

**Old Ironstone Works  
Horley Path Road  
Wroxton  
Banbury OX15 6AY**

**13/01065/F**

**Ward:** Wroxton

**Case Officer:** Graham Wyatt

**Recommendation:** Refuse

**Applicant:** Banbury Town Youth Football Club

**Application Description:** Retrospective – Renewal of temporary planning for 3 portacabins for changing rooms and stores for youth football. Addition of mobile home for use by security person on evenings and weekends.

**Committee Referral:** Major application.

**Committee Date:** 28 November 2013

### **1. Site Description & Proposal**

- 1.1 The site is a football pitch used by Banbury Town Youth Football Club. The site lies to the north of Wroxton and lies to the north of the Apollo Office Park, and is accessed off the Wroxton to Hornton road. The area is rural in character and the site occupies a remote location. The site provides two football fields and in the south western corner are 3 portacabins used as changing rooms and storage.
- 1.2 The application seeks retrospective planning permission for the retention of the portacabins. The application also seeks permission for the stationing of a mobile home for use by security as vandalism and thefts have occurred at the site.

### **2. Application Publicity & Comments**

- 2.1 The application has been advertised by way of neighbour letters. The final date for comment was 14 November 2013. No correspondence has been received as a result of the consultation process.

### **3. Consultations**

- 3.1 **Wroxton Parish Council** – No objection and makes the following observations: “Being in such a remote site, it seems appropriate to take some security measures, and as such this proposal will not affect any neighbouring properties.”

### **Oxfordshire County Council Consultees**

- 3.2 **OCC Highways** – No objection.

### **Relevant Policy**

The policies relevant to the application are as follows:

#### **Adopted Cherwell Local Plan 1996**

- C8: Sporadic development in the countryside
- H18: New dwellings in the countryside
- C7: Landscape conservation

C8: Sporadic development in the countryside  
C13: Area of High Landscape Value  
C28: Layout, design and external appearance of new development  
C30: Development control – design and amenity

Other Material Policy and Guidance

## **National Planning Policy Framework**

### **5. Appraisal**

5.1 The issues raised by this development are:

- Planning Policy
- Essential need for a mobile home
- Impact on the character and appearance of the area

### **Planning Policy**

5.2 The proposal seeks retrospective planning permission for the retention of three portacabins at the site for use as storage and changing rooms for the football activities at the site. The applicant has also applied for planning permission to station a mobile home at the site for use by a person to provide security at the site. The applicant has stated that the site has been the subject of vandalism and theft which necessitates the mobile home.

5.3 The site lies within the open countryside and beyond the built up limits of settlements and forms a field which is used by Banbury Town Youth Football Club. The site is accessed via a gated entrance which leads to the portacabins which are located in the south-western corner. The site provides two pitches and parking takes place around the periphery of the site. The site lies in a remote location and is within a rural area. An existing commercial site (Apollo Park) lies to the south of the site and adjoins its boundary. The site lies within an Area of High Landscape Value.

5.4 Policy H18 of adopted Cherwell Local Plan states that planning permission for new dwellings beyond the built up limits of settlements will only be granted planning permission where it is essential for agriculture or other existing undertakings. In addition to this, paragraph 55 of the NPPF also states that “Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside...”

5.5 Policy C7 of the adopted Cherwell Local Plan 1996 seeks to resist development that would harm the character of the countryside and policy C8 seeks to resist sporadic development within the countryside. Policy C13 only permits development which will conserve or enhance the Area of High Landscape Value.

### **Essential Need for the Mobile Home**

5.6 With regard to the retention of the portacabins, while these are temporary buildings which have little architectural merit, they are required for the functioning of the site to operate as a football pitch/club. As their use is infrequent, they have limited impact on the character of the area but are temporary buildings. Therefore, a three year temporary permission is acceptable to ensure that the buildings are not kept on the land indefinitely, and had this application been for these temporary buildings alone a

recommendation of approval would be made. The case officer had requested that the mobile home be removed from the application so that we could have approved the portacabins, but the applicant declined to do so.

- 5.7 Notwithstanding that the retention of the portacabins are considered acceptable for a further period of three years, the stationing of the mobile home for security reasons is not considered acceptable. The NPPF and policy H18 states that new dwellings (which would include mobile homes) beyond the built up limits of settlements are only acceptable where it is "essential" for the proper functioning of an enterprise. The supporting text to policy H18 states that,

'Essential' will normally be interpreted as a proven necessity for a worker to live at or very close to the site of their work i.e. it is necessary for the proper functioning of the enterprise for a new dwelling to be occupied by a worker in connection with it. Sufficient details should be provided to enable an assessment of the size, nature and viability of the existing or proposed enterprise together with details of the number and tenure of existing dwellings related to the holding or estate. Where there is any doubt that a dwelling is required for the proper functioning of an enterprise, or where a new business is being proposed, it will be necessary to supply adequate financial information to demonstrate that the proposals are sound. In particular the Council will wish to be satisfied that such need as might exist could not be reasonably secured in a nearby settlement.

- 5.8 Therefore, the applicant would need to prove that the operation of the site as a football club could not function without the mobile home being on the site and, to ensure compliance with policy, that it is a profitable business and other dwellings in the area cannot meet this essential need. No information regarding other dwellings in the vicinity that might suit the clubs needs or its financial status have been provided.
- 5.9 The mobile home would provide a double bedroom, kitchen/living area and a bathroom. It would be sited in the same corner as the portacabins and measures some 7.1m x 2.6m. No height has been given for the mobile home but it is to be a single storey structure erected on stilts. The applicant has stated that the site has been the subject of vandalism and theft which is both costly and time consuming and the mobile home is required to provide security. However, vandalism and theft is an issue for most rural based enterprises and no evidence has been provided that this is a prevalent issue at this particular site or the area generally. Moreover, while an occupied mobile home may be a deterrent to vandals etc. there is no evidence that nuisance at the site would stop. In addition, the stationing of a mobile home at the site to control vandalism is a disproportionate solution to the issue at hand. The applicant has not provided any evidence that an occupied mobile home at the site is essential to ensure the proper functioning of the site for the football club.
- 5.10 It must be stressed that the Council is sympathetic to the needs of the football club but it also has to consider the implications of the decisions it makes. While all planning applications are considered on their own merits, to allow the mobile home on grounds of vandalism and theft would set a precedent for other rural based enterprises which suffer similar issues and confirm that residential accommodation could be secured based on security/vandalism issues alone. Both the NPPF and the Local Plan make it clear that the home must be an "essential need" and in this instance, the HDM does not believe that this is the case.

## **Impact on the Character and Appearance of the Area**

5.11 It is proposed to site the mobile home in the southwest corner of the field, the same location as the portacabins. The stationing of the mobile home in this location adds to unnecessary and sporadic development in this part of the countryside which would cause material harm to the rural character and appearance of the area and the Area of High Landscape Value in which it is set.

## **Recommendation**

Refusal, for the following reason(s):

1. The applicant has failed to establish that the mobile home is essential for the proper functioning of the football club and that someone needs to be readily available at most times at the site. Therefore, the proposal fails to meet the requirements of the National Planning Policy Framework and saved policy H18 of the Adopted Cherwell Local Plan 1996.
2. The proposed mobile home represents a sporadic development in the countryside that would add to the collection of temporary structures on this land and would be detrimental to the visual amenities and open rural character of the area and the Area of High Landscape Value in which it is set, contrary to the advice within the National Planning Policy Framework and policies C7, C8 and C13 of the adopted Cherwell Local Plan 1996.

## **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.