

APPLICATION NO.	P23/S1760/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	23.5.2023
PARISH	STADHAMPTON
WARD MEMBER(S)	Georgina Heritage
APPLICANT	Mr Albert Smith
SITE	Santannas Place Watlington Road Stadhampton, OX44 7UQ
PROPOSAL	Change of use of paddock land to form hardstanding (retrospective) including siting of an additional 1 x mobile home for residential purposes and general alterations to the previously approved scheme P16/S2987/FUL and subsequent amendments P21/S3017/FUL.
OFFICER	Will Darlison

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The application is referred to planning committee because the Officer's recommendation for approval conflicts with the views of Stadhampton Parish Council, who object to the proposed development.
- 1.2 The application site is Santannas Place near the village of Stadhampton. There are residential caravans on the site together with ancillary buildings and a stable. The nearest neighbour is Copper Beeches to the east. Vehicular access is gained via Watlington Road to the south.
- 1.3 A plan identifying the site can be found at **Appendix 1** to this report.
- 1.4 This application seeks planning permission for changes to the approved scheme for the site. The changes are to increase the number of mobile home pitches to two (one mobile home and one touring caravan each) and an increase in the amount of hardstanding at the site.
- 1.5 The application is part retrospective in nature as the expansion of the area of hardstanding in the eastern part of the site has already been partly implemented.
- 1.6 Reduced copies of the plans accompanying the application can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the Council's website www.southoxon.gov.uk under the planning application reference number.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Stadhampton Parish Council – Objection

- It is not compliant with the original purpose of the development and not in keeping with the character of the area

- It is a cause for concern in a rural area to concrete over paddock land.
- The appeal hearing on the original permission heard that the property was intended for the sole use of a family of 4, and not a business or for further dwelling. However, the site has continued to be development.
- A site visit should be undertaken by the planning Officer and an update is requested on the compliance with the original planning conditions. The suitability of the current grass paddock and extending the paddock should be provided as well.

OCC Highways Liaison Officer – No objection subject to condition

Env. Protection Team – No comments

Neighbour representations – None received

3.0 RELEVANT PLANNING HISTORY

3.1 [SE22/59](#) - Breach of conditions 5 and 8 of planning permission P21/S3017/FUL; and erection of a building without planning permission

[P21/S3017/FUL](#) - Approved (14/09/2021)

Provision of stables, utility/day room and hardstanding in association with the approved use of the land for such purposes together with the stationing of caravans for residential purposes and the keeping of horses (amendment to planning permission P16/S2987/FUL)

[P16/S2987/FUL](#) - Refused (24/11/2016) - Appeal allowed (28/02/2018)

The use of land for the stationing of caravans for residential purposes , together with the formation of hardstanding, and utility/dayrooms and keeping of horses (as amended by plans received 3 November 2016 altering access).

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 N/A

5.0 POLICY & GUIDANCE

5.1 **National Planning Policy Framework and Planning Practice Guidance**

5.2 **South Oxfordshire Local Plan 2035 (SOLP) Policies:**

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

EP4 - Flood Risk

H14 - Provision for Gypsies, Travellers and Travelling Showpeople

H15 - Safeguarding Gypsy, Traveller and Travelling Showpeople sites

INF4 - Water Resources

TRANS5 - Consideration of Development Proposals

5.3 **Neighbourhood Plan**

Stadhampton does not have a made neighbourhood plan.

5.4 **Supplementary Planning Guidance/Documents**

5.5 South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.6 **Other Relevant Legislation**

5.7 Planning Policy for Traveller Sites (PPTS, 2015)

5.8 Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.9 Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Policy Background.**
- **Principle of the development.**
- **Need and status of applicants.**
- **Design and character.**
- **Residential amenity.**
- **Access and parking.**
- **Drainage.**
- **Intentional unauthorised development.**
- **Other issues.**

6.2 **Policy Background.** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The council's Development Plan consists of the South Oxfordshire Local Plan 2035 (SOLP). Policies H14 and H15 (SOLP) provides policy guidance for the provision of pitches for Gypsy and Travellers and the safeguarding of those sites.

