

ITEM

Application Reference	DC/073489
Location:	Brook Vale Farm Bean Leach Road Offerton Stockport SK7 4LE
PROPOSAL:	Retention of static caravan for residential use in connection with Brook Vale Farm.
Type Of Application:	Full Application
Registration Date:	13.12.2019
Case Officer:	Helen Hodgett
Applicant:	Mrs Sally Beswick
Agent:	Plans Drawn

DELEGATION/COMMITTEE STATUS

This application was considered by Stepping Hill Area Committee during their 14/9/21 meeting.

The development within the application would be a departure from the Council's development plan, specifically regarding Green Belt policy, if approved.

Stepping Hill Area Committee recommended the grant of planning permission with conditions.

The application is now referred to Planning and Highways Regulation Committee for decision.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the renewal of consent for the retention of an existing static caravan for residential use in connection with Brook Vale Farm, Bean Leach Road, Offerton.

Time limited conditional planning consents have previously been granted for the siting of this caravan under Committee decisions in 2013 (ref. DC/048285) and 2016 (DC/061698).

The caravan is located between storage buildings adjacent to the eastern boundary with a 3.1m high solid metal screen adjacent to the open farmland behind. The caravan measures 2.95m high, 3.50m wide and 6.94m long.

The caravan is consented to be accommodated by a member of staff on a temporary basis (for a maximum of 28 days per calendar year), as and when required to provide a presence on site when medical attention is required by the horses, during firework season, foaling and to protect against vandalism.

SITE AND SURROUNDINGS

The application site is located within the Green Belt and, as such, is surrounded by open farmland/grazing. The site itself comprises a variety of single storey buildings used for storage etc (no dwelling on site).

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

<https://www.stockport.gov.uk/topic/current-planning-policies>

LCR1.1 Landscape Character Areas
GBA1.2 Control of Development in Green Belt
GBA1.5 Residential Development in Green Belt

LDF Core Strategy/Development Management policies

<https://www.stockport.gov.uk/topic/current-planning-policies>

CS4 Distribution of Housing
H-2 Housing Phasing
CS8 Safeguarding and Improving the Environment
SIE-1 Quality Places
SIE-2 Provision of Recreation and Amenity Open Space in New Developments
CS9 Transport and Development
T-1 Transport and Development
T-2 Parking in Developments
T-3 Safety and Capacity on the Highway Network

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

<https://www.stockport.gov.uk/topic/current-planning-policies>

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) was issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20th July 2021 (originally issued 2012 & revised). The NPPF has not altered the fundamental

legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

National Planning Policy Framework.

Para.1 *“The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.*

Para.2 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

Para.7 *“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

Para.8 *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para.12 *“.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the*

development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.126 “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para.134 “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

Para.137 “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

Para.138 “Green Belt serves five purposes:

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

Para.145 “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

Para.147 “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Para.148 *“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, is clearly outweighed by other considerations”.*

Para.149 *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

a) buildings for agriculture and forestry;

b) 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;

c) 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;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– 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.”

Para.150 *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Para.219 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

<https://www.gov.uk/government/collections/planning-practice-guidance>

RELEVANT PLANNING HISTORY

Reference: DC/048285; Type: TP; Address: Brook Vale Farm, Bean Leach Road, Hazel Grove, Stockport, SK7 4LE; Proposal: Stationing of static caravan for residential use in connection with Brook Vale Farm. Decision Date: 17-JUN-13; Decision: GTD

Reference: DC/061698; Type: FUL; Address: Brook Vale Farm, Bean Leach Road, Offerton, Stockport, SK7 4LE; Proposal: Retention of static caravan for residential use in connection with Brook Vale Farm. Decision Date: 08-SEP-16; Decision: GTD

NEIGHBOUR'S VIEWS

In order to publicise the application, the occupiers of neighbouring property were notified of this planning application by letter, and a site notice was publically displayed adjacent to the site, along with a notice in the press. The application is publically available upon the Council's website.

The Council has to date received no representations from members of the public/local residents.

CONSULTEE RESPONSES

SMBC Highways – This application seeks permission for the retention of a static caravan at Brook House Farm on Bean Leach Farm, which was previously granted permission under application DC/061698 and DC/048285. The caravan is located to the rear of the site and will not affect the site's access arrangements, nor parking or turning facilities. When the previous applications were considered the applicant outlined that the caravan is used for occasional use by staff working at Brook House Farm when animals need to be cared for overnight or when there are security issues.

