

5c 3/12/1784/FO – To vary condition 1 of 3/12/0355/FP to change expiry date of permission and vary condition 2 to amended drawings for use of land for the siting of a residential mobile home in the form of a log cabin for a temporary 3 year period for occupation by a stockman at Dalmonds Wood Farm, Mangrove Lane, Brickendon, Hertford, Hertfordshire, SG13 8QJ for Eamon Bourke

Date of Receipt: 22.10.2012

Type: Major – Variation of Condition

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. The mobile home hereby permitted shall be removed on or before 31st January 2016 and the land shall be reinstated to its former condition or in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: The development is a temporary expedient only having regard to the specific circumstances of the application.

2. Approved plans (2E103; 570/BP1 and 570/LP2A)
3. Agricultural occupancy (5P056)
4. No materials, debris, pollutants, vehicles or machinery associated with this development shall be stored or used within the adjacent Wildlife Site (Ref: 71/018, Dalmond's Wood). Development shall not begin on site until appropriate measures to protect the habitat, and the trees and their roots within the adjacent Wildlife Site have been submitted to and agreed in writing with the Local Planning Authority. These measures shall thereafter be maintained in accordance with the approved details.

Reason: To prevent any degradation of the Wildlife site (developments adjacent to trees, woodlands and hedgerows can affect their integrity by causing damage to trees or tree roots. Damage to roots affects the health, growth, life expectancy and safety of the rest of the tree. The effects of this damage may only be evident several years later), and to comply with Policy ENV14 of the East Herts Local Plan Second Review April 2007.

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Directives:

1. Other legislation (01OL1)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies GBC1, GBC1, ENV1 and ENV16); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the permission granted under reference 3/12/0355/FP is that planning permission should be granted.

_____ (178412FO.MC)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract.
- 1.2 Members may recall that planning permission was granted in May of this year, under ref: 3/12/0355/FP, for the use of land at the site for the siting of a mobile home in the form of a log cabin. A copy of the previous report is attached as Essential Reference Paper A to this report. The log cabin 'mobile home' was permitted on a temporary three year basis to provide necessary accommodation for a stockman at the site and was subject, inter alia, to an agricultural occupancy condition.
- 1.3 This current application seeks to vary the details of the previously permitted mobile home. Rather than a log cabin, the applicant now wishes to install a more typical mobile home. The applicant indicates that the reason for this is that a log cabin was originally chosen to fit in with other log cabins proposed on the farm for holiday accommodation (subject of separate application ref: 3/12/0268/FP). The supplier of the log cabins had offered a competitive price for 6 cabins. However, following the refusal of planning permission for holiday accommodation on the site in August 2012, the applicant has found that the cost of providing a single log cabin on the site is prohibitive.

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- 1.4 Although both mobile home designs fall within the definition of a 'caravan' for planning purposes, the previously approved plans were specific to the log cabin design then proposed and so a variation of the 'approved plans' condition is required.
- 1.5 The application also proposes to extend the life of the permission by varying the previously imposed three year temporary period.

2.0 Site History

2.1 The application site has the following history:

- 3/11/0575/PA – Farm building to house pigs – Prior approval not required April 2011.
- 3/11/1716/FP – Use of land for the siting of a residential mobile home in the form of a log cabin for a temporary 3 year period for occupation by a stockman – Refused December 2011.
- 3/12/0268/FP – Change of use of reservoir field to allow the siting of 5 static holiday caravans in the form of log cabins and of a reception building, together with reshaping an existing reservoir to allow for use for angling, associated ground works, landscaping and management of Dalmonds Wood – Refused August 2012 – Appeal under consideration.
- 3/12/0355/FP – Use of land for the siting of a residential mobile home in the form of a log cabin for a temporary 3 year period for occupation by a stockman – Approved May 2012.

