

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>23/00614/FUL</b>
<b>LOCATION:</b>	<b>Trinity Farm, Awsworth Lane, Cossall, Nottinghamshire, NG16 2RZ</b>
<b>PROPOSAL:</b>	<b>Retain static mobile home</b>

The application is brought to the Committee at request of Councillor L A Ball BEM.

1. Purpose of the Report

1.1 The application seeks retrospective planning permission for the siting of a static caravan to be used for permanent residential use.

2. Recommendation

**The Committee is asked to resolve that planning permission be refused subject to reasons outlined in the appendix.**

3. Detail

3.1 The application site consists of an area of agricultural land that has been used for the growing of farm produce which is subsequently sold within the on-site café and shop. The land consists of multiple agricultural buildings, a shop, a café, 3 existing unauthorised caravans and the rest of the land is utilised for the growing of farm produce.

3.2 The site is located within the Green Belt.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows: There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Any climate change implications are contained within the report.

8. Background Papers

None.

APPENDIX

1. Details of the application

1.1 The application seeks retrospective planning permission for the siting of a static caravan and associated infrastructure to be used for permanent residential use.

2. Site and surroundings

2.1 The application site consists of an area of agricultural land that has been used for the growing of farm produce which is subsequently sold within the onsite café and shop. The land consists of multiple agricultural buildings, a shop, a café, 3 existing unauthorised caravans and the rest of the land is utilised for the growing of farm produce.

2.2 The site is located within the Green Belt.

3. Relevant Planning History

3.1

14/00131/FUL	Retain timber building to be used as a farm shop (Class A1)	Permitted
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4. Relevant Policies and Guidance

4.1 **Broxtowe Aligned Core Strategy 2014:**

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy 3 - Greenbelt
- Policy 8 - Housing Size, Mix and Choice.
- Policy 10 - Design and Enhancing Local Identity.

4.2 **Part 2 Local Plan 2019**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 8 - Development in the Greenbelt
- Policy 15: Housing Size, Mix and Choice.
- Policy 17 - Place-making, design and amenity.

4.3 **National Planning Policy Framework (NPPF) 2023**

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making.
- Section 12 - Achieving well-designed places
- Section 13 - Protecting Greenbelt Land

5. Consultations

5.1 **Councillors & Parish/Town Councils:**

- Councillor L A Ball – Requested the application be called into committee
- Councillor D Pringle – No Comments Received

- Cossall Parish Council – No Comments Received

## 5.2 **Consultees:**

- Environmental Health –no objection, but would need to ensure that additional requirements for this activity are met, to satisfy all relevant environmental health legislation, so that the operator is compliant and has adequate and additional facilities as necessary, for the provision of toilets and a potable water supply and suitable waste collection arrangements. If approval is granted we would need to work with the operator to sample the water supply, ensure satisfactory operational procedures and ensure that risk assessments are implemented and periodically reviewed for site activities.

## 5.3 **Neighbours**

- Two neighbours were consulted on the application with no comments being received from neighbouring properties or from any third parties.

## 6. Assessment

### 6.1 Design

Policy 8 of the Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants. Policy 10 states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development.

- 6.1.1 The caravan is of a standard design and appearance for a unit of this nature. The caravan is located to the eastern area of the site and is located to the rear of the existing poly-tunnels. Due to its location there are no views of the caravan from any public viewpoints and so the caravan raises no issues in terms of its public visual amenity.
- 6.1.2 There are three existing unauthorised caravans on the site used for residential accommodation. These caravans are now lawful through the passage of time under section 171B of The Town and Country Planning Act 1990. The occupiers of the caravan which is the subject of this application previously resided within one of the unauthorised caravans and have recently moved into the new caravan. When questioned on this matter the applicants responded with the fact that the older caravans were needed for the increase of temporary staff to come and work within the agricultural holding along with the requirement for improved living conditions for the applicants on medical grounds.
- 6.1.3 The siting of a caravan would not normally be considered as an acceptable form of development, however given the existing magnitude of structures of a temporary nature within close proximity to the area of land in question it is

considered that the inclusion of an additional temporary structure within the landscape would not look out of place. Therefore, the siting of a temporary structure is considered acceptable subject to a condition limiting the use to a temporary period and site restoration.

## 6.2 Amenity

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

- 6.2.1 Given the location of the works and the large separation distances between it and the neighbouring properties, it is considered that the proposal would have no negative impact on the neighbour amenity of the surrounding properties.

## 6.3 Green Belt

- 6.3.1 Paragraph 143 of the NPPF (2023) states that Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 152 of the NPPF (2023) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF (2023) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF (2023) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- f) buildings for agriculture and forestry;
- g) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- h) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- i) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- j) limited infilling in villages;
- k) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- l) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - i. – not have a greater impact on the openness of the Green Belt than the existing development; or
  - ii. – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.3.2 Policy 8 of the Part 2 Local Plan 2019 states that Applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe-specific points. 1. Proposals for diversification of the rural economy will be supported provided that they comply with the relevant paragraphs the NPPF.

6.3.3 The site in question is located within the Green Belt. By definition a caravan for residential purposes is not considered to be a building as set out in the Caravan Sites and Control of Development Act 1960 and therefore could not be considered to be an exception to paragraph 154 of the NPPF.

6.3.4 The siting of a caravan on agricultural land for residential purposes within the Green belt is considered to be inappropriate development. Further information with regards to an agricultural justification statement and a business justification was requested from the applicant to provide some form of reasoning for the siting of the residential caravan but nothing was forthcoming. Financial projections and a short supporting statement were provided but the information submitted did not provide any justification for the proposal. As such it is considered that there are no very special circumstances which could be taken into consideration for the siting of a caravan in this location and therefore the proposal is contrary to the Part 2 Local plan and also the NPPF.

