

**Application No:** 10/4283M

**Location:** HOLFORD HOUSE, HOLFORD DRIVE, MOSSWAYS PARK,  
WILMSLOW, CHESHIRE, SK9 5PA

**Proposal:** DEMOLITION OF HOLFORD HOUSE AND THE ERECTION OF A  
REPLACEMENT DWELLING, ALONG WITH THE RELOCATION  
OF TWO EXISTING PARK HOMES

**For** W Flannigan

**Registered** 21-Oct-2010

**Policy Item** No

**Grid Reference** 382073 381467

**Date Report Prepared:** 13 December 2010

<b>SUMMARY RECOMMENDATION</b>	<b>Refuse</b>
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**MAIN ISSUES**

- Whether the proposed replacement dwelling is materially larger than the existing dwelling and if so, whether there are any very special circumstances to outweigh the harm caused to the Green Belt by inappropriateness and any other harm
- Whether the design and appearance of the proposed dwelling is acceptable
- Whether the proposal would have any adverse impact on residential amenity
- Whether access and parking arrangements are acceptable
- Whether the proposal would have an acceptable impact on existing trees and landscaping

**REASON FOR REPORT**

This application has been called into Committee by one of the Ward Members Cllr Macrae as he considers that the proposed development could result in harm to the Council's current adopted policies for the protection of the Green Belt, by nature of the size, siting and design of the dwelling.

**DESCRIPTION OF SITE AND CONTEXT**

The site lies within the Green Belt and forms part of an existing residential caravan site. It contains an existing two-storey residential property which also contains a site office. Four residential caravans are also located within the site. The site is located to the south of Eccups Lane. Detached residential

properties are located to the north of the site on the opposite side of Eccups Lane. The remainder of the caravan site lies to the east of the site, with agricultural land located to the west.

## **DETAILS OF PROPOSAL**

Planning permission is being sought for a replacement dwelling. It is proposed to demolish the existing dwelling and to re-locate it to a position adjacent to the entrance to the site. This would involve the re-location of two existing residential caravans. A new vehicular access point would be formed off Eccups Lane. The proposed new dwelling would be two-storey in height, would contain an office at ground floor and would have a basement extending across the entire footprint of the dwelling.

This application follows the withdrawal of two previous applications for a replacement dwelling at the site entrance (09/0205P & 09/1726M) and follows the approval of a replacement dwelling on the site of the existing dwelling (09/2933M). The latter permission remains extant until 11 December 2012. This means that if the Council were minded to approve this application, a legal agreement would be required to ensure that both consents for replacement dwellings on different footprints could not be implemented.

## **RELEVANT HISTORY**

09/2933M  
Full Planning  
REPLACEMENT DWELLING  
Approved with conditions

09/1726M  
Full Planning  
REPLACEMENT DWELLING  
Withdrawn

09/0205P  
Full Planning  
REPLACEMENT DWELLING  
Withdrawn

08/0228P  
Full Planning  
FIRST FLOOR SIDE EXTENSION  
approved with conditions

06/0479P  
Certificate of Lawful Existing Use/ Dev  
CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF SITE AS  
RESIDENTIAL CARAVAN PARK  
positive certificate 20061005

04/2497P

Certificate of Lawful Existing Use/ Dev

CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF SITE AS  
RESIDENTIAL CARAVAN PARK

positive certificate 20050422

## **POLICIES**

### **Regional Spatial Strategy**

DP1 (Spatial Principles)

DP5 (Manage Travel Demand, Reduce the Need to Travel, and Increase  
Accessibility)

DP7 (Promote Environmental Quality)

RDF4 (Green Belts)

### **Local Plan Policy**

NE11 (Nature Conservation)

BE1 (Design Guidance)

GC1 (Green Belt – New Buildings)

H13 (Protecting Residential Areas)

T2 (Public Transport)

DC1 (New Build)

DC3 (Amenity)

DC6 (Circulation and Access)

DC9 (Tree Protection)

DC38 (Space, Light and Privacy)

### **Other Material Considerations**

PPG2: Green Belts

## **CONSULTATIONS (External to Planning)**

**Highways:** no objections.

**Public Rights of Way Unit:** the property is adjacent to public footpath Mobberley No.54 and restricted byways Wilmslow No.s 34 and 99. No objections subject to an informative regarding the public right of way.

