

Application Ref: NP/11/386

Application Type	Full
Grid Ref:	SM82980666
Applicant	Mr Rob Mathias
Agent	Mr Andrew Vaughan-Harries, Hayston Development & Planning
Proposal	Retention of Ancillary Mobile Timber Chalet (in Retrospect)
Site Location	Monkhaven Manor, St Ishmaels, Haverfordwest, Pembrokeshire, SA62 3TH
Case Officer	Vicki Hirst

Summary

This application seeks permission for the retention of a timber chalet in the curtilage of Monk Haven Manor to be used for purposes ancillary to the residential use of the main dwelling.

The main issues to be considered in this case are the principle of the development, the design and siting of the structure and other material considerations.

It is considered that whilst the building is of an unacceptable and unsympathetic design and siting, there are material considerations that outweigh the harm caused by this proposal due to the "fallback" position that could be implemented. In addition the use of the structure and its visual impact can be controlled through conditions attached to the granting of a planning permission which could not be achieved under the "fallback" position. As such the application is recommended for approval.

Consultee Response

None received to date.

Public Response

Application was advertised via a site notice. No public response received to date.

Policies considered

LDP Policy 01 - National Park purposes and duty
LDP Policy 07 - Countryside
LDP Policy 08 - Special Qualities
LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park
LDP Policy 29 - Sustainable Design
LDP Policy 30 - Amenity
PPW4 Chapter 03 - Making and Enforcing Planning Decisions

PPW4 Chapter 04 - Planning for Sustainability

PPW4 Chapter 05 - Conserving and Improving Natural Heritage and the Coast

SPG03 - Sustainable Design

SPG06 - Landscape Character Assessment Study, June 2009

SPG08 - Validation of Planning Applications

TAN 06 - Planning for Sustainable Rural Communities

TAN 12 - Design

Officer's Appraisal

Background

An Enforcement Notice was served on the 24th July 1992 in respect of an alleged change of use of the land by the stationing of a caravan for human habitation at Monk Haven Manor near St Ishmaels. At a subsequent appeal the Inspector held that the static caravan positioned on this site was not development as it was located within the curtilage of Monk Haven Manor and used for purposes ancillary to that property. The appeal was dismissed and the enforcement notice quashed and the caravan remained in position.

In January 2011 your enforcement officer found that a flat roofed wooden clad chalet structure was under construction in a similar location as that previously occupied by the caravan. It was your officer's view that this structure did not fall under the definition of a caravan. The matter was reported to the Development Management Committee on 23rd February 2011 where it was resolved to serve an enforcement notice.

The Enforcement Notice was served on 18th April 2011 and an appeal against the serving of the enforcement notice was made on 7th June 2011. The appeal was due to be heard at a Public Inquiry on 1st November 2011. However, following a site meeting with officers, the Authority's barrister and the applicant and his agent, an application has been made for the retention of the chalet and the appeal is being held in abeyance until 3rd January 2012 to allow this application to be determined.

Current Application

The current application seeks permission for the retention of the timber chalet to be used for purposes ancillary to the residential use of Monk Haven Manor.

The application states that the caravan was coming to the end of its life and the applicant wished to provide a more attractive and sustainable structure to be used for purposes ancillary to the main house. He was advised that this structure met the definition of a caravan/mobile home and did not require planning permission. The supporting information with the application states that the chalet can meet the definition of a caravan and whilst could be capable of separate occupation (as all caravans are) there are no kitchen facilities. Attention is also drawn to two appeal decisions within the National Park where timber cabins have been allowed; the first as a replacement for a

mobile home, the second for purposes ancillary to the main dwelling. The applicant's agent has suggested a condition be imposed on any planning permission to prevent any separate self contained living or tourist accommodation.

The application was accompanied by a planning report and transport statement.

This application is on the agenda at the discretion of the Head of Development Management as members have previously authorised enforcement action and this application is recommended for approval.

This application raises issues with regard to the definition of a caravan and to assist members' deliberation the relevant legislation is set out below.

