

Design, Access and Planning Statement

Site address: 15 Culver Drive, Hayling Island, Hampshire, PO11 9LX

Proposal: Erection of an annexe building ancillary to the main residential dwelling



1.0 Site characteristics and relevant planning history

- 1.1 The application site consists of No. 15 Culver Drive on Hayling Island in Hampshire. The existing dwelling has been extended over the years and now consists of a large two storey property with a very large garden. It is set one plot back from the beach, as indicated in Image 1 below, and is on the corner of Culver Drive and Bembridge Drive. There is a large mature hedgerow along the entire length of the curtilage to the west, which also wraps around and obscures views into the garden from the south.
- 1.2 The surrounding area is very residential in nature, with a strong seaside character. There are a number of amenities a short walk away to the north west.



Image 1 – Aerial View of the Site

- 1.3 The property is not Listed, nor is it within a designated Conservation Area or other form of designation that would require a more stringent approach to be taken. It is within a Coastal Change Management Area, and so a Coastal Change Vulnerability Assessment is included within this document.

1.4 The site benefits from the following planning history:

Planning Reference	Description	Status
APP/14/00083	Loft conversion to allow for living accommodation at second floor level incorporating rooflights and Juliet balcony to south elevation	Approved
09/50872/005	Erection of detached double garage and porch	Approved
06/50872/004	Outline application for 1No. new dwelling. (Revised application)	Refused
06/50872/003	Outline application for one new dwelling	Refused
05/50872/002	Single storey extension to the west elevation	Approved
04/50872/001	First floor extension and part two storey/single storey extension with balcony above to south elevation	Approved
04/50872/000	Land adjacent to 15 Culver Drive, Hayling Island, erection of 2 No. 2 bedroom bungalows with linked garages	Withdrawn

Table 1 – Planning History

2.0 Policy framework and design guidance

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with an up to date Development Plan unless material planning considerations outweigh it.

2.2 The Development Plan in this instance comprises the National Planning Policy Framework (2021) (“NPPF”), the Havant Borough Core Strategy (2011) (“Core Strategy”), the Havant Borough Local Plan (Allocations) (2014) (“Local Plan”) and a number of Neighbourhood Plans and Supplementary Planning Documents.

2.3 The relevant policies in the Core Strategy are:

- Policy CS9 (Housing)
- Policy CS11 (Protecting and enhancing the special environment and heritage of Havant Borough)
- Policy CS16 (High quality design)
- Policy DM7 (Elderly and specialist housing provision)
- Policy DM9 (Development in the coastal zone)

2.4 The relevant policies in the Local Plan are:

- Policy AL1 (Presumption in favour of sustainable development)
- Policy AL2 (Urban Area boundaries and undeveloped caps between settlements)
- Policy AL4 (Coastal Change Management Areas)

2.5 The Government published a revised National Planning Policy Framework (NPPF) in July 2021. As per the previous iterations, this document sets out the Government’s planning policies for England and how these

are expected to be applied. It provides a framework within which local people and local planning authorities can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. Given the age of the adopted Development Plan documents, where there are discrepancies between it and the new NPPF it is appropriate to consider only the NPPF.

2.6 At the heart of the Framework is a presumption in favour of sustainable development – Local Planning Authorities should approve proposals that accord with an up-to- date Development Plan and, alongside saved local plan policies and to which the relevant Strategic Policies will align, it too seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas.

2.7 Section 12 requires development to demonstrate good design and establishes that LPAs, when determining planning applications, should ensure that development:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.0 Proposal

3.1 The proposal relates to the erection of an annexe structure to be used as ancillary accommodation in association with the main property – specifically for the use by an elderly relative of the owners of the main dwelling.

3.2 It is worthy of note that whilst the structure proposed is considered to be an annexe to the main dwelling, it meets the legislative and case law definition of a caravan or mobile home. A caravan is by definition a “structure”, yet it is settled law that stationing a caravan on land – even for prolonged periods - is a use of

the land rather than operational development, this principle is embedded in the legislative framework, endorsed by the case-law and routinely applied by the Inspectorate.

