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**15/01554/FUL**

**Retrospective planning application for retention of a static caravan on car park at Ye Jolly Farmers, Dalton for Mrs J Cooper**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This retrospective application is to retain a static caravan at Ye Jolly Farmers Public House, Dalton. The caravan is occupied by a security officer who is on site while the pub is closed. The pub is generally closed during the day and opens on an evening.
- 1.2 The caravan has been installed in the car park in the southern corner of the site adjacent to the rear garden of 1 Pits Lane and Stonehaven. It is on land liable to flooding, classified Flood Zone 3 by the Environment Agency.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 85/0803/FUL - Siting of residential caravan for a temporary period of two years; Granted 30 May 1985.
- 2.2 97/50317/P - Change of use of storage building to provide bed and breakfast; Granted 12 September 1997.
- 2.3 99/50326/P - Alterations and extensions to existing public house; Granted 10 May 1999.
- 2.4 08/00219/FUL - Alterations and extensions to existing public house; Granted 7 April 2008.

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP8 - Development Limits  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework - published 27 March 2012

**4.0 CONSULTATIONS**

- 4.1 Environmental Health Officer - no objections
- 4.2 Dalton Parish Council - wish to see the application approved. There has been a caravan on this site for many years and because of this, the Council sees no reason why the application cannot be granted.

- 4.3 Highway Authority - no objection.
- 4.4 Environment Agency - objects to the application because the development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. Recommends that the application is refused planning permission on this basis.
- 4.5 Following receipt of the Environment Agency (EA) comments the case officer contacted them to ask about possible mitigation measures that might remove their objection. The officer gave an example of a recent approval at Swaleside Holiday Park (15/00317/FUL), also in Flood Zone 3, subject to a Sequential Test and Exception Test. In response, the EA upholds its objection as it considers highly vulnerable development is not appropriate in Flood Zone 3 and should not be permitted.
- 4.6 Neighbours - One objection has been received from the occupiers of the neighbouring property of Stonehaven. The grounds of objection are summarised as follows:
- The caravan overlooks a private back garden. If approved a tall fence is required to give privacy;
  - They would not have bought Stonehaven if they had known the pub car park could be used for a static caravan;
  - The caravan is not needed. The pub has a chalet for guests and rooms above;
  - The caravan is in a very fire hazardous position, close to a wooden fence and gas bottles and close to conifer trees and a garden shed with lawn mower etc. in the grounds of Stonehaven;
  - Wooden structures to the south west of the caravan permanently hold a car; and
  - There is room to place the caravan elsewhere if it is essential to running the pub.

## **5.0 OBSERVATIONS**

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of the ancillary accommodation in this location; (ii) any impact on visual amenity; (iii) any impact on neighbour amenity; (iv) highway safety; (v) fire safety; and (vi) the location of the caravan in Flood Zone 3.

### Principle of development

- 5.2 The caravan is located within the curtilage of a public house, which is itself within Dalton village and within Development Limits and is therefore in accordance with development plan policy DP8.

### Visual amenity

- 5.3 The caravan is visible when driving through the village from the North West. Nevertheless it is not considered to have a detrimental impact on the amenity of the area as it is set back from the main frontage of the public house. Whilst the design of the structure does not unduly harm the locality a static caravan in this location is not something that the Local Planning Authority would wish to grant permanent consent for because caravans can deteriorate in appearance rapidly. It is considered that consent for a temporary period is appropriate.