6.3 Policy H14 (SOLP) provides for new pitches by safeguarding authorised sites; allowing extensions to existing sites, where possible, to meet the needs of existing residents and their families and delivering new pitches in strategic allocations.

6.4 The DCLG document Planning Policy for Traveller Sites (PPTS, 2015) advises that in determining planning applications for traveller sites the local planning authority should consider the following issues amongst other relevant matters:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant

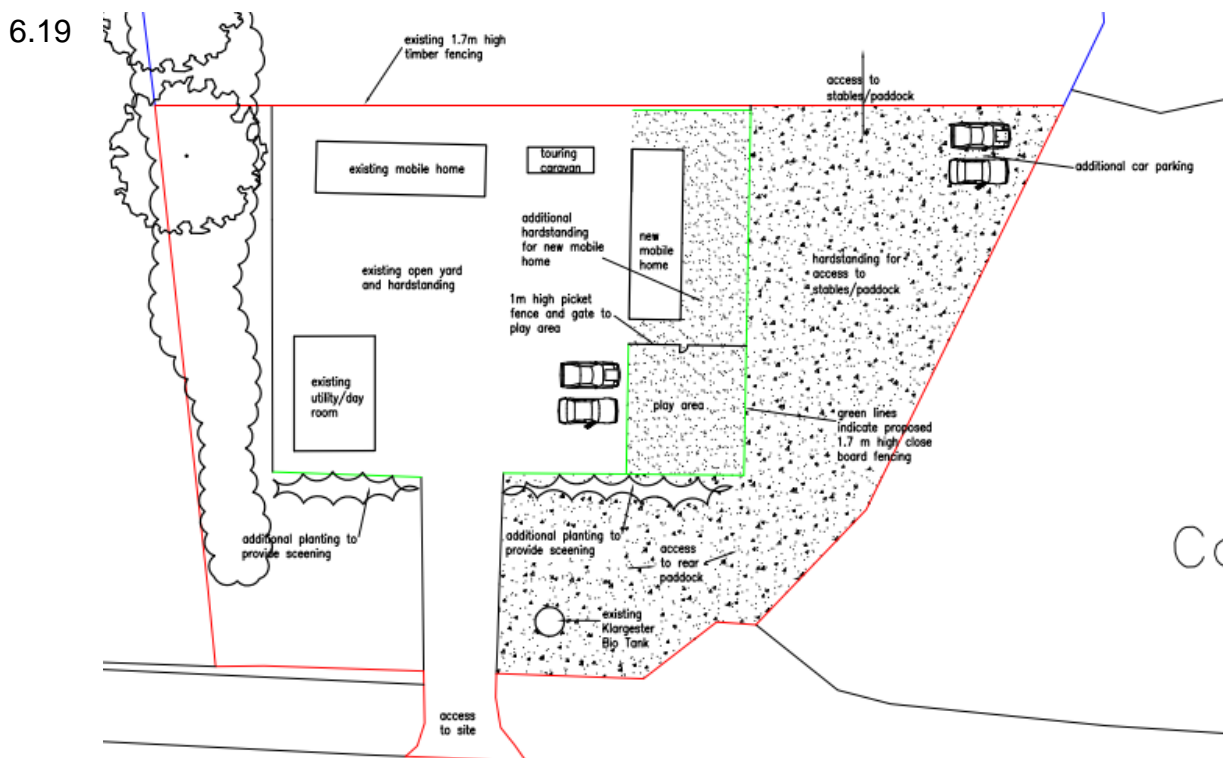
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) that they should determine applications for sites from any travellers and not just those with local connections
- 6.5 The PPTS advises that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 6.6 When considering applications, local planning authorities should attach weight to the following matters:
 - a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- 6.7 The council's Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) identifies a need for 9 additional gypsy and traveller pitches between 2017-2033. The council's Development Plan currently aims to provide for the allocation of 10 new pitches across three allocated strategic sites under Policy H14 1. iii) of the SOLP.
- 6.8 **Principle of development.** The principle of using the site for the stationing of a mobile home has already been established by the permission granted on appeal under reference P16/S2987/FUL. Therefore, the assessment of this application rests on the impacts of the increase in the number pitches and associated alterations to the approved scheme beyond what has been approved and subsequently implemented at the site.
- 6.9 **Need and status of applicants.** Policy H14 of the SOLP sets out what is considered to be an up-to-date five-year supply of deliverable sites for the district. However, this should not be taken to mean that 'windfall' pitches are discounted where they are found to comply with development plan policy.
- 6.10 Criterion ii) of Policy H14 1. sets out that the provision of pitches for Gypsies and Travellers can also be delivered through extending existing sites, where possible, to meet the needs of existing residents and their families.
- 6.11 The supporting information submitted as part of the application has detailed the personal circumstances of the resident of the permitted mobile home: Mrs Mary Smith. Mrs Smith's grandson (Mr Albert Smith), wife (Mrs Shannon Smith) and