- 3.3 This is because a caravan is regarded as an article of movable personal property known as a 'chattel' and there is no public law preventing one being kept in someone's garden.
- 3.4 What is a Caravan? The definition of a twin unit caravan is found within section 13 of the caravan Sites Act 1968, and as amended in October 2006 (CSA) In order for something to be considered caravan/mobile home it has to meet three key tests as set out in the CSA, these are:
- (1) Size;
 - (2) Mobility; and
 - (3) Construction
- 3.5 Section 13 of The Caravan Sites Act 1968 (amended 2006); prescribes the maximum dimension of a caravan. We have tested these maximum dimensions against the proposal;

	Maximum CSA Requirement	Proposed Size
Length	20m	13m
Width	6.8m	6.7m
Overall Height (measured internally from the floor at the lowest level to the ceiling at the highest level)	3.05m	3m (internal)

Table 2 – Caravan Dimensions

- 3.6 Section 13(1) (a) of the Caravan Sites Act 1968 indicates that a caravan is a structure which, "when assembled, [is] physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)".
- 3.7 The caravan will be placed on a swift plinth foundation system and will not be fixed down, but rather rest on these foundations under its own weight, please see image below. This provides a minimum ground clearance of approximately 150mm and allows for lifting straps/rig to be placed under the structure and therefore lifted by crane and placed onto a flatbed lorry.
- 3.8 The mobile home has been designed as such that once assembled have the structural integrity to be able to be craned or moved as a whole unit.



Image 3 – Method of affixation to the ground

3.9 The appeal decision APP/N1025/C/01/1074589 indicates:

"To fall within this definition the structure must be capable of being moved by road from one place to another in its assembled state. It may be moved by trailer, but it is not excluded from the definition merely because it would be unlawful to move it in such a manner on a highway. The fact that the private drive to [the appeal property] is too narrow to allow the passage of the Park Home in its assembled state along it is not the point. It seems to me that it is the structure that must possess the necessary qualities, not the means of access."

3.10 Appeal Decision by J G Roberts 2002 an Inspector appointed by the Secretary of State. Brentall v. Erewash Borough Council:

"It is not necessary for it (a caravan) to be towed, only that it is capable of being moved by road".

3.11 Brightlingsea Haven Limited and another v. Morris and others 2008:

"It is irrelevant to the test where the structure actually is, and whether it may have difficulty in reaching a road".

3.12 Appeal Reference -APP/L5810/X/15/3140569:

"Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved."

3.13 Appeal Reference -APP/J1915/X/11/2159970 (Erewash):

*"a. The test is whether the unit, once fully assembled, is capable, as a whole, of being towed or transported by a single vehicle;
b. Lack of intention to move the unit around the site is not relevant to the main issue, and would apply to most "static" caravans on any lawful caravan site;
c. The fact that the practicalities of mobility (e.g. a narrow driveway or awkward points) is immaterial. The test is whether the mobile home possess the necessary structural qualities to achieve theoretical mobility."*

3.14 Section 13(1)(a) of the Caravan Sites Act 1968 Twin-unit caravans... (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps, or other devices.

3.15 The mobile home will be constructed into two distinguishable parts on site from many pieces and the final act of assembly is the bolting of the two parts together along the width of the structure as per the submitted drawings.

3.16 There is no requirement that the process of creating the two parts must take place away from site, or from each other. The fact the two parts have been constructed side by side does not nullify the fact they are two separate parts which will be bolted together as the final act in the process.

3.17 Appeal Reference – APP/N1025/C/01/1074589. The key observations include:

A. There is no requirement for the 2 sections to be each identifiable as caravans, or capable of habitation, before they are joined together;
B. A caravan can be delivered to site in many pieces, and there is no requirement in 13(1)(a) that the process of creating the 2 separate sections must take place away from the site on which they are then joined together.
C. It is only necessary the act of joining the 2 sections together should be the final act of assembly.

