

- a) **DOV/24/00277 - Variation of condition 2 (residential use of land) of Planning Permission DOV/21/00628 (Siting of a static caravan for residential use (temporary for a 3-year period) (retrospective)) to allow for an extension until 31 May 2026 - Fir Tree Farm, Chapel Lane, Ashley**

Reason for report – Application called in to Committee by Councillor Steve Manion

- b) **Summary of Recommendation**

Planning permission be granted for a temporary period.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): DM1, DM11, DM15 and DM16

Draft Dover District Local Plan: The Draft Dover District Local Plan is being examined. Following the Inspectors' initial advisory letter, consultation on the Main Modifications commenced on 11 April 2024. Whilst that process is not complete and the final report has not been received, there is a high probability that policies will eventually be adopted as originally worded or as proposed to be modified. Therefore, having regard to paragraph 48 of the National Planning Policy Framework, they can generally be given a considerable amount of weight. The important policies are PM1, NE2 & SP4.

National Planning Policy Framework (NPPF) (2023): Sections 12 and 15.

Dover Landscape Character Assessment (2020) – the Whitfield Parkland Landscape Character Area.

- d) **Relevant Planning History**

For the static caravan:

DOV/21/00628 – Granted for: “Siting of a static caravan for residential use (temporary for a 3 year period) (retrospective)”. Condition 2 states:

The residential use of the land hereby permitted shall cease by or before 31 May 2024.

For the applicant's house:

DOV/21/01360 – Approval of Reserved Matters of DOV/20/01546.

DOV/20/01546 – Granted – outline application for the erection of a detached dwelling (with all matters reserved) for a site opposite the farm along Chapel Lane.

- e) **Consultee and Third-Party Representations**

Sutton by Dover Parish Council: Decided to leave the decision to the District Council; however, should permission be granted it sought a condition for the caravan to be removed at the end of the period granted.

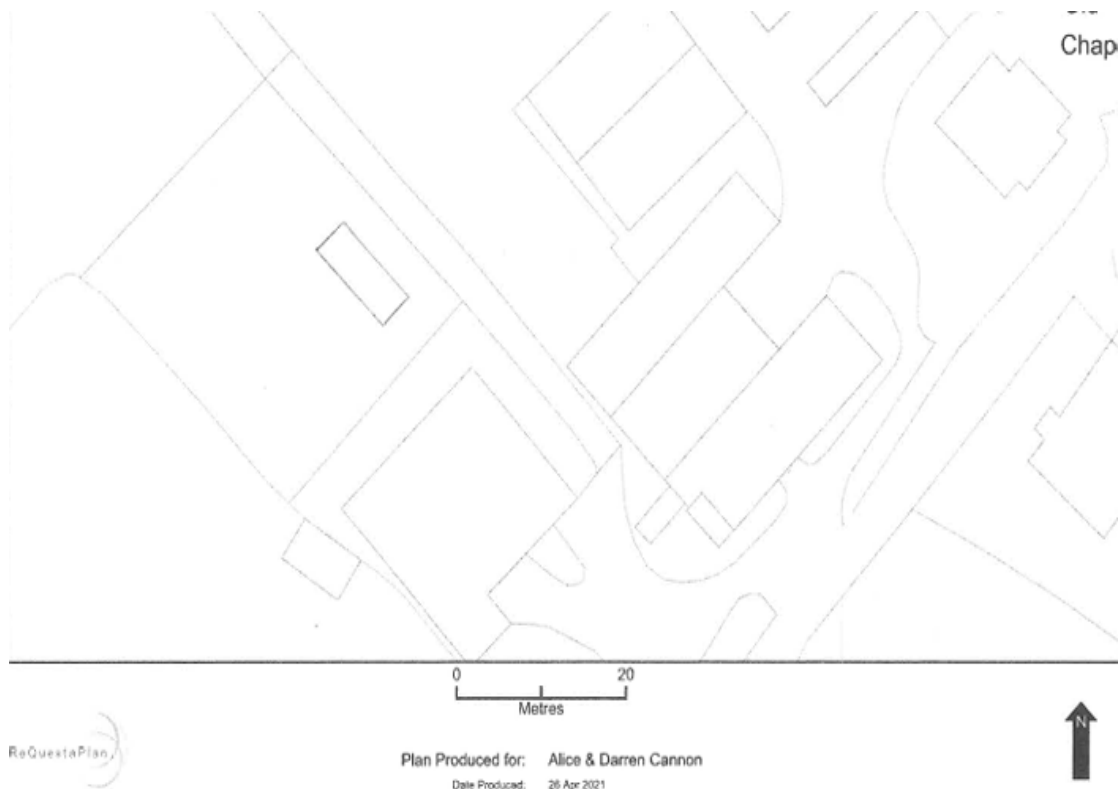
Third party responses:

Two responses objecting to the application have been received, including one from Councillor Manion. A summary of the points made is as follows:

- There has been little progress with the building of the new house
- The caravan has already been on the site for too long
- The location of the caravan and its residential use harm the privacy of the occupiers of the adjacent property.

