

**Site Address: Glebe Leisure Caravan
Park, Glebe Court, Fringford**

14/00698/F

Ward: Fringford

District Councillor: Cllr Wood

Case Officer: Gemma Magnuson

Recommendation: Refusal

Applicant: Glebe Leisure – Mr R T Herring

Application Description: Erection of a permanent Warden's dwelling

Committee Referral: Major Development (site area)

Committee date: 10 July 2014

1. Site Description and Proposed Development

- 1.1 The site consists of an established touring caravan site with associated facilities, including two fishing lakes with car park for users, situated south-west of the village of Fringford. The site sits within a rural context and forms part of an Area of High Landscape Value. It is a site of high archaeological interest as part of a historic battlefield of an unknown date.
- 1.2 The proposed development would involve the erection of a one and a half storey dwelling to the north-east of an existing toilet/utility block, behind some existing foliage. The construction materials would be natural limestone walls, with a natural slate or plain tile roof. Openings would be constructed from timber.
- 1.3 The proposed dwelling would be occupied by a permanent warden on the site in order to improve the safety of visitors to the site and deter crime, helping to secure a more financially stable future for the business.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 12 June 2014.

1 letter of objection has been received, the issues raised are summarised below:

- New build in a rural environment, no other houses nearby, may set a precedent.
- Question whether use as a Wardens dwelling is genuine.
- Large house, seems excessive for a warden.
- No site office/reception on the floor plan, appears as a home rather than a wardens dwelling.
- Dwelling would be at the back of the site away from fishing lakes and site entrance, behind established foliage. This position is ideal for a private home but means the warden will not be in a position to view the majority of the site or supervise parking for fishing lakes. This is main reason given for needing a warden so choice seems rather strange.
- A static caravan was installed by Mr Herring several years ago that would provide adequate living accommodation for a warden. It was occupied by one of his sons for some time, until an enforcement notice 13/00045/ECOU was placed on the structure.
- The static caravan was designated as a site office for the caravan site and is still given an address, see list of residents notified of the application (but no shown on plans). As the static caravan is still in situ, could this not be given planning permission and used for the wardens accommodation, as seems to be the case on the majority of caravan sites. This would not involve the noise and disruption that would be caused by the building of a house or establish a

precedent for other applications.

- The office/static caravan is at the front of the site adjacent to the fishermans parking area and between the road and the electric barrier. It is ideally place to see every person entering and leaving the site, it would be prime position for a warden monitoring the site and fishing lakes.
- At the end of 2013, Mr Herring sold his home Glebe Court and since then he and Mrs Herring have been living in a motor caravan on Glebe Leisure caravan site. The area they have parked their motor home in is exactly the same are where the house is to be built. Will they continue to live on site in their motor home once the warden is installed or are they moving away? If they are stating on site, I would question the need for a warden and therefore the need for a large house to be built.
- I suspect the real reason for this application is to provide a new home for Mr and Mrs Herring, not a warden.
- Question economically feasibility of a site this small generating enough income to justify the building of a house this size, unless there are future plans to greatly increase capacity of the site.
- If allowed would there be restriction on the use and future use of the property, designate for a warden?
- There appears to be a perfectly good alternative to a new building in the existing static caravan/office which would meet the needs of a person employed as a warden admirably. It is already in the best location. Trust the application for a house will be closely looked into and then refused.
- Allowing a house on this caravan site could open the door to further development.
- There is an excellent alternative to this house in the existing static caravan already used as an office.
- Unlike a static caravan, a house could not be removed if the caravan site closed down.
- Question who is really going to live there and even if a warden is installed, there is no guarantee that the house would not be used as a private dwelling at some time in the future.

1 letter of support, the issues raised are summarised below:

- Supports the proposed building of a warden's dwelling at Glebe Leisure Caravan Park as per the application drawings. Also concur with the comments and recommendations made by Fringford Parish Council in support of the application.

Please note that the full versions of responses can be viewed via Public Access.

3. Consultations

3.1 Fringford Parish Council: raise the following points:

Design

- there was concern that whilst the design is acceptable, it is somewhat large for a Warden's needs;
- there is no detail of a garage or car parking shown on the plans;

Position

- the Councillors queried whether it is in the best position for the work of a Warden or is it just in the most secluded, private, position?

