

**APPLICATION NO.** P07/E1209/RET  
**APPLICATION TYPE** Full  
**REGISTERED** 14 November 2007  
**PARISH** Towersey  
**WARD MEMBER(S)** Mrs Dorothy Brown  
**APPLICANT** Mr & Mrs B J Probets  
**SITE** Windmill Meadow, Windmill Road, Towersey OX9 3QQ  
**PROPOSAL** To retain existing mobile home and use as temporary accommodation  
**AMENDMENTS** None  
**GRID REFERENCE** 473334/205765  
**OFFICER** Rob Cramp

## 1.0 INTRODUCTION

- 1.1 This application has been submitted following an enforcement investigation (EE03/144) into the siting of a mobile home for residential purposes.
- 1.2 The current application aims to regularise the above breach by seeking retrospective planning permission to retain the existing mobile home as temporary accommodation.
- 1.3 The application is referred to the Planning Committee because the officer's recommendation conflicts with that of the Parish.

## 2.0 DEVELOPMENT

- 2.1 Windmill Meadow is situated in the open countryside approximately 200m north west of the village of Towersey and approximately 1km east of the outskirts of Thame. Access to the site is off the eastern side of Windmill Road, Towersey which runs between the A4129 to the north and the Towersey Road to the South.
- 2.2 A site plan is **attached** as Appendix A.
- 2.3 It is a small holding of approximately 0.8ha comprising three paddocks, horse stables, a pole barn and ménage. Also situated on the site is a mobile home having dimensions of approximately 9.5m x 3.5m (33sqm). The mobile home is situated behind the stables and beyond the view of the road.
- 2.4 The current application seeks retrospective planning permission to retain the mobile home on the site for the following reasons:
  - as accommodation when mares are foaling and sheep are lambing as the applicant's live at Ickford 7.6 miles away;
  - to house a chemical toilet and cleaning facilities for use at other times of the year; and

- as security for the storage of equipment on site.

### 3.0 CONSULTATIONS & REPRESENTATIONS

3.1 Towersey Parish Council Consider that this application should be approved.

### 4.0 RELEVANT PLANNING HISTORY

4.1 On 21 August 1972 planning application (P72/M0469) was refused for the erection of two dwellings and accesses.

4.2 On 21 January 1987 planning application (P86/N0765) was refused for the erection of two stables and feed store.

4.3 On 18 March 1987 planning permission (P87/N0032) was granted for the creation of an access.

4.4 On 11 June 1992 planning permission (P92/N0151) was granted for an extension to an existing building for the storage of hay and straw.

4.5 On 29 May 2002 planning permission (P02/N0244) was granted for an all weather manege for the riding and schooling of horses and ponies.

4.6 In 2003 a planning enforcement investigation (EE03/144) was commenced into the siting of a mobile home for residential purposes.

4.7 On 17 May 2004 retrospective planning permission (P04/E0383/RET) was granted for the erection of a pole barn.

### 5.0 POLICY & GUIDANCE

5.1 Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 7 – Sustainable Development In Rural Areas

Planning Policy Guidance Note 18 – Enforcing Planning Control

South Oxfordshire Local Plan (SOLP) 2011 – G2, G4, G6, A6, H6 and H15.

### 6.0 PLANNING CONSIDERATIONS

6.1 Part 5 of Schedule 2 of the Town & Country (General Permitted Development) Order 1995 gives a permitted development right for the *"use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons engaged in farming (or forestry) operations of the same land"* (see also Caravan Sites & Control of Development Act 1960). A general condition requires that when the seasonal accommodation need ceases the use shall cease and the caravan be removed as soon as reasonably practicable. In the circumstances of the present case, however, the permanent siting of the mobile home on the land does not benefit from permitted development rights and therefore requires planning permission.

6.2 Policy A6 of the South Oxfordshire Local Plan (SOLP) 2011 otherwise provides that

planning permission for agricultural workers' dwellings will only be permitted where:

- i. *it is essential to the proper functioning of the holding for a worker to be readily available at most times...;*
- ii. *a financial test demonstrates that the enterprise is economically viable;*
- iii. *the need relates to a full-time worker or one who is primarily employed in agriculture, and does not relate to a part-time requirement;*
- iv. *the unit and the agricultural activity giving rise to the claimed need for a new dwelling has been established for at least three years and has been profitable for at least one of them and can be expected to remain profitable in the future at a level which would sustain the provision of the agricultural dwelling proposed;*
- v. ...
  
