

# Planning Services

## COMMITTEE REPORT

**AGENDA ITEM NUMBER: 3(d)**

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2010/0363</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>MOBILE HOME AND ATTACHED GENERAL PURPOSE BUILDING (RETROSPECTIVE)</b>
<b>NAME OF APPLICANT</b>	<b>MR J CARR</b>
<b>SITE ADDRESS</b>	<b>LAND EAST OF ASHLEY HOUSE, THORNLEY ROAD, TRIMDON</b>
<b>ELECTORAL DIVISION</b>	<b>THORNLEY</b>
<b>CASE OFFICER</b>	<b>Laura Martin 0191 5274612 laura.martin@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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**Site:**

- 1 The application site relates to a small holding situated within the settlement boundary for the village of Trimdon. The smallholding is utilised for the keeping of livestock and there are also a number of polytunnels and associated structures within the holding.

**Proposal:**

- 2 Retrospective planning approval is sought for the retention of a mobile home and an associated building attached to the mobile home used as an office. The mobile home is utilised by the applicant to stay on the site during key times through the farming season, such as the lambing season and also if there are any issues with the livestock that would require an onsite presence.
- 3 Previously an application was refused for a certificate of lawful use, as the applicant could not provide sufficient evidence to demonstrate that the mobile home and attached building had been on site for more than ten years.
- 4 Having regard to constitutional requirements and the fact that the Parish Council has objected to the proposal, the application is brought before Members for their determination.

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## **PLANNING HISTORY**

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PL/5/2010/0190 Application for certificate of lawful use for mobile home and building refused 13 July 2010.

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## **PLANNING POLICY**

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### **5 NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### **6 LOCAL PLAN POLICY:**

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **7 STATUTORY RESPONSES:**

Parish Council- object to the proposal on the grounds that it would set an undesirable precedent for persons living in mobile homes and due to the temporary nature of the structures, that a more permanent solution should be sought.

Northumbria Water- raises no objections

### **8 INTERNAL CONSULTEE RESPONSES:**

Highways Authority- raises no objections

Planning Policy- raises no objections to the proposal subject to an agricultural tie and temporary planning approval condition.

## **9 PUBLIC RESPONSES:**

The proposal was advertised by means of a site notice and by letter to 30 neighbouring properties within the area. No letters of representation have been received in respect to the above development.

## **10 APPLICANTS STATEMENT:**

The land (small holding) has been owned by the Carr Family in excess of 30 years, and now creates part-time employment for Mr John Carr. The mobile home and building are not used for residential purposes, but is required by Mr Carr to assist with the functioning of the enterprise on the small holding and that the proposal meets all relevant criteria. The mobile home and building are used by Mr Carr as a messing facility/office/toilet base and the veterinary surgeon when visits are required to attend to animals on the small holding. The only time Mr Carr will sleep on the premises is in the lambing season. Mr Carr is more than willing to work with the planning authority to achieve a satisfactory outcome to the matter.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file, which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet? PKID=110387> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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The main planning considerations in the determination of the planning application are: -

- Policy
- Impact upon residential and visual amenity
- Temporary nature of the structure
- Precedent

## **11 Policy**

In relation to planning policy, as previously stated the site is located within the settlement boundary, in a sustainable location. Therefore in this respect a residential use in this location would be acceptable in planning policy terms. In respect of planning policy there is no differentiation between a permanent residential dwelling and that of a mobile home. The temporary nature of the structure will be discussed later in this report.

## **12 Impact upon residential and visual amenity**

It is considered that due to the location and existing screening at the site, the retention of the mobile home and associated structure would have minimal impact upon both residential and visual amenity within the area. The mobile home is well screened from neighbouring properties due to its location on site and the existing structures at neighbouring properties within the area.

The structure is not readily seen outside of the site and when seen within the context of the smallholding has minimal impact upon visual amenity. As previously stated there are a number of poly tunnels and associated farm buildings on site, and within this context, the

mobile building and associated building has minimal impact upon the visual amenity of the area.

### **13 Temporary nature of the structure**

Whilst it is acknowledged that the mobile home is of a temporary nature the development is situated within the settlement boundaries for the village of Trimdon, and would also be considered to be a sustainable location, due to readily available access to services such as public transport, health care and schools. Due to this a residential use within this location would be acceptable in relation to planning policy.

It is considered that due to there temporary nature, the mobile home and associated building may deteriorate over time, and as such the situation would need to be reassessed within a suitable timeframe. Therefore in this respect allowing the applicant a temporary permission would ensure that a more suitable long-term solution can be achieved, whilst allowing the applicant to still operate his agricultural small holding in the interim.

### **14 Precedent**

In relation to precedent, this is not a material planning consideration, and each application must be considered upon its own merits. The mobile home and associated building would be used in connection with the smallholding and would be tied to this via a condition should the application be approved. This would ensure that persons only associated with the smallholding would be able to stay in the caravan.

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## **CONCLUSION**

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- 15 As a result it is considered that the retention of the mobile home and associated building would not give rise to adverse impact upon visual and residential amenity within the area given their location and overall setting. Furthermore, the mobile home is located within the settlement boundary and in a sustainable location, and the development is therefore in compliance with planning policy in this respect. It is therefore considered that the proposed development is acceptable in accordance with the intentions of the District of Easington Local Plan and in particular Policies 1, 3 and 35.

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## **RECOMMENDATION**

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- 16 That the application be **APPROVED** subject to the following conditions;

### **Conditions:**

1. This consent is granted for a temporary period of 5 years from the date hereof when, unless the renewal of consent has been sought and granted previously, the mobile home and attached building hereby approved shall be removed and the land reinstated to its former condition in accordance with details to be submitted to and approved by the Local planning authority.
2. The occupation of the mobile home hereby approved shall be limited to a person solely or mainly employed, or last employed, on the smallholding on which it is located, or a widow or widower of such a person, and to any resident dependents.

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## **REASONS FOR THE RECOMMENDATION**

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1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS7 - Sustainable Development in Rural Areas

2. In particular the development was considered acceptable having regard to consideration of issues of policy, visual and residential amenity and the temporary nature of the structure and possible precedent.
3. The stated grounds of objection concerning the temporary nature of the structure and the possibility of precedent were not considered sufficient to lead to reasons to refuse the application.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3 and PPS7
- Consultation Responses

