

<b>Agenda Item</b> A9	<b>Committee Date</b> 2 November 2009	<b>Application Number</b> 09/00897/CU
<b>Application Site</b> Oxcliffe New Farm (including The Pastures), Oxcliffe Road, Heaton-with-Oxcliffe, Morecambe		<b>Proposal</b> Retrospective application for the retention of use of land for 4 residential park home pitches
<b>Name of Applicant</b> Hanley Caravans Ltd		<b>Name of Agent</b> John Lambe Associates
<b>Decision Target Date</b> 6 November 2009		<b>Reason For Delay</b> Not applicable
<b>Case Officer</b>		Peter Rivet
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

## **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. Beyond it is a latter 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. The third part relates to the open land at the southern end of the site.
- 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, much of which appears to come from old caravans which have been scrapped.

## **2.0 The Proposal**

- 2.1 The application follows refusal of an earlier one (Ref: 09/00505/CU) which also included additional accommodation on the area of open land at the southern end of the site.
- 2.2 This proposal is much simpler. It relates only to the four additional caravans on the main part of the site. These cannot be identified individually as the applicant has altered the layout to suit the needs of its present purpose: accommodation for long term occupants, most of them retired, rather than gypsies/travellers. This is not immediately apparent as the numbering of the caravans is complicated, with some identified as 4A etc and with other numbers omitted. The application can therefore be regarded as covering the present site layout as well as the extra caravans.

2.3 The plan accompanying the application also indicates that the unauthorised caravan at the southern end of the site is to be removed.

### **3.0 Site History**

3.1 The history of this site is unusually complex. It was originally approved, following an appeal, 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.

3.4 As referred to in paragraph 2.1, the applicant attempted to obtain consent not only for the extra caravans already on the site which do not have permission, but for the expansion of the site onto this land. As will be seen from the list below, permission was refused.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
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
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
07/00752/CU	Renewal of temporary permission for ten gypsy caravans, creation of one additional pitch and variation of condition to endure for benefit of Mr Mahoney	Approved
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
09/00505/CU	Change of use of land to create 5 park home (caravan) pitches including amenity area and access road and regularisation of 4 existing touring caravan pitches to 4 residential park home (caravan) pitches)	Refused

## **4.0 Consultation Responses**

4.1 The following responses have been received from consultees:

<b>Consultees</b>	<b>Response</b>
<b>Heaton-with-Oxcliffe Parish Council</b>	No observations received at the time this report was prepared.
<b>Lancashire County Council Highways</b>	No highway objections, but they point out that the site is not readily accessible by public transport.
<b>Lancashire County Council Planning</b>	Do not wish to comment on this application - it should be dealt with in accordance with the Regional Spatial Strategy and other relevant development policies. Draw attention to policies protecting the ecology of the site.
<b>Environmental Health</b>	No objections, subject to the applicant amending the site licence.
<b>Environment Agency</b>	Observations to follow.

## **5.0 Neighbour Representations**

5.1 Two letters and emails have been received from current and former residents of the site. They support the application, on the basis that it will give people living at Oxcliffe New Farm greater security.

5.2 Any other representations received will be reported orally at Committee.

## **6.0 Principal Development Plan Policies**

6.1 Policy **SC2** of the Lancaster District 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 Over the last few years the site owner has rearranged the plots to maximise its capacity. He has then sold caravans on 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" caravans which have no legal status.

7.2 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 amenities.

7.3 The previous application included the development of the land at the southern end of the site raised different issues. It encroached on to previously undeveloped land, and this was the reason that it was refused. This objection does not apply to the present proposal, because that land is now

excluded from the proposal.

- 7.4 The Oxcliffe New Farm site cannot be regarded as a sustainable location. There are no community facilities in the immediate vicinity. Nor 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 Broadway, and to reach it involves a walk along a busy classified road (B5273) with no footway for much of its length. However the four additional caravans are already there, and none of the affected statutory consultees have objected to the proposal. Approval of the application will regularise the position and give their occupiers a degree of security.
- 7.5 A visit to the caravan park in September confirmed that the layout of the caravans was as shown on the submitted plans. In view of the recent history of the site it seems prudent to condition any consent so that it remains so, to ensure that no further rearrangement to accommodate further caravans takes place.

## **8.0 Conclusions**

- 8.1 Taking these factors into account, it is recommended that permission should be granted.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Layout to be retained in the form shown on the submitted plans.
2. Unauthorised caravan on southern end of site to be removed within 2 months of date of consent.

### **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**

None