

Agenda Item A5	Committee Date 27 July 2009	Application Number 09/00505/CU
Application Site Oxcliffe New Farm (including The Pastures), Oxcliffe Road, Heaton-with-Oxcliffe, Morecambe	Proposal Change of use to create 5 park home (caravan) pitches including amenity areas and access road and regularisation of 4 existing touring caravan pitches to 4 residential park home (caravan) pitches	
Name of Applicant Hanley Caravans Ltd	Name of Agent John Lambe Associates	
Decision Target Date 21 July 2009	Reason For Delay Awaiting consultation replies.	
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 This site is on the south side of Oxcliffe Road, a short distance to the east of the bridge over the Morecambe to Heysham railway line. It is outside the built up area of Morecambe, and is shown as open countryside on the Lancaster District Local Plan Proposals Map.
- 1.2 In its present form, it is in three parts. The first is the original Oxcliffe New Farm caravan site, which is authorised to accommodate 11 caravans but currently contains 15 (including a pitch for a touring van which was vacant at the time of the last inspection). Beyond it is a later extension known as The Pastures, containing 8 caravans. This is identical in form to the main site except that the access road does not have a tarmac surface.
- 1.3 It will therefore be seen that while the site has planning permission for 19 caravans, it currently contains plots for 23. Despite this the site as a whole is generally tidy and well maintained. There is a small children's playground adjoining the eastern site boundary. The access to the site, off Oxcliffe Road, is controlled by a lifting barrier.
- 1.4 To the south of the site is an open field, enclosed on three sides by conifer planting. While most of it is open grassland, a plot at the north west corner is occupied by a single static caravan. Also, along the side of the access track adjoining the eastern boundary is scattered debris, some of which appears to come from old caravans which have been scrapped.

2.0 The Proposal

- 2.1 The application covers two separate proposals. One is a regularisation of the existing situation, in that the site currently accommodates more caravans than it is supposed to. The other is the development of the area of amenity space at the southern end of the site with four chalets.
- 2.2 In a covering letter, the applicant's agent puts forward his case for the development. It is argued that the discrepancy over the number of caravans has existed for a number of years and originates from the early days of the site, when space was set aside for additional touring vans. Information is

provided on the personal circumstances of some of the site's residents, who are of limited means.

- 2.3 He also argues that the discrepancy in the number of pitches is a long standing one, and has existed for more than ten years. He has not however provided evidence to support this.
- 2.4 So far as the open land at the end of the site is concerned, it is pointed out that it has long been part of the same landholding (it was not purchased separately) and is enclosed on three sides by dense conifer planting. It is argued that it has been used in recent years for the storage of building materials and garden refuse, and therefore has an unsightly appearance; the proposed use of the site by chalets (with a small area set aside for amenity purposes) will, it is suggested, improve the overall appearance of the area.

3.0 Site History

- 3.1 The history of this site is complex. It was originally approved as a gypsy site. An extension to it (the area now known as The Pastures) was approved in 2005. However, once the site had become established the applicant let the caravans on it to people who had no gypsy or traveller connection.
- 3.2 In 2009, following the threat of enforcement action, two separate, but effectively identical applications were submitted for the retention of the site as a caravan site for general occupation, rather than for gypsies and travellers. One was submitted by the site owner; the other came from the occupiers of the caravans on the site, most if not all of whom had been unaware of the gypsy status of the site when they bought caravans on it. Both were approved. They did not however address the problem that the site contained more caravans than were authorised either by the various planning permissions, or by the relevant site licence.
- 3.3 So far as the land at the end of the site is concerned, the applicant has attempted in the past to obtain permission for the storage of caravans, but this was refused, partly because it was unrelated to the operation of the existing caravan site and would have generated additional traffic on the access road through it.

