

**22/00381/FUL
NON MAJOR**

Mr Dean Hiscox

**Cllr Sisley, Cllr Hingley &
Cllr H Williams
KINVER**

Mile Flat House Mile Flat Greensforge DY6 0AU

Temporary caravan/mobile home '2 year consent' to accommodate owners living accommodation while the demolition of the existing dwelling and a replacement new dwelling is being constructed under - 21/01190/FUL.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 This application relates to a paddock to the South of Mile Flat House, Mile Flat. The paddock is enclosed by a post and rail fence.

1.1.2 There are a few rural properties along this stretch of Mile Flat with a range of house types and styles.

1.1.3 Planning permission was recently granted for Mile Flat House to be demolished and a replacement dwelling erected under application 21/01190/FUL

1.1.4 The site is located within the West Midlands Green Belt.

1.2 Planning History

2022 Retrospective planning application for demolition of Stable / Store building, constructed in brickwork, used to store motor vehicles and boat storage and replaced with entertainment bar, Approved (22/00358/FUL)

2022 Use of the land as a residential garden. The erection of a raised fish pond, toilet building and childrens play area under permitted development rights, Approved (22/00133/LUE)

2021 Proposed 4-bedroom replacement dwelling with attached triple garage, Approved 21/01190/FUL

2021 Proposed rear extension to create gymnasium and loft conversion with velux rooflights, Approved 21/00897/LUP

2021 Proposed additional storeys / extending upwards extension - two storeys
Refusal of Prior Approval 21/00388/ROOF

2021 Proposed single storey side extension and two storey rear extension Approved 21/00363/LUP

2021 Demolition of existing dwelling and replacement with a new x4 bedroom dwelling with detached garaging - Withdrawn 21/00099/FUL

2020 new gates, walls, piers and railings - Granted Subject to Conditions 20/00412/FUL

2020 Two storey side extension and single storey rear extension - Granted Subject to Conditions 20/00376/FUL -

1989 LPG Tank - Granted 89/01210

1986 Access and Weighbridge - Granted 86/00343

2. APPLICATION DETAILS

2.1 The Proposal

2.2.1 The applicants propose to site a static caravan on the land to be lived in by them during the construction of the approved dwelling granted planning permission in 2021. Throughout the course of the application the time period has been reduced from a temporary three years to a temporary two years after which time the caravan would be removed.

2.2 Agents Submission

2.2.1 A supporting statement has been submitted.

3. POLICY CONTEXT

3.1 The site is within the Green Belt

3.2 Core Strategy 2012

Policy GB1: Development in the Green Belt

Policy EQ4: Protecting and Enhancing the character and appearance of the landscape

EQ9: Protecting residential amenity

Policy EQ11: Wider Design Considerations

3.3 National Planning Policy Framework 2021 – To be read as a whole

3.4 National Planning Policy Guidance

3.4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a

particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

4. CONSULTATION RESPONSES

No Councillor comments received. (expired 20/05/2022)

Kinver Parish Council (received 12/05/2022): *Recommend Approval subject to 1 caravan being allowed on the site for a maximum of 24 months.*

County Highways (received 18/05/2022): *Acceptance: The proposed development is for temporary accommodation while the existing dwelling is demolished and rebuilt. Therefore there will be no additional vehicular movements associated with the existing use except that of the construction work.*

Neighbours (expired 20/05/2022): No comments received.

A site notice was posted 29/04/2022

5. APPRAISAL

5.1 The application is to be heard at Planning Committee as it is contrary to Green Belt policy.

5.2 Key Issues

- Principle of development
- Impact on openness
- Very Special Circumstances
- Residential Amenity
- Other Matters

5.3 Principle of Development

5.3.1 The site is located within the Green Belt where there is a presumption against inappropriate development. Paragraph 143 of the NPPF states that inappropriate development, is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

5.3.2 The stationing of a residential caravan is considered to be a material change of use of land, which should preserve openness of the Green Belt and have no conflict with the purposes of including land within it. Paragraph 144 in the NPPF states that

when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

5.4 Impact on Openness of Green Belt

5.4.1 The proposal is assessed as to whether the development has an impact on the openness of the Green Belt, the overall volume and permanence of the proposal.

5.4.2 In assessing the visual impacts of the proposal, it is not considered that there would be any detrimental impact on visual amenity by way of siting amongst existing buildings, there would be no significant impact and it is screened from wider views.

5.4.4 Furthermore, in regards to the permanence of the building, it is considered that the proposal is for a temporary period which will require limited ground works which can be easily reversed. As such it is considered that the land once the use has ceased can be remediated and return back to its original state. Any recommendation for approval would be subject to such a condition.

5.4.5 With regards to traffic generation, there would be limited vehicular movements as a result of the development in context with the surrounding uses.

5.4.6 Overall it is considered that the impact on the openness of the Green Belt is minimal because of the siting of the development, together with the overall permanence of the infrastructure and the traffic generation of the development. However, there would be some impact on openness and as such the stationing of the mobile home would be considered as inappropriate development. Any such development cannot be approved unless there are very special circumstances that would clearly outweigh the potential harm to the Green Belt, albeit the harm would be considered as limited.

5.5 Very Special Circumstances

5.5.1 This proposal is for the temporary stationing of a mobile home. It is for occupation by the applicant as owner of the site whilst the approved works for the erection of the new dwelling take place on the adjoining land. The caravan would be removed at the end of two years. No permanent development will take place and so the harm to the openness of the Green Belt is limited to the duration of the retention of the caravan. I consider in this instance that the temporary time period amounts to very special circumstances sufficient to clearly outweigh the potential harm to the Green Belt.

5.6 Residential Amenity

5.6.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

5.6.2 The site is located away from the closest residential properties which are sited further along Mile Flat. I therefore do not consider there will be impact on the occupier's amenity.

5.7 Other Matters

5.7.1 All foul sewage is to be discharged to an existing septic tank for Mile Flat House.

5.7.2 The comments by the Parish Council have been given due consideration and the time period has been reduced to a temporary 2 year period.

6. CONCLUSIONS

6.1 The proposal is considered to be inappropriate development in the Green Belt, however very special circumstances exist that clearly outweigh the potential harm for a temporary 2 year period. The proposal will not impact on the amenity of neighbouring residential properties. I therefore recommend the application for approval subject to conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The caravan and any related infrastructure shall be removed, and the land restored to its former condition on or before 24th June 2024 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
2. The development shall be carried out strictly in accordance with approved drawings: 1287 30 A received 26/04/2022

Reasons

1. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
2. In order to define the permission and to avoid doubt.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.



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