
Site Address: 35A Sandy Point Road, Hayling Island, PO11 9RR
Proposal: Variation of Condition 3 of Planning Permission APP/13/00010 to extend period of use of static caravan until 5th December 2014.
Application No: APP/14/00186 Expiry Date: 18/04/2014
Applicant: Mr K Inparajah Team: Team 1
 Charles Farm Stores
Agent: Mr I Reed Case Officer: Heather Lealan
 Architectural Planning Ltd
Ward: Hayling East

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 35 Sandy Point Road is a detached commercial property on the north side of Sandy Point Road occupying a corner plot position with Nutbourne Road. The property consists of a local convenience store with residential accommodation to the rear, which is identified as 35A Sandy Point Road. There is parking to the rear of the site for the residential No.35A and parking to the front of the site for the shop customers. However, the garden to the rear of the site is currently being utilised to park a caravan.
- 1.2 The site is located in an area of predominantly residential properties. The property to the east of the site, No.37, is orientated such that the front elevation of No.37 is almost in line with the rear elevation of No.35/35A.

2 Planning History

- APP/11/01397
- 2.1 Raise roof height to create additional habitable accommodation on first floor. New dormer windows to west elevation, new windows to north and south elevations and new velux windows to east elevation – Refused 8/3/2012 for the following reason:

The proposed development would result in an excessive building bulk adjacent to an existing residential property, detrimental to the visual outlook, light available to, and amenities of the occupiers of this property. The proposal is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 1.

- 2.2 APP/12/00801
Retention of Caravan - refused for the following reasons;

The stationing and use of the caravan for residential purposes is contrary to the policies of the Local Planning Authority and represents a form of development which has a prejudicial effect on the character of the locality and on the amenities of conventional residential properties in the vicinity as well as the amenities of the existing occupants and any future occupants of the caravan. The proposal is therefore contrary to policies CS16, CS9 and DM4 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and The

National Planning Policy Framework, March 2012.

The applicant has not provided sufficient evidence in the form of a relevant flood risk assessment to demonstrate that this proposal is acceptable in terms of the flood risk to the existing and any future occupants. A Sequential Test and Exception Test have also not been applied in this instance. The proposal is therefore contrary to policy CS15 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and The National Planning Policy Framework, March 2012.

2.3 APP/13/00010

Alteration and extension of roof to create living accommodation at first floor level, comprising new mansard roof with dormers, extended over existing flat roof areas. Temporary retention of static caravan during construction period. (Revised application.) Permitted on 5 March 2013 with a condition attached that the caravan must be removed from site within 6 months from the date of the permission. The applicant agreed that such a timescale would be achievable and realistic. The 6 month period therefore expired on 5 September 2013.

3 Proposal

3.1 In 2011, the Council received a complaint regarding a caravan had been sited within the rear garden of 35A Sandy Point Road and was allegedly being used for a residential accommodation.

3.2 A site visit was subsequently carried out by the Planning Enforcement Officer to investigate the complaint. It was found that a caravan over 2.5m in height was located directly adjacent and within 2m of the western boundary of the rear garden and was being used for residential accommodation.

3.3 The caravan itself was considered to constitute operational development and as such falls under planning control; due to it's size, degree of permanence and change in the physical characteristics of the land and it's use for the provision of primary accommodation. To this regard the owner was advised in writing that planning permission would be required and that the structure and its use did not accord with the requirements of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Schedule 2 Part 1 Class E. A previous application in 2012 (APP/12/00801) sought to regularise this breach as a residential unit but was subsequently refused for the reasons listed in the planning history section of this report. A further application for a scheme to expand the living accommodation to the commercial unit within the site was approved and a condition attached allowing the use of the caravan for living accommodation for 6 months whilst the extension was under construction.

3.4 The applicant agreed to the timescale conditioned and indeed it was for a longer period than the applicant verbally suggested that he would need, (that being 2 months). The time period for compliance expired on the 5 September 2013. A subsequent monitoring visit was made to the site in January 2014 by the Case Officer and the applicant was advised that the time period for compliance with the planning condition had expired and that he must notify the council of his intentions; however, no further correspondence has been received. In light of no attempt being made by the applicant to regularise the breach or firm indications of his intent to remove the caravan, and following a further site visit by the case officer along with an Enforcement Officer to request the applicant to engage with the Council, a Breach of Condition Notice was issued on the 24 February 2014 requiring the final

removal of the caravan by 24 March 2014.

- 3.5 The current application the subject of this report has subsequently been submitted which seeks to vary Condition 3 of Planning Permission APP/13/00010 to extend the period of use of the static caravan until 5th December 2014.