Overall development

- the development is outside the village envelope;
- there was general concern regarding the ongoing, progressive development of this fundamentally rural site;

If permission is given:

- there should be a condition that if the application is approved that only this warden's house be allowed and no further permitted development be allowed;
- that it should be a condition that the current Warden's static mobile home be removed.

Cherwell District Council Consultees (in summary)

- 3.2 **Conservation Officer:** no objection.
- 3.3 **Landscape Officer:** no objection.
- 3.4 **Ecology Officer:** recommends informative regarding nesting birds.

Oxfordshire County Council Consultees

- 3.5 **Highways Officer:** no objection subject to the provision of two off-street parking spaces and the use being restricted to a wardens dwelling.
- 3.6 **Archaeology:** no archaeological constraints to this scheme.

Other Consultees

- 3.6 **Thames Water:** no objection, recommends informative.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (ACLP) saved Policies:

H18:	New dwellings in the countryside
C2:	Protected Species
C7:	Topography and character of the landscape
C8:	Sporadic development within the countryside
C9:	Development beyond the planned limits of Banbury and Bicester
C13:	Area of High Landscape Value (AHLV)
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Submission Cherwell Local Plan (SCLP)

The Submission Local Plan has been through public consultation and was

submitted to PINs in January 2014 for Examination and this was suspended during June 2014, expected to resume during December 2014. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031. The Policies listed below are considered to be material to this case:

ESD13: Local landscape protection and enhancement

ESD16: Character of the built environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development
- Impact on visual amenity, including the Area of High Landscape Value
- Residential amenity
- Highway safety

Relevant planning history

5.2 06/01392/F – Planning permission for change of use of land to caravan park to provide 20 no. touring van pitches and new toilet/utility building granted on 05 September 2006.

5.3 Condition 6 of this decision stated that no caravans, motor caravans or tents shall be stationed anywhere on the land for more than 28 consecutive nights and a register of occupiers shall be kept and made available for inspection by an authorised Officer of the Local Planning Authority at all reasonable times – Reason – In order to limit the use of the site to that of touring and not long stay residential caravans and tents to comply with Policy T8 of the adopted Cherwell Local Plan.

Principle

5.4 Government guidance contained within the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development; economic, social and environmental.

5.5 The adopted Cherwell Local Plan 1996 is considered to be out of date with regards to the NPPF in some respects as it was adopted prior to 2004. However, it also advises that due weight should be given to relevant Policies within existing plans according to their degree of consistency with the NPPF. The adopted Cherwell Local Plan does contain a number of saved Policies which are consistent with the NPPF and relevant to the consideration of the proposal. The same applies to Policies within the Submission Local Plan.

5.6 The site is situated within the open countryside, beyond the built-up limits of a settlement. The acceptability of the principle of the development therefore stands to be considered against Government guidance contained within the NPPF and saved Policy H18 of the adopted Cherwell Local Plan.

5.7 With regard to new isolated homes in the countryside, the NPPF advises that 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; or where such development would represent the optimal viable use of a heritage asset or would be

appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling, they should be avoided. It is considered that the applicants case is based on the essential need for a rural worker to live permanently at or near their place of work in the countryside.

- 5.8 Saved Policy H18 of the adopted Cherwell Local Plan states that planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when; it is essential for agriculture or other existing undertakings, or the proposal meets the criteria set out in Policy H6 (affordable housing); and the proposal would not conflict with other Policies in the Plan. It is considered that the applicants case is based on the essential need for 'other existing undertakings'.
- 5.9 The applicant states that the proposed dwelling would help to provide a safer environment for visitors to the campsite and nearby residents through the presence of a permanent warden on site to act as a deterrent to criminal activity. It is said that the warden would also ensure that the site is better managed and issues such as trespass into the park and on the fishing lakes would be avoided, ensuring a more financially stable future for the business. The applicant considers a wardens dwelling necessary following a number of incidents that have occurred over the past two years, including theft, anti-social behaviour, unauthorised camping and visitors to the caravan site and fishing lakes. Visitor incidents have also required an ambulance and the fire brigade to be called.
- 5.10 The applicant considers that if a warden had been on site there would have been a responsible person available to assist with the visitors, while also monitoring the lakes and campsite through the night, acting as a deterrent to crime. The presence of a warden is also thought to enhance the visitor's experience at the site and add to the tourism value. An on-site warden would also reduce the number of vehicle trips required to and from the site each day. In addition to the above mentioned roles of a warden, there are a number of daytime tasks that need to be undertaken throughout the day. For the campsite, this includes ensuring that campers are signed in, dealing with the arrival and departure of guests for the camping pods, servicing of camping pods, maintenance of toilet block and service failures.
- 5.11 In the case of the fishing lake, there are more specialist duties that need to be performed, including fish husbandry, which requires the constant monitoring and aeration of the lakes. Problems occurring at the lakes include, theft, arson, attack of a maintenance worker, unauthorised parking and use of illegal substances in the parked vehicles. The car park is currently locked at dusk and must be opened at dawn for the early fishermen. The warden would monitor the site via discretely positioned CCTV.
- 5.12 It must be considered whether the case put forward by the applicant demonstrates an essential need for a new dwelling on the site.

