

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

17th October 2019

Application No:	SMD/2019/0436	
Location	Olive Tree Park, Uttoxeter Road, Checkley, ST10 4NA	
Proposal	Extension to existing brick built amenity building	
Applicant	Mr and Mrs Price	
Agent	Mr Roger Yarwood	
Parish/ward	Checkley	Date registered: 6 th August 2019
If you have a question about this report please contact: Benjamin Hurst tel: 01538 395400 ex 4127 benjamin.hurst@staffsmoorlands.gov.uk		

REFERRAL

The application is presented at the request of the local member, Cllr Wilkinson on behalf of the Parish Council because of visual impact and over development of the site 20m² to 50 m². The extension is larger than the original.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is a private family caravan site that provides pitches for three touring caravans, parking for the applicant's vehicles and a brick built utility building with a pitched tiled roof. The pitches are provided in a linear row to the rear of the site, furthest from the roadside, so that the caravans line up toward the south west boundary. The utility building currently provides a small kitchenette, one toilet and a shower. It was built using a 'rustic' red brick, plain tiles and incorporates brick detailing at eaves and a round porthole window in the gable apex.

2.2 The site lies in a rural area that is outside of a designated settlement boundary in between Lower Tean and Checkley. The surroundings are distinctly rural and attractive. The landscape is of high quality, characterised by rolling topography, hedges and small wooded areas. A further element of the area's character is the sporadic housing between villages (alongside the A522) and the presence of the cricket club to the west. Within this context the site is of limited visibility from the roadside. The boundary fence close to the highway, and the vegetation to east and west site boundaries, restrict views into the site. Any views through the access into the site have been modified with effective landscaping. From the roadside the peak of the utility building's end gable, with its round porthole

window, and its roof are apparent above the mature hedgerow planting. From the public rights of way to the north, where the land rises on the opposite side of the road, the tops of the caravans and the roof of the utility building can be seen more clearly.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 The applicant's are travellers that have a nomadic way of life, particularly in respect of their work and employment. The families 'gypsy status' for planning purposes has been previously accepted by the Council. The existing caravan site that provides their accommodation was granted a planning permission last year. Benefitting from the scope of that planning permission, the brick utility building, already on site, is just 5metres by 4.2metres. It provides one small kitchenette, a single toilet and shower for the occupants of a three pitch caravan site. The site is currently occupied by 7 adults (Mr. and Mrs. Price, their unmarried son, two married sons and their spouses) and 6 young children.

3.2 The building would be extended so that in addition to the existing kitchenette there would be an additional toilet and shower (taking site total to two toilets and two showers) and one separate 'day room' with an internal floor area of 4.6metres by 3.5metres. The day room would be available to all site occupants and, in particular, provide the children with space to study or be active when they can not be outside. With the extension, the existing building would be essentially doubled in size and width, with toilet and shower units provided along the rear under a cat slide roof.

3.3 The original proposal included an extension to the building's roadside end gable that would require a pine tree to be removed. However, during the application process the scheme has been revised to reduce toilet and shower provision and the overall size of extensions, leaving the end gable and tree intact. A revised layout plan shows how the three caravan pitches could be retained essentially in their existing locations, without significant displacement.

3.4 The caravan site provides a settled base for the travelling families to return to in relation to their nomadic way of life. The site has a full planning permission that restricts the site to the personal use of the applicant and his family. When the families cease using the site it is a condition of the planning permission that the utility building shall be removed. If the building were extended permission for a new larger building could be subject to a very similar condition that requires it to be removed when it is no longer needed.

3.7 Details of the application scheme can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128617>

4. RELEVANT PLANNING HISTORY

10/01062/FUL Caravan Site. Refused 10th Feb 2011.

- Appeal Allowed 2nd Aug 2011. The Inspector granted planning permission subject to a condition limiting the use to a 3 year period.

SMD/2014/0572 Caravan Site. Approved 6th Jan 2015 subject to a condition limiting the use to a 3 year period.

