

DECISION DATE 23 January 2007	APPLICATION NO. 06/01401/CU A12	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED CHANGE OF USE OF LAND FOR THE STORAGE OF CARAVANS, TRAILERS AND THE SALE OF CARAVANS INCLUDING THE CREATION OF A BUND		SITE ADDRESS RAISBECK KELLET ROAD OVER KELLET LANCASHIRE LA6 1BP
APPLICANT: Woods Caravan Transport Raisbeck Kellet Road Over Kellet Lancashire LA6 1BP		AGENT: Graham Anthony Associates

REASON FOR DELAY

N/A

PARISH NOTIFICATION

None to date, any comments will be reported to Committee.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - Countryside Area

STATUTORY CONSULTATIONS

County Highways - Views awaited

OTHER OBSERVATIONS RECEIVED

None to date, any comments will be reported to Committee

REPORT

Site and its Surroundings

The application site is located off Kellet Road, Over Kellet approximately ½ mile east of Carnforth, close to the A601(M) link road. The site forms part of a larger landholding associated with the residential property known as Raisbeck and in the ownership of the applicant. The overall plot comprises the dwelling, its domestic curtilage, an area of land currently used for the parking of commercial vehicles and storage/sale of caravans the remaining land is made over the pastoral grazing, some 1 hectare in total.

The plot as a whole rises slowly to the north making the application site and the pastoral field visible on approach from the north along the A601(M) link road. A mature hedgerow bounds the whole field.

The application site is currently enclosed by a grass covered earth bund which only partially screens the stored commercial vehicles and static caravans. The land was previously part of the pastoral field and the retention of the bund forms part of this retrospective proposal.

Planning History

The site has a long planning history spanning the last twenty years. The application site and adjoining land has been the source of planning dispute and a number of application/appeals: -

01/84/1086 - Refusal for the Change of Use of private drive for parking of a commercial vehicle.

01/85/617 - Planning consent approved for the parking of a commercial vehicle on the private drive to Raisbeck, this included the provision not a turning area which was not to be used as an additional parking area (Condition4).

01/91/1333 - Refusal for the change of use of additional land for the parking of commercial vehicles.

93/00007/CU - Application for a change of use of land for parking of commercial vehicles and retention of a vehicle inspection ramp. Refused and subsequent appeal dismissed in August 1993. The Appeal Inspector made the comment in the appeal:-

"From my inspection of the appeal site and its surroundings, and from the representations made, I have decided that there is a single important issue which has to be determined in this appeal. It is whether the appeal proposal would cause unacceptable harm to the appearance and character of the countryside in this vicinity"

In concluding to dismiss the appeal the Inspector further commented:-

"this set of circumstances does not, in my opinion fall within the categories defined in Policy 6 of the Structure Plan as acceptable in the open countryside. Nor does it justify allowing development which is clearly at variance with the policies which seek to protect the quality of the landscape in the Area of Special Landscape"

06/00546/ELDC - Application for a Certificate for Lawful Development for use of land to park commercial vehicles, storage and sale of caravans in breach of planning consent 01/85/0617 - Approved in September 2006

06/01102/CU - Refusal of land for storage of caravans, trailers and sale of caravans including the creation of a bund. This application covers the same site as the current proposal but effectively sought to expand the area used for commercial development from that solely covered by the Certificate of Lawful Development to the whole of the frontage with Kellet Road. The application was refused for the following reasons: -

1. *The application site relates to the retrospective change of use of open land, (designated as Countryside Area within the Lancaster District Local Plan) to the storage of caravans/trailers and the construction of a bund to the northern and western boundaries of the application site. The site forms part of a small plot of agricultural land associated with the residential property known as Raisbeck. In the opinion of the local planning authority the development of the site and the expansion of the use gained under the Certificate of Lawfulness 06/00546/ELDC development of the site by the change in surfacing of the land, the construction of a earth bund and the storage of caravans would be reasons of their location, scale and form be detrimental to the character and appearance of the rural landscape within which the site is located. As such the development is considered to be contrary to Policy E4 of the Lancaster District Local Plan and the planning policy guidance contained within PPS 1 and PPS 7.*

2. *The application site is located away from the main urban area of local service centre of Carnforth in a rural location poorly served by any means of public transport, in the opinion of the local planning the development of the site and the expansion of the use gained under the Certificate of Lawfulness 06/00546/ELDC would compound the use of an unsustainably located employment site would be contrary to the general planning policy guidance contained within PPS 1, PPS 7 and PPG 13 and specifically Policy EC15 of the Lancaster District Local Plan which seeks to ensure the development of employment uses outside the main employment areas which are well served by public transport.*

The site has had a number of other applications which are not relevant to the current application including the erection of a single dwelling and a hotel both of which were refused.