3.0 Consultation Responses:

- 3.1 Natural England has stated that they have no objection to the proposal, provided that it is carried out in accordance with the submitted plans.
- 3.2 Herts Biological Records Centre have raised no objection to the development.
- 3.3 County Highways have no objection, noting that the changes proposed from the previous approval are of no significant concern.
- 3.4 Herts and Middlesex Wildlife Trust has no objection to the development on wildlife grounds.

4.0 Parish Council Representations:

- 4.1 At the time of writing this report, Brickendon Liberty Parish Council has

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not commented on the application.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 Two letters of representation have been received raising objections to the proposal which can be summarised as follows:

- the development would be harmful to the Green Belt.
- the ongoing pig rearing business should not be dependent on the holiday cabin business (currently under appeal).
- the proposal is being used as justification for the holiday cabins, and that the pig rearing business is not a genuine business with a need for an associated residence.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1	Green Belt
GBC6	Occupancy Conditions
ENV1	Design and Environmental Quality
ENV14	Local (wildlife) Sites

6.2 In addition, national planning policy contained in the National Planning Policy Framework (NPPF) is of relevance to the consideration of this application.

7.0 Considerations:

7.1 The principle of siting a residential mobile home in this location to support the pig-rearing business on the holding was established when permission was granted in May 2012 under application ref: 3/12/0355/FP for the temporary siting of a mobile home in the form of a log cabin. There have been no material changes in circumstances or planning policy since then that would result in a different decision being made at this time.

7.2 The determining issue in this case, therefore, relates to the altered design of mobile home and whether this would have an acceptable impact on the character and appearance of the surrounding area.

Design and impact on surrounding area

- 7.3 The appearance of the proposed mobile home would be significantly different than that previously approved. The approved development had the appearance of a log cabin, albeit that it would be classed as a mobile home or 'caravan' under the Town and Country Planning Act 1990. Although the log cabin was not of a typical agricultural appearance, Members accepted that the need for the accommodation outweighed the harm that would result to the Green Belt in that case.
- 7.4 The mobile home now proposed would be of a typical modern static caravan. It would measure approximately 40 square metres in footprint, a substantial reduction from the 90 square metres of the approved cabin. In addition, the caravan would be sited at the rear of the application site, further from the public footpath to the east of the site.
- 7.5 Officers consider that the extant permission for a larger mobile log cabin at the site constitutes a material planning consideration of significant weight in determining this application. Both proposals constitute, in planning terms, a 'use of the land' rather than 'operational development' and indeed, it could be argued that one could be replaced by the other without the need for planning permission. However, as the permission granted originally specifically approved a log cabin design, Officers consider that it is necessary to vary the condition that refers to those approved plans.
- 7.6 It is important therefore to note that it is only the design of the structure in effect that falls to be considered in this case.
- 7.7 The currently proposed mobile home would, in Officers view, be of a less attractive appearance in this rural location. However, its substantially reduced size would also make it a less prominent feature. The existing screening that lies between the site and the public footpath, though not particularly dense, would nevertheless limit views of the home.
- 7.8 Officers remain of the view therefore that the harm caused to the Green Belt in this case would be clearly outweighed by the need for the development, as set out in the previous report at Essential Reference Paper A 'Very special circumstances' can therefore be said to exist in this case for permitting the development in the Green Belt.
- 7.9 In view of the fact that the mobile home has yet to be placed on the land, Officers see no reason to object to a revised three year time period for this proposal. A condition is recommended accordingly.

Other Matters

- 7.10 An appeal against the Council's refusal of planning permission for holiday cabins elsewhere on the Dalmonds Wood Farm site (3/12/0268/FP) is under consideration at the time of writing this report. However, Officers consider that the outcome of that appeal is of no material relevance in the determination of this application.

8.0 Conclusion:

- 8.1 The principle of this proposed development has been established by the extant permission on the site. The proposed changes to the size and appearance of the mobile home do not, in Officers' view, have a material impact on the acceptability of the proposal that would warrant a refusal of permission.
- 8.2 It is therefore recommended that planning permission be granted, subject to the conditions outlined above.