Legislation

The stationing of a caravan within the curtilage of a dwelling house (for purposes ancillary to the dwelling) is not deemed to be development and therefore no planning permission is required in these circumstances. The definition of a caravan is found in The Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. A caravan is defined as:

"A structure designed and adapted for human habitation which:

1. Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices and
2. Is, when assembled, physically capable of being moved by road from one place to another (whether being towed or by being transported on a motor vehicle or trailer) shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason that it cannot lawfully be moved on a highway when assembled".

The size of a caravan is defined as being length (exclusive of any drawbar) 20 metres, width 8.8 metres and overall height measured internally 3.05 metres.

Key Issues

The main issues to be considered in this case are the principle of the development, the design and siting of the structure and other material considerations.

Principle of Development

The application seeks planning permission for a chalet for purposes ancillary to the main residential use of the dwelling house (ie as additional bedroom accommodation/study etc). National and local planning policy support the principle of additional buildings within the curtilage of dwelling houses for purposes ancillary to the main use of the dwelling subject to these being of an appropriate scale and design.

In this particular case the Inspector at the previous appeal clearly accepted that the application site fell within the curtilage of the dwelling house Monk Haven Manor. He also accepted that the caravan on the site was being used for purposes ancillary to the main house. As such the replacement of the caravan with a new caravan or structure meeting the definition of a caravan would not require permission.

However, it is evident that this particular structure does not meet the definition of a caravan for the principle reason that it was constructed on site and not bolted together in two pieces. The applicant's agent states that it is possible to move it in two sections but the applicant confirmed at a recent site inspection that it was built on site. As such this particular proposal does require permission.

The structure also has the potential to be occupied as a completely separate unit of accommodation. It has a sitting area, a bedroom and office, a bathroom, a store room and a utility area. The applicant's agent states that a full kitchen is not proposed, and the use is for purposes ancillary to the main dwelling rather than a separate unit of accommodation. He states that the facilities within the chalet mean it is capable of being totally independent in the same way that all caravans are but this is not the intention.

There is concern that the facilities within this chalet are the same as those found in an independent unit of accommodation and as such the proposal is tantamount to the provision of a new dwelling outside any settlement area and without any justification. As such, the proposal would contravene well established planning policy in this respect and the principle of this development could not be supported. The application does however specify that an independent unit of accommodation is not proposed, and your officers accept the fact that a caravan could offer similar independent facilities to those proposed. This factor is considered below.

Design and Siting

The application site is close to the village of St Ishmaels and within a wooded valley close to the coast. The site lies within an area registered by Cadw as a Landscape of Historic Interest and close to the registered Historic Garden of the Trewarren estate. It is within the curtilage of a listed building (Monk Haven Manor) and close to the adjacent St Ishmaels Church which is also Grade II listed. The area surrounding the site is semi-natural ancient woodland and there are a number of Public Rights of Way.

The building is to be sited in a similar location to the previous caravan in a location to the south east of the listed manor house. It is in an elevated position to the house but on a flat plateau, surrounded by a substantial wooded area. To the north east of the building is a range of derelict stone buildings divided from the chalet by the access drive that serves this part of the property. Public rights of way surround the site and there are glimpses into the site from these routes.

The building concerned is of modern design, comprising a rectangular shape with a recessed porch area and flat roof, with the external walls clad in timber boarding. The building is constructed on steel girders mounted on blocks and has no wheels or chassis.

It is your officer's view that the design of this building is at odds with its context in this historic landscape within the curtilage of a listed building and close to a number of public rights of way. It is considered that the proposal introduces a structure that is alien to its location and appears at direct odds with the area's historic associations and the integrity of the landscape. It is considered that the building does adversely affect the visual amenities and special character of the landscape of the National Park and is an inappropriate and unsympathetic development.

Other Material Considerations

Notwithstanding the above view, it is necessary to consider whether there are any other material considerations that might justify this development.

