
APPLICATION REFERRED FROM THE WEEKLY LIST**WEEKLY LIST NO. 1444 – 5 October 2018****18/00701/FUL****BRAMBLEHURST FARM HYDE WOOD LANE CANEWDON****REPLACEMENT OF EXISTING MOBILE DWELLING WITH
PERMANENT DWELLING****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1444 requiring notification to the Assistant Director, Planning and Regeneration Services by 1.00 pm on Wednesday, 12 October 2018 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr G J Ioannou referred this item on the grounds that the reason for refusal states incorrectly that 'in the absence of a permanent dwelling that is of a permanent substantial structure, it is not considered that the proposal can be regarded as a replacement dwelling'. Whilst it is acknowledged that that a mobile home and not a building the site has provided a lawful dwelling for the same occupant for in excess of 20 years and lawfully the dwelling can remain permanently on site. It is a permanent dwelling – logic would suggest that this should be considered as a replacement dwelling under policy DM21 as policy DM21 refers to 'dwellings' and not specifically permanent buildings.
- 1.3 The degree of permanence of the existing development is acknowledged in the officer's report and the proposed replacement does not have any impact on the openness of the Green Belt in this location. Furthermore, any perceived harm to the Green Belt can be overcome by very special circumstances. The balance of very special circumstances and perceived harm to the openness of the Green Belt is finely balanced in this case and should thus be discussed at the Development Committee.
- 1.4 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.5 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

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Application No:	18/00701/FUL	Zoning : Metropolitan Green Belt
Case Officer:	Ms Katie Ellis	
Parish:	Canewdon Parish Council	
Ward:	Roche North And Rural	
Location:	Bramblehurst Farm Hyde Wood Lane Canewdon	
Proposal:	Replacement of existing mobile dwelling with permanent dwelling	

SITE AND PROPOSAL

Site and Context

1. Bramblehurst Farm is located on the eastern side of Hyde Wood Lane. It features a static mobile home and a collection of buildings set approximately 110m to 200m within the site accessed via a track running alongside the southern site boundary. It lies within the Metropolitan Green Belt. There is a scattering of dwellings on the western side of the lane however the surroundings are rural in character.
2. The static mobile home stationed on site is used for residential purpose. Adjacent to this is a brick built weather boarded building which appears to be residential; the history of the site did not reveal planning permission has been sought for this building and a large corrugated steel agricultural building which was once used for the stock of pigs. Stables and ménage exist to the rear of the agricultural building. A certificate of lawful existing use was granted in 2017 confirms that a use of the land for the stationing of a mobile home for residential use is lawful.
3. It was noted while undertaking a site visit the character and appearance of the land surrounding the mobile home as indicated on the location plan edged red is residential and was made lawful by the LDC.

Proposal

4. Planning permission is being sought to demolish an existing mobile home and erect a permanent detached dwelling.
5. The proposed dwelling would measure 6.2m deep, 11.2m wide with an overall height of 4.6m.
6. The external materials would comprise a red brick plinth and black weatherboard cladding together with red plain tiles.

Relevant Planning History

7. ROC/670/82 Siting of mobile home for agricultural worker. Approved.
8. ROC/858/84 Renewal of temporary permission to site mobile home. Approved.
9. ROC/500/87 Renewal of temporary permission to site mobile home. Approved.
10. F/0308/96/ROC Use of Land for Siting of Mobile Home, Erect Detached Stable and Tack Room and Open Sided Barn. Approved
11. 17/00229/LDC Application for a Lawful Development Certificate for Existing Use: Continued siting of mobile home in breach of Condition 1 of F/0308/96/ROC. Approved
12. 17/00602/OUT Outline Application for Dwelling to Replace Existing Mobile Home. Refused

Background to the Application

13. An application for outline consent (17/00602/OUT) was refused for the following reason:

"The proposal for the development of the site does not fall within any of the excepted categories, and is inappropriate. It is the opinion of the Local Planning Authority that no very special circumstances have been presented to sufficiently outweigh the harm to the Metropolitan Green Belt by way of inappropriateness and harm to openness, sufficiently to justify overriding the strong presumption against the construction of new dwellings in the Green Belt."

