

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 12
Address: Ash Farm Titchfield Lane Wickham Fareham Hampshire PO15 6DY

Parish/Ward Wickham

Proposal Description: Continued use of land for the storage, display and sale of motor vehicles, without compliance with condition 1 of permission W13097/01

Applicants Name Mr And Mrs Lamb

Case No: 05/02340/FUL

W No: W13097/03

Case Officer: Elaine Patterson

Date Valid: 26 September 2005

Delegated or Committee: Committee Decision

Reason for Committee: At the request of a councillor

Site Factors:
Strategic Gap
Near Botley Wood, Everetts and Mushes Copse Sites Of Special Scientific Interest
Public Right of Way on opposite side of road

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Site Description

- The only plan submitted with this application was a 1:1000 location plan.
- The application site comprises a residential mobile home and land to the front and side which the applicant states has been used for vehicle sales for the past 9 years.
- Also in the applicant's ownership lies a paddock to the rear of this site.
- Also, adjacent to the shared access to the gun club lies a timber yard operated by the applicant.
- There is a mature hedgerow screening the site from the road frontage.
- The applicant has erected temporary adverts at the site access.

Relevant Planning History

- DRD/00215 Use of land as site for caravan REF 1974
- 90/00001/OLD Enforcement Notice was served against the siting of two residential mobile homes. Appeal Allowed for siting of two mobile homes for residential purposes, by a gypsy, as defined in the Caravan Sites Act 1968.
- W13097 Replacement of two mobile homes with 2 No dwellings. Refused 1993
- W13097/01 Variation of condition 04 of ENF1385 to allow a commercial activity namely the operation of a timber yard at the rear of the site. Permission granted January 1999. A Condition 01 was imposed stating: " No commercial activity shall take place on the land [which included the land subject to this application] other than for the parking of one lorry or van per pitch and the use of the area hatched black on the approved plan [in the eastern end of the land owned by the applicant] by persons resident on the land, for the storage, cutting and sale of timber."
- W13097/02 Erection of replacement storage building and block of 3 no stables and tackroom. Permission Granted April 1999 Condition 02 states: "The storage building hereby permitted shall be used in association with planning permission W13097/01 and the adjacent stables and tack, approved by this permission."
- LDC/358 Display and sale of Motor Vehicles (CERTIFICATE OF LAWFULNESS) LDC Refused April 2004. Appeal Dismissed October 2004. The Inspector upheld the validity of Condition 01 of W13097/01 which restricts the commercial activity on site.

Proposal

- Permission is sought for storage, display and sale of motor vehicles on the land.
- The applicant's supporting statement states vehicle sales have continued for 9 years by Mr Lamb. A commercial vehicle is permitted on site as well as a domestic vehicle and a touring caravan for each of the 2 authorised mobile home pitches. Vehicles are also permitted on site for the timber yard and the stables.

Consultations

Highways:

- No highway objections. No new access or alterations to the access are proposed. The application explains the land has been used for these activities for 9 years. The land is well screened and does not rely on passing trade, the applicant states they advertise in newspapers and trade magazines, people who arrive on site are specifically interested in a particular vehicle. The accident record shows none in 3 years.

Enforcement:

- There is a current enforcement case.

Landscape:

- Visual impact is limited and local.

Environmental Health:

- No adverse comments to make.

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Representations:

Curdrige Parish Council: OBJECT

- Contrary to countryside policy, if permitted it would set an unwelcome precedent.

Neighbour Representation = 1 letter of support from a nearby resident

- The applicant also submitted 3 letters of support from neighbours with their application.

Relevant Planning Policy:

Hampshire County Structure Plan Review: UB3, C1, C2, EC3, EC4, G1

Winchester District Local Plan Proposals: EN.5, C1, C2, C3, C12, C13, E1, T.8, T.9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.3, C.1, C.2, C4, C16, T2

PPS 7: Countryside

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area

Principle of development

- The Inspector considering the Lawful Use Certificate appeal, LDC/358, noted that when permission was granted for the timber yard in January 1999, no mention was made by the applicant of vehicle sales from the site. The condition imposed by the City Council prevented this type of commercial activity on the land.
- The supporting statement investigates 8No. sites for the business to relocate to. Of these 6No. are light industrial and do not appear from the Estate Agents details to have the relevant permission for *sui generis* vehicle sales. 2No. have planning permission for vehicle sales, offering 100 No. car display spaces and 22 No. display spaces (as well as 511 sq m secure parking to the rear). Whilst the agent concludes there are no available and affordable sites within a reasonable catchment, your officers have not carried out a similar search. Given the current nature of uses on the application site, with a residential mobile home, stables, a timber yard and vehicle sales, it would be difficult to identify a similar site for sale with the relevant planning permissions locally.
- The applicant's agent describes the use of the site as low key saying that there are no vehicle repairs carried out on site, passing trade is not attracted by signage, the business relies on advertisements in the press and customers visiting by appointment with the applicant living on site.
- However, the use is apparent from Titchfield Lane and cannot be considered to preserve or enhance the countryside.
- Permission is now sought for *sui generis* vehicle sales from the site. It is not considered that this is an appropriate use for this rural site. It is not considered that the vehicle sales use could be restricted effectively at the current level by conditions under the advice in Circular 11/95.

Impact on character of area

- It is considered the proposed change of use will cause harm to the rural character of the area, it has an extensive area of open storage and visually diminishes the Strategic Gap.

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Recommendation

REFUSE – subject to the following refusal reason(s):

Conditions/Reasons

01 Continued use of the land for vehicle sales would detract from the character of the countryside, which is designated as a Strategic Gap. The use would have an adverse impact on the character, quality and appearance of the area. The proposal is therefore contrary to policies C.2 and G1 of the Hampshire County Structure Plan Review and proposals C.1, C.2, C.13 and EN.5 of the Winchester District Local Plan and proposals C.1, C.2, C4, C.16 and DP.5 of the Review Winchester District Local Plan.

Informatives

01. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: UB3, C1, C2, EC3, EC4, G1

Winchester District Local Plan Proposals: EN.5, C1, C2, C3, C12, C13, E1, T.8, T.9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.3, C.1, C.2, C4, C16, T2