3.18 In *BYRNE v. SECRETARY OF STATE FOR ENVIRONMENT and ARUN* [1997]:

"Certainly, it is designed to be composed into two sections, then to be bolted together as the paragraph requires, but this argument disregards two words in the paragraph which seem to me to be of importance. The requirement is that the structure should be composed of not more than two sections "separately constructed". That means, in my judgment, that it was an essential part of the construction process in order to deem a structure as a caravan, that there should be two sections separately constructed'... 'The whole was not constructed by the method of first having two separate parts."

3.19 Appeal Reference -APP/B5480/C/17/3174314 - Inspector concludes;

A. Two halves constructed on site -He remarks *"there is no requirement that the process of creating the two separate sections must take place away from the land"*. Correctly interpreting Byrne and the Erewash decision.

B. Two halves being completed adjacent to one another, and then finally bolted together. He remarks - *"...the two sections, having been completed alongside each other, were then connected securely by using a series of bolts along the lines of the walls and floor"*

- 3.20** Whilst there is no statutory planning definition of ancillary/incidental, there are 4 accepted 'incidental' tests, reported to the House of Commons (Hansard, for 22 November 2005) as arising from relevant case law. These are:
- 1) The relationship between the respective occupants;
 - 2) The relative size of the house, its garden and the caravan;
 - 3) The relative scale of accommodation in the caravan and the house;
 - 4) The degree to which the caravan is functionally connected to and subordinate to the use of the dwelling house.
- 3.21** Relationship – The mobile home is for the applicant's mother; the applicants will continue to live in the main dwelling and be on hand to provide care and support (please see supporting personal statement).
- 3.22** Size/Scale of Accommodation – The proposed caravan only results in a small increase in footprint, and the scale of the accommodation within the caravan is minimal, while providing necessary facilities the occupants require for a comfortable life.
- 3.23** Function – Typically, a caravan will be equipped with all the facilities required for independent day-to-day living. It does not follow automatically that once occupied there must be a material change of use simply because primary living accommodation is involved.
- 3.24** It is intended that the occupants will be regularly preparing and eating meals in the main dwelling, watching television/relaxing, socialising with the family and using existing household facilities.
- 3.25** To confirm there will be no separate;
- Address,
 - Post Box
 - Utility meters,
 - Services such as internet, phone line and television,
 - Parking,
 - Garden area or curtilage, and
 - Access.

- 3.26 Without the main dwelling the mobile home would not be able to function. The mobile home is for the applicant's mother; the applicants will continue to live in the main dwelling and be on hand to provide care and support. Therefore, there will be a clear functional interchange of use between the main dwelling and the mobile home by all occupants.
- 3.27 The above considerations are important, because it speaks to the level of development proposed on the site, and the suitability thereof. A more permanent structure would be definition have a greater impact than the proposed annexe, by virtue of leaving a more permanent mark on the site and surrounding area. The above considerations also give an indication of what the Government, and courts, have previously found to be acceptable in general terms – that our proposals falls within the same bounds is therefore a material consideration for the LPA in determining the application.
- 3.28 Furthermore, and with specific reference to this site, the temporary nature of the structure means that it is more flexible with respect to the Coastal Change Management Area; enabling the property to be more responsive to any changes in the seascape.