14. It should be noted that the aforementioned application proposed a dwelling in a different location to where the mobile home is currently located.

Material Considerations

Principle of development

15. The application property lies within the Metropolitan Green Belt where restrictive policies apply. It is imperative to establish if the proposal is inappropriate development in the Green Belt and if so, whether there are any other considerations sufficient to clearly outweigh the harm caused by the development in this Green Belt location. Additionally, it is important to consider the impact on the character and appearance of the surrounding area, neighbouring occupiers and highway safety.

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16. Section 13 - Protecting Green Belt land - of the National Planning Policy Framework (NPPF) states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Any new buildings within the Green Belt should be regarded as inappropriate development except for in a limited number of circumstances including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Development that does not fall to be considered under one of these categories will be considered to be inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. The LDC (Ref: 17/00229/LDC) establishes the siting of a mobile home for a residential purpose at Bramblehurst Farm, which is distinct from the replacement of one dwelling with another. The mobile home is a light weight structure which comprises skirting and concrete steps which are more permanent features and lends to a degree of permanence however the structure is a mobile home defined by s.29 (1) of the Caravan Sites and Control of Development Act 1960 which confirms any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. In order to satisfy this definition, a structure must be capable of being moved "as a whole single structure" (Carter v Secretary of State for the Environment [1994] 1 WLR 1212,1219).
18. The NPPF encourages the replacement of buildings because those buildings are already present and harmful to the Green Belt but in light of the above, as the structure is a mobile home it cannot be considered as a building and therefore this exception in the NPPF does not apply..
19. Policy GB1 of the Core Strategy seeks to protect the Green Belt whereby policy DM10 of the Development Management Plan favours proposals for the redevelopment of previously developed land (PDL) in the Green Belt which accord with Policy GB2 of the Core Strategy. Both policies DM10 and GB2 do not promote residential development but would be permitted subject to criterion (i) to (vi) of policy DM10. These policies cannot be applied as the proposal fails the criteria.
20. Policy DM21 of the Development Management Plan ensures that the replacement or rebuild of existing dwellings in the Green Belt will be permitted providing that the total size of the dwelling should result in no more than a 25% increase in floorspace of the original dwelling. Similarly, the visual mass

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and bulk of the new dwelling should not be significantly larger than that of the existing dwelling and the overall height of the replacement dwelling should not exceed that of the existing dwelling, unless a modest increase in height can be justified on design or visual amenity grounds. A replacement dwelling should be sited in the same location within the plot as the original dwelling, unless an alternative siting is proposed where it can be demonstrated that it would be a more appropriate siting in the Green Belt in terms of the impact on openness or amenity.

21. Policy DM21 of the Development Management Plan refers to the replacement of dwellings, it should be noted that the mobile home subject to LDC Ref: 17/00229/LDC is not a building or a dwelling, it is mobile, falling within the definition of a 'caravan' under the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968, and would not fall within this exception however the policy would be broadly applied when considering the impact of the development upon the Green Belt.
22. Notwithstanding the above, policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Good design is also promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that 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.
23. It was previously accepted when considering the application for outline consent (17/00602/OUT) that as the mobile home is now lawful at the site there would be no objection in principle to its replacement with a mobile home of the same size and in the same location.
24. It is proposed to replace the static mobile home with a permanent residential dwelling, rather than a mobile home. Although the siting of the mobile home and the garden curtilage shown edge red on the location plan is now lawful, the existing structure is not a building or a dwelling and therefore the proposed dwelling would be contrary to the NPPF and policies of Rochford District Council Local Plan and therefore the principle of development is objected. The main considerations of the development are discussed in more detail below.