### Neighbour amenity

- 5.4 The caravan is adjacent to the side boundary with 1 Pit Ings Lane. The boundary treatment along the adjoining elevation consists of a leylandii hedge which exceeds the height of the caravan and as such the caravan has not had a negative impact on the occupiers of 1 Pits Ings Lane.
- 5.5 The property of Stonehaven is located to the rear of the caravan. Its garden is in an 'L' shape which extends to the North West to the boundary with the Ye Jolly Farmers and the location of the caravan. The main bedroom of the caravan is adjacent to the boundary with Stonehaven. Currently there is a staggered boundary fence between the two properties which consists of two different heights, 1.51m high and 1.63m high. It is considered the existing boundary fence is not sufficient to prevent overlooking from the caravan window into the rear garden of Stonehaven and vice versa. A condition requiring the height of the boundary fence to be raised to 2m high is considered necessary to prevent the possibility of overlooking into the garden of Stonehaven and should be imposed on any approval.

#### Highway safety

- 5.6 The local highway authority has no objection to the proposal.

#### Fire safety

- 5.7 The owners of the neighbouring property have raised concerns regarding fire safety of the caravan and the close proximity of wooden structures and trees. These are matters which would usually be looked at by the Environmental Health section under the caravan site licence.

#### Flood risk

- 5.8 The caravan is located within Flood Zone 3 (Land having a 1 in 100 or greater annual probability of river flooding) of the Environment Agency's Flood Map for Planning. The Environment Agency has objected to the proposal. The objection is based on the National Planning Policy Framework (NPPF) and Planning Policy Guidance Flood Risk and Coastal Change. The flood risk vulnerability classification for caravans to be intended for permanent residential use is highly vulnerable and should not be allowed in flood zone 3. LDF policy DP43 is consistent with the NPPF that sites at low risk from flooding should be developed in preference to sites that are at greater risk of flooding. If no other sequentially preferable site is available then the exception test can be applied.
- 5.9 The Chairman of the Dalton Parish Council has confirmed the pub has never to be flooded in over 30 years. Others with knowledge of the site have also advised that the land upon which the caravan is sited has not flooded. The applicant does not have other land at lesser risk of flooding available to them. The purpose of the caravan is also to provide on-site security to the public house. The test of the NPPF is that "Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding". The application is considered to pass this test.
- 5.10 The Exception test can then be applied. To pass the Exception Test the sustainability benefits to the community must outweigh flood risk. The applicant has not addressed this matter however given the evidence of the lack of flooding of the site (despite the EA mapping) it is considered that more weight should be afforded to the second part of the Exception Test that the development must be demonstrated to be safe for the lifetime of the development. In this respect the applicant has confirmed they would be happy to install mitigation and resilience measures. The case officer has discussed the use of floatation devices so that in a flood event the

caravan would float up to avoid flooding. The written confirmation from the applicant that they will install floatation buoyance boxes is awaited. On receipt of such advice further consultation will be undertaken with the Environment Agency in anticipation of the removal of their objection. However, whilst it would be preferable to secure the support of the EA it is considered that on the evidence available that the site is not at risk from flooding to such an extent that refusal of the application for the intended limited residential occupation in conjunction with the pub would be justified.

- 5.11 Taking all the above matters in to account it is considered that the application should be recommended for approval as set out below.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

1. The temporary permission hereby granted is valid only until 10 December 2017 and the caravan and resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition on or before that date.
2. Within three months of this approval the height of the boundary fence between the Ye Jolly Farmers Public House and Stonehaven shall be raised to 2m high in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the fence shall be retained at 2m high at all times that the caravan is on the site.
3. Within two months of the date of this approval flotation buoyancy boxes must be fitted to the caravan and thereafter retained at all times that the caravan is on the site.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing HDC 001 received by Hambleton District Council on 8 July 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. The building is not considered to be visually acceptable or constructed of suitable materials for permanent retention on this site, in accordance with the Hambleton Local Development Framework Policies CP1, CP17, DP1 and DP32.
2. In order to soften the visual appearance of the development and provide appropriate screening to the adjoining dwelling in the interest of residential amenity in accordance with Local Development Framework policy DP1.
3. To mitigate the risks to users from flooding.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Development Framework Policies - CP1, CP2, CP4, CP16, CP16, DP1, DP3, DP8, DP43 and NPPF.