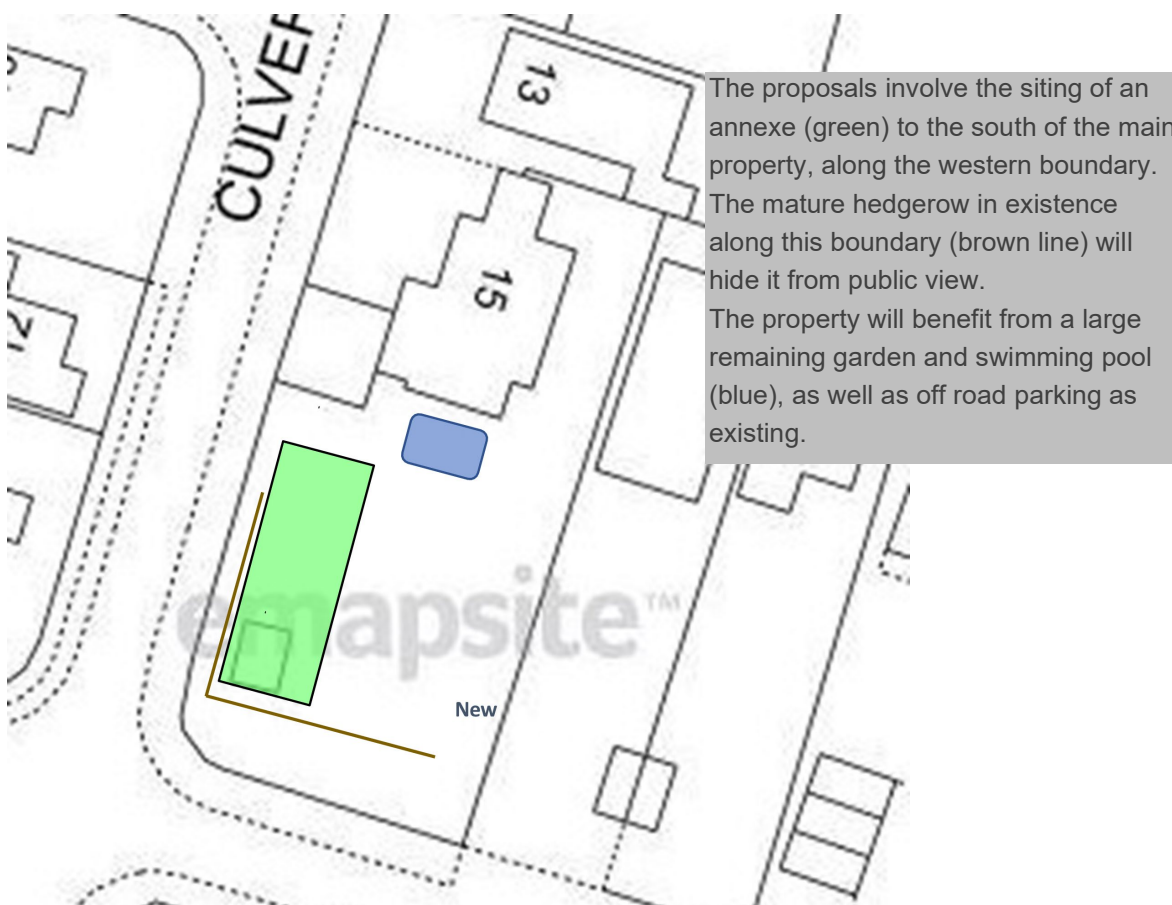


Image 3 –Block Plan

3.29 The annexe is to be of a relatively simple construction, with a single pitched roof and fenestration as per Image 4, below. It would be used solely by the parent of the applicant – and would remain ancillary to the main dwelling – and reliant upon it for electricity, gas, water and access to the highway. The applicant is content for the LPA to include a condition limiting its use to ancillary, though it should be said that this condition is not necessary as any approval of the application would only be for an ancillary building.

