

BINEGAR PARISH COUNCIL

Application: **2015/2684/FUL**
Proposal: Utility room, porch and shed at Alfie's Retreat
Location: Turner's Court Lane, Binegar BA3 4UA
Applicant: Mr J Smith
Agent: Dr S Ruston
Type: Full application

The Parish Council considered this application on 2 February 2016 and reached the following decision:

Binegar Parish Council strongly recommends refusal of permission and enforcement of the plan approved with applications 2014/0045/FUL and 2014/1750/APP

Councillors have received strong representations from local people. They came to terms with the approval of a traveller pitch. What was developed, however, is not what was approved. Indeed, the Parish Council considers that the site, now unable to take a travelling caravan, no longer qualifies as a traveller pitch.

Responding to the application is difficult given the misleading plans submitted. Drawing 1309/02 is not the approved nor, as titled, the "Proposed Site Layout". Drawing 1581/08A does not relate to the written application, it shows the shed outside the curtilage of the site and is not, as titled, the "Site Layout".

The Parish Council drew these shortcomings to the District Council but received no response. It notes that Mendip added to the confusion by posting a hand-written amendment to drawing 1309/02 after the consultation period had started. Drawing 1309/02 became "Existing Site Layout" and this is not true.

The Parish Council shares the shock of local people that the planning authority validated such a defective application let alone then allowed further misleading changes.

Reasons for recommendation

This application relates to two previous permissions:

2014/0045/FUL

Application for change of use of land to one traveller pitch and associated works comprising 1 No. mobile home and 1 No. towing caravan and hardstanding
Received 10 January 2014 Validated 17 March 2014 Decision notice 30 July 2014

2014/1750/APP

Approval of details reserved by conditions 5 (landscaping) and 6 (external lighting, refuse storage and means of disposal of foul and surface water) of planning permission 2014/0045/FUL
Received 27 August 2014 Validated 27 August 2014 Decision notice 15 December 2014

2014/0045/FUL imposed seven planning conditions. In 2014/1750/APP, the applicant supplied information required for approval and agreed to all planning conditions in a letter received by the District Council on 26 August 2014. The District Council gave notice of approval on 15 December 2014.

From April 2015, residents reported planning breaches. These included that the applicant:

- Failed to lay out the site as agreed according to approved drawings 1393/02A and 1393/03 including location of entrance, visibility splays onto the lane and position of static caravan
- Installed a boundary of 1.8m close board fence contrary to drawing 1393/02A and planning condition 5.
- Installed a gate of 1.8m close-board fence contrary to drawing 1393/03 and planning condition 5.
- Built a 20.5m² extension to the west of the static trailer contrary to planning condition 4.
- Built a 15.2m² extension to the north of the static trailer contrary to planning condition 4.
- Built a 17.9m² out-building contrary to approved drawing 1393/02A and condition 4.

2014/2684/FUL

This is the current application. It seeks planning permission for (1) a utility room, (2) a porch and (3) a shed. The covering letter fails to state that the application is for retrospective approval. The applicant has built all three buildings.

The applicant also did not place the static caravan in its approved location. The application seeks approval for this unauthorised 8m relocation.

The application does not indicate any change to the site's current (fence) boundary, access and gate. Without change, these remain planning breaches even if the planning authority approves 2014/2684/FUL.

The three new buildings add 133% to the floor area of the approved static caravan.

The application relies on government guidance formally withdrawn in September 2015 and replaced with *Planning policy for traveller sites*, dated August 2015.

Utility room

Traveller pitches comprise at least a static caravan, parking and space for a towing caravan.

The applicant states that the withdrawn guidance recommends that traveller sites include an 'amenity room'. This is to access hot and cold water, electricity, toilet with hand wash, shower, kitchen and dining area.

The static caravan on site measures (on approved drawing 1393/02A) 10.97m x 3.66m (36 by 12 feet). Such caravans invariably include kitchen, dining area, toilet and shower.

In the withdrawn guidance, an amenity room is a detached building, separate from the static caravan. Its relationship is with the needs of people arriving and staying in a towing caravan. Without an amenity room, they may have no access to such facilities while on site.

The 'utility room' at *Alfie's Retreat*, however, is a building extension, integral to the static caravan and increasing its floor area by half.

There is no towing caravan or trailer at Alfie's Retreat nor has there been one.

The application does not include a plan of the current site layout or the one proposed. Drawing 1581/01 omits the towing caravan space shown on the approved plans and locates the shed's slab foundation outside the site's boundary. In fact, this foundation prevents a towing caravan from occupying its allotted space.

The applicant cannot rely on the withdrawn guidance because what he has done bears no relationship to it. Indeed, without a towing caravan, *Alfie's Retreat* no longer fulfils an essential criterion for a traveller pitch.

The applicant claims that the 'utility room' "will not be visible from Turner's Court Lane". This is not true. The room exists. It is easy to see it from Turner's Court Lane and from the houses opposite.

The porch

A building 4.0m x 3.8m is not a "porch". Permitted development allows a porch with ground area of no greater than 3 metres square. The area of this building is 15.3m².

This building is a house extension to the static caravan.

Shed

It is not possible to comment on the shed since its reality bears no relation to the application.

The boundary

The application makes no mention of the boundary or entrance. At present, the entrance breaches Highway's standing advice on splays and condition 5 of the planning consent. Neither the boundary, nor the entrance, nor the layout comply with approved drawing 1309/2A.

Planning issues

Given Mendip's approval of the traveller pitch, local people were prepared to come to terms with the white walled, pitched roof static caravan that arrived.

The 'utility room' and 'porch', however, are utterly different in character. Visually, they look like sheds tacked on to the static caravan. The large mass of the two extensions – they add 90% of the area of the static caravan - destroys any character that the caravan possessed. All this is visible from the public domain.

There are no valid reasons put forward to justify planning approval of the extensions.

The two buildings, together with the built shed (as opposed to the shed of the application) create a situation where the site no longer able to take a towing caravan. The site no longer qualifies as a traveller pitch.

If the District Council considers Alfie's Retreat to be a traveller pitch, it must enforce the applicant's submitted plans approved in permission 2014/1750/APP.

General observations

This is a strong negative response on behalf of local residents. That is because two aspects of this application particularly irked local people.

First, from the outset, the applicant's actions showed no intention of following the planning permission and conditions granted. The content and layout of this site bear little resemblance to the plans he submitted and the conditions he agreed.

Second, the District Council received the original application on 10 January 2014. It has spent two whole years failing to resolve application 2014/0045/FUL. Meanwhile, local people have suffered the anxiety of not knowing what sort of development was going to happen on their doorstep.

Enforcement of planning breaches has been has been pitiful – indeed there has been none. Local people feel they have had to badger and cajole to get any action at all.

The result of all this pestering is yet another planning application. This one fails to put right the breach considered most significant by the Council's officers. This one has been 'validated' despite being incomplete and with defective and misleading plans.

Richard Higgins

Chair

On behalf of Binegar Parish Council