

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 02/09/2024	Ref: 70853/FUL
Registration: 11/07/2024	LDfC: 05/08/2024	Expiry Date: 05/09/2024
Site Visit: 23/07/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Siting of caravan on land for residential occupation

Location: Land off Chaucer Avenue, Radcliffe, Manchester, M26 3QS

Description

The proposal relates to an area of land that was historically occupied by a domestic garage colony that served the dwellings on the cul-de-sac. The square site measures approximately 19m x 19m and is accessed between two opposing end dwellings at the head of the cul-de-sac. It is generally level and is surrounded on all sites by dwellings (generally backing onto the site) and bounded by 1.8m high concrete post and timber panel fencing.

The domestic status of the site has become established over time since the garages were demolished and the site came into the ownership of two neighbouring dwellings (sharing the ownership) and subsequently coming into the sole ownership of no. 4 Chaucer Avenue. Steel containers and a shed were installed at the site and general domestic storage with associated trades storage has taken place since the 1990's. Since 2011, site ownership was disassociated from neighbouring dwellings, but the site remained to be utilised for domestic and trades storage.

The proposal is for the retention of a caravan at the site for residential occupation (which meets the definition as defined by the Caravan Act 1968 (as amended)). It was installed at the site in 2020 and linked to services (mains water/electricity) from a neighbouring property and has been occupied by a single occupant.

Since the initial submission, the agent has confirmed that the proposal is for a temporary period of upto 3 years (from the date of a decision) and for the occupation of the current occupant only.

NOTE: The proposal requires planning permission because it relates a site that has an established domestic use, but does not constitute domestic curtilage. The caravan would have had to have been occupied at the site uninterrupted at the site for a period of 10 years or more for it to have become lawful.

Relevant Planning History

None relevant.

Publicity

Notification letters issued to 24 properties on 15/07/2024.
No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No comments received.

Borough Engineer - Drainage Section: No comments received.

Environmental Health - Commercial Section: No comments received.

United Utilities (Water and waste): No comments received.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
JP-C1	Our Integrated Network
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
JP-S4	Flood Risk and the Water Environment
JP-P1	Sustainable Places
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their

comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle of the Development

The site relates to land that is in domestic use, within a residential area within the urban boundary of Radcliffe. The site is not otherwise allocated.

Given such circumstances and the housing delivery position within the Borough, the 'tilted balance' applies and planning permission should be granted unless Para 11(d) i or ii apply.

Layout and Design

Policies JP-H3, JP-H4, H2/1 and H2/2 refer to residential density and mix, the efficient use of land, the need for high quality design, compliance with the nationally described space standards and the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations (unless specific site conditions make this impracticable).

As the proposal is for the temporary siting of a caravan for residential occupation, it would not be reasonable to apply standards that would be applicable to the provision of 'permanent' residential development. The proposal is for the continued temporary occupation of the caravan at the site, which would be removed after the expiry of 3 years (but the site could thereafter continue to be utilised for reasonable domestic use).

Residential Amenity

The caravan is equivalent to a single storey dwelling (in terms of the floor level and position of windows). It is positioned such that windows either immediately oppose 1.8m high boundary fencing at the north or set some, with the remaining three boundaries being over 7m away.

Given such circumstances, the proposal would not have any unacceptable impacts on residential amenity.

Access and Parking

The site relates to an established domestic site that used to be occupied by a garage colony. The site could therefore continue to be used for the storage and parking of motor vehicles (at a level reasonably associated with the domestic use of the site). The proposed continued occupation of the caravan for a temporary period would not have any additional material impact on the traffic implications of the site.

Other matters

Servicing - The site is serviced for water and electricity from a neighbouring dwelling.

Ecology and Biodiversity Net Gain (BNG)- The proposal would be exempt from statutory BNG obligations.

Carbon and Energy and Digital Connectivity - Due to the temporary nature of the proposal, that would not lead to permanent dwellings on the site it is considered that the above matters would not need to be addressed.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

The proposal is acceptable in principle given the existing domestic status of the site and would not have any unacceptable detrimental impacts on the character and appearance of the area, highway safety or the amenity of the area, due to the temporary nature proposal. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 Permission is hereby granted for a limited period only, namely for a period expiring 3 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.
Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.
- 2 This decision relates to drawings
Location Plan (Scale 1:1250) received 14/06/2024
Site Block Plan (Dwg No. 1A)
and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	02/09/2024	DM	02/09/24