DELEGATED FILE NOTE

CASE OFFICER: ...Richard Tiffin.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00187/FP	Siting of mobile home within the residential curtilage of principal dwelling to serve as ancillary residential accommodation.	Mill End Nursery Mill End Rushden Buntingford Hertfordshire SG9 0TA

Submitted Plan Nos

Loc plan front elevation Side elevation Side elevation Rear elevation

1.0 Policies

LP6 Rural Areas Beyond the Green Belt

SECT11	Conserving and enhancing natural environ
SECT3	Supporting a Prosperous Rural Economy

2.0 Site History

2.1 The application is retrospective as the mobile home was moved onto the site without planning permission. When the matter was investigated, the owner (applicant) was forthcoming in advising that she did not think planning permission was required to site a building to house her son and family in order to help her run the nursery business.

2.2 Following discussions it was suggested that the Authority may be able to support a annexe building within the curtilage of the existing dwelling house as this could be conditioned to a family member who's occupation might be regarded as ***'ancillary'*** to the primary dwelling in that they would be supporting the owner to run the associated business. Advice was given that locating the mobile home within the curtilage of the main dwelling and imposing a standard annexe condition would help prevent the creation of a new independent dwelling in an unsustainable location by encouraging occupation of the house and the mobile as a single family unit.

2.3 A detached dwelling was approved on the site in 2005 for occupation by operator of the associated 'Mill End Nursery' (LA ref 05/00250/1). This approval was subject to an occupancy condition.

3.0 Representations

3.1 **Parish Council** – Objects on the basis that the proposal is contrary to policy 6 and the NPPF, domestic paraphernalia and creation of garden in a rural area. Following an amendment to the scheme such that the mobile home be located within the curtilage of the existing dwelling, the Parish Council responded as follows:

The Parish Council has already lodged an objection to a retrospective application for the retention of a mobile home at Mill End Nursery. It is assumed that application 18/00187/FP relates to an intention to move the same mobile home into the garden of the existing dwelling at the Nursery.
The wording of the application presents difficulties in identifying the intention of the applicant.
The proposal reads 'siting of the mobile home within the residential curtilage to serve as an additional worker's accommodation ancillary to that property (Annexe)'.
If it is intended to have a separate self-contained mobile home for an additional worker, then our objection stands.
If the applicant can justify use ancillary to the principal dwelling, for example by demonstrating occupation of the whole by one family with interchangeable use of the mobile home and the principal dwelling, then the Parish Council has no

objection. The lack of objection in those circumstances is on the basis that the wording of any permission granted would not have the ambiguity of the application form and would make clear that the permitted use is indeed ancillary to the principal dwelling

The local Cllr does not wish to call this matter in subject to suitable controls. The application is not residential development on a site of more than 0.5 Ha so does need to go to committee automatically (this acknowledges that the red line encloses land more than 0.5 ha).

3.2 **Local Residents** – A number of representations objecting to the following grounds:

- increased traffic
- being within the conservation area
- inappropriate by reason of its impact in the rural area
- 'thin end of the wedge'
- No services
- Contrary to Policy 6 of the Local Plan

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site is an existing barn within a complex of bars known as Southern Green Farm. This complex exists on the edge of the small hamlet of Southern Green.

4.2 Proposal

4.2.1 The proposal seeks permission to regularise a breach of control occasioned by the siting of a mobile home within the current nursery business without first obtaining planning permission. The building is a standard mobile home with dual grey pitched roof and cream panelled elevation. A small wooded shed is also included and this would house an associated oil tank. .Following discussions with applicant, the proposal was amended to the re-siting of the same mobile home and shed within the curtilage of the existing nursery dwelling. The Parish Council and neighbours were re-consulted.

4.3 Key Issues

4.3.1 The key issue in this case centres on the following considerations in my view:

- General principle
- Impact in landscape
- Other matters including conditions

General Principle

4.3.2 The application site occupies an unsustainable location in terms of access to services and facilities. This is both ***social*** and ***environmental*** harm which must be considered in the planning balance. In most circumstances therefore new household formation would be regarded as contrary to the spirit of the NPPF insofar as it seeks to promote

sustainable development. Further, the construction of new dwellings would be regarded as contrary to local policies of rural restraint such as Policy 6 (Rural areas beyond the green belt) and the emerging Policy CGB1.

4.3.3 Having acknowledged the prevailing policy framework above, the circumstances of this application are recognised as somewhat different. Mill End Nursery is an established rural enterprise where the Authority has previously recognised the need for a residential presence. In 2005 permission was granted for a new dwelling on the grounds that its occupancy was necessary for the continued viability of the business. Unfortunately, the applicant at that time has passed away and his wife remains in the approved dwelling and continues to run the business with help from her son – the occupier of the hitherto unauthorised mobile home.

