

REPORT 3

APPLICATION NO.	P07/E0485/RET
APPLICATION TYPE	MINOR
REGISTERED	05.06.2007
PARISH	IPSDEN
WARD MEMBER(S)	Mr Nicholas Odd
APPLICANT	W H Brakspear and Sons Plc
SITE	King William PH, Hailey, Ipsden
PROPOSAL	Change of use of land for retention of temporary caravan for staff use for a period of 5 years
AMENDMENTS	As amended by letter dated 12 June 2007
GRID REFERENCE	464272/185875
OFFICER	Susannah Mangion

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Committee as the Officer's recommendation conflicts with the views of the Parish Council.
- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) is located in the open countryside on the edge of the isolated hilltop hamlet of Hailey, near Ipsden. The site lies within the Chiltern Hills Area of Outstanding Natural Beauty. Access to the site is via a single track road.
- 1.3 The King William public house is a grade II listed building dating from the 17th Century. The land (retrospectively) proposed for the retention of the caravan for staff accommodation is located to the rear of the pub building and is partially screened from view by larch lap type fencing. The caravan is accessible via the rear of the pub and through the main, gravelled car park area to the east of the public house. To the front of the public house is a patio area. Further areas of pub garden are located beyond the car park to the east of the public house and across the single track road to the south. The caravan is sited a minimum of 1 metre from the boundary with the neighbouring property, Cedars, and a minimum of 2 metres from the land to the rear, recently granted planning permission for use as an overflow car-park under planning permission reference P07/E0484/RET. Sight of the caravan is screened from the neighbouring property, by panel fencing, shrubs and mature trees.

2.0 PROPOSAL

- 2.1 The caravan is alleged to have been used for staff accommodation for a period of approximately 9½ years. The current proposal seeks retrospective permission for use of land for the siting of a caravan for staff accommodation for a temporary 5

year period.

- 2.2 A copy of the proposed plans and photographs of the external appearance of the caravan are **attached** as Appendix B. The floor space occupied by the caravan amounts to 19.5 square metres (6.5m x 3m).
- 2.3 The applicant's justification for the proposal is as follows:

The caravan is used to accommodate two staff members who cannot be accommodated within the main public house building. The pub's tenant found recruitment and retention of staff challenging from early on in his tenancy and thus resorted to the use of the caravan for staff accommodation. The staff of the public house do not attract high wages and meeting the cost of housing in Crowmarsh Gifford or Wallingford is beyond their means. There is no public transport available at the end of the working day and pub staff are unable to afford to purchase or run a motor car. Without provision of living accommodation for staff the future viability of the pub would be put at risk. Brakspears and the pub tenant have considered applying for an extension to the public house for further accommodation but have concluded that this would not be economically viable. The temporary 5 year timescale proposed would allow the situation to be re-appraised at the end of that period with regard to future staffing requirements and the financial circumstances of the public house.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 **Ipsden Parish Council** – Approve: the pub would not be viable without the caravan which is essential for staff accommodation.
- 3.2 **Environmental Services** – Should planning permission be granted, the caravan would require a site licence. In its current state, the caravan would contravene the site licence conditions as these would require the caravan to be 3 metres away from the boundary and the caravan to be sited on a suitable hardstanding such as concrete. (The full site licence conditions are **attached** as Appendix C.)
- 3.3 **Conservation** – No objection to the temporary siting of the caravan which is visually quite discrete as it is low, flat roofed and positioned behind wooden fencing to the rear of the grade II listed building. The siting of a permanent structure at this location would not be encouraged.
- 3.4 **Neighbour supporter (1)** – Immediate neighbour, Cedars: the siting of the caravan does not cause inconvenience and, in that it helps the pub to conduct its business successfully, the neighbours are supportive of the application.

4.0 RELEVANT PLANNING HISTORY

- 4.1 In March 2007 the planning enforcement team received an allegation that a caravan sited at the King William public house was being used for residential purposes. Following a planning enforcement investigation, officers advised that the use of the land for the siting of the caravan required the benefit of planning permission. The applicant has submitted this planning application to rectify the breach of planning control.

5.0 POLICY & GUIDANCE

- 5.1 Policies of the Adopted South Oxfordshire Local Plan 2011:

- G2 – Protection and enhancement of the environment
- G3 – Locational strategy
- G4 – Development in the countryside and on the edge of settlements
- G6 – Promoting good design
- C2 – Areas of Outstanding Natural Beauty
- C4 – The landscape setting of settlements
- CON5 – The setting of listed buildings
- H6 – Locations where new housing will not be permitted
- H15 – Residential caravans and mobile homes
- CF1 – Safeguarding community facilities and services including recreation facilities
- E3 – The rural areas
- E5 – General employment policies

5.2 Government Guidance:

- PPS1 Sustainable Development
- PPS7 – Sustainable Development in Rural Areas
- PPG 15 – Planning and the Historic Environment
- PPG 18 – Enforcement

6.0 PLANNING CONSIDERATIONS

6.1 The planning issues that are relevant to this application are:

- the principle of the development in terms of housing policy
- the impact on the amenity of neighbouring occupiers
- the impact on the character and appearance of the area, which lies within the Chiltern Hills Area of Outstanding Natural Beauty
- the impact on the setting of the grade II listed building.

