

Application No: 11/01808/F	Ward: Cropredy	Date Valid: 14.09.11
Applicant:	Mr Thomas Doran	
Site Address:	Stable Block Corner, Farnborough Road, Mollington	

Proposal: Erection of day-room – re-submission of 11/00430/F

1. Site Description and Proposal

- 1.1 The site is situated at the address known as Stable Block Corner which is located within the wider triangular site immediately to the north of the junction between Farnborough Road and the A423 Southam Road and approximately 600m north of the village of Mollington. Access to the site in question is via the northern most access to the site from Farnborough Road. The area is locally designated as an Area of High Landscape Value.
- 1.2 The application seeks permission for the construction of a single storey day room measuring approximately 10.5m x 7.5m and standing at 4.3m to the ridge. The day room would be clad in brickwork under an interlocking concrete tile roof and would be fenestrated on the front, rear and south west elevations.
- 1.3 Planning Permission was granted for the use of this particular part of the site as a residential caravan site for two Gypsy families in 2009 (planning ref: 09/0622/F).
- 1.4 The building is proposed to be situated adjacent to the north west boundary hedge at right angles to an existing day room on the land which relates to the other gypsy family on the site.
- 1.5 The proposed red line for the application includes land which is not authorised for use as gypsy residency and as such an amended plan is required prior to the determination of the application.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice attached to a road sign and the Farnborough Road/Southam Road junction. The final date for comment was 12 January 2012.
- 2.2 Two letters of representation have been received which raise the following issues (see Public Access for full content):
 - Environmental eye-sore
 - Creeping expansion
 - Detrimental visual impact
 - New buildings not normally allowed on agricultural land
 - No statutory requirement for a day room
 - How can CDC ensure not used for accommodation?

- Conditions are ineffectual/failure to enforce
- What extra drainage is proposed?
- Object to any further development
- Why is CDC not providing other gypsy sites?

3. Consultations

- 3.1
- **Mollington Parish Council** objects strongly to application for the following reasons (see Public Access for full content)
 - Several outstanding conditions
 - Enforcement yet to take place
 - Several commercial vehicles on site
 - New mobile home has recently entered the site
 - Well over the maximum permitted touring caravans
 - Several HGV containers
 - Significant amount of hedgerow removed
 - Site clearly visible from both the Farnborough and Southam road not just in the winter months.
 - Site is in an Area of High Landscape Value.
 - Compare this site with other caravan sites in the vicinity.
 - Planning Committee Members should visit the site.
 - Errors with Design and Access Statement
 - No statutory requirement for a day room
 - No building should be allowed the site.
 - Draft policy has led people to believe that the system is unfair and has led to tension and undermined community cohesion.
 - Unwillingness by CDC to enforce conditions
 - Application could be viewed as an attempt to build before Circular 01/2006 is replaced.
 - Site becoming increasingly intrusive in what was a pleasant rural setting.
 - To allow further development would be inappropriate.
 - **OCC Highways** raises no objections to the proposal subject to the use remaining ancillary and as proposed
 - **CDC Landscape Officer** states that the field boundary hedge on the NW side of the site in the direction of Farnborough is rather thin at the base during winter so there will be some visibility as you approach from that direction. No additional impact from the approach off the A423 or the A423. The door is close to the post and rail fence - there should be some hardstanding shown around the entrance. Additional planting to reinforce the base of the existing hedge is recommended.

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
- 4.2 South East Plan
Policy CC1 (Sustainable Development) and C4 (Landscape and Countryside Management)

- 4.3 Adopted Cherwell Local Plan
Policies C13 (AHLV) and C28 (Standards of layout, design and external appearance)

5. Appraisal

- 5.1 The key considerations for assessment, which are set out below, are:

Principle
Visual Impact/Area of High Landscape Value
Highway Safety

5.2 Principle

- 5.2.1 With regard to the principle of the proposed day room, the authorised use of the land on which it is proposed is for a residential caravan site for gypsy families. In which case, any development ancillary to such a use could be considered to be acceptable in principle, subject to all other material planning considerations.
- 5.2.2 Whilst the specific requirements of a gypsy and traveller site is not covered in National or Local Policy (which make reference to the need for gypsy sites and their location), the Communities and Local Government (CLG) Good Practice Guide for Designing Gypsy and Traveller Sites has been published to concentrate on more specific issues relating to Gypsy and Traveller sites, which are referred to more generally in PPS3: Housing. The Good Practice Guide states that it is essential for an amenity building to be provided on each pitch and include, as a minimum a hot and cold water supply; an electricity supply; a separate toilet and hand wash basin, a bath/shower room, a kitchen and dining area.
- 5.2.3 The requirement for an amenity room in relation to each gypsy pitch therefore is recognised by national government, and with regard to the specific merits of the scheme, these are discussed below.