- vi. *there are clearly identifiable changes which give rise to the need for a new dwelling;*
- vii. ...
- viii. *the development is designed to respect the surroundings area in terms of scale, height, design and materials; and*
- ix. ...

- 6.3 The supporting text to policy A6 provides, among other things, that temporary permission for caravans (mobile homes) will not be permitted in locations where the Council would not grant permission for a permanent agricultural dwelling.
- 6.4 The obvious thrust of the above policy is to support the provision of agricultural workers' dwellings only in circumstances relating to an agricultural enterprise of an economically viable size. In the circumstances of the present case, however, the development relates to a small holding of only 0.8ha, which is not of an economically viable size; and the need does not relate to a full-time worker or one who is primarily employed in agriculture. Although the application states that the mobile home is only required during foaling and lambing season, the site currently accommodates just one mare and a small flock of geese. In these circumstances it cannot be argued that it is essential for a worker to be available at most times for the proper functioning of the holding; the applicants' otherwise permanently reside approximately 7.6 miles from the application site.
- 6.5 Policy A6 indicates that even where an agricultural workers dwelling can be justified in terms of the agricultural needs of the holding, that a caravan (mobile home) would only be considered on a temporary basis. In the circumstances of the present case, however, it is intended that the mobile home should remain permanently on the site (albeit occupied on a temporary basis). In this regard the permanent location of the mobile home on the site does not respect the surrounding area in terms of its design and materials.
- 6.6 The proposed development does not therefore accord with the requirements of policy A6 relating to the provision of agricultural workers dwellings.
- 6.7 Housing policy H15 of the SOLP 2011 provides that proposals for new mobile home sites will be considered in accordance with the housing policies of the Local Plan; and that permission will only be granted for a single mobile home in exceptional

circumstances on a temporary and personal basis. In the circumstance of the present case, however, the application does not appear to relate to a temporary period and exceptional circumstances have not been demonstrated.

- 6.8 The application site, situated as it is in the countryside, also fails to satisfy the requirements of housing policy H6 of the SOLP 2011, relating to the suitable location of new housing. It is also contrary to policies G2 and G4 which seek to protect the countryside from adverse development.
- 6.9 The applicants' need for the provision of a chemical toilet and on site security for the storage of equipment can be satisfied in ways that otherwise accord with planning policy.

## **7.0 ENFORCEMENT**

- 7.1 In the case of a recommended refusal of a retrospective application it is necessary to consider the need for enforcement action. Enforcement action should only be taken where harm in planning terms is identified. Any action should be proportionate to the level of harm identified from the breach of planning control.
- 7.2 Given that the application site does not represent the owners' permanent residential address, any enforcement action to require the removal of the mobile home would not be contrary to the owner's human rights under Article 8 of the European Convention on Human Rights (right to respect for private, home and family life).
- 7.3 In respect of Article 1 of the First Protocol to the European Convention on Human Rights (the right to preservation and protection of property), it is recognised that a public authority cannot put restrictions on what someone does with their property or interfere with a person's property unless there is a law that allows them to do this and there is a good reason for doing so. In this regard a fair balance must be struck between the interests of the property owner and the general interest of society as a whole.
- 7.4 The retention of the mobile home on the site does not accord with policies relating to the provision of agricultural workers dwellings or with housing policies relating to residential mobile home sites or the location of new housing. The proposed development is also considered harmful to the countryside. The continued location of the mobile home on the site would significantly undermine the strength of these policies and establish an undesirable precedent for similar development in the countryside. The development could not be made acceptable by attaching conditions to any planning permission. Therefore enforcement action is considered necessary and will be pursued under delegated powers.

## **8.0 CONCLUSION**

- 8.1 The proposed development does not accord with policies relating to the provision of agricultural workers dwellings or with housing policies relating to residential mobile home sites or the location of new housing. The proposed development is also considered harmful to the countryside.

## **9.0 RECOMMENDATION**

### **9.1 REFUSE Planning Permission for the following reasons:**

- 1. That the proposed development is not essential to the proper functioning of a viability agricultural holding and therefore represents an unnecessary**

**encroachment of development into the countryside, which adversely impacts upon the openness and rural character of the surrounding area contrary to policies G2, G4, G6 and A6 of the South Oxfordshire Local Plan 2011.**

- 2. That the proposed development results in the creation of a mobile home site in an isolated and unsustainable location in the countryside, contrary to policies H6 and H15 of South Oxfordshire Local Plan 2011.**

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