Green Belt

25. The development would feature a detached bungalow sited in a reasonable sized plot situated within a similar position as the mobile home. The proposed dwelling would be a residential use, same as the existing mobile home and the proposed floor area created would increase to some 71m². This results in a 9% increase over and above the original floor space of the mobile home.

26. The NPPF confirms new buildings within the Green Belt would be regarded as inappropriate development except for in limited circumstances. One of these circumstances refer to replacement of buildings, provided the new building is in the same use and not materially larger. As above, the static mobile home cannot be considered as a building. The proposed dwelling would be in the same use and would occupy a larger floor area than the mobile home that it would replace. It is therefore considered that the proposed dwelling would be materially larger than the mobile home currently on the site.
27. The Design and Access statement argues that the scheme is appropriate by virtue of being proportionate, when its size is compared with that of the mobile home. However, the NPPF wording in this case refers to a material, rather than a proportionate, increase. Any building in the same use, in this case as a dwelling, that would be materially larger than the one which is replaces, is inappropriate development. Although the proposed dwelling would only have a 9% floorspace increase compared with the mobile home, it is nonetheless measurable, and the increase is therefore material. It therefore is an exception within the latter criterion as set out above. As such, considered against the provisions of the Framework, the proposed scheme would be inappropriate development.
28. The NPPF goes on to confirm that new buildings should not be approved except in very special circumstances that clearly outweigh the harm to the Green Belt and any other harm.
29. The Design and Access statement submitted as part of this application argues that due to the scale of the proposed dwelling and continued residential use, very special circumstances exists. Additionally, the mobile home has now been in situ for a period of 36 years and has come to the end of its usable life. The applicant is suffering from ill health which is exacerbated by the damp conditions of the mobile home. Evidence has been submitted in the form of medical letters to support this claim. Whilst these extenuating circumstances have been considered they are not regarded as very special circumstances and do not outweigh the harm upon the Green Belt. Also the the site has been occupied by the applicant for 30 odd years. It is confirmed by the LDC (Ref: 17/00229/LDC) that the mobile home originally on site was burnt down in 1995 and therefore this particular mobile home has not been in existence for 30 odd years like the applicant claims. The applicant could of course provide a new mobile home to better standards of comfort under the existing certificate.
30. Notwithstanding the above, careful consideration needs to be given to the impact on the character, appearance and openness of the Green Belt.
31. The proposed dwelling would have an increased floor area of 9% which in turn results in a greater volume than that of the mobile home. A larger

dwelling occupying a greater area and volume would, by definition, reduce the openness of the land.

32. The proposed dwelling could have less of an impact on the rural character than the current dwelling, especially in views from outside the property, as a result of different materials to those used on the existing dwelling would limit any harm to openness.
33. The degree of permanence of the existing use has to be weighed against the permanent structure that is proposed.
34. Currently the mobile home does not have wheels and is fixed in place by skirting and connected to mains services. The mobile home is not readily moveable but is lightweight and capable of being moved which suggests a degree of permanence whereas a permanent dwelling would be in place for perpetuity. It is considered that no valid comparison can reasonably be made between a removable mobile home and a permanent operational development such as a dwelling. This would have significant tangible impact upon the openness of the Green Belt.
35. It is therefore considered that the proposed development has a harmful impact on the Green Belt's openness, and the purposes of the Green Belt as set out in the NPPF. Consequently, no very special circumstances exist that outweighs the harm upon the Green Belt and therefore the proposal is contrary to the Local Plan and the NPPF.

Impact on the character of the area

36. It is considered that the scale, bulk and height of the proposed dwelling are modest and comparable to that of other dwellings in the site as well as the immediate surroundings. The external materials proposed would sympathise with the adjacent dwelling within the farm complex. Therefore the resulting dwelling would not result in demonstrable harm to the character and appearance of the area.
37. With regard to appearance, a traditional design has been applied to the bungalow which has a horizontal emphasis to its massing and scale and is generally well articulated with vertically proportioned fenestration creating a well balanced building. A canopy would exist on the façade creating some visual interest.
38. The proposed dwelling would be aesthetically pleasing within its context and would not detrimentally impact on the character and appearance of the surrounding area complying with Policy DM1 of the Development Management Plan and the NPPF.
39. Although the specific appearance of the proposed extension is considered acceptable this does not outweigh the harm caused upon the Green Belt.

