

Glebe Leisure Caravan Park Glebe Court, Fringford

14/01953/F

Ward: Fringford

District Councillor: Cllr Wood

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Glebe Leisure – Mr R T Herring

Application Description: Erection of a permanent Warden's dwelling. Re-submission of 14/00698/F

Committee Referral: Member call in

Committee Date: 19 March 2015

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.
- 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 property would look out over the adjoining caravan park. 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 the applicant, who is also the site owner, to function as a residence for a permanent warden on the site. Its justification is to improve the safety of visitors to the site, improve the rating of the caravan site and to deter crime, helping to secure a more financially stable future for the business.
- 1.4 This proposal represents a resubmission of application 14/00698/F, which was refused on 11 July 2014. The same proposal is tabled, but the red line area has been reduced to the immediate setting of the proposed dwelling and additional information has been provided. This includes availability of other properties in the area, business turnover figures, a business plan and crime reports for the site.

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 8 January 2015.

Five responses have been received. Four support the proposal, including two from caravan site users, and one objects.

The following issues were raised:-

- Applicant indicates that a condition seeking demolition of the building would be acceptable should the business cease. Unlikely that these works would occur in such an instance.
- Long term feasibility of the caravan park questioned as profit relatively low.
- Someone has been living on the site for a number of years and this has made no difference to the security of the site. A permanent dwelling would not alter this situation.
- The location of the existing static caravan adjacent to the entrance would be the best location if a warden's dwelling were to be approved.
- The applicant and his wife already live on site so will not reduce traffic movements. The claim that this would reduce vehicle movements is incorrect.
- Understand that a warden is living on site separately from the applicants. If approved, the dwelling needs to be used for the specified purposes only (warden's dwelling).
- If approved, then there is the potential for applications for additional properties to be forthcoming.

The letters of support make the following points:-

- It will improve the security for site and wider area.
- It will ensure continued management of the environment.
- It would provide an improved service to customers.

3. Consultations

3.1 Fringford Parish Council: Make the following comments:

- No longer have any concerns regarding the design and size of the proposed dwelling.
- Concerns over the operational practicality of the location of the proposed Warden's cottage within the curtilage of the campsite. If it was really necessary, it would be positioned closer to the road.
- Concern over the property becoming an unrelated residence unless enforceable conditions introduced to ensure it is used only in association with the caravan park business.
- If approved, a condition should be attached to remove the current static mobile home on site.

Cherwell District Council Consultees

3.2 Landscape Officer: No objection.

3.3 Ecology Officer: Recommends conditions relating to nesting birds and vegetation clearance method statement to protect reptiles.

3.4 Licencing: No changes to licencing conditions required. Support proposal due to security benefits to wider area.

Oxfordshire County Council Consultees

3.5.1 Highways Liaison Officer: No objection subject to attaching conditions.

- 3.6 **Archaeologist:** No archaeological constraints.
- 3.7 **Licencing:** No changes to licencing conditions required. Support proposal due to security benefits to wider area.

Other Consultees

- 3.7 **Thames Water:** No objection but recommends informative.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H18	New dwellings in the countryside
C2	Development affecting protected species
C7	Landscape conservation
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 (January 2014)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the Draft Submission Plan was approved by the Council's Executive. The Plan was endorsed at Full Council on 21 October 2013 as the Submission Local Plan.

The Plan has now been formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination and, therefore, carries more weight than has been previously attributed to it. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council. The following policies are considered to be relevant:-

ESD10	Protection and enhancement of biodiversity and the natural environment
ESD13	Local landscape protection and enhancement
ESD16	Character of the built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:-

- Relevant planning history
- Principle of development
- Location of the dwelling
- Impact upon 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.

5.4 11/01908/F – Retrospective application for retention of 15 No. additional caravan pitches and change of use of agricultural land to camping and caravan site granted on 16 February 2012.