4 Policy Considerations

National Policies

The National Planning Policy Framework, March 2012

Havant Borough Local Plan (Core Strategy) 2011

CS16 (High Quality Design)

CS9 (Housing)

CS15 (Flood and erosion risk)

DM4 (Static Holiday Caravan Development)

5 Statutory and Non Statutory Consultations

Environmental Health

I have to object to this application since the caravan will have inadequate thermal insulation and liable to be excessively cold and suffer from severe condensation and associated mould problems in the winter months. As such it would have Category 1 hazards under the Housing Health and Safety Rating System and is not suitable for winter occupation.

I understand that building works at the property (alteration and extension of roof to create living accommodation at first floor level, comprising new mansard roof with dormers, extended over existing flat roof areas) have not even commenced. This is effectively a further application to retain a caravan for residential occupation with no proven intention to carry out building works on the main building. As such it creates a dangerous precedent if allowed to continue.

If the Committee were of a mind to grant consent I would ask that a condition be applied limiting occupation to the end of October.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 11

Number of site notices: One.

Statutory advertisement: Not applicable.

Number of representations received: None

7 Planning Considerations

- 7.1 The development plan identifies the main considerations in relation to the proposal as:

- (i) Principle of development
- (ii) Appropriateness of design and impact on streetscene;
- (iii) Effect on the neighbouring properties and residential amenity.
- (iv) Suitability of the caravan to provide acceptable living conditions for the occupiers

(i) Principle of Development

7.2 The site currently operates a mixed use with A1 retail located to the front of the main building and residential accommodation to the rear. Further expansion of the residential accommodation has been granted permission but to date no works on site have commenced. This current application seeks to retain the caravan on site for a further period until December 2014. The accommodation provided within the caravan sits alongside the retail element and residential accommodation within the main building and to this regard is considered to be tantamount to plot subdivision. It is not considered that this plot could support a further residential planning unit due to the resulting poor plot sizes, inadequacy of parking and both neighbouring amenity and the amenity of the current and/or future occupants of the application site.

(ii) Appropriateness of design and impact on streetscene

7.3 The caravan is more than 2.5m in height from ground level and the width is 3m approx and 8m approx in length.

7.4 The size, character and degree of permanence of the structure are not considered characteristic of the residential gardens found in the immediate locality and as such do not respect the context for the development. There are caravan sites within the street but these are contained and distinct from the residential dwellings. In addition the caravan is partially visible from Nutbourne Road, occupies a significant amount of the available curtilage between the principal building and the former garage and is out of keeping with this immediate streetscene. As such the caravan does not accord with the requirements of policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the design criteria set out in the NPPF.

(iii) Effect on the neighbouring properties and residential amenity

7.5 It is considered that the development adversely affects residential amenity as a number of surrounding dwellings overlook this garden. The size of the caravan in this small rear garden area does not respect the local residential context. The caravan is therefore considered contrary to Local and National Planning Policy.

(iv) Suitability of the caravan to provide acceptable living conditions for the occupiers

7.6 The Environmental Health team have been consulted with regard to the residential use (see Section 5) and they consider that the caravan will have inadequate thermal insulation and is liable to be excessively cold and suffer from severe condensation and associated mould problems in the winter months. As such it would have Category 1 hazards under the Housing Health and Safety Rating System and is not suitable for year round occupation.

7.7 With regard to issues of flood risk, whilst application APP/12/00801 was refused on

grounds that the applicants had not submitted a flood risk assessment which was directly relevant to that application, (the assessment submitted referred to the previously refused scheme APP/11/01397), the most recently updated flood mapping information received from the Environment Agency would indicate that the site now lies in Flood Zone 1, just outside of Flood Zone 2, and therefore flood risk is no longer a determining factor in this application.

8 **Conclusion**

- 8.1 In light of the above considerations it is therefore concluded that the application seeking to retain the caravan is not acceptable in principle, adversely affects the character and amenities of the locality, and does not provide satisfactory living conditions for long term occupation.
- 8.2 Given the history of this site, the time period already allowed for the removal of this caravan and that the works on the additional living accommodation approved under APP/13/00010 have not yet commenced, it is not considered appropriate to allow a further extension of the time period allowed for the caravan to be removed; given that it is considered that the longer term siting of the caravan is not acceptable. It is visually obtrusive to the detriment of the surrounding residential context and neighbouring amenity, and does not provide an adequate level of living accommodation for longer term occupation.
- 8.3 It is therefore recommended that permission be refused. Whilst the Breach of Condition Notice has not been complied with, it is considered appropriate to defer any further formal action for a further period of 1 month following the determination of this application, as this will give sufficient time for the owner and his family to find alternative accommodation arrangements if they were awaiting the outcome of this application prior to making any firm arrangements.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/14/00186 subject to the following conditions:

- 1 The continued stationing and use of the caravan for residential purposes is contrary to the policies of the Local Planning Authority and represents a form of development which has a prejudicial effect on the character of the locality and on the amenities of conventional residential properties in the vicinity as well as the amenities of the existing occupants and any future occupants of the caravan. The proposal is therefore contrary to policies CS16, CS9 and DM4 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.