When the previous applications were considered it was outlined that any proposal that resulted in any intensification of the site's access would give cause for concern, due to its substandard nature. As the applicant had outlined that the caravan was only to be occupied by staff employed at Brook House Farm and it was not be

occupied on a permanent basis, it was concluded that the proposal should not result in an intensification of use of the access. As such, subject to its use being limited to that proposed and the existing parking facilities being retained, an objection to those applications was not raised.

Since those applications have been considered, there has been no material change in circumstances that would result in a different conclusion in respect to the development and, as such, subject to the same conditions as were attached to the previous approval being attached to any approval granted in respect to this application, raise no objection to this current application.

Recommendation: No objection subject to conditions:

The approved caravan shall not be used as a sole or main residence and shall only be occupied by staff employed in equine work at Brook House Farm for a maximum period of 28 days per year.

Reason: To ensure that the proposed development does not result in a level of vehicle movements to / from the site greater than the level considered as part of the planning application and that an appropriate level of parking is provided, having regard to. Policies T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

The existing parking and turning facilities indicated on the submitted drawing shall be retained and be made available for use by the occupiers of, and visitors to, the approved development prior to its occupation. The car parking and turning facilities shall thereafter be retained and shall remain available for use.

Reason: To ensure that adequate parking and turning facilities are provided and that they are appropriately located and are of a safe and practical design, in accordance with Policies T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by Chapter 10, 'Parking', of the SMBC 'Sustainable Transport' SPD.

GM Fire – The above proposal should meet the requirements for Fire Service access.

ANALYSIS

The application site is located within the Green Belt and is therefore, subject, in particular, to paragraphs 137, 147, 148 and 149 of the National Planning Policy Framework (NPPF).

Paragraph 149 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, but lists a number of exceptions. This includes dwellings essential for the purposes of agriculture. The use of the site for the stabling and grazing of horses does not fall within the definition of agriculture, and, as such, the caravan is inappropriate development. The Council's UDP Policy GBA1.2 'Control of Development in the Green Belt', at a local level, deals with similar matters and the proposal also does not fall within any of the exceptions to development.

Paragraph 147 of the NPPF sets out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 137 of the NPPF emphasises how the

Government attaches great importance to the Green Belt and how the essential characteristics of the Green Belt are its openness and permanence. Paragraph 148 of the NPPF sets out that substantial weight should be given to any harm to the Green Belt and that '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.

In consideration of this issue, both the Stepping Hill Area Committee and the Planning and Highways Regulation Committee have accepted the principle of this development when granting the previous two planning approvals. The very special circumstances for granting the caravan have not altered. The Committee Report for original application DC/048285 advises that:

" The applicant lives nearby. There is an existing caravan on the site, however, there is no planning history relating to this although the applicant advises this has been in situ for 5 years. Apart from this caravan there is no dwelling on the application site. The applicant advises of vandalism and fire not only to their site but also to others in the vicinity and cites crime reference numbers of previous and ongoing Police investigations relating to the application site. The applicant advises that as there is no dwelling on the site and they do not live in such proximity that they are able to visually monitor it out of hours, they wish to site a replacement caravan to enable them to stay overnight as and when necessary including times when horses are in foal or under medical supervision, around Bonfire Night and to protect against vandalism."

Regarding this current application, the applicant has advised that "Having animals on site means their welfare is always a priority and sometimes we have had to stay overnight to care for them. Other occasions when we have needed to stay are the nights leading up to Bonfire night as fireworks and lanterns are always a risk. We have been the victim of several attempted arson attacks, as documented in the original personal statement. Vandalism and theft have sometimes been an issue for us."

The Applicant further advises regarding the current application that "All of the above are reasons why we applied to have a static caravan on site, for our own use, in case of emergencies or as a precautionary facility. The original planning permission was granted in June 2013. We didn't have a static in place until October 2015. We have now had time to assess the impact and it has been very positive. We feel the presence of it has helped reduce incidents."