6.2 The principle of the development

The application site is located in a small rural hamlet, which is an area where policy H6 of the development plan states that planning permission will not be granted for new dwellings.

- 6.3 Policy H15 relates to applications for residential caravans or mobile homes. It makes clear that permission will only be given for single residential caravans in exceptional circumstances on a temporary and personal basis. The applicant has suggested that without provision of living accommodation for staff the future viability of the pub would be put at risk.
- 6.4 However, it is difficult to verify the claim that the recruitment and retention of staff would prove challenging since the tenant has allegedly benefited from the use of the caravan for staff accommodation for the past 9½ years: the recruitment and

retention situation may have changed over that period of time. It is not clear why the pub's employees are any less able to afford the cost of accommodation or transport than other hospitality workers in the area. It is therefore not clear that the future viability of the pub would be put at risk without the provision of the caravan accommodation.

- 6.5 PPS 7 provides further guidance regarding proposals for isolated homes in the countryside and makes clear that they will require special justification for planning permission to be granted. PPS7 states that, 'it will often be as convenient and more sustainable for such workers to live in nearby towns or villages, ... so avoiding new and potentially intrusive development in the countryside'. Where the justification for the home relates to the essential need for a worker to live permanently at or near their place of work in the countryside, Annex A of PPS 7 provides guidance.
- 6.6 Paragraph 2 of Annex A indicates that it is important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live on site or nearby. Paragraph 4 of Annex A states that, a 'functional test' is necessary to establish whether it is 'essential for the proper functioning of the enterprise' for one or more workers to be readily available at most times.
- 6.7 With regard to the situation at the King William, it is understood that one member of staff is already accommodated on the first floor of the pub. Furthermore, the applicant has not provided any justification in terms of a 'functional requirement' for additional members of staff to be living on site. Paragraph 15 of Annex A acknowledges that special justification may exist for new isolated dwellings for a number of rural-based enterprises, not only agriculture and forestry, but that these should be tested in the same manner as the stringent assessment levels applied to proposals for new agricultural or forestry workers' dwellings. This would normally require a demonstration that there was no suitable accommodation available locally, for example, in Wallingford (5.6 km away) or other nearby villages.

6.8 The impact on the amenity of neighbouring residents

Although the caravan is positioned close to the neighbouring boundary, the structure is screened by fencing, mature trees and shrubs. There are no issues of overlooking or loss of privacy to the neighbouring residents. The immediate neighbour is supportive of the (retrospective) proposal.

6.9 The impact on the character and appearance of the area, which lies within the Chiltern Hills Area of Outstanding Natural Beauty

Policy C2 states that the purpose of the AONB is to conserve and enhance to natural beauty, special landscape quality and distinctiveness of the area. To be acceptable, the development must be of a scale and type appropriate to the area and sympathetic in terms of its siting, design and materials used. The caravan is screened to an extent by fencing but is clearly visible above the fencing from public views to the south-east. The caravan is also visible to the public, as visitors to the pub, from the area of pub garden to the east of the site. Even on a temporary basis, structures such as this inevitably detract from the natural beauty and rural character of the area.

6.10 The impact on the setting of the grade II listed building

The caravan is located to the rear of the public house and at a distance of 17 metres from the rear of the building behind the delivery and storage area of the pub. It is mainly screened from the public house by larch-lap type fencing and shrubs. In view of its location adjacent to the service area of the public house, the temporary siting of the caravan is not considered to be harmful to the setting of the listed building. Accordingly, the Conservation Officer has raised no objection to the proposed development.

7.0 ENFORCEMENT CONSIDERATIONS

7.1 As this application is retrospective, the refusal of planning permission will result in consideration being given to pursuing formal enforcement action. The decision as to whether or not to take enforcement action is delegated to officers. PPG 18 encourages local authorities to pursue enforcement action where it is expedient and planning harm is identified. Action should be proportionate to the breach of planning control and should take account of the general public interest in preventing inappropriate development.

8.0 CONCLUSION

8.1 The siting of the caravan on a temporary basis is not considered harmful to the setting of the grade II listed building or to the amenity of neighbouring residents. However, the siting of a caravan for residential accommodation within an isolated rural hamlet conflicts with policies H6 and H15 of the South Oxfordshire Local Plan and guidance set out in PPS7. The caravan is harmful to the natural beauty and rural character of the area, which lies within the Chiltern Hills Area of Outstanding Natural Beauty, and there are not considered to be exceptional circumstances to justify making an exception to development plan policy.

9.0 RECOMMENDATION

9.1 In respect of application P07/E0485/RET, planning permission be refused for the following reasons:

1. That the siting of the development on the edge of an isolated hamlet in the open countryside is inappropriate for the provision of new housing and is contrary to policies H6 and H15 of the South Oxfordshire Local Plan 2011. Insufficient justification has been provided to warrant a departure from these policies.
2. That the siting and appearance of the caravan in an isolated hamlet in the open countryside, detracts from the natural beauty and rural character of the Chiltern Hills Area of Outstanding Natural Beauty contrary to policies C2, G2, G4 and G6 of the South Oxfordshire Local Plan 2011.

Author

Mrs S Mangion

Contact No.

01491 823284

Email Add.

planning-appeal.enforcement@southoxon.gov.uk