Impact on neighbour amenity

40. It is considered that there is sufficient distance between the proposal and the neighbouring properties not to have an overbearing impact upon the neighbouring occupiers or overlook their private amenity space and conforms to the 45o code. The development complies with Policy DM1 of the Development Management Plan and the NPPF.

Sustainability

41. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes seek to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
42. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
43. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
44. The proposed dwelling would be a two bed property. Two-bed 3-person dwellings would require a minimum Gross Internal Area of 61 square metres with 2 square metres of built-in storage. The dwelling would have a GIA of some 69 square metres including space to accommodate some 2 square metres of built-in storage. The proposed dwelling would meet the national space standard.
45. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to ensure compliance with this Building Regulation requirement.

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46. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Car parking standards

47. The site is capable of accommodating at least two off-street car parking spaces adjacent to the dwelling in accordance with the Parking Standards Design and Good Practice Guide (2010). The proposed development would not conflict with highway safety. The proposal complies with policy DM30 of the Development Management Plan and the Parking Standards Design and Good Practice Guide (2010).

Ecology

48. The proposal would not likely to impact adversely in any protected species.

Representations:

49. Canewdon Parish Council

Objects on the basis of:

Whilst having some sympathy for the particular circumstances and needs of the applicant, the fact remains that a mobile home has been retained on site for many years despite there being no agricultural or horticultural justification for a dwelling at the site. However, it is accepted that the mobile home is now lawful and could in fact be replaced with another, more modern, mobile home.

It is acknowledged that this current planning application considerably reduces the size of the proposed permanent dwelling, such that it would be only slightly larger than the existing mobile home and would be of a bungalow appearance. However, the replacement of the mobile home with a permanent dwelling is considered not to be justified by the functional needs of the site. A permanent building would have a greater impact on the appearance in the Green Belt and would remain on site long beyond the particular needs of the applicant. In the absence of an agricultural occupancy need and such a restriction, the permanent dwelling could at any time in the future be available on the open market.

The Parish Council therefore cannot support the principal of replacing the existing mobile home with a dwelling of permanent construction. It is considered to be contrary to National Planning Policy Framework and to the adopted policies of Rochford District Council. If approved, it would have an unacceptable impact on the appearance of the Green Belt and on the aims and objectives of including land in it. It is considered that no very special

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circumstances exist to justify such inappropriate development and that a very important precedent would be set if such development were allowed. Indeed, there may be many sites throughout the district where similar circumstances exist, the development of which with permanent structures would have a significant and unacceptable impact on the Green Belt.

REFUSE

- 1 The Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt and the proposal is considered to be inappropriate development contrary to the National Planning Policy Framework. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