Application Number	Proposal	Decision
1/85/45	Change of use of land to site for 10 residential caravans for gypsies	Refused
T/APP/A2335/A/85/030246/P5	Appeal against refusal of consent for 1/85/45	Allowed
97/00752/CU	Renewal of temporary permission for ten gypsy caravans, creation of one additional pitch and variation of condition to enure for benefit of Mr Mahoney	Approved
98/00129/FUL	Modification of condition 3 of 97/00752 to allow up to four ancillary touring caravans	Approved
99/01002/FUL	Renewal of temporary consent 97/00752/CU for 11 gypsy caravan pitches	Approved
00/00002/REF	Appeal against refusal of renewal of temporary consent 97/00752	Allowed
05/00382/CU	Change of use of land to form extension to existing gypsy caravan site (8 pitches) and improvements to existing access	Approved
06/01047/CU	Change of use of land to caravan storage/service area	Refused
08/01287/RCN	Removal of condition 5 on application 99/01002/FUL and condition 4 on application 05/00382/CU to allow occupation by people who are not gypsies or travellers	Approved
08/01303/RCN	Removal of condition 5 on application 99/01002/FUL and condition 4 on application 05/00382/CU to allow occupation by people who are not gypsies or travellers	Approved

4.0 Consultation Responses

- 4.1 The following responses have been received from consultees:

Consultees	Response
Heaton-with-Oxcliffe Parish Council	No observations received at the time this report was prepared.
Lancashire County Council highways	Observations awaited.
Lancashire County Council Planning	No comments from a strategic planning point of view; they consider that it should be assessed in relation to the regional and local policy framework. From an ecological perspective, they draw attention to policies in the Local Plan and legislation safeguarding wildlife interests. They recommend that no construction work should take place on the site between March and July if there is any risk that it could disturb nesting birds.
Environmental Health	No objections in principle, but they point out that if consent is granted the site owner will need to apply for an amended licence. No contaminated land study has been provided - they would wish to see a desk study/risk assessment before any consent is granted. This has been referred to the applicant's agent and it is understood that a desktop study will be available shortly. It is noted that part of the site has been used for scrapping caravans and depositing waste, and this may involve the Environment Agency and the County Council as waste authority.
Environment Agency	No objection in principle, but the site is within an area considered to be at risk from flooding. Conditions should be attached to any consent requiring anchoring of the park homes, and the agreement of a suitable evacuation system in the event of flooding. In addition details will be needed of the arrangements for the disposal of foul and surface water drainage. Recommend the use of Sustainable Urban Drainage Systems where this is practicable. The watercourse adjoining the site is designated a "main river" and no trees, shrubs, buildings, pipelines or other structures should be positioned within 8 metres of the top of the bank.

5.0 Neighbour Representations

- 5.1 Nine letters and emails have been received from residents of the site. These support the application, on the grounds that it would resolve the status of the site and provide the residents with security and would tidy up the land at the southern end of it, which is at present an eyesore.
- 5.2 A separate email queries the Environment Agency's classification of the watercourse adjoining the site as a "main river" on the basis that it is a shallow beck that normally contains very little water. The writer says that during the seven years she has lived on the site she has seen no sign of flooding.

6.0 Principal Development Plan Policies

- 6.1 Policy SC2 of the Core Strategy states that within the period covered, 90% of new dwellings will be located within the urban areas of Lancaster, Morecambe, Heysham and Carnforth. Policy SC3 says that the 10% of dwellings in the rural area should be focused in villages which have five basic services. Development outside these settlements will require exceptional justification.
- 6.2 Of the "saved" policies in the Lancaster District Local Plan, the most relevant are E4 covering development within areas identified as open countryside in the Local Plan Proposal Map, and H8 which states that new housing accommodation in the countryside, outside identified villages, will only be permitted where it is essential to the needs of agriculture, forestry or other uses in the rural area.
- 6.3 "Saved" policy T9 requires that all new housing which would significantly increase the demand for travel should be designed to maximise the opportunities for using public transport and should be located as close as possible to existing or proposed bus services.
- 6.4 Consideration also has to be given to national guidance as set out in PPS 7 (Planning Policy Statement: Sustainable Development in Rural Areas).

