

Application No: 16/00085/FULL Full Application

Site: Highfield, Blissford Road, Blissford, Fordingbridge, SP6 2JH

Proposal: Completion of building to provide residential accommodation

Applicant: Miss J Birch

Case Officer: Katie McIntyre

Parish: GODSHILL

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
CP12 New Residential Development
CP8 Local Distinctiveness
CP7 The Built Environment

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 11 - Conserving and enhancing the natural environment
Sec 6 - Delivering a wide choice of high quality homes
Sec 12 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Godshill Parish Council: Recommend permission:

- Members considered that this was a special case in view of exceptional circumstances.
- The applicant stated at the meeting that she received no support to help her care for her son and she has to provide 24 hour care and therefore

requires her daughter's assistance as an additional carer.

- The applicant advised the building replaced a previous permanent building now removed from the site.
- The site is hidden from view.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 One objection received:

- Major compassionate planning concessions have already been granted solely on the basis of Jakey's welfare.
- The building has been constructed despite the covenant on the legal agreement.
- The construction of the building is not temporary.
- The family has refused help from the health Occupational Therapist.
- Alice only lives a short drive away from the site.
- There is not sufficient evidence of exceptional circumstances.

9.2 One representation of support from the applicant:

- The building is temporary and can be lifted in one piece by a crane.
- It has replaced an existing large building on the site.
- There has never been a formal assessment of Jakey's needs.
- Alice currently lives 16 miles away and has two young children.

9.3 One representation received from Hampshire County Council Social Worker:

- The applicant is the main carer for Jakey and he requires care through out the day and night which is having an impact upon the applicant's ability to care for Jakey as she is reaching exhaustion.
- Alice and Jakey have a good relationship and Alice understands Jakey's needs well.
- If Alice were able to live on site it would prevent Jakey's care breaking down.
- Options have been discussed with the family regarding overnight respite care and outside agency carers however Jakey himself has stated he feels more comfortable around his family.

10. RELEVANT HISTORY

10.1 94/54470 - siting of mobile home - refused 6 July 1994.

- 10.2 Enforcement Notice issues 2 December 1997. Subsequent enforcement appeal dismissed 18 August 1998.
- 10.3 Prosecution in Magistrates Court 9 June 2000.
- 10.4 Further prosecution in Magistrates Court 3 September 2002.
- 10.5 Resolution by District Council Planning Committee to give applicant one month to submit homelessness application failing which injunction proceedings would be commenced.
- 10.6 04/83091 - Retention of mobile home for agricultural worker - appeal dismissed 8 November 2005.
- 10.7 Injunction Hearing judgement delivered 2 March 2006.
- 10.8 11/96247 - retention of extended mobile home and ancillary mobile home - granted 20 March 2012 subject to a legal agreement.

11. ASSESSMENT

- 11.1 The application site lies outside of the defined villages within the Western Escarpment Conservation Area. The site consists of two mobile homes. The larger of the two mobile homes on the site is occupied by the applicant and her son Jakey, and the second smaller mobile home is occupied in an ancillary capacity by her daughter Rose.
- 11.2 Works have commenced on site in relation to an additional unit of accommodation for the applicant's other daughter Alice and her family (partner and two children). This application seeks consent for the completion of the building; an existing outbuilding has been removed.
- 11.3 From the outset it is important to understand the planning history of the site and the applicant's particular circumstances. The site has a long planning enforcement history which is recorded in section 10 above. In summary, an Enforcement Notice was issued against the existing mobile home back in 1997, a decision which was upheld on appeal. A subsequent application to retain the mobile home was refused and dismissed on appeal in 2005. Further legal action through the Courts however failed to secure compliance with the Enforcement Notice. In 2011/2012 an application for the regularisation of this mobile home together with a second ancillary mobile home on the site was submitted and approved by the New Forest National Park Authority Committee Members. A decision was granted as an exception to the development plan on the basis of the individual circumstances of Jakey who has severe cerebral palsy. This approval is subject to a S106 legal agreement relating to the following:

- An acceptance that any permission has only been granted owing to the very special circumstances surrounding the applicants son, Jakey Pearce;
- An acceptance that the Authority will not permit the mobile homes to be replaced with a permanent structure;
- The residential occupation of the site subsists only for the benefit of the applicant's son (to include his parents and siblings) and that within three months of the date when the applicant's son ceases to reside at the site (for whatever reason), the residential occupation of the site shall have ceased completely by all individuals;
- Within three months thereafter, all residential development shall be removed from the site (to include mobile homes and buildings) and the land restored to a condition first agreed in writing by the Authority; and
- Not to permit any further buildings or structures to be erected at the site without first applying for and securing the necessary planning permission.