young child now occupy the touring caravan in order to provide care and support. They wish to remain at the site to be able to be close to Mrs Mary Smith but the touring caravan is too cramped for Mr and Mrs Smith and their family. It is on this basis that an additional mobile home pitch is required.

- 6.12 Planning permission P16/S2987/FUL granted on appeal was subject to a condition restricting the occupancy of the site to gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites August 2015. The current applicants (Mrs Smith's grandson and partner) have confirmed that they identify as 'English Gypsies' for the purposes of The Equality Act 2010 and have provided an explanation of their compliance with the current planning definition. This is considered acceptable and is the position taken on most recent application at the site under reference: P21/S3017/FUL.
- 6.13 Therefore, I consider that the above represents materially relevant personal circumstances that complies with Policy H14 1. ii) of the SOLP. In addition, the council would not support the loss of a gypsy and traveller site, so it is necessary and reasonable to re-impose the occupancy condition that has been used on P16/S2987/FUL and P21/S3017/FUL to ensure the site is retained and continues to contribute to meeting the identified need for gypsy and traveller sites in the district in accordance with policy H15 of the SOLP.
- 6.14 **Design and character.** Policy DES1 requires new development to be of high-quality design. The policy gives a wide range of measures against which development will be assessed, including efficient use of land, net gains and no net loss of biodiversity, sustainability and respect for local character and context. This respect for local character is echoed by policy DES2 which requires new development to be designed to reflect the positive features that make up the character of the local area and it should both physically and visually enhance and complement the surroundings.
- 6.15 The additional mobile home would be sited in a side on orientation to Watlington Road to the south. It would also be positioned close to the existing mobile home and touring caravan on the site. This configuration and grouping would minimise the visual impact. This close spatial grouping of the mobile homes will be secured by fencing off the enlarged hardstanding, which would avoid the pitches spanning the full width of the application site.
- 6.16 The changes proposed from the approved scheme will see the area of hardstanding extended to the east up to the boundary shared with Copper Beaches. This would provide access to the rear paddock and stables. It is my view that this would not have a materially harmful impact on the character and appearance of the site given that it would be limited to the front part of the site immediately adjacent to the already developed elements present. Furthermore, the proposal would see the erection of sections of fencing that would delineate the part of the site where the mobile homes are located from this area of additional hardstanding. This will help to ensure that the extended hardstanding remains open and is not encroached in the future.

6.17 **Residential amenity.** Policy DES6 requires development proposals to demonstrate that they will not significantly impact the amenity of neighbouring uses in relation to loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination or the use of / or storage of hazardous substances and external lighting.

6.18 As previously detailed, the additional area of hardstanding would extend up to the shared eastern boundary with Copper Beeches. However, in my view this would not result in the potential for the new mobile home to be positioned near this boundary. The proposed block plan clearly delineates the ‘hardstanding for access to stables/paddock’ from the area where the new mobile home is to be sited. A condition restricting the placement of the mobile homes and touring caravan to be within the enlarged ‘existing courtyard and hardstanding’ enclosed by the fencing marked green on the block plan (see para. 6.19 below) is therefore recommended to limit the impact on the neighbouring property.



