

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2012/0411
FULL APPLICATION DESCRIPTION	REMOVAL OF PLANNING CONDITION NO.3 OF PLAN/2008/0554 - RELOCATION OF DWELLING (RESUBMISSION)
NAME OF APPLICANT SITE ADDRESS	MR R DRUMMOND EVERGREEN CARAVAN PARK, COAST ROAD, CRIMDON DENE, TS27 4BW
ELECTORAL DIVISION CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. The application site is situated off the Coast Road in the Crimdon Dene area, which is in the south easternmost corner of the former District of Easington, close to the boundary with Hartlepool. It is not within a settlement boundary and as such is classed as being in the countryside. Evergreen Park is an established rural enterprise that operates as a caravan park. A managers house to which this application relates lies outside of the caravan park boundary to the west.

Proposal:

2. Planning permission was granted in 2008, contrary to officers recommendation, for a managers house to the west of caravan park boundary. Officers recommended refusal due to the encroachment into the countryside that would occur should the application be approved. However, the applicant submitted information with the application which gave details of personal family related health issues. Members took this into account and approved the application subject to a condition which tied the dwelling into the caravan park business.
3. The applicant has now completed the dwelling and has recently applied to HM Revenue and Customs for a VAT refund claim, as is allowed under the Self Build VAT Refund Scheme. However, this refund is not allowed if a dwelling is explicitly linked to a business which restricts the occupancy of it.

4. This application is being reported to committee after a request from a local councillor.

PLANNING HISTORY

5. 04/177 – Replacement of owners bungalow with dormer bungalow. Approved.
6. 08/0431 – Relocation of dwelling (Outline). Withdrawn.
7. PLAN/2008/0554 – Relocation of Dwelling. Approved.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’

The following elements are considered relevant to this proposal:

10. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

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>

REGIONAL PLAN POLICY:

Regional Spatial Strategy for the North East

11. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
12. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the

RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies.

13. Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
14. Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.

LOCAL PLAN POLICY:

District of Easington Local Plan

15. 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.
16. 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 polices.

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>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. None received.

INTERNAL CONSULTEE RESPONSES:

18. None received.

PUBLIC RESPONSES:

19. None received.

APPLICANTS STATEMENT:

20. When the application came before the Committee of Easington Council the applicant attended the meeting and listened to the debate among councillors. The applicant was given the opportunity to address the committee and restricted what he said to the circumstances of his sons illness. The committee appeared to be impressed by his address and were clearly sympathetic. The committee in fact resolved to grant planning permission on the basis of the special circumstances of his sons illness. Up

to that point there had been no mention of restricting occupation of the new dwelling to the business. The committee was advised that special circumstances could not be made the subject of a condition and eventually it emerged from the discussion that a suitable way round the problem might be for the permission to be 'tied' to the caravan park in the sense that it was to be accommodation for an owner or manager. The applicant was asked to express a view on this there and then at the committee because it was made clear to him that the only alternative to this course would be to refuse the application as recommended by the officer. The applicant, who intended to live in the dwelling and occupy it with his family, and who had not had the opportunity to take legal advice, could not see any objection to the proposed tie and said so. It was on that basis that Easington Committee granted consent subject to the condition.

21. The applicant also states that for as long as the planning permission is tied to the business he is unable to obtain repayment of VAT paid on the self-build of the new dwelling and therefore the issue is of financial importance as well as being a point of principle.

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=120688>

PLANNING CONSIDERATION AND ASSESSMENT

22. This application proposes the removal of an occupancy condition and therefore the only consideration is whether planning policy has changed sufficiently to warrant the condition being removed. The planning condition reads as follows.
23. *"The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed, or last employed prior to retirement, at the adjacent caravan park currently known as Evergreen Park, Coast Road, Crimdon, or a spouse and/or dependent of such a person residing with him or her, or a widow or widower of such a person"*.
24. The most relevant policies relating to this application are saved policies 1 & 3 of the District of Easington Local Plan and part 6 (Delivering a wide choice of high quality homes), paragraph 55 of the National Planning Policy Framework (NPPF).
25. The site is located outside of any settlement limit and as such it is regarded as being in the countryside. District of Easington Local Plan saved policy 3 states that development in the countryside will not be approved unless allowed by other policies.
26. Following on from this, the national guidance as contained in the NPPF requires that, in the promotion of sustainable development in rural areas, new housing should be located in settlements with access to services and that local planning authorities should avoid new homes in the countryside "...unless there are special circumstances" including "the essential need for a rural worker to live permanently at or near their place of work in the countryside;" This condition was agreed by members of the planning committee when the managers house was approved in 2008 in order to ensure that the occupancy of the dwelling was tied to the business and so it could not be sold on the open market.
27. When the original application came in one of the reasons for the new dwelling was for a quieter family home outside of the caravan park to improve the quality of life for

a member of the family with serious health concerns. The operation of the caravan park by the applicant is clearly linked to the existing bungalow and indeed consideration was given previously to the health grounds. However, it is considered that health grounds alone would not justify the dwelling in this location therefore members resolved to impose the condition previously linking it to the business. There has been no material change in policy terms which would make the dwelling acceptable without this intrinsic link.