As set out above, the definition of a caravan is relatively wide and can include structures such as this. Whilst this particular structure fails to meet the definition of a caravan this is largely due to the fact that it was constructed on site and as such fails to meet the criteria of two separate components fixed together by bolt, clamps or other devices. There is clearly a "fallback" position available to the applicant in the event of this proposal being refused to either station a further mobile home of a much larger size than that previously on the site, or to provide a similar structure to the application proposal but brought to site in two separate components rather than constructed on site. Alternatively a different design approach could be adopted which could still fall under the definition of a caravan and there are many different options available in this respect. Any of these options could contain the same or similar facilities to the current structure and could be capable of independent use.

In this case, the structure is smaller in size than a caravan (measuring 12 metres by 6.2 metres) and is able to offer much higher levels of energy efficiency and use more sustainable materials than other "permitted" structures allowed under the legislation. It therefore has far better environmental credentials than other possible "fallback" options.

As such, it is considered that there are overriding other material considerations in this instance that justify allowing this particular proposal as

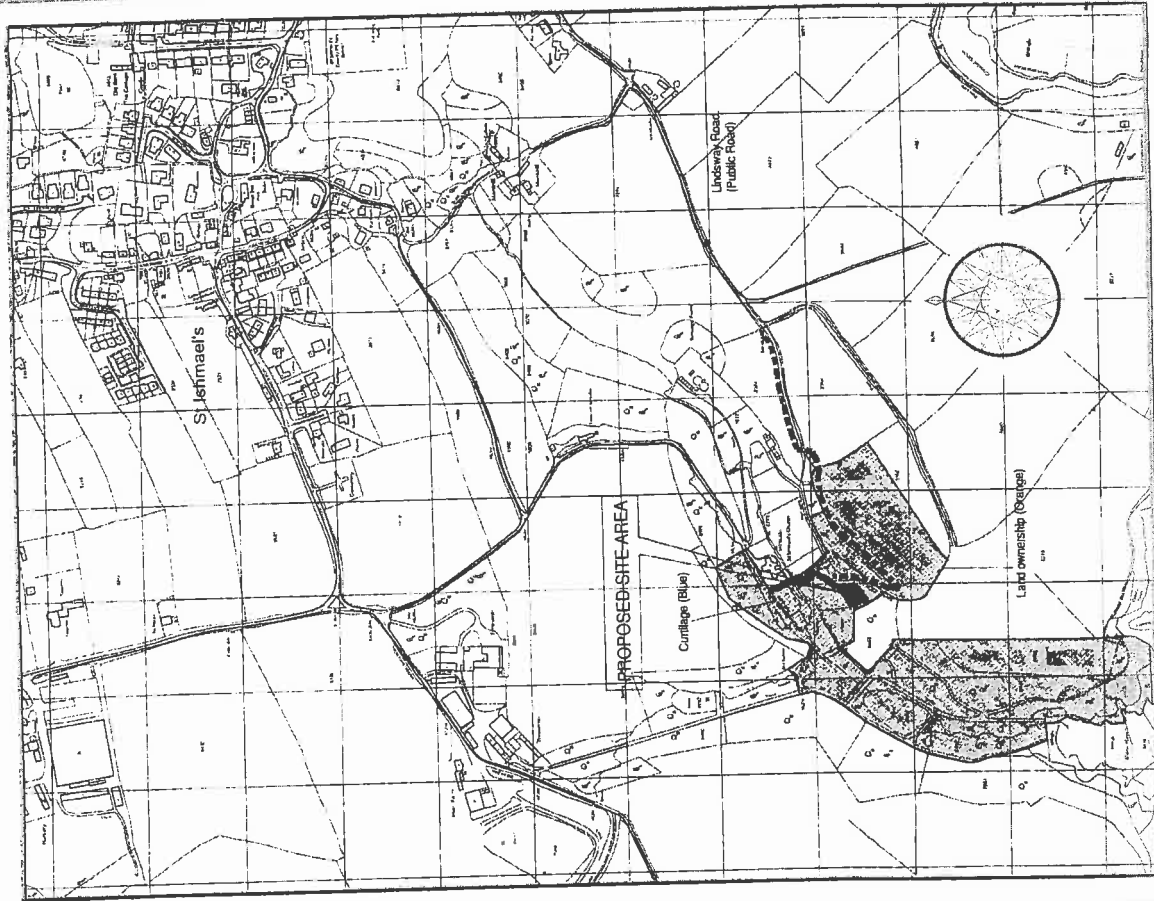
the “fallback” position could result in a far larger and more visually harmful structure than the current proposal. Furthermore, allowing this development enables conditions to be imposed to ensure the visual impact is minimized (through agreeing external colours and a landscaping scheme) and also by restricting the use of the structure to purposes ancillary to the main dwelling. In the event of any future breach of this condition through permanent occupation, a breach of condition action could be taken against which there is no right of appeal.