6.20 **Access and parking.** Policy TRANS5 requires development proposals to provide for a safe and convenient access for all users to the highway network, provide cycle parking where relevant, be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment, be designed to enable charging of plug-in and other lower emission vehicles, provide for loading, unloading, circulation and turning space and provide for the parking of vehicles in accordance with Oxfordshire County Council (OCC) parking standards, unless specific evidence is provided to justify otherwise.

6.21 The proposed additional pitch and enlargement of the hardstanding is in my view unlikely to result in an unacceptable level of intensification of use of the

site and there are no changes proposed to the access. The Highway Liaison Officer has no objections to the development commenting that in their view the proposals are unlikely to have a significant adverse impact on the highway network. They have also confirmed that there would remain sufficient parking and turning provisions within the site.

6.22 **Drainage.** Policy EP4 of the SOLP relates to matters of flooding and states that the risk of flooding will be minimised through;

- i) directing new development to areas with the lowest probability of flooding;
- ii) ensuring that all new development addresses the effective management of all sources of flood risk;
- iii) ensuring that development does not increase the risk of flooding elsewhere; and

6.23 The implemented permission for the site required details of foul and surface water drainage details to be approved. Details were submitted under P18/S1289/DIS but the condition was only partially discharged as more details were required. The site is now occupied, and it was confirmed on the 2021 application that the drainage scheme has been installed in accordance with the partially agreed details.

6.24 It is regrettable that the full drainage details were not submitted at the time of the last application. However, it is deemed reasonable and necessary to secure drainage details under this application as the proposal would result in an increase in the foul water capacity required at the site.

6.25 **Intentional unauthorised development.** The planning system allows for retrospective planning applications to be made under S.73A of the Town and Country Planning Act 1990 (as amended), thus undertaking development without the relevant planning permission of itself is not a breach of planning control. The NPPF also advises that formal enforcement action, should not be taken simply to regularise unauthorised development.

6.26 However, DCLG published a planning policy statement (31/08/2015) on green belt protection and intentional unauthorised development. This policy statement noted that “intentional unauthorised development”, could be a material planning consideration, highlighting concerns with regards to development undertaken without planning permission. In particular the fact undertaking unauthorised development does not give opportunity to appropriately mitigate harm already taken place and can result in expensive, time-consuming action. Appeal cases have shown it is unlikely that this reason alone could be enough to refuse planning permission, or take enforcement action, but that it can be considered with other material considerations. In this case however I conclude that it does not present a reason in isolation to refuse planning permission. The laying of some, but not all, of the additional hardstanding at the site has not resulted in planning harm. The recommendation of approval of the area of hardstanding would have been the same if it had been entirely proposed and not part retrospective.

6.27 **Other issues.**

Community Infrastructure Levy (CIL)

The development is not CIL liable.

7.0 **CONCLUSION**

7.1 Officers recommend that planning permission is granted as the principle of the use has been established by the existing permission for the site. The inclusion of the additional pitch and enlarged hardstanding beyond the approved scheme would not materially harm visual amenity, highway safety nor neighbours, and subject to the recommended conditions it is held that the development accords with the relevant policies of the adopted Local Plan, the NPPF and the PPTS.

8.0 **RECOMMENDATION**

8.1 **To grant Planning Permission subject to the following conditions:**

8.2 **1 : Commencement 3 yrs - Full Planning Permission**

2 : Approved plans *

3 : Parking & Manoeuvring Areas Retained *

4 : Materials as on plan

5 : No Trade / Business Use

6 : No vehicle over 3.5 tonnes parked or stored

7 : Occupancy condition

8 : No more than 2 pitches

9 : Foul and Surface Water drainage works (details required)

8.3 **Author:** Will Darlison

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