4.3.4 I have explored the dual occupancy of the approved dwelling with the applicant but this was considered unacceptable because her son has a family and would like some degree of privacy. This is not unreasonable in my view. We also discussed extensions to the main house to facilitate an annexe arrangement. However, this was ruled out by the applicant on the grounds of cost. Following these discussions it was suggested that the mobile home could be moved within the curtilage of the existing dwelling and its occupancy limited to a family member in the same way an conventional annexe might be occupied. This use would have to be **'ancillary'** in that occupancy of the host dwelling and the annexe would need to be indivisible from the use of both as a single household. In my view the familial connection between occupiers (son and mother) and their contribution to the overall operation of the nursery would satisfy the definition of ancillary. Moreover, moving the mobile home within the curtilage of the dwelling would further safeguard against independent occupation in the future by reason of proximity. Conditions could be imposed to secure this arrangement going forward. The following definitions of ancillary and incidental are helpful in this regard:

ANCILLARY (needs planning permission generally anything you (as a person) could do normally in a standard house as built; e.g. eat, sleep, sit comfortably, pray, study, watch tv, shower

INCIDENTAL (permitted development) generally everything else. Including storage, swimming, bowling, gym, art studio, or something that can be classed as a hobby. An incidental use is on the primary use- it cannot exist without it. Also ancillary use can be incorporated as long as it subordinate to the incidental, i.e. shower room for gym or small bar area- these are seen to not materially extend the normal living accommodation at the property.

4.3.5 Interestingly, the Caravan sites acts allows the siting of caravans and other similar structures without planning permission. In a recent Lawful Development Certificate application for a caravan within the curtilage of a dwelling the case officer concluded as follows:

Based on the information contained within the application I am satisfied that the proposed iHus structure would, on the balance of probabilities, meet the requirements of the Act and can be legally defined as a caravan. The siting of the proposed structure would not therefore constitute development requiring planning permission nor would the proposal involve a material change of use of land.

Impact in the landscape

4.3.6 The existing position of the mobile home is in my view harmful to the character of the countryside. While moving the mobile home within the curtilage of the exiting dwelling (as proposed) would not be ideal environmentally, it would certainly reduce visual impact significantly. Moreover, the existing dwelling and house would continue to read as a single residential property.

Other matters including conditions

4.3.7 The grant of permission in this case would occasion some ***environmental*** and ***social*** harm in that the area is remote from services and the occupier would be reliant on the private car. Further, the mobile home is not altogether appropriate in this countryside location. However, the site is in use as a well established rural enterprise – an enterprise which has an approved residential presence. The continued existence of this business represents an ***economic*** and ***social*** benefit in counterpoint to the identified harm. The siting of the mobile home within the curtilage of the donor property would further reduce the environmental harm and its occupation by a family member, who also works to run the enterprise, moves use to within the boundaries of ancillary in my view. Subject to appropriate conditions limiting use of the mobile home to both an employee of the business and a family member I consider that the application can be supported. Further, a condition will be required to ensure the mobile is moved to its approved location within the established residential curtilage. I have discussed this with the applicant and have agreed that this should happen no later than the 1st September 2018.

4.4 **Conclusion**

4.4.1 The determination of this application rests on carrying out an exercise in planning balance. In my judgement the harm to the countryside and matters of sustainability would be minor and outweighed by the benefits maintaining a presence at the site capable of supporting the continued viability of the rural enterprise.

5.0 **Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from 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. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.Reason:To ensure the development is carried out in accordance with

details which form the basis of this grant of permission.

3. The mobile home and association oil storage shed on the site currently shall be re-located to the approved position within the curtilage of the existing dwelling approved under LA ref 05/00250/1 no later than the 1st September 2018.Reason: The mobile home and shed currently occupying the site are considered injurious to character of the area in their current location. Moreover, their siting in the current location gives rise to concerns that they are more likely to be used /occupied independently of the principal dwelling in what is regarded as an unsustainble location.

4. The occupation of the mobile home hereby approved shall be limited to a person solely or mainly employed by the business known as Mill End Nursery. Further, the occupation of the mobile home shall be limited to a family member of the principal dwelling within which curtilage it is located.Reason:The site is within an area where there is a presumption against new development unless it is essential for a rural enterprise or other special reasons. Permission in this case is granted solely in the light of the necessity of supporting the business known as Mill End Nursery and thus the occupation of the mobile home is restricted to ensure its continued use in fulfilling that need.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 19 April 2018	