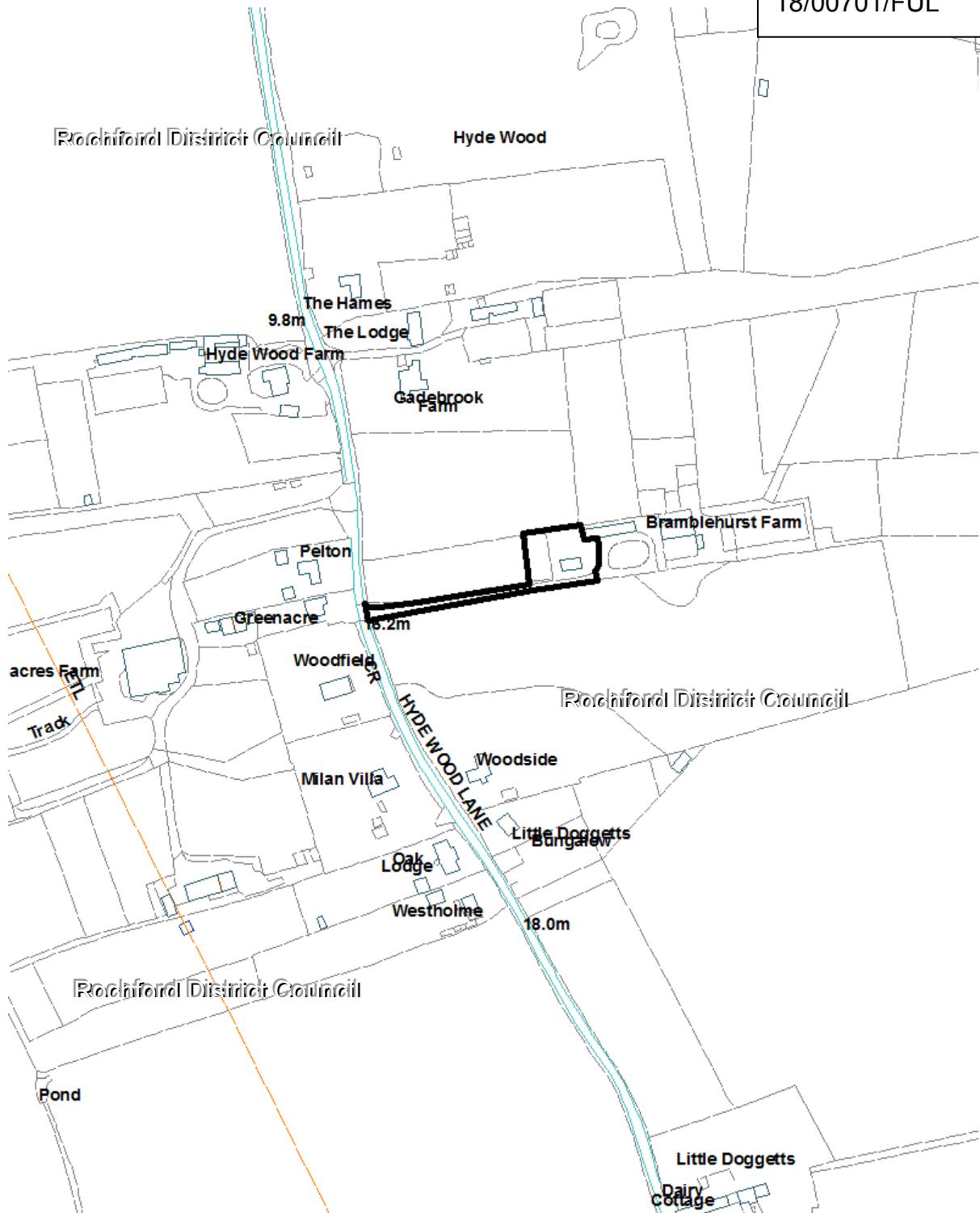
In the absence of a permanent dwelling that is of a permanent substantial structure, it is not considered that the proposal can be regarded as a replacement dwelling. Furthermore, the proposed dwelling would represent inappropriate development in the Green Belt and leads to a loss of openness of the Green Belt. Furthermore, the 'very special circumstances' submitted to justify the development is not considered to outweigh the harm upon the Green Belt. The proposal is contrary to the NPPF.

Relevant Development Plan Policies and Proposals:

50. Rochford District Council Local Development Framework Allocations Plan Adopted February 2014
51. Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - CP1, GB1
52. Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. - DM1, DM30, DM27, DM25, DM21, DM4, DM10, ENV9, H6
53. Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)
54. Parking Standards Design and Good Practice (2010)

The local Ward Member(s) for the above application is/are Cllr N L Cooper Cllr G J Ioannou Cllr Mrs L Shaw

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