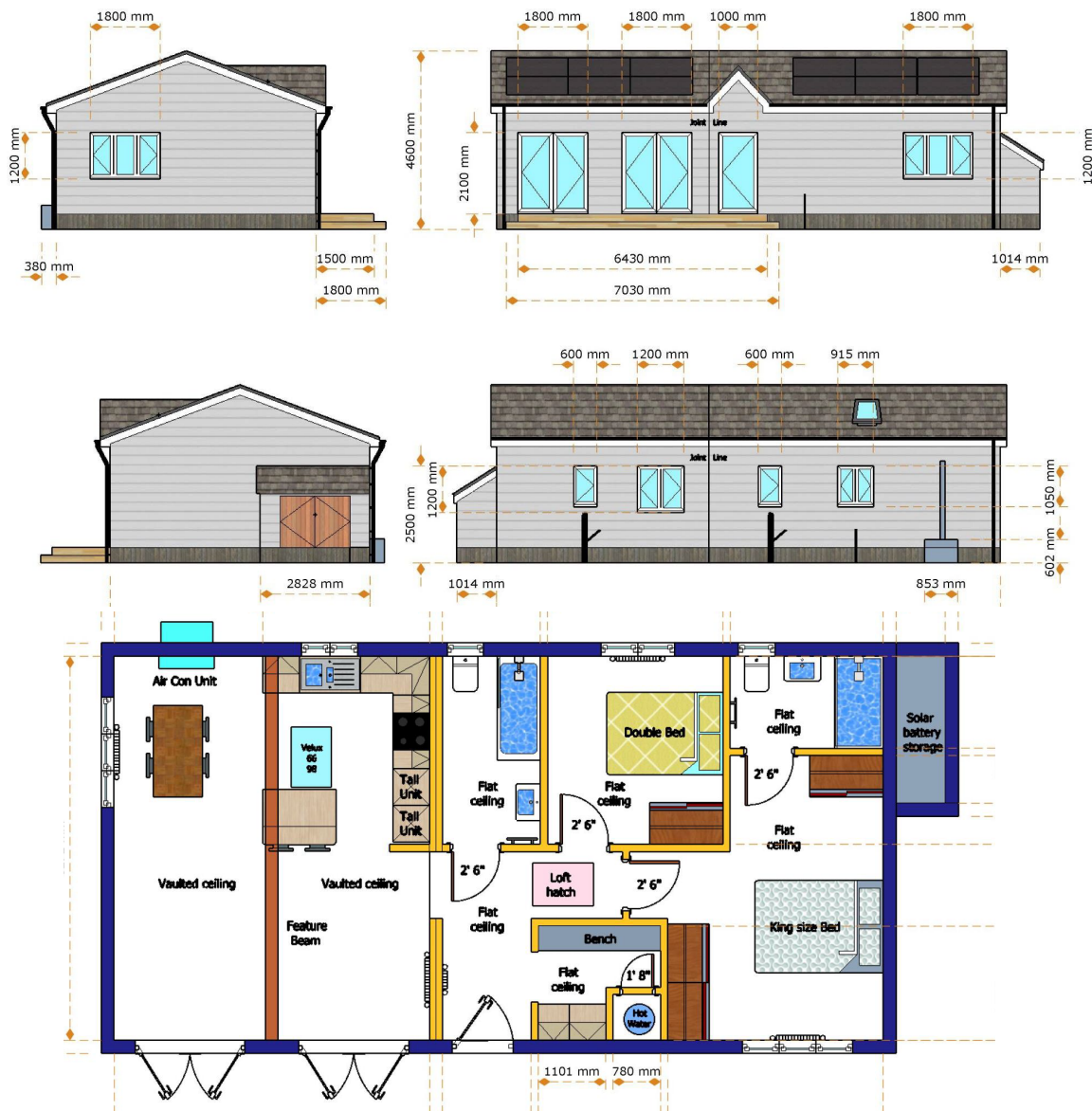


Image 4 –Proposed Annexe

3.30 It is understood that the LPA does not wish to grant permission for a new dwelling in the garden of this property – that is clear from the planning history. But the application is not for that – it is for an ancillary annexe that would be incidental to the main dwelling adjacent to it. Any change from that would require planning permission, and would be enforceable against by the LPA without it.

4.0 Considerations

4.1 The key issues to consider for this application are:

- Principle of Development
- Design and Character;
- Residential Amenity;
- Transport Impact

Principle of Development

4.2 The site is wholly suitable for the form of development proposed. The site is currently used as garden land associated with the main dwelling.

4.3 The provision of an ancillary annexe to enable care to be given to an ageing parent is a well-understood and well-practiced phenomena in planning, and this site is no different. There is a demonstrable need for the accommodation, which would be used in connection with (and ancillary to the occupation of) the existing dwelling and would thus be utilised as part of the wider single dwelling unit. The accommodation is subservient, would be connected to the same utilities and would share the same domestic curtilage and site access.

4.4 The accommodation is required to provide a safe environment for the applicant's elderly parent. The family wish to provide care and support, whilst enabling an element of independence, hence the small kitchen area and sitting area, which would be used by the applicants parent as they felt well enough to do so, but also by the family when in the annexe taking care of their parent.