5.5 13/00283/F – Permanent stationing of 3 No. camping pods granted 15 April 2013.

5.6 14/00698/F – Erection of a permanent Warden's dwelling refused at Planning Committee following the Officer Recommendation on 11 July 2014 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.

Principle of Development

5.7 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.

- 5.8 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.
- 5.9 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.
- 5.10 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 applicant's case is based on the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 5.11 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 applicant's case is based on the essential need for 'other existing undertakings'.
- 5.12 It must therefore be considered whether the case put forward by the applicant demonstrates an essential need for a new dwelling on the site.
- 5.13 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 and that improved ratings for the business could be achieved as a result, leading to a more financially stable future for the business. This in part could occur through an increased rating to the site, as one criterion that needs to be met is 24 hour on site presence.
- 5.14 The caravan and fishing lake business at the application site has been expanded extensively since its initial operation circa 20 years ago. This has included installation of additional pitches and eco pods, diversifying the range of facilities provided, and upgrading existing facilities, including a new reception

and toilet block. The function and value of investment in the site has therefore grown and consequently so has the need for on site management.

- 5.16 The supporting information makes reference to a number of criminal and anti-social activities that has occurred on the site. This includes theft, joyriding, arson, physical assault, a fire, illegal fishing, unauthorised camping and unauthorised parking. No elaboration on the extent or frequency of these incidents was submitted. Following a request by Officers, the applicant has forwarded the Police incident reports. Information from this source has been noted by the applicant as incomplete, and as such a full list of incidents has been provided in the form of a journal by the applicant. The accuracy of the journal references cannot be verified, but it is assumed that they represent a fair reflection of the activity that has occurred since 2006.
- 5.17 The applicant or a family member has been living on the site unauthorised for the last 2 – 3 years in different accommodation. The level of anti-social behaviour on the site does not appear to have reduced during this period, suggesting that human presence on site does not act as a deterrent in itself, or at least, not in the location in which it has been situated.
- 5.18 There are numerous alternative means of providing security for a caravan site, many which could be implemented. These include:
- Coded barrier gates. This would control access to the site, preventing unauthorised caravanning, joy riding on the site and theft of caravans/trailers. Currently the caravan site has a simple push button barrier, whilst the fishing lakes car park has a lockable wooden gate.
 - CCTV. It has been suggested that CCTV is already present on site, but its coverage and manner in which it is monitored is unknown. A more visible presence of the entrance and other key areas would provide a visual deterrent and enable activity to be monitored and recorded from an off-site location.
 - Appropriate operational management. Clearly advertised arrival times for manned periods of the day and contact information for early/late arrivals. Contact boards could display all necessary information for emergency requirements during out of office hours.
 - Upfront payment for all activities would also reduce the opportunity for unauthorised caravanning.
- 5.19 Similar suggestions were noted within the Officers Report to Planning Committee in July 2014, but no alterations to the operation of the site appear to have occurred.
- 5.20 Marketing information provided shows the limited opportunity for the purchase of properties within the area, which typically have high associated values. However, the sale prices of dwellings within the local area take an average of the properties sold, and do not reflect the market for 2 bedroom properties only. A recent search of 2 bedroom properties for sale within 1 mile of Fringford identifies 10 dwellings ranging between £213,000 and £350,000 in price. If the search is expanded to 3 miles then 27 properties with a cost of up to £250,000 are identified. It is estimated by the applicant that it would cost between

£180,000 and £200,000 to construct the proposed dwelling which is therefore not so dissimilar to alternative existing housing within the vicinity. There are opportunities available within local area for easy access to the site in case of emergency, subject to suitable management arrangements being in place for the site.