11.4 In February last year the applicant contacted the Authority for pre-application advice in relation to a log cabin at the site to provide additional accommodation for Alice and her family. Officers advised that planning permission would be required for the structure and that there were concerns with regards to providing further accommodation at the site due to the fact the development would be contrary to policy, together with the fact there is already a second mobile home at the site. It was suggested by Officers that this second mobile home could be replaced with a larger unit to allow for further accommodation needed. This advice was reiterated to the applicant in May of last year. In December the Authority received an enforcement complaint in relation to a timber chalet being constructed at the site. At the time of the Enforcement Officer's site visit the structure was watertight albeit unfinished internally.

11.5 The National Planning Policy Framework requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. There is no policy to support the retention of this residential unit. Policy CP12 only permits new residential development within the defined New Forest Villages of Lyndhurst, Ashurst, Brockenhurst and Sway. Furthermore, policy DP12 only permits outbuildings which are incidental in use and do not contain habitable floorspace. The two mobile homes at the site have however been allowed to remain to date owing to the family's circumstances and thus consideration needs to be given as to whether these circumstances extend to the development proposal now the subject of this planning application. Officers have sought additional information from the applicant during the process of the application in relation to Jakey's care. As a result of this, a letter has been received from

Jakey's Social Worker and further information has been submitted in relation to Jakey's daily care routine. The Parish Council have supported the application and one objection has been received raising concerns in relation to the provision of further accommodation and buildings at the site.

- 11.6 The building constructed has a footprint of 12m by 5.3m and a height of 2.9m. It is timber clad and has a flat roof serving 3 bedrooms, a bathroom and living area. It is sited within close proximity to the other two mobile homes on the site and an existing outbuilding was removed in order to provide sufficient space for the structure. The building does not fall within the definition of a mobile home as defined within the Caravan Sites and Control of Development Act 1960s (as amended).
- 11.7 It is evident that Jakey's mother is his main carer albeit she receives some help with regards to Jakey's care. Jakey's father no longer resides at Highfield and left in October last year but does still help care for Jakey although it is recognised this is not everyday. There is considerable sympathy with the nature of the situation. There is however a second mobile home at the site which was allowed to remain on the site on the basis that this provided ancillary accommodation for Jakey's sisters as well as help with his personal development and care. This mobile home is currently occupied by Jakey's sister Rose but due to her employment and shift work is apparently often not available to help care for Jakey.
- 11.8 The building the subject of this application would enable Alice and her family, consisting of her partner and two children, to reside at the site permanently. This would then enable Alice to help her mother with Jakey's care whilst also providing important respite for his mother. Alice currently lives approximately 35 minutes away by car. Jakey's Social Worker has stated that Alice and Jakey have a good relationship and that by living at the site it would stop Jakey's care potentially breaking down. It also confirms however that other options have been discussed with the applicant, such as overnight respite care and the use of agency carers, in order to help care for Jakey although it is understood that Jakey himself feels more comfortable around his family and as such these alternative options have not been explored further.
- 11.9 Whilst fully appreciating the applicant's particular circumstances, it is considered the matter of appropriate accommodation for Jakey was resolved in 2012 when the Authority regularised the siting of two mobile homes at the site in accordance with the terms of the legal agreement together with the extension to Jakey's mobile home. There is considerable sympathy with the applicant's particular circumstances however there are not considered to be overriding material circumstances to allow a further unit of accommodation at the site contrary to policies CP12, DP1, CP8 and CP7. A second mobile home already exists on the site to

allow Jakey's sisters to reside there. Furthermore, the Social Worker has confirmed in her letter that there are alternative options in order to help with Jakey's care which would still enable him to remain at his home. There are not therefore considered to be exceptional circumstances in this instance which would warrant a departure from the development plan.

