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<b>APPLICATION NO.</b>	P09/E0907
<b>APPLICATION TYPE</b>	Full
<b>REGISTERED</b>	04.09.2009
<b>PARISH</b>	Watlington
<b>WARD MEMBERS</b>	Mr Rodney Mann Rev'd Angie Paterson
<b>APPLICANT</b>	Mr W Webb
<b>SITE</b>	Webbs Yard, Cuxham Road, Watlington
<b>PROPOSALS</b>	Replacement of permanent mobile home with bungalow
<b>AMENDMENTS</b>	None
<b>OFFICER</b>	Mr T Wyatt

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1.0 **INTRODUCTION**

1.1 This application is referred to Committee as the Officer's recommendations conflict 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 beyond the built up area of Watlington. The site has a long established use for the stationing of caravans and mobile homes for occupation by travelling showpeople on an all year round basis.

2.0 **THE PROPOSAL**

2.1 This application seeks planning permission for the replacement of an existing mobile home with a permanent bungalow. The scheme is identical to that proposed under a previous application (P08/0107), which was refused under delegated authority on 18<sup>th</sup> April 2008 and then dismissed on appeal.

2.2 The new building would be sited towards the boundary of the site with the adjacent highway on a very similar siting to the existing mobile home. The bungalow would measure approximately 9 metres deep, 21 metres wide and 5.3 metres high. As well as providing a permanent residence consisting of 2 bedrooms, the building would also provide an office in connection with the running of the wider site and washing facilities for residents of other adjacent mobile homes.

2.3 A copy of the proposed plans is **attached** at Appendix B whilst other documents relating to the application can be found on the Council's website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

3.0 **CONSULTATIONS AND REPRESENTATIONS**

3.1 **Watlington Parish Council** – The application should be refused as it relates to new residential development outside the village envelope of Watlington.

3.2 **Highway Liaison Officer** – No objections

3.3 **Environment Agency** – No objections subject to conditions.

3.4 **Forestry Officer** – No objection subject to a tree protection and tree management condition.

3.5 **CPRE** – Given the appeal decision it is unlikely that the application can be refused. However, an occupancy condition should be imposed on any planning permission.

3.6 **Neighbours** – No correspondence received.

#### 4.0 **RELEVANT PLANNING HISTORY**

4.1 P08/E0107 - Replacement of permanent mobile home with bungalow. Refusal of Planning Permission on 18 April 2008. Appeal Dismissed on 02 September 2008.

4.2 P93/S0686 - Relaxation of Condition 5 of planning permission SO/S/690/83, to permit the occupation of the showmen's depot throughout the summer months April - October. Planning Permission granted on 14 October 1996.

4.3 P87/S0292/O - Bungalow and barn (bungalow to be used by Mr Webb for permanent residence to enable continued security and the control of site. The barn used for the maintenance of show ground equipment). Refusal of Planning Permission on 24 June 1987

4.4 P83/S0690 - Showman's Depot for the maintenance of equipment and showman's quarters. Appeal allowed on 20 May 1985.

4.5 P56/H0287 – Dwellinghouse and access. Planning permission granted on 23<sup>rd</sup> May 1956.

#### 5.0 **POLICY AND GUIDANCE**

5.1 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):

- G1 – General Restraint and Sustainable Development
- G2 – Protection and Enhancement of the Environment
- G4 – Development in the Countryside and on the Edge of Settlements
- G6 – Promoting Good Design
- C1 – Landscape Character
- C9 – Landscape Features
- EP8 – Contaminated Land
- D1 – Good Design and Local Distinctiveness
- D2 – Vehicle and Bicycle Parking
- D3 – Plot Coverage and Garden Areas
- D4 – Privacy and Daylight
- D8 – Energy, Water and Materials Efficient Design
- D10 – Waste Management
- H6 – Locations where New Housing will not be Permitted
- H16 – Residential Caravans and Mobile Homes
- T1 & T2 – Transport Requirements for New Developments

5.3 Government Guidance:

- PPS1 – Delivering Sustainable Development
- PPS3 - Housing
- PPS7 – Sustainable Development in Rural Areas
- PPS23 – Planning and Pollution Control
- PPS25 – Development and Flood Risk

5.4 Supplementary Planning Guidance

- South Oxfordshire Design Guide July 2008 (SODG)

6.0 **PLANNING ISSUES**

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

1. The principle of the development
2. Flood risk
3. The impact on the character and appearance of the site and surrounding area
4. The impact on the amenity of neighbouring occupiers
5. Other material considerations

The Principle of the Development

6.2 The application site comprises mobile homes connected with travelling showpeople, which in accordance with a condition attached to the original permission (P83/S0690) for the mobile home site is restricted to the siting of 14 pitches and 20 caravans. The mobile home site is now well established.

6.3 The site lies beyond the edge of the built up area of Watlington, and therefore, lies in the countryside for the purposes of the housing policies of the SOLP. Policy H6 of the SOLP states that planning permission will not be granted for new houses in the countryside or on the edge of settlements where the built up area of the settlement would be extended. Policy H16 of the SOLP states that permission will only be granted for the redevelopment of residential caravan or mobile home sites for permanent residential development is such development would comply with the other relevant policies in the SOLP. The Parish Council have recommended that the application is refused due to the perceived conflict with these Policies.