Whilst the caravan site is in the open countryside, it is in close proximity to a number of settlements; Bainton, Stoke Lyne, Fringford, Stratton Audley, Caversfield and Bicester. As the intention is for the warden to monitor the campsite via CCTV, it is considered possible for the site to be remotely monitored from an existing dwelling within a nearby settlement, with the caravan site being quickly and easily accessed if required. The relevant emergency services could also be contacted from this location. The applicant has advised that the warden would experience a delay in reaching the site if living remotely, and that having someone on site would provide comfort to visitors knowing someone is nearby.

- 5.13 Officers do not consider that the delay in reaching the site would be significant.

Further, it is likely that campers experiencing an emergency could contact the emergency services themselves, say, via an emergency telephone installed on site.

- 5.14 Officers struggle to understand how positioning the dwelling some distance from the entrance, beyond a veil of established foliage, would act as the authoritative, physically imposing structure that the Agent describes, or how this would serve to deter criminal activity, particularly as the entrance to the site, fishing lakes and the fisherman's car park would not be visible from the dwelling and visa versa.
- 5.15 The caravan site already benefits from a utility and toilet block that contains a small office. The office has good views of entrance, fishing lakes and car park, and would serve as a good base for a night time security guard. In addition, the daytime activities described in the submission could also operate from here. The floor plan of the proposed dwelling indicates no facilities for day time staff, with no provision for the storage or use of cleaning or maintenance materials. It is also uncertain where the warden would monitor the CCTV from, or a reception area where visitors to the site would be expected to sign in upon arrival.
- 5.16 In response to the above suggestion of using the existing building on site, the applicant has stated that employing a sentry to guard the site from an office would not be financially viable, particularly in winter months, although no evidence has been supplied to support this.
- 5.17 There has been limited evidence supplied to demonstrate that the applicant has tried to secure the site via alternative means, with the exception of locking the fisherman's car park gate at dusk. The need to unlock the gate at dawn may be considered an inconvenience, although other means of securing the car park could perhaps be explored such as pin code entry. A similar method of securing the caravan site could also be explored.
- 5.18 The Enforcement Team are currently investigating the unauthorised stationing of a static caravan on site that is believed to be in use as permanent residential accommodation (Ref: 13/00045/ECOU). The case is on-going.
- 5.19 To conclude, Officers do not consider that the applicant has sufficiently demonstrated an essential need for a dwelling in the open countryside. The principle of the development is therefore considered contrary to Government guidance contained within the NPPF and saved Policy H18 of the adopted Cherwell Local Plan.

Visual Amenity, including the Area of High Landscape Value

- 5.20 Government guidance contained within the NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should also respond to local character and history, and reflect the identity of local surroundings and materials. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Further, the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 5.21 Saved Policies C7 and C8 of the adopted Cherwell Local Plan seeks to control development that would cause demonstrable harm to the topography and character of the landscape, and to resist sporadic development in the open countryside. Saved Policy C9 seeks to direct development to the towns of Banbury and Bicester in order

to protect the environment, character and agricultural resources of the rural areas. These Policies require tight control over all development proposals in the countryside in order to retain the character and appearance that has evolved over many hundreds of years. Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained.