- 5.21 Financial information has been forwarded by the applicant showing a modest profit in the years ending 31 March 2013 and 31 March 2014 with a slightly larger return in the latter year. Information for April – December 2014 shows an increase in profit again, but does not incorporate the winter months January – March where incomings for tourism are lowest and outgoings remain. The overall profit is therefore expected to be reduced come the end of this financial period. Whilst the business is turning a profit and the brief information provided as part of the Business Plan shows some additional investment to increase turnover, it is questioned whether the turnover of the business can finance the construction of the dwelling proposed. The dwelling would initially be paid for by the applicant who will then repay himself over 10 years. This would absorb all the profit from the business for the next decade and mean that no income could be taken for the applicant (or his wife) who would need to be the primary wardens on site in order to occupy the proposed dwelling. It would also provide no float for maintenance or improvements to the site. The dwelling does not therefore appear to be a viable proposition at this time.
- 5.22 The planning system does not seek to restrict the growth of rural enterprises and tourism, but the NPPF is clear that an essential need must be provided for new dwellings in the countryside. In this instance, Officers are not convinced that there is an overwhelming need for a dwelling on site, whilst there is also concern over the ability for the business to afford the dwelling proposed. It has been indicated that a condition could be attached seeking the demolition of the dwelling should the caravan site cease to operate. This is not considered an appropriate method in which to control the construction of dwellings within the countryside, particularly when the need for the unit is not considered to have been robustly established. 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.

Location of the Proposed Dwelling

- 5.23 The proposed dwelling is located in the same position as that refused in July 2014. Additional justification from the applicant has indicated that the selected position would provide better screening of the building from the surrounding countryside (considered further below) and allows views across the rear caravan field, part of the front caravan field, the site entrance and most of the fisherman's car park.
- 5.24 The key consideration is the main function of the proposed on-site presence: security on arrival or security/contact point on the site. Most anti-social behaviour noted relates to issues associated with access of persons to the site and the fishing lakes and buildings on the front part of the site. Views of these areas from the proposed dwelling would be compromised due to intervening vegetation. The vegetation is part of an existing planting buffer, containing a number of young trees. These trees already filter views of the front part of the site, a position that will increase as they mature. Consequently, it is considered that CCTV would be required over the front of the site to enable appropriate surveillance should the dwelling be located where it is proposed.

- 5.25 Located further towards the front of the site, any issue with fires or noise on the rear caravanning area could still be easily controlled and if any guests to the site needed to contact the warden, the site is not sufficiently large that it would deter them seeking out the dwelling regardless of its location. The good views created over the rear part of the site from the proposed location are not considered sufficient to outweigh the reduced visibility over the entrance and parking sections of the site.
- 5.26 Should a dwelling be positioned on site, it is considered that a building immediately adjacent to the north or south of the reception/toilet block would be more appropriate. This view was provided through the previous application. Whilst increased visibility is cited by the applicant as a reason not to locate the dwelling further forward on the site, Officers are not convinced by this argument. The location of the dwelling will therefore compromise its function as part of the caravan and fishing site and thus fail to accord with Government guidance contained within the NPPF and saved Policies H18 of the adopted Cherwell Local Plan.

- Impact upon Visual Amenity, including the Area of High Landscape Value**
- 5.27 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.
- 5.28 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.
- 5.29 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 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.

- 5.30 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. However, the proposed dwelling would not appear as part of this cluster, instead being positioned over 250 metres to the south-east.
- 5.31 Whilst the site benefits from dense boundary vegetation that would largely 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 this location that is of concern. Even within the caravan site, it will appear isolated.
- 5.32 The current proposal is therefore considered to 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.
- 5.33 It is highlighted that the location of the proposed dwelling is the same as that refused in application 14/00698/F, with impact upon the open rural character and appearance as a reason for refusal.

Residential Amenity

- 5.34 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.
- 5.35 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

- 5.36 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's 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.
- 5.37 The provision of two parking spaces is considered reasonable and have been shown on the plans submitted. The proposed development therefore 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.

Engagement

5.38 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

5.39 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 ESD13 and ESD16 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 ESD13 and ESD16 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 through enabling the submission of additional information to support the application.