6.4 Indeed the first refusal reason of the previous application stated:

*The application site lies beyond the built up edge of Watlington and therefore lies in an area of countryside where the principle of new housing development or the redevelopment of caravan or mobile home sites for permanent residential development is not acceptable having regard to Policies G3, H6 and H16 of the South Oxfordshire Local Plan 2011. The proposal would also fail to comply with guidance contained within PPS1: Delivering Sustainable Development, PPS3: Housing, and PPS7: Sustainable Development in Rural Areas.*

6.5 In considering this refusal reason at appeal, the Inspector did not support the council's position as evidenced by Paragraphs 5 to 13 of his decision notice, which is **attached** at Appendix C. At Paragraph 12 the Inspector states:

*In my view, it would be unreasonable to deny, in principle, a Travelling Showperson the practical benefits of a permanent dwelling on a permanent Showperson's site, provided that it did not undermine the overall function of the site or increase the number of families resident on the site. Neither point is at issue here. It is not uncommon in my experience for a permanent dwelling to be part of established Showpeople's sites, often at the entrance to the site, with occupiers serving as an informal warden or manager of the site and providing security whilst other families are travelling. The proposed bungalow would, in effect, serve that function here. Finally, the building would provide not only a dwelling, but also communal shower and other facilities for other occupiers of the site to replace the old small toilet and shower block on the site. This is a clear practical benefit for the other occupiers.*

- 6.6 In light of the Inspector's views the principle of the proposed development is acceptable and therefore, the first refusal reason attached to application P08/E0107 has been addressed.

Flood Risk

- 6.7 Part of the site lies in Flood Zone 3, which represents land where there is a high flood risk. The Environment Agency objected to the previous application based on the lack of a Flood Risk Assessment (FRA) accompanying the application. This formed the second refusal reason attached to application P08/E0107, and was the only reason supported by the Inspector in dismissing the appeal. He states at Paragraph 18 of his decision notice:

*Uncertainty about the nature of the flood risk means that I cannot be satisfied that the development complies with national advice to minimise flood risk to future occupiers of the development and elsewhere.*

- 6.8 A FRA has been submitted with the current application and the Environment Agency is now satisfied with its findings and the mitigation measures proposed to reduce the likelihood and consequences of flooding. Therefore, the second refusal reason attached to application P08/E0107 has been addressed.

The Impact on the Character and Appearance of the Site and Surrounding Area

- 6.9 The bungalow would replace a mobile home of similar dimensions and on a similar footprint. In light of this and the good vegetative screening between the site and Cuxham Road, the development would not have a significant visual impact in public views, or indeed private views, from outside of the application site area. The previous application was not refused in relation to this issue.

The Impact on the Amenity of Neighbouring Occupiers

- 6.10 The bungalow would replace an existing mobile home. There would be no additional impact on other occupiers of the mobile home site. Indeed, the proposed communal washing facilities within part of the proposed bungalow are likely to benefit adjacent occupiers of other mobile homes/caravans. The development would have no discernible impact on any occupiers outside of the application site. The previous application was not refused in relation to this issue.

Other Material Considerations

- 6.11 It is important that the mature trees and other vegetation on the boundaries of the site are maintained. As such the Tree Officer has stated that conditions to require the protection and future management of the trees on the front boundary of the site should be attached to any planning permission.
- 6.12 There are no objections from the Highway Authority as the access and parking arrangements would remain as per the existing situation.
- 6.13 Policy D8 of the SOLP requires that new development demonstrates high standards in the efficient use of water, energy and materials. No sustainability measures were proposed in relation to the previous scheme, and this led to the third refusal reason, which stated:

*The development fails to demonstrate and incorporate a high standard of sustainable design, either through its building design, use of materials, layout and orientation of buildings, contrary to Policies G2 and D8 of the South Oxfordshire Local Plan 2011 and guidance contained within PPS1: Delivering Sustainable Development.*

- 6.14 In respect of the subsequent appeal, the Inspector considered that there was no justification for insisting upon a higher standard of energy efficiency than those required under Building Regulations. Thus he states at Paragraph 19 of his decision notice:

*I have no doubt that level 3 could be achieved in the construction of the proposed building and thus this matter could be dealt with by condition, but there is little justification for requiring the appellant to achieve a standard above that currently set in the Building Regulations. The Supplement to PPS1 Planning and Climate Change (December 2007) indicates that there will be situations where it could be appropriate for local planning authorities to anticipate levels of building sustainability in advance of those set out nationally, but that authorities must be able to demonstrate clearly the local circumstances that warrant and allow this. In my view, the very general wording of policies G2 and D8 do not justify such an approach in relation to a single dwelling replacing a mobile home, which would be likely to achieve a considerable improvement in energy efficiency if built in accordance with the current Building Regulations.*

- 6.15 In light of the above your officers consider that it would be unreasonable to refuse the current application on grounds of sustainability and therefore, the third refusal reason attached to planning application P08/E0107 has been addressed. However, a sustainability statement has been submitted with the application, and this outlines various sustainability measures and indicates that the applicant's intention is to achieve Level 3 of the Code for Sustainable Homes.

## 7.0 CONCLUSION

- 7.1 The application proposal is considered to be in accordance with the relevant development plan policies and national planning policy, as the proposal would not cause any significant harm to the character and appearance of the site and the surrounding area, and is acceptable in relation to flood risk.

## 8.0 RECOMMENDATIONS

- 8.1 **That planning permission be granted, subject to the following conditions:**

- 1. Commencement – 3 years**
- 2. Samples of materials to be approved**
- 3. Tree protection measures to be approved**
- 4. Tree management plan to be approved**
- 5. Permitted development rights for extensions and outbuildings restricted**
- 6. Development to be carried out in accordance with the approved Flood Risk Assessment**
- 7. Remediation of contamination to be undertaken if required**
- 8. Details of sustainability measures to be approved**
- 9. Occupation limited to members (or retired members) of the Showmen's Guild and their dependants**

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