f) **1. The Site and the Proposal**

- 1.1 The application site comprises a rectangular parcel of land on and within a wider site in use for farming – Fir Tree Farm. The site is accessed from Chapel Lane, through a working area of the farm and between farm buildings and along an unmade farm track. The site is quite well screened by boundary vegetation but is fully visible from the track.
- 1.2 The site is located within the countryside and along with the farm forms part of the hamlet of Ashley, although under the draft Local Plan the site falls outside the confines of the settlement. The built development in Ashley predominantly follows a linear pattern of development along Chapel Lane and Waldershare Road. There are no public rights of way close to the application site and as such the site is not readily visible from the public highway or other public vantage points.
- 1.3 The caravan is already in situ and is located in the centre of the site. It measures some 11.6m x 3.7m, with a height of some 2.8m. The caravan has a flue and a shed with a plastic roof providing shelter between the shed and caravan – this is located to the rear of the caravan. There are outbuildings and other domestic paraphernalia within the ‘garden area’ that has been created around it – within the plot. Prior to the site being used for residential purposes, it formed part of the farm and contained agricultural storage.
- 1.4 The previous temporary permission for the caravan expired on 31 May 2024. This current proposal seeks to retain the caravan on the site for the applicant and her family to live in for a further two year period until 31 May 2026. In effect, to enable the applicant’s house, which is under construction, to be completed and capable of being lived in. The location of the caravan is shown in Figure 1.



**Fig 1: Site Layout Plan**

## **2. Main Issues**

- 2.1 The main issue is whether a further two year period for the caravan to remain on the land (in residential use) is justified in the circumstances in view of the location of the caravan in the countryside and in an unsustainable location.
- 2.2 The issue revolves around the planning permission for a new house that is being constructed on the other side of Chapel Lane, opposite the farm. This house is being constructed by the applicant for her and family to live in. The applicant's husband is constructing the house himself as a 'self-build' project and needs the caravan to live in whilst the works take place to build the house. Once complete, the applicant intends to occupy the house, to cease the use of the land for the stationing of the caravan for residential purposes – and planning conditions have been previously imposed to require the caravan and domestic paraphernalia to be removed from the land.
- 2.3 At the time the previous decision was made to grant a two year temporary permission (March 2022) for the caravan to remain on the land (under 21/00628), an outline application had been granted for a new house on land opposite the farm and the Reserved Matters application had been approved (November 2021), but details to comply with Conditions imposed on the outline application had not been submitted for approval.
- 2.4 Since the decision to grant the two-year permission, all the details required to be submitted for the Council's approval have been submitted and discharged (the last

approval of details was in November 2022). No further details are required to be submitted.

- 2.5 At the planning officer's recent site visit on 25 April 2024, the 'timber-framed' building had been erected on foundations, the roof was on, but the walls, apart from the vertical timbers, had not been constructed. No works to the internal layout of the building had commenced.
- 2.6 The applicant's husband stated on site that progress had been hindered by illness, a lack in the ability to source materials and the limited number of helpers to construct the building. However, he was hopeful that progress would be quicker with additional help and with the drier, summer period to come.
- 2.7 With the excavation and the provision of the foundations after winter of 2022, the applicant(s) has had just over a year to progress the project at a faster rate. The foundations, the construction of the timber frame and the application of the roof trusses and roof covering are probably the most difficult and time-consuming parts of the build. It is not considered by officers that the project has been deliberately stalled, but with a self-build project and the constraints of sourcing labour and materials there is always going to be a longer build/construction time. It is the officers' view that the construction and completion of the building is likely to take place within the next two years, as required by the applicant.
- 2.8 Whilst the residential use of the caravan and its location in the countryside are contrary to the development plan, there is currently a limited level of visual harm caused by the location of the caravan – as it is not readily visible from public vantage points. At the moment, there is only one dwelling which is occupied by the applicant family, who otherwise tend the farm when not building the new house. The greater harm will arise should the new house be occupied, and the caravan continues to be used for residential purposes – as this would result in more than one dwelling in the countryside and additional domestic activity, comings and goings and car movements in an unsustainable location.
- 2.9 In the above circumstances, officers consider that subject to safeguarding conditions, a further two-year temporary planning permission should be granted.

### **3. Conclusion**

- 3.1 The proposal seeks to retain a caravan on the land in occupation by the applicant and her family, whilst her husband is building a new house opposite the farm, on the other side of Chapel Lane. On completion of the house, the applicant will live there and cease the use of the land for the stationing of a caravan for residential occupation. Conditions will also apply to remove the caravan and domestic paraphernalia from the land.
- 3.2 The caravan is not proposed in a suitably sustainable location and the site falls within the countryside. There is therefore conflict with the development plan and the NPPF. However, it is considered that the personal circumstances of the applicant, and the progress of the construction of the new house are material considerations which outweigh the conflict with the development plan and the harm to the character and appearance of the countryside. Subject to suitably worded conditions to cease the residential use of the land and to remove all domestic paraphernalia associated with the use, by May 2026, the application is supported by Officers.

g)

**Recommendation**

- I PERMISSION BE GRANTED to vary Condition 2 subject to the following conditions:
  - i) The residential use of the land should cease by or before 31 May 2026
  - ii) The caravan and all domestic paraphernalia associated with the residential use of the caravan shall be removed from the site by or before 31 May 2026.
  - iii) The caravan shall only be occupied by the applicant and her family.
  
- II Powers to be delegated to the Head of Planning and Development to settle any necessary conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Vic Hester