- 5.22 Saved Policy C13 of the adopted Cherwell Local Plan seeks to conserve and enhance the environment within Areas of High Landscape Value. Saved Policies C28 and C30 of the adopted Cherwell Local Plan state that control will be exercised over all new development to ensure that it is sympathetic to the character of its context. Further, all new housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity
- 5.23 Policies ESD 13 and ESD 16 of the Submission Local Plan continue the general thrust of Government guidance contained within the NPPF and the adopted Cherwell Local Plan.
- 5.24 The site is positioned within the open countryside beyond the built-up limits of a settlement. That said, the site is within close proximity to a small cluster of buildings that appear to be associated with Glebe Farm to the north-west, although the proposed dwelling would not appear as part of this cluster, instead being positioned over 250 metres to the south-east.
- 5.25 Whilst the site benefits from dense boundary vegetation that would screen the dwelling from view of the public domain, officers are of the opinion that it constitutes sporadic development within the open countryside that would not be sympathetic to its rural context. When viewed in isolation, the design of the dwelling is not offensive, although it is simply the fact that a structure would be erected in the location that is of concern.
- 5.26 Taking a more long-term view, the red line site area includes the entire campsite and fishing lakes. When questioned, the Agent advised that this was due to the dwelling being required in connection with the caravan site. However, Officers consider that approving the application would effectively approve the use of the entire site as domestic curtilage associated with the dwelling, if say, the caravan site were to close in future. A large domestic curtilage, with associated well maintained garden and paraphernalia, would result in further detriment to both the appearance and character of the open countryside.
- 5.27 The proposed development would represent sporadic development in the open countryside and not be sympathetic to the rural character and appearance of the landscape, neither conserving or enhancing the environment within the designated AHLV, contrary to Government guidance contained within the NPPF and saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan.

Residential Amenity

- 5.28 As stated previously, Government guidance contained within the NPPF attaches great importance to good design. Saved Policy C30 of the adopted Cherwell Local Plan requires new housing development to provide standards of amenity and privacy acceptable to the Local Planning Authority.
- 5.29 Due to the isolated nature of the development the proposed dwelling would be situated a sufficient distance from all residential dwellings to avoid any harm in terms of amenity or privacy. The proposal accords with Government guidance contained within the NPPF and saved Policy C30 of the adopted Cherwell Local Plan.

Highway Safety

- 5.30 Oxfordshire County Council Highway Authority have assessed the proposal and raise no objection subject to conditions requiring the dwelling to be used as a warden's dwelling and the provision of two off-street parking spaces. Officers consider the first of these conditions to be unreasonable; a warden dwelling is not expected to generate movements that differ so significantly from a private dwelling as to warrant a restriction of use on the grounds of highway safety.
- 5.31 The provision of two parking spaces is considered reasonable as none have been shown on the plans submitted. The dwelling would make use of the existing access and there is sufficient space on site for the spaces to be provided. The proposed development accords with Government guidance contained within the NPPF in terms of the promotion of sustainable transport that states that developments should create safe and secure layouts.

5.33 Engagement

With regard to the duty set out in paragraphs 186 and 187 of the Framework, the Agent was advised of the likelihood of a recommendation for refusal and invited to submit further information in support of the case. This information was subsequently received and has been taken into account. It is considered that the duty to be positive and proactive has been discharged.

Conclusion

- 5.34 Officers conclude that the application is contrary to Government guidance contained within the National Planning Policy Framework, saved Policies H18, C7, C8, C9, C13 and C28 of the adopted Cherwell Local plan and Policies ESD 13 and ESD 16 of the Submission Cherwell Local Plan. Furthermore, if this proposal were granted planning permission based on the submitted case, the decision is likely to set an unwelcome precedent for future dwellings to be erected in association with rural businesses in the open countryside. Officers therefore recommend that the application is refused.

6. Recommendation

Refusal, for the following reasons:

1. The applicant has failed to establish that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site. The proposal therefore fails to meet the requirements of the National Planning Policy Framework and saved Policy H18 of the adopted Cherwell Local Plan 1996.
2. The proposal represents sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area and the environment within the designated Area of High Landscape Value, contrary to Government guidance contained within the National Planning Policy Framework, saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan 1996 and Policies ESD 13 and ESD 16 of the Submission Cherwell Local Plan.

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 by advising the Agent to submit further information in support of the case.

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