SMD/2017/0820 Caravan Site. Approved 16th Feb 2018, the permission is not time limited but it is restricted to the personal use of the applicant and his family. The permission is tied to a particular site layout with limited pitch numbers and provides for the existing utility building.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (Adopted 1998)
- Core Strategy Development Plan Document (Adopted March 2014)

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

5.2 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SS6 Rural Areas
- SS6c Other Rural Area Strategy
- H3 Gypsy and Traveller Sites
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting

Emerging Local Plan

5.3 A full schedule of main modifications to the Local Plan is expected to be subject to consultation early this autumn. The schedule will consist of modifications that the Inspector has so far deemed necessary to make the Local Plan sound. Following the consultation, the Inspector is expected to consider the responses before issuing his final report. Depending on the recommendations in the report, the Council may then be in a position to adopt the Local Plan.

5.4 In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as discussed above.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.

- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

5.5 The following policies (including their weighting) are considered to be relevant to this application:

- SS1 Development Principles (Moderate)
- SS1a Presumption in Favour of Sustainable Development (Significant)
- SS10 Other Rural Areas Strategy (Limited)
- SD1 Sustainable Use of Resources (Limited)
- H4 Gypsy and Traveller Sites (Significant)
- DC1 Design Considerations (Moderate)
- DC3 Landscape and Settlement Setting (Significant)

Supplementary Planning Guidance

5.6 The following documents supplement and provide an evidence base to the development plan:

Staffordshire Moorlands Design Guide (2018)
Landscape Character Assessment (2008)

National Planning Policy Framework (NPPF) revised.

5.7 The following sections of the NPPF are particularly relevant to this application:

- 2: Achieving sustainable development
- 6: Building a strong, competitive economy (supporting rural economy)
- 12: Achieving well-designed places.
- 15: Conserving and enhancing the natural environment

6. CONSULTATIONS

6.1 Site Notice posted 10th September 2019. Expiry date 1st October 2019.

No public comments have been received

Checkley Parish Council: Strong Objection. The addition would be twice the size of the original building. If the applicant and his family need a larger building this implies that they are no longer travellers but are instead settlers. Concerned about the visual impact on the area and nearby residents that a larger building would impose.

Severn Trent Water: No Objection

7. OFFICER COMMENT AND PLANNING BALANCE

Principle of development and the main issue for consideration

7.1 The site is located in a rural area that is outside of a designated settlement boundary in between Lower Tean and Checkley. In a location such as this, the 'Other Rural Area' strategy SS6c of the Core Strategy generally only provides for development which meets an 'essential' local need. Such a need would be considered 'essential' when it can not be met elsewhere. The main issue for consideration, therefore, is whether the development's impact on the character and appearance of the area would lead to a degree of harm that would outweigh considerations in favour, specifically in this case, the applicant and his family's need for more space and facility within their utility building given the absence of any other available sites or accommodation that would meet there need.

The personal need of the applicant and his family

7.2 It was well established and concluded last year, when planning permission was granted for the families to use the site, that there was no other accommodation or site available that would meet the applicant's needs. Moreover, the Council was no longer seeking to make traveller site allocations through the local plan process.

7.3 The applicants can only use touring caravans on the site because their planning permission is restricted by condition. This does however limit the space and facility that the caravans alone can provide and inevitably, as with most caravan sites, the occupants rely on a site utility building for ablutions and shared cooking. Given the number of occupants, the building is small at just 5m x 4m and provides one toilet and a shower for the whole site. The occupants have coped with this building for well over 10 years while, with the arrival of children, the family has grown. Living for that time with the uncertainty of 'temporary' or 'time limited' planning permissions and some threat of Council enforcement action, there has been little choice but to just 'make do' with such limited facility and relative hardship. However, the site was eventually granted a full planning permission in February last year and this provides opportunity to improve their ongoing and future quality of life.

7.3 The site is now occupied by a total of 7 adults (Mr. and Mrs. Price, their unmarried son and their two married sons and spouses) and 6 young children of, or fast approaching, school age. On this basis it does seem apparent that the site occupants are under served by existing onsite facility. An additional shower room and toilet would not be excessive and indoor space where the children, and the adults for that matter, could study, socialise and play, particularly in poor weather or when they can not go outside, does not seem unreasonable. The applicant's need must be considered in the context of there not being any other site or accommodation available.

7.4 Within the 'other rural areas', the provision of development, including the extension of a rural building, that meets an essential local need would comply with the strategy for these areas set out at SS6c of the Core Strategy. In these respects the applicant's need, particularly where there is an absence of larger or alternative sites available, is a significant consideration that weighs in favour of the development.