Conclusion

In the circumstances it is therefore considered that there are material considerations that outweigh the harm caused by this proposal. In addition the use of the structure and its visual impact can be controlled through conditions which could not be achieved under the “fallback” position. As such the application is recommended for approval.

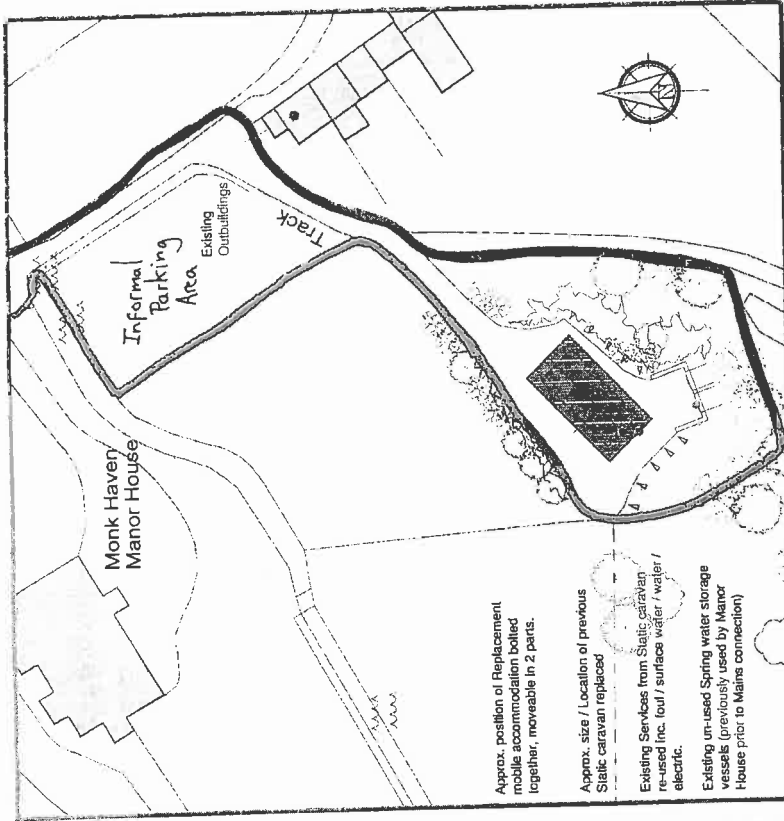
Recommendation

That planning permission be approved subject to conditions relating to finishes, landscaping and controlling the use of the building to ancillary purposes to the dwelling only and for no self contained living or tourist accommodation.



Location Plan

scale - 1:5000



Proposed Site Plan -

scale - 1:500

LEGEND		
-----	Route for Access of Mobile Home	
-----	Curtlage	
-----	Land Ownership	

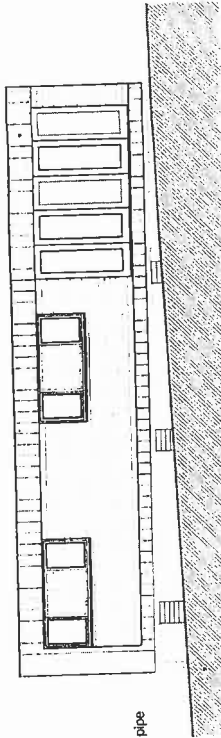
19 SEP 2011

Project No.	Designation	Date
LOCATION PLAN / SITEPLAN		
Client	MR & MRS. R. MATHIAS	
Project Title	Proposed Replacement of Static Caravan with mobile unit at Monk Haven Manor, Stetmael's Dale, Pembrokeshire.	
Scale	Drawn by	1:500 / 1:5000
01	APTS	2011