7.0 Comment and Analysis

- 7.1 The application covers two separate proposals, which raise different issues: the regularisation of the number of caravans on the main part of the site, and its extension on to what is supposed to be amenity open space at the rear. The applicant was advised to submit two separate applications, but has chosen to combine them.
- 7.2 So far as the number of caravans is concerned, it is evident that over the last few years the site owner has rearranged the plots to maximise its capacity. He has then sold them to the occupiers, many of whom are retired. They had no idea that some of them were unauthorised. They are understandably concerned that several of them - it is not entirely clear which - now "own" caravan plots which have no legal status. The number of representations supporting the present application for this reason is noted.
- 7.3 Whatever view may be taken of the applicant's past actions, the circumstances of the people living on the site invite sympathy. The spacing between the caravans is satisfactory. The original layout allowed for the storage of touring caravans (as would be expected on the gypsy site that it was supposed to be) and consequently the additional vans and the alternative layout which goes with them have been accommodated without any significant detriment to the site's residents.
- 7.4 The development of the land at the southern end of the site raises different issues. Although there is at present a static van on one corner of it, this area has never had consent for use as a caravan site of any kind. The bulk of it is undeveloped. Despite the debris left along the eastern boundary it offers amenity benefits to the residents of the site, as open space.
- 7.5 The applicant's agent argues that the proposal is consistent with planning policies for the area. He quotes policy H19 of the Lancaster District Local Plan which says that in Lancaster, Morecambe, Heysham and Carnforth, new residential development will be permitted which meets various criteria. However, the land concerned is outside the defined urban area. Like the existing caravan site, it is within an area identified as countryside in the Local Plan. The relevant Local Plan policy for new housing is therefore not H19, but H8. No agricultural or similar justification has been put forward for additional housing in this location. Policy E4 further requires that any development in the countryside should, among other things, make satisfactory arrangements for access, servicing, cycle and car parking.
- 7.6 The Oxcliffe New Farm site cannot be regarded as a sustainable location. There are no community facilities in the immediate vicinity. Nor, contrary to what is suggested in the statement accompanying the application, is the site readily accessible by public transport. The nearest bus route is on the other side of the Morecambe - Heysham railway line, at the junction of Oxcliffe Road with Kingsway, and to reach it involves a walk along a busy classified road (B5273) with no footway for much of its length. The proposed southern extension to the site is particularly open to objection as it involves the part of it most remote from the site access.
- 7.7 As the land concerned is enclosed by dense planting, whatever takes place on it has little impact on the wider landscape, but this is true of many rural sites. It is not an appropriate test for justifying residential development in the countryside.
- 7.8 To grant consent for additional housing here would be incompatible with the sustainability principles set out in the Core Strategy and the Lancaster District Local Plan, as well as those set out in Planning Policy Statement (PPS) 7 ('Sustainable Development in the Countryside'). The latter emphasises the need for strict control over development in the open countryside and the need to take account of accessibility in all development decisions.

8.0 Conclusions

- 8.1 Taking these factors into account, it is recommended that permission should be refused, but that the applicant should be encouraged to submit a further application regularising the status of the additional caravans within the main part of the site. If he is not prepared to do this, it is open to the residents to submit an application along these lines on their own account.

If Members agree to this course of action, it is also recommended that:

- Enforcement action should be taken to remove the single caravan on the southern part of the site, which does not have consent for such use. This may mean that the City Council will be under an obligation to rehouse the person involved.
- An "untidy land" notice under s. 215 of the Town & Country Planning Act 1990 should be served on this part of the site to require the owner to remove the rubbish and building materials stored on part of the land, and restore it to a clean and tidy condition.

8.2 Member comment on these enforcement matters would be welcome.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. Contrary to policy SC2 and SC3 of the Core Strategy - the site is in the countryside, not a sustainable location, poorly related to community facilities and not directly served by public transport.
2. Contrary to "saved" policy H8 of the Lancaster District Local Plan - the site is in the countryside, and the accommodation is not required for agriculture, forestry or other uses appropriate to the rural area.
3. Contrary to "saved" policy E4 of the Lancaster District Local Plan - development detrimental to amenities of residents of the site - loss of amenity open space.
4. Contrary to "saved" policy T9 of the Lancaster District Local Plan - proposed development on the southern part of the site would not be readily accessible by public transport.

Human Rights Act

This recommendation has been reached after consideration of the provisions of the Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. None