**Environmental Health:** no objections subject to appropriate conditions.

**Manchester Airport:** no comments received to date.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

**Mobberley Parish Council:** recommends refusal due to concerns regarding the size of the building including basement, stated objective of being able to

observe the entrance would not be possible if the office is in the basement, new access to Eccups Lane is undesirable.

Another concern raised was with regard to the accommodation and compensation of existing residents who would be forced to move as part of the overall proposal. This is not a material consideration when determining the application.

## **OTHER REPRESENTATIONS**

To date, 4 representations have been received in relation to the application

- Property will be unduly dominant when viewed from adjoining and opposite properties markedly spoiling the appearance of the Park environment
- Current dwelling Holford House is set back from the road and is relatively unobtrusive to the surrounding park homes
- Holford House is away from the 'traffic' attracted by the existence of a legal footpath/byway
- When consider the amount of traffic using the entrance to the Park, the proposal will only make matters worse
- What has happened to the permission to rebuild Holford House?
- No.2 The Orchard has been recently fitted out as a site office so why is there a need for another office
- Concern about the lack of information regarding the height of the boundary wall adjacent to No.3 The Orchard given its proximity to that property
- Proposed wall would adversely affect the open plan nature of the Park
- Concern about the impact of additional traffic on Eccups Lane which is already used by heavy vehicles
- Proposed property would spoil the entrance to the Park
- Far Meadow (another property on Eccups Lane) is sited well back and barely visible from the road
- Application appears to differ little from the previous two
- There are at present 4 members of staff working in the site office, each of them arriving by car. The application makes no provision for staff or visitor parking to the office with any overspill parking likely to take place at either the site entrance or on Eccups Lane causing possible congestion
- If the house is intended for a site manager, it would surely be better placed in the centre of the Park for the purposes of accessibility and any necessary surveillance
- New property will be nearer to and overlook Brookside on Eccups Lane

Other issues have been raised relating to the proposed re-location of existing park homes. However these concerns are not considered to be material considerations when considering this application.

## **APPLICANT'S SUPPORTING INFORMATION**

A Planning Statement and a Design & Access Statement has been submitted with the application. The Planning Statement concludes that:

- The design of the proposed replacement dwelling has already been judged to be appropriate through the approval of application 09/2933M and the principle of relocating the proposed replacement dwelling has previously been accepted subject to a S106 legal agreement
- It has been demonstrated that special circumstances (secured by a S106 agreement) exist to justify the grant of planning permission for an otherwise inappropriate development within an existing park homes site
- The proposal would improve and enhance the quality of the local area and would have no significant impact on the amenity of neighbours or occupiers and generally accords with the principles of local and national policy guidance
- The proposals seek to provide and maintain a home suitable for a site manager and their family

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of replacement dwellings in the Green Belt need not be inappropriate provided that the replacement dwelling is not materially larger than the existing dwelling to be replaced (paragraph 3.6 of PPG2). If it is considered to be materially larger, very special circumstances will need to be demonstrated that outweigh the harm caused by inappropriateness and any other harm.

### **Green Belt**

Local Plan policy GC1 reflects the advice contained within PPG2 and allows for the replacement of existing dwellings, subject to policy GC11. Policy GC11 is not a saved policy and is not therefore relevant to the consideration of the application.

The existing dwelling is located within the residential caravan site, approximately 75m away from the entrance to the site on Eccups Lane. It is a two-storey dwelling with a total floorspace of 188m<sup>2</sup> and a ridge height of 6.6m (eaves height 4.4m). In March 2008 consent was granted for a first floor extension to the dwelling (08/0228P). This would have added a further 27m<sup>2</sup> of floorspace giving a total floorspace of 215m<sup>2</sup>. This consent remains extant until March 2011.

The replacement dwelling proposed by this application would be located at the entrance to the residential caravan site approximately 9.8m back from Eccups Lane at the nearest point. It would have a total floorspace of 332 m<sup>2</sup>, over three floors including a basement. This would be approximately 76% larger than the existing dwelling. The ridge height would be 7.3m (eaves height 5.5m). This represents a ridge height increase of 0.7m and an eaves height increase of 1.1m. In this case, it is considered that the overall increase in floorspace in combination with the increase in eaves and ridge height of the proposed dwelling when compared to the existing, results in a dwelling that is

materially larger. In reaching this conclusion, regard was had to the fact that much of the floorspace increase is as a result of the addition of a basement which is intended to be fully subterranean. However, in this case, as the above ground size of the dwelling would also increase, overall the size increase is considered to be material. The proposal is therefore inappropriate development in the Green Belt.