An Enforcement Notice has recently been served on the applicant over the unauthorised use of land (the current application site) for the storage of caravans and the creation of a bund. The notice took effect on 29 December 2006 and seeks removal of the caravans and bund and reinstatement of the land to its former condition. The time for compliance is 4 months i.e. 29 April 2007.

The Proposal

The current application seeks to overcome the currently unauthorised development, (the subject of the Enforcement Notice) which comprises of the creation of earth bunding and the change of use of the land for storage and sale of caravans and the storage of trailers. The applicant is seeking to revoke, with no compensation using a unilateral undertaking under Section 106, part of the land that gained immunity from enforcement under 06/00546/ELDC for the use of the land covered by the current planning application. Effectively swapping land which currently has consent for the use with the application site. The applicant has wishes to proceed with the application as a 'last ditch attempt to gain a retrospective approval'.

The overall area of land which would be used for storage/sale would be very similar in size but would stretch out away from the domestic curtilage into land which was part of the pastoral field.

Planning Policy

Policy E4 Countryside Area - Seeks to protect the natural landscape and seeks to resist any development which is not in scale and keeping with the character and natural beauty of the landscape. Development needs to be appropriate in scale, design, materials and external appearance in the landscape.

Policy EC15 - Seeks to allow the development of employment areas outside the main urban areas which are well served by public transport and have no significant impact upon adjoining businesses or residences.

Comments

It is acknowledged that the resulting area of land which would be available for the storage and sales use would be very similar in size to that already granted under the Certificate of Lawful Development and as such the issue of developing an employment site (Policy EC15) in an unsustainable location does not readily apply to this proposal.

The key issue surrounding this proposal and one which has already been the focus of a refusal (93/00007/CU), subsequent appeal and determination to dismiss the appeal, is the impact of this form of development upon the rural landscape. The area of the application was originally part of an open field, one which is readily visible from neighbouring land and highways. The land has been enclosed by a grassed covered earth bund which in itself is intrusive and forms an unnatural feature in the landscape. Furthermore, the bund is also of limited height and does not effectively screen the stored caravans and trailers from view.

The applicant will no doubt argue that the resulting area of commercial development is no greater than that which gained consent under the Certificate of Lawful Development. However, a large part of the land (the area offered up for the land swap) is sited close to the residential property, an area where one could expect to see development. Furthermore, if the commercial use of the land for the area were to be revoked, the land was historically part of the domestic curtilage to Raisbeck and consequently, would enjoy the benefits of a domestic curtilage. This could include parking of cars, caravans and all the other paraphernalia associated with day-to-day living. As a consequence of approval, the result of this would be the visual and physical expansion of developed land which fronts Kellet Road and which is publicly visible, to the detriment of the character of the rural landscape.

Conclusion

Overall this form of development is considered to be a further intrusion within the landscape and detrimental to its appearance as such the development is considered to be contrary to Policy E4 of the Lancaster District Local Plan and the guidance contained within PPS 1 and PPS7 and should be resisted.

HUMAN RIGHTS IMPLICATIONS

It is recognised that a recommendation of refusal may result in an interference with the applicant's right to develop their land in accordance with the Human Rights Act. However, on the facts of this case it is considered both necessary and proportionate to control development in the public interest in light of the concerns set out in this report and for the stated reasons.

RECOMMENDATIONS

That **PERMISSION BE REFUSED** for the following reason: -

The application site relates to the retrospective change of use of open land, (designated as Countryside Area within the Lancaster District Local Plan) to the storage of caravans/trailers and the retention of a bund to the northern and western boundaries of the application site. The site forms part of a small plot of agricultural land associated with the residential property known as Raisbeck. In the opinion of the local planning authority the development of the site and the expansion of the development area by the change in surfacing of the land, the construction of a earth bund and the storage of caravans would by reasons of their location, scale and form be detrimental to the character and appearance of the rural landscape within which the site is located. As such the development is considered to be contrary to Policy E4 of the Lancaster District Local Plan and the planning policy guidance contained within PPS 1 and PPS 7.