#### 6.4 Land Use

The operator of the land has a lease agreement in place with the landowner which only has a short period of time left to run. The siting of the caravan would not be of an acceptable permanent feature within the landscape. Any subsequent approval of the proposal would need to include a condition restricting the lifetime of the approval and the site's reinstatement.

#### 7. Conclusion

The proposal fails to demonstrate that the proposed works conform to any very special circumstances that would justify the siting of a caravan for residential purposes within the Green Belt. It is considered that the proposal does not accord with the principles and policies contained within the

Development Plan or the NPPF and is unacceptable in terms of applicable material considerations and planning permission should be refused.

**Recommendation**

**The Committee is asked to RESOLVE that planning permission be refused subject to the following reason:**

- |           |   |
|-----------|---|
| <b>1.</b> | <b>The permanent siting of a caravan for residential use within the Green Belt by virtue of its temporary nature and appearance along with there being no very special circumstances which would warrant the siting of the proposal is considered to be an unacceptable development within this location. Therefore, the proposed development would be contrary to the aims of Policy 8 of the Part 2 Local Plan (2019) and Section 13 of the NPPF, and there are no other material considerations that justify treating this proposal as an exception to these policies.</b> |
|-----------|---|

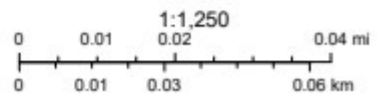
Map

23/00614/FUL



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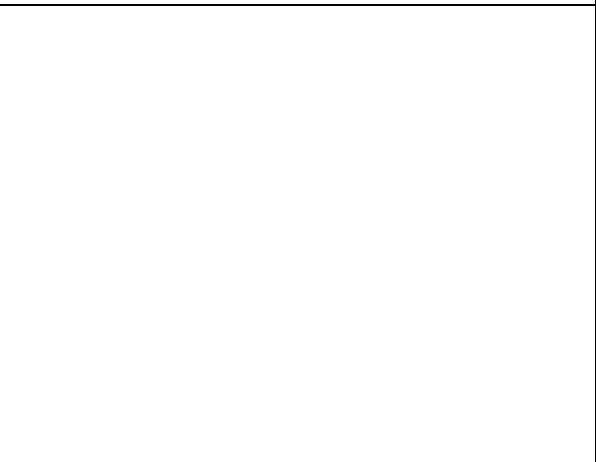
-  Green Belt
-  Site





Photos

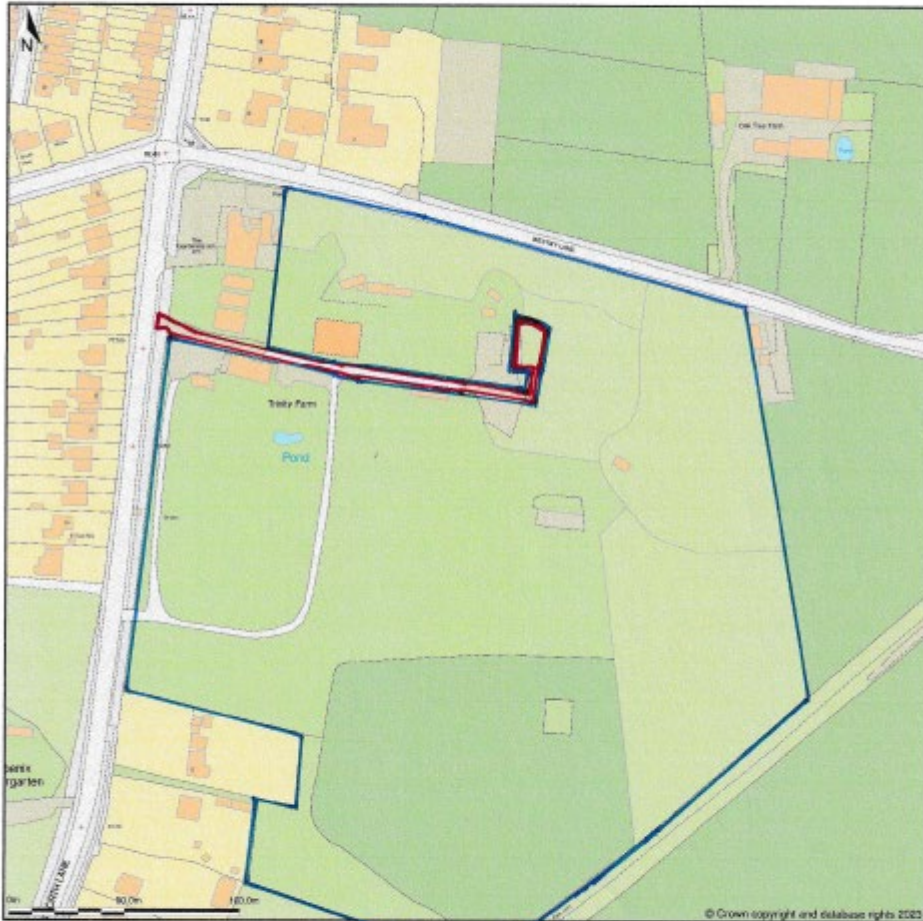




Plans



Trinity Farm, Awsworth Lane, Cossall, Nottinghamshire, NG16 2RZ



Location Plan shows area bounded by: 448103.13, 343282.03 448503.13, 343682.03 (at a scale of 1:2500), OSGridRef: SK48304348. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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