Before considering whether there are any very special circumstances to outweigh the fact that the proposal is inappropriate development, it is first necessary to assess whether there is any other harm. When considering the two previous applications for a replacement dwelling at the entrance to the site, it was considered that in some cases it may be possible to re-site replacement dwellings provided that there is no greater impact on the Green Belt. However in this case, it was considered that the fact that the existing house is set within the park home site together with its modest scale means that its impact on openness is limited. By contrast the previous and current proposals involve the provision of a larger dwelling in a more prominent location at the edge of the site. As a result, it is considered that as well as being inappropriate development, the proposal would also reduce the openness of the Green Belt due to the increased size and prominence of the new dwelling.

## **Highways**

Vehicular access to the dwelling is to be provided via a new access point off Eccups Lane, close to the existing entrance to/exit from the park home site. Pedestrian access to the office is to be provided off the existing site access road.

The Strategic Highways Manager has raised no objections to the proposal. However a number of highways related concerns have been expressed by third parties relating to increased traffic along Eccups Lane and concern regarding parking facilities for staff and visitors. Whilst these concerns have been noted, given that the application is for a replacement dwelling, it is not considered that it would result in a significant increase in traffic using Eccups Lane. Any traffic associated with the construction of the dwelling could be controlled by a construction method statement condition. With regard to parking, again, it is considered that this could also be addressed by a condition as it appears that the area of land associated with the new dwelling is sufficient to meet any necessary parking requirements.

## **Design**

The design and appearance of the replacement dwelling is as approved under application reference 09/2933M. There is no objection in principle to the design of the proposed dwelling which represents a significant improvement over the quality of the existing dwelling. There is a mixture of dwelling styles and designs within the vicinity of the site. Whilst some concerns were raised by third parties with regard to the impact of the proposal on the appearance of the site entrance and on the open plan nature of the site, other than concerns

regarding impact on openness, it is not considered that any objections could be raised to the proposal on design grounds alone as boundary treatment details could be dealt with by condition to ensure that the impact of the proposal on the streetscene is acceptable.

## **Amenity**

Existing park homes are located to the rear and on the opposite side of Holford Drive to the proposed replacement dwelling. No.3 The Orchard has windows facing towards the rear of the site of the proposed dwelling, one of which is located towards the rear of the home and is the only window to the main bedroom of the property. A new boundary wall, the height of which it is stated is to be agreed with the local planning authority, is proposed approximately 3.8m from this property with the nearest point of the rear elevation of the proposed house approximately 15.8m away. The rear elevation of the dwelling would contain habitable room windows at ground and first floor levels and would also contain a first floor balcony to the main bedroom the nearest point of which would be approximately 14m away from No.3 The Orchard.

Local Plan policy DC38 provides guidelines on space between buildings and states that there should be a minimum distance of 21m front to front and 25m back to back between habitable rooms within buildings. Whilst the proposed boundary wall is likely to impact on the amenity of No.3, a wall up to 2m in height could be built without planning permission (though this may be affected by site licence legislation). It is not therefore considered that any objections can be raised to the wall and in any event it seems that the applicant is willing to negotiate the height of the wall. With regard to the impact of the proposed dwelling on No.3, whilst the space between existing park homes tends to be in breach of DC38 as the siting of the homes is covered by site licensing regulations, it is nevertheless considered appropriate to assess the proposal against DC38 given that the proposed dwelling is much larger than a park home. DC38 states that there should be a minimum distance of 14m between habitable rooms facing non habitable rooms (or blank walls), with a further 2m to be added to this distance where there is a difference in levels between buildings. As previously stated, the nearest point of the main part of the replacement dwelling would be 15.8m away from No.3, just short of the guidelines stated within DC38. However, the proposed balcony would be 14m away and would be located on the part of the dwelling nearest to the bedroom of No.3. As a result it is considered that there is significant potential for overlooking from the balcony towards the bedroom to No.3. As such, it is considered that the proposal would have a significant adverse impact on the amenity of No.3 contrary to policies DC3 and DC38.

A park home is also located on the opposite side of Holford Drive (18 Newlands). This also contains a number of windows facing towards the site of the proposed dwelling, one of which appears to be a principal window. The distance between this property and the proposed dwelling is approximately 16m, with the side elevation of the proposed dwelling containing a number of windows, one of which on the ground floor appears to serve a habitable room.