Regarding the circumstances stated above, it has been and is accepted that there are instances when a presence overnight is required (such as those cited by the applicant). The site does not benefit from any close neighbours, being surrounded by fields and grazing land; as such there is little surveillance. The applicant does not live within such close proximity to the site that they can visually monitor the site and if a presence is required overnight then it is accepted that a certain level of accommodation would be required.

Subject to a condition requiring the following, it is considered that the development is acceptable; The caravan shall not be used as a sole or main residence, shall only be occupied by staff employed in equine work at Brook Vale Farm (the application site) for a maximum period of 28 days per calendar year, and the occupier(s) of the caravan shall maintain a register of the days the caravan is occupied, which shall be made available for inspection by the Local Planning Authority on request.

The caravan will continue to be sited between buildings and will be viewed as part of the existing site, as such, it will not be an isolated structure and in terms of its siting, will relate to existing buildings. On this basis it is considered to be of an acceptable size/design and does not have an adverse impact on the Green Belt and visual amenities of the locality. A condition restricting the development to a temporary period for a further 3 years to 2024 is considered appropriate, having regard to the construction of the caravan, and its potential impact upon visual amenity as its condition deteriorates over time.

In view of the above, it is considered that very special circumstances to support this development have been demonstrated, and that, in accordance with paragraph 148 of the NPPF, the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by the other considerations in this particular case.

It has been established in the previous decisions that although the caravan will not provide a main or sole residence, it still offers residential accommodation and therefore, should be considered under policies CS4 Distribution of Housing and H-2 Housing Phasing. CS4 allows the provision of limited housing within accessible Green Belt sites. The accessibility score for this site is 46. As there is less than a 5 year supply of housing, the required accessibility score is reduced from 50 to 45 and therefore, it has been established that the site can be considered as accessible given this reduction. On this basis, the proposed development complies with policies CS4 and H-2.

In terms of policy SIE-2, it is not considered that a commuted sum payment is required in connection with play space etc. The caravan is a similar size to that it replaced, and its occupation is unlikely to generate additional demand for play space etc. In any event, the permission does not convey an open C3 use of the caravan; it can only be occupied as and when necessary by an employee and will not provide a main/sole residence.

There are no highway objections as confirmed by the Highway Engineer, and the conditions suggested above can be imposed, pursuant to policies, as previously, in the interests of managing the intensity of the use and highway safety.

The siting of the caravan is such that it will not impact severely on the openness of the Green Belt or the visual amenity of the Landscape Character Area, as it is sited between buildings and generally screened from public view.

Conclusion

Overall, for reasons set out within the report, particularly regarding the established very special circumstances, although the development would not comply with the development plan, it is considered that the NPPF provides that the development be approved with conditions, without delay.

RECOMMENDATION

The recommendation is to grant planning permission, subject to conditions.

Stepping Hill Area Committee 14/9/21

The proceedings of the Committee meeting can be summarised as follows. (A webcast of the meeting is also available via the Council's website).

The Planning Officer introduced the application.

Councillors asked the Planning Officer questions regarding the application.

The Officer confirmed that the Council has and would require a register of occupation of the caravan to be kept, and would thereby, have a method of control/enforcement if there were a breach in condition with the occupation of the caravan for more than 28 days per calendar year.

Concern was expressed by members regarding whether the Council is setting a precedent for future development, or enabling a permanent structure/dwelling in the future, in allowing this development once again and potentially time and time again? The Officer confirmed that we could receive an application for anything in the future. A dwelling would, however, be inappropriate development within the Green Belt in terms of the NPPF and the development plan.

The officer advised that the current situation in the application before us, is for a further renewal of the consent for the caravan for 3 years, based upon the previously accepted very special circumstances, which have not altered. If those very special circumstances were to no longer exist in the future, then it may be that consent would not be renewed. A condition of the consent would be that the caravan would need to be removed after 3 years.

The Officer confirmed that the caravan is not readily visible from outside of the site and is not visually intrusive.

The Officer confirmed that there would not be opportunity to convert the buildings under Agricultural Permitted Development to residential, particularly as 'Horsiculture' is not Agriculture.

There was no supporter or objector present at the meeting to speak regarding the application.

Councillors debated the application.

A Councillor confirmed that they consider that the caravan is not readily visible, is serving a purpose in relation to the very special circumstances given, and it makes sense to allow its further retention.

RECOMMENDED – Unanimously that PHRC grant planning permission subject to conditions.