4.5 National Planning Policy seeks to prevent social isolation. Through enabling this application it will improve quality of life for both parties, especially the applicant's parent who is currently socially isolated. Having ready access to not only physical but emotional and social support as well as daily interaction with others is essential for people with increasing care needs.

4.6 As such, and in full accordance with the guidance contained within the Development Plan – particularly Policy CS16 of the Core Strategy and Policy AL1 of the Local Plan, the proposals are considered to be sustainable development with respect to the NPPF, and acceptable in principle.

Design and character

- 4.7 The proposed annexe would be sited on a residential garden – and would not alter the character or appearance of the host dwelling in any meaningful sense. Indeed, due to the existence of mature evergreen hedgerow planting to the west and south, the annexe would not be visible from the public realm, as can be seen in Image 5 – which shows the solid line of hedgerow on the southern boundary. Thus it cannot be said that the siting of the annexe could have a negative impact on the character of the site or surroundings.



Image 5 – Street View

- 4.8 The scale, design and detail of the proposed annexe are such that it would not look dissimilar to a number of other structures in the surrounding area in any case – meaning any views of it (from private property) would be acceptable too. The annexe would replace an existing, slightly smaller, structure in the garden.
- 4.9 Therefore, in accordance with Policy CS16 of the Core Strategy and Section 16 of the NPPF the proposals are acceptable in terms of their design, character and impact on the surrounding area.

Residential amenity

- 4.10 The applicant has also given careful consideration to the nature of the proposals in relation to its potential impact on nearby residential properties. There would be no loss of light, loss of privacy or overbearing impact as a result of the proposed change of use or installation of the annexe. The nearest residential property is some distance away in any direction – and the proposals are limited in their scope.
- 4.11 There would, conversely, be a major positive impact on the living conditions of both the existing occupiers of the cottage, and the proposed occupiers of the annexe. As set out above, the benefits of being so close to family members would enable a far improved life balance for all concerned – removing the need for elderly relatives to go into care, whilst enabling family members to be supportive on a daily basis without having to drive any distance to visit them.
- 4.12 Policy DM7 (Elderly and specialist housing provision) of the Core Strategy is particularly relevant to the proposals, given their intended use. It requires the LPA to look favourably on schemes, such as this one, that are aimed at providing greater security and care for residents with increased needs, including as they get older. The applicant's parent would occupy the annexe, and it is only through the provision of this additional space that the family can accommodate the needs of their much loved parent.
- 4.13 As such, it is contended that the proposals are therefore in full accordance with the requirements of policies CS16 and DM7 of the Core Strategy and the NPPF in so far as they have regard to residential amenity and the importance of protecting it.

Transport Impact

- 4.14 The wider site benefits from sufficient parking to meet its needs, and the proposed annexe would not impact upon this as the occupiers of it are currently living within the main dwelling. As such, it is contended that the proposals are therefore in full accordance with the requirements of the NPPF and Development Plan in so far as they have regard to the development's impact on the highway network.

5.0 Summary

- 5.1** This application provides a clear and logical assessment of the site's constraints such that the scale, design and layout of the proposals as described in the sections above, and illustrated within the accompanying plans, provides an appropriate response to the site's status.
- 5.2** There is a demonstrable need for the accommodation, which would be used in connection with (and ancillary to the occupation of) the existing dwelling and would thus be utilised as part of the wider single dwelling unit. The accommodation is subservient, would be connected to the same utilities and would share the same domestic curtilage and site access.
- 5.3** The siting of the annexe, being ancillary to the main dwelling and positioned in such a way as to be hidden from the public realm, will also have no tangible impact on the character of the site or the surroundings.
- 5.4** The scheme would have not detrimental impact on the amenity enjoyed by existing or future occupiers of adjoining properties.
- 5.5** The proposals would have a neutral impact on the highway network.
- 5.6** The development can therefore be considered to accord with the relevant planning policies as detailed above and to be consistent with the aims and objectives of the NPPF that provides overarching guidance. In line with Paragraph 11 of the NPPF, the application accords with the Development Plan and should be approved without delay.