However, the position of the habitable room windows in each of the properties means that there are no directly facing relationships. Whilst the proposed dwelling may result in some loss of light to No.18 due to the fact that it is sited to the west of that property, it is not considered that there would be significant loss of amenity.

The occupier of a property known as Brookside on Eccups Lane has also raised concerns regarding the fact that the proposed dwelling would be nearer to and overlook that property. Whilst these concerns are noted and whilst it is acknowledged that the proposed dwelling would be nearer to Brookside, it is not considered that this would result in any significant impact on the amenity of the occupiers of either Brookside or the other nearby property, Far Meadow.

### **Ecology**

The Council's Nature Conservation Officer was consulted on the application and does not anticipate there being any significant ecological impacts associated with the development.

### **Landscaping and Tree Implications**

There are a number of trees located on the western boundary of the site. The proposed site plan indicates that the existing trees and shrubs are to be retained and there will be a no dig hard surface. The views of the Council's Tree Officer are currently awaited, though no objections are anticipated as none were raised to a previous proposal with the dwelling sited in the same position as now proposed. It was previously noted that the position of the proposed replacement dwelling presents no worse relationship/social proximity to the two mature field boundary Oaks (south west) than is currently presented by the existing park homes and no changes have been made to the position of the proposed dwelling. Any comments received from the Tree Officer will be reported to Committee.

### **Very Special Circumstances**

As it is considered that the proposal represents inappropriate development in the Green Belt and as it is also considered that the proposal would cause further harm by impacting on openness, it is necessary to consider whether there are sufficient very special circumstances to outweigh the harm caused.

A number of very special circumstances have been put forward on behalf of the applicant. In summary these are:

- Area to which house is to be re-located to already contains buildings (2 park homes) which would be re-located to the area occupied by the existing house and would not encroach further into the Green Belt. The swap would have an immaterial impact upon the openness of the Green Belt

- Preference for re-locating the house is because it marks the entrance to the site and would also enable improved management and supervision to the entrance to the Park. It would contain a site office where the park manager would work from and where visitors and residents may have to go if they have any queries, hence it is a logical position.
- Proposed location also offers surveillance of visitors entering and leaving the site, for overall improved management
- The proposed dwelling would be sited adjacent to existing dwellings (Far Meadow and Brookside) having a cluster relationship with this built form and would offer the advantage of direct access onto the external road
- Proposed house is not materially larger than the existing house and the contemporary design of the proposed dwelling would be a significant improvement on the existing house
- Not considered that the dwelling would cause material harm to the Green Belt as whilst the existing dwelling is set within the existing caravan park, it is situated immediately adjacent to a field boundary, with the long rear elevation running parallel to the boundary. The proposed dwelling would present a smaller elevation in terms of width to the field boundary
- Not proposed to include a free standing garage or any other structure, hence there would be no impact on the openness of the Green Belt
- In order to afford the above special circumstances significant weight, the applicant proposes to enter into a S106 legal agreement to tie the replacement dwelling to the ownership of Mossways Park; limit its occupation to the site manager and their dependants and allow the provision of ancillary office accommodation associated with the management of the site

Additionally, whilst not listed by the applicant's as part of the very special circumstances argument, it is considered that the fact that an extant consent exists for a replacement dwelling of the same size on the site of the existing dwelling is a material consideration to be given weight in considering whether sufficient very special circumstances exist to outweigh the harm identified.

At the time of considering the previous applications for replacement dwellings at the site, it was not considered that the proposed replacement dwellings (one of which now has an extant consent) were materially larger than the existing dwelling. Therefore the only harm identified was in relation to the re-location of the dwelling to the entrance which was considered to impact on openness. When considering the impact of that harm, it was previously considered that the circumstances of the proposal i.e. the justification for re-locating the dwelling to the entrance, the improved design of the dwelling and the fact that other detached residential properties are located nearby on the opposite side of Eccups Lane were capable of outweighing the harm caused by the reduction in openness. However in order for these factors to be given sufficient weight, it was considered that a S106 agreement tying the ownership and occupation of the dwelling to the wider site and to control the demolition of the existing dwelling was required. The applicant was previously unwilling to provide this, though now appears willing to do so.

