact on the openness of the Green Belt that the proposal would present for any period of time the caravan was in situ. It would also set an undesirable precedent for similar development across the district's Green Belt.

Design and impact on the street scene

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The proposal would introduce an urbanising feature on land that is rural in character. The application site is located to the rear of the existing garden serving 104 Shrewley Common and would not be read in the same context as the existing dwelling and its curtilage. Whilst the site would not be visible from the wider area it would be visible from the rear of the existing dwellings along Shrewley Common. Therefore at a more localised level the caravan would create an urbanising feature in a rural context which is harmful to the immediate setting. Whilst the proposal seeks to replace an existing structure, the existing structure clearly reads as a rural building whilst a caravan for the purposes of a self-contained dwelling together with associated domestic clutter would be harmful to the rural character of the area.

The proposal is not considered to comply with Local Plan Policy BE1.

Impact on the amenity of neighbouring properties

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed caravan would be sited at the end of the garden serving 102 Shrewley Common. Concerns have been raised by this neighbour that a caravan would be harmful to their outlook, light and privacy. It is also noted that the brochure of the caravan provided indicates windows situated along this boundary that would face into the rear garden of No.102 Shrewley Common. If permission were to be granted the Council would have no control over the type or size of the caravan to be sited here provided it met the definition of a caravan. Concerns over overlooking and loss of privacy could be addressed by providing screening along the boundary. The land to the rear of the garden falls and so the caravan would be set at a lower level to the garden thus reducing its impact.

The caravan would be sited over 40m from the dwelling at No.102 Shrewley Common and officers consider that this distance is sufficient to not cause loss of light or outlook from the existing dwelling.

The proposal is considered to comply with Local Plan Policy BE3.

Parking

The proposed caravan would share the same access serving the existing dwelling accessed off Shrewley Common. The existing dwelling benefits from front driveway parking and a long access drive that leads to the rear of the garden and the application site.

The existing dwelling benefits from front driveway parking and so their parking provision will not be impacted by the development. The access drive leading to the site is of a sufficient size to accommodate several vehicles.

The proposal would therefore provide adequate parking provision for the existing dwelling and the proposed dwelling in accordance with Local Plan Policy TR3 and the adopted Parking Standards SPD.

Air Quality

The proposal would result in additional vehicle movement associated with the use of the caravan as a dwelling. As such an electric vehicle charging point will be necessary to comply with the Council's Planning & Air Quality SPD. This could be secured by condition in the event that planning permission were to be granted.

Conclusion

The development seeks a change of use of land for the siting of a caravan as a separate dwelling. The development would harm the openness of the Green Belt and would introduce an urbanising feature that encroaches on the open countryside which is contrary to the aims of Green Belt and would be harmful to the character of the immediate setting. Furthermore, the development would introduce a new dwelling in an unsustainable location that does not comply with Local Plan Policies H1 and H11.

Refusal Reasons

- 1 Paragraph 146 of the NPPF sets out other forms of development that are not inappropriate development provided they preserve openness and do not conflict with the purposes of including land within it. This includes changes of use of land.

The development involves the change of use of land to residential for the purposes of siting a caravan as a separate dwelling. The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The proposal would introduce an urbanizing feature in a rural setting which would encroach on the countryside and would not preserve the openness of Green Belt.

The proposal would therefore constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness. There are no very special circumstances which outweigh the harm identified.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area.

The proposal would introduce an urbanizing feature in a rural setting which would encroach on the countryside and would be harmful to the character of this area. The siting of a caravan on this site would likely lead to domestic paraphernalia surrounding the caravan which would add further urbanizing features that would encroach on the open countryside and the rural setting.

The development is thereby considered to be contrary to the aforementioned policy.

- 3 Local Plan Policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps. Shrewley Common is identified as a Limited Infill Village and therefore the development could be acceptable in principle *if* it meets the definition of limited infilling in accordance with Local Plan Policy H11. The policy defines limited infilling as acceptable as long as the development comprises of no more than two dwellings, infill's a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

The application site is situated behind the existing row of dwellings along Shrewley Common and so is not considered to infill a small gap along an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene. Furthermore, the corner plot is considered to be an important part of the integrity of the village as it reinforces the rural edge of the village and the rural character of the area. The proposal would therefore introduce a new dwelling in an unsustainable location that does not comply with the requirements of Policies H1 and H11.