28. The inability to claim VAT through a restriction by condition is not a material planning consideration.

CONCLUSION

28. In light of the above it is considered that the removal of the condition would result in a dwelling in an unsustainable countryside location, without any special circumstances and would not conform with saved policies 1 & 3 of the Easington District Local Plan or part 6 of the National Planning Policy Framework.
29. Furthermore, it is not considered that the removal of the condition, in order for the applicant to claim back VAT on the dwelling is a material planning consideration.

RECOMMENDATION

That the application be **REFUSED** subject to the following conditions;

1. The proposal would result in residential development in an unsustainable countryside location contrary to saved policies 1 & 3 of the District of Easington Local Plan and part 6, paragraph 55 of the National Planning Policy Framework.

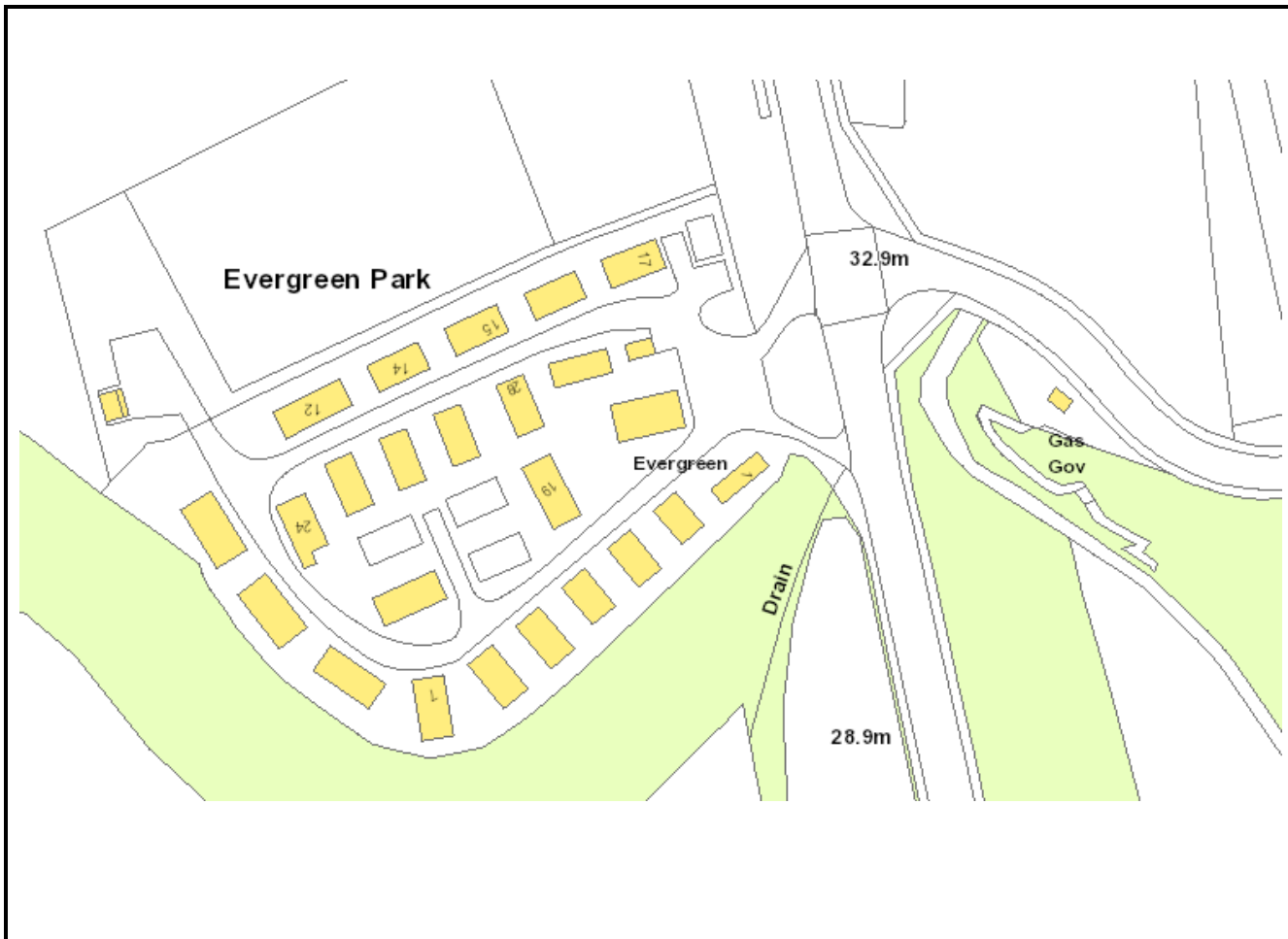
REASONS FOR THE RECOMMENDATION

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	GEN01 - General Principles of Development
2. The reasons set out by the applicant were not considered sufficient to justify the removal of the occupancy condition which would result in a dwelling in an unsustainable countryside location as required by part 6, paragraph 55 of the NPPF.

BACKGROUND PAPERS

- 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
- National Planning Policy Framework
- Consultation Responses



Planning Services

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Comments

Date February 2013

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