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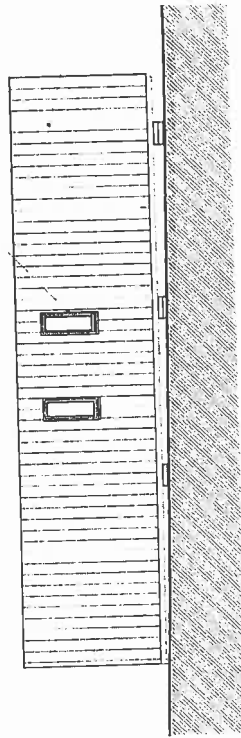
12'00" (40'-9")



Roof drainage pipe discharging to soakaway

Front elevation

scale 1:100



Rear elevation

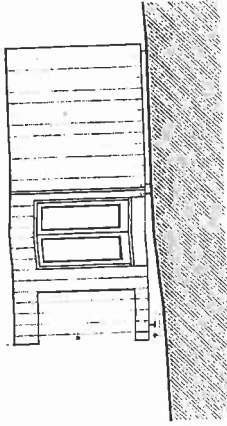
scale 1:100

Natural Cedar vertical paneling to exterior structure (horizontal where indicated)
Steel beam base structure supported off ground with blockwork

Timber painted windows / doors

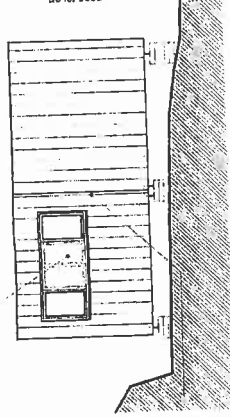
Natural Cedar vertical paneling to exterior structure (horizontal where indicated)

Separation point for the removal / transporting structure



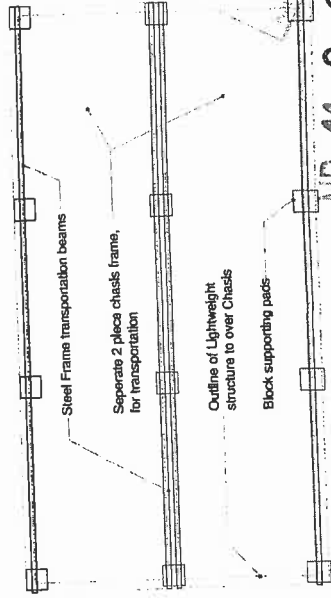
Side elevation

scale 1:100



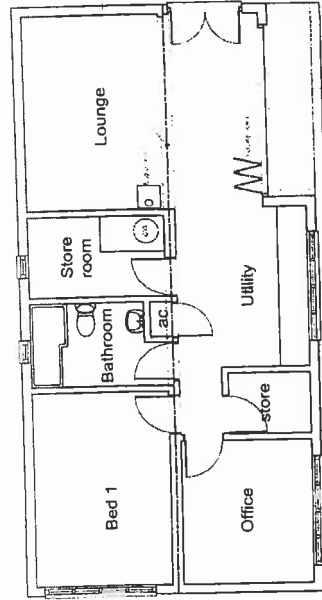
Side elevation

scale 1:100



Chasis Diagram

scale 1:100



Floor plan ANCILLARY ACCOMMODATION TO MONKS HAVEN MANOR

scale 1:100

EXISTING PLAN / ELEVATIONS scale - 1:100

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02

Project Name: EXISTING PLANS / ELEVATIONS

Client: MR & MRS. R. MATHIAS

Project: Proposed Replacement of Static Caravan with mobile unit at Monk Haven Manor, St Ishmaels Dale, Pembrokeshire.

Drawn by: H. J. JONES

Scale: 1:100

Date: APR. 2011

15 SEP 2011