The Impact on the Character and Appearance of the area

7.5 The surroundings are distinctly rural and attractive. The landscape is of high quality and from the rising ground and the public rights of way to the north, from

which the existing site, particularly the tops of the caravans and building, can be seen clearly, the site has some prominence in the landscape. The landscaping along the boundaries which now has some maturity, height and density, is limited in the extent to which it assimilates the site in these respects. It has already been judged as part of considerations relevant to previous applications that the existing site and building has for these reasons resulted in some harm to the appearance of the countryside. While the landscaping and fences do help with the assimilation of the site in respect of views from the roadside, the cricket club and the adjacent dwellings, the landscaping would have to be considerably taller before it provided a screening effect in respect of views from the footpath. There is, therefore, already some conflict with the Development Plan with regard to Policy DC3 of the Core Strategy which requires the Council to resist development which would harm or be detrimental to the character of the landscape, but ultimately last year, it was concluded that the applicant's essential need, in the balance of considerations outweighed that harm.

7.6 In that context it is necessary to consider whether making the brick utility building bigger in the way that is proposed would, in terms of the building's impacts and that of the site as a whole, more significantly harm the character and appearance of the area. Views of the building from the road would be largely unaltered or changed because the bulk of the extension would be on the otherside of the building, the building would continue to present the top of its roadside gable to the road and have the same proximity to the boundary. From the footpath and the higher ground opposite the additional roof line of the extended building might be visible from certain vantages but, in terms of the areas character and appearance, this would have insignificant or inconsequential impact relative to that of the buildings existing tiled roof and the tops of the caravans. There is currently a 9 metre gap between the side of the existing building and the site's south west boundary, the extension would reduce this to around 4metres, a submitted layout plan demonstrates that the three caravans and associated vehicles would still have space to line up along the site's rear boundary without being displaced to positions that would perhaps be more conspicuous and closer to the roadside boundary.

7.7 The site's harm to the character and appearance of the rural landscape has been established and accepted as a necessity of the applicant's need, this proposal would not cause significant or discernible additional harm over and above that existing impact. It is not considered, for the reasons stated above that any impact that the building extension would have on the character and appearance of the area would be a matter of harm that weighs heavily in the balance of considerations and, specifically, it would not outweigh the 'significant consideration in favour' that should be attributed to the applicant's essential need on the site for improved facility.

Planning Balance & Conclusions

7.8 The limited and less than significant harm that may occur to the character and appearance of the area does not outweigh the 'essential' needs of the applicant and his family.

8. RECOMMENDATION

A. That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development permitted and described above shall only be carried out in complete accordance with the drawn and written details that are shown on the revised 'LAYOUT' plan and the revised 'PROPOSED PLANS' 8/10/19 that were both submitted on the 8th October 2019.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The development permitted and described above shall only be carried out using red facing bricks and roof tiles as the external facing materials that match those of the existing building.

Reason:- To ensure a satisfactory external appearance.

4. The development permitted and described above shall only be used by and available to the following: Mr. David and Johanna Price, Pacer Price, Annemarie Neddick, John Curtis Price, Ethil Price, and their resident dependents, who shall only continue to use and occupy the site under the terms and conditions of the planning permission ref. SMD/2017/0820.

Reason: To tie the use of the building to that of the site which can only be used by the applicant and his family because their personal need is a matter of significant weight in circumstances where the development would not normally be acceptable.

5. When the development permitted and described above ceases to be used and the site is no longer occupied by those named in condition 4 above, the whole of the brick utility building (including the original building and the parts that have been extended as a result of this planning permission) shall be removed and the land restored to its condition before the development took place.

Reason:- To tie the use of the building to that of the applicant and his family, because their personal need is a matter of significant weight in circumstances where the development would not normally be acceptable, and to ensure that the character and appearance of the landscape is restored if they cease to need and use the land.

6) Throughout the life of the development, the site shall be set out in accordance with the attached layout plan numbered CS 1 (the Layout Plan). There shall at no time, without the written approval of the local planning authority, be any alterations made to the site layout, including any introduction of additional:

- external lighting at the site;
- alterations to the access to the site;
- alterations to the internal layout of the site;
- or provision made for the siting of caravans, parking, turning and ancillary buildings or structures.

Reason: To protect the character and appearance of the landscape in this locality and the amenity of adjacent residents.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informative

1. The application is for a sustainable form of development which complies with the development plan and the provisions of the National Planning Policy Framework. In the spirit of paragraph 38 of the NPPF amendments were secured to reduce the impact of the scheme.