However, whilst noting the very special circumstances put forward by the applicant including his willingness to now enter into a S106 agreement it is considered that there has been a significant change in circumstances since the previous applications were considered. Firstly, new case law following the Broad Heath House judicial review decision has altered the way that the Council assesses replacement dwellings containing basements meaning that the proposed replacement is now considered to be materially larger and inappropriate. This means that additional harm has been identified which the applicant would need to overcome. Secondly, it now appears that a new site office has been created within an existing park home closer to the site entrance meaning that the benefits of re-locating the dwelling, including the office, offered by this proposal are reduced. Whilst consent exists for an identical sized replacement dwelling on the site of the existing dwelling, it is not considered that this fact together with other circumstance put forward by the applicants are sufficient to outweigh the harm that would be caused by the proposal.

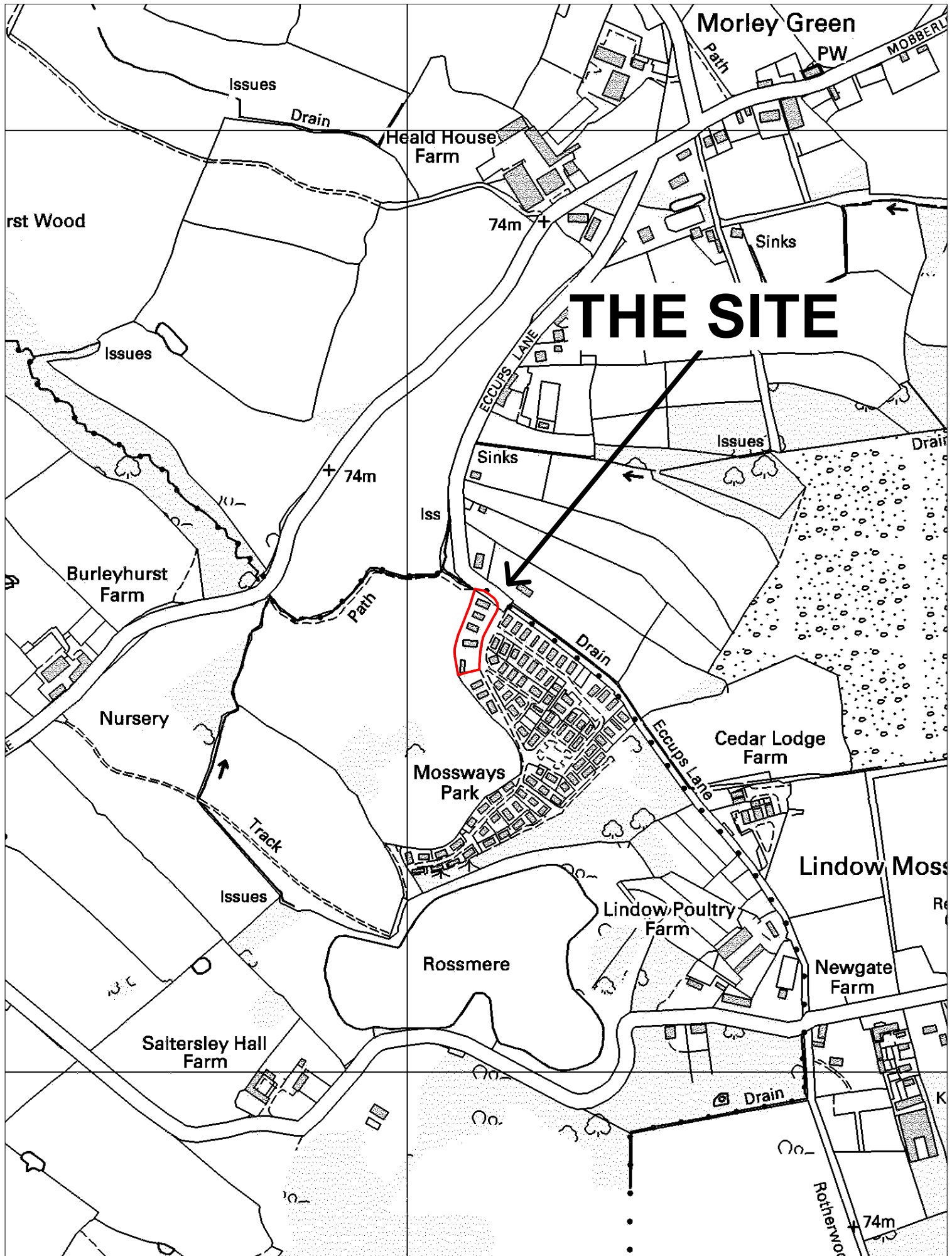
## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The replacement dwelling proposed by this application is considered to