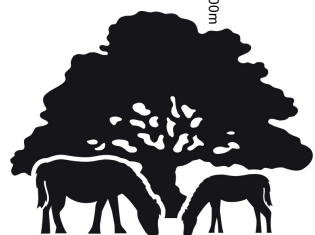
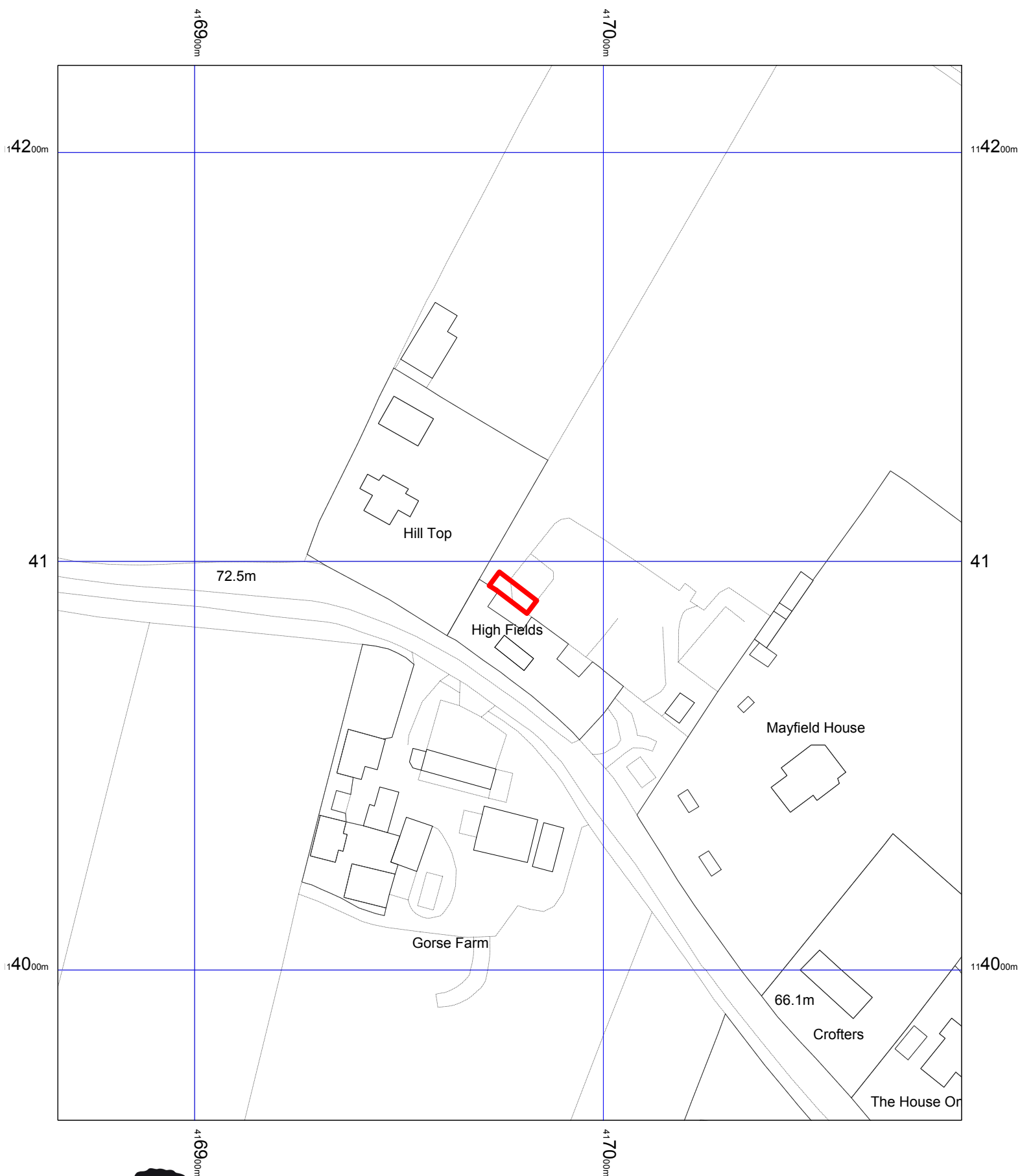
- 11.10 The development has resulted in the creation of a new residential unit in the countryside of the National Park contrary to the adopted Core Strategy and the core principles of the National Planning Policy Framework. These policies aim to prevent the creeping suburbanisation of the National Park and maintain its rural character in the interests of the National Park's two purposes: to conserve and enhance the natural beauty wildlife and cultural heritage of the Park, and to promote opportunities for understanding and enjoyments of its special qualities. Whilst the applicant's particular circumstances are duly noted the development would perpetuate the continued residential occupation of the site which is harmful to the character and appearance of the Conservation Area. As such it is Officer recommendation that planning permission be refused.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 The development has resulted in the creation of a new residential unit in the open countryside of the National Park which is contrary to Policies DP1, CP12, CP8 and CP7 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and the core principles of the National Planning Policy Framework. These policies aim to prevent creeping suburbanisation within the National Park and maintain its rural, open character in the interests of the National Park's statutory purposes. Whilst the applicant's particular circumstances are duly noted the development would perpetuate the continued residential occupation of the site which is harmful to the character and appearance of the Conservation Area. The particular circumstances of this case are such that there is not considered to be sufficient reason to justify a further significant departure from policy.



NEW FOREST
NATIONAL PARK

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