5.3 Visual Amenity/Area of High Landscape Value

- 5.3.1 The site is not particularly visible in longer distant views on approach to the site from both directions on the Southam and Farnborough Roads. There is sufficient natural screening on all sides of the site to obscure such views.
- 5.3.2 In shorter distant views, the site becomes more apparent from the west (from the Farnborough Road) and from the east (from the Southam Road). Views of the static and touring caravans, the stable block, fencing and vehicles can be seen through the existing boundary treatments from the adjacent highways. And whilst the site does present a different character area to the wider rural setting and area of High Landscape Value within which it is located, the use of parts of the site as residential use for gypsy families is authorised together with the siting of static and touring caravans.
- 5.3.3 Reference has been made by the Parish Council and third parties to the fact that previous conditions have not been complied with which includes the siting of the caravans and a landscaping scheme to reinforce existing planting, which were imposed to protect the visual amenities of the area. The Council is currently taking

formal action against these breaches of condition in order to rectify these matters. It would be unreasonable for the Council to refuse to deal with this application based on the fact that there are breaches of condition on the site.

5.3.4 The proposed building would be situated adjacent to the existing north western boundary hedge and within relatively close proximity to the existing stable block (albeit a recently erected close boarded fence divides the two). The proposed location for the building is within the authorised part of the site for gypsy residency and is in accordance with the guidance set out in the CLG Good Practice Guide. The building is low rise with a relatively small footprint (not significantly greater than the former stable block on the site, the authorised use for which is as ancillary accommodation in conjunction with the use of the site by another gypsy family) and would be in keeping, visually with the residential use of the site. In its proposed location it would not be situated in the most visible parts of the site from the road and would be seen within the context of the authorised use. As such it is not considered that the building would cause harm to visual amenity and nor would it be detrimental to the wider area which is recognised locally as one of High Landscape Value. For these reasons, HPPDM is satisfied that the proposed amenity room complies with Policy C4 of the South East Plan and Policies C13 and C28 of the adopted Cherwell Local Plan.

5.4 Highway Safety

5.4.1 The construction of an ancillary day room, the function of which would be to provide additional facilities on the site for the residents who live there, would, by definition not result in increased vehicular movements to and from the site. The Local Highway Authority raises no objections to the proposal subject to the use remaining ancillary and as proposed.

5.4.2 For these reasons I am satisfied that the application complies with PPG13: Transport.

5.5 Consultation Responses and Third Party Representations

5.5.1 The comments made against the application by the Parish Council and third parties are noted and either addressed above or responded to below:

5.5.2 The Council is fully aware of the concerns relating to the visual impact of the site upon the surrounding area and is currently taking formal action to address the breached conditions which are in place to secure further planting and the siting of the caravans in order to reduce the impact of the site on the wider area.

5.5.3 Planning permission has been granted to use parts of the site for gypsy residency and as such it is no longer in agricultural use, therefore the normal policies of constraint on agricultural land (other than for agricultural buildings) do not apply.

5.5.4 The proposed development is for a day room, which by its very nature is ancillary accommodation to the existing residential use on the site. Therefore if this application is approved there would be no planning permission for the building to be used as a separate unit of accommodation. Use of the building as such would be unauthorised.

- 5.5.5 HPPDM is fully aware of the breaches of condition on the site and the HPPDM has instructed that enforcement action against these breaches be taken and this is currently underway.
- 5.5.6 A drainage scheme has previously been approved. No details are submitted with this application as to how the building would be linked to the approved drainage scheme, therefore a condition requiring the details of the drainage scheme for the building is recommended below.
- 5.5.7 Third parties are within their rights to object to any further development on the site, however the Council must give full consideration to any application submitted which will be assessed on its own merits.
- 5.5.8 Other Gypsy sites are available around the District and the provision for pitches has recently been expanded (with planning permission).
- 5.5.9 All breaches of condition are being addressed through formal channels (number of caravans permitted, commercial vehicles in excess of 3.5tonnes, HGV containers).
- 5.5.10 HPPDM notes the Parish Council's views about the draft policy and their wish for Members to view the site prior to a decision being made.

6. Recommendation: Approval

Subject to the following conditions:

1. That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered 1073-TD-4a and 1073-TD-7a and 1073-TD-3a.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.

3. S.C. 4.21aa (RC19aa)

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable in principle and on its

planning merits as the proposal would not cause harm to visual amenity, the area of High Landscape Value and is acceptable in terms of its design and external appearance. Furthermore it would not be a risk to highway safety or convenience. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13: Transport, Policies CC1 and C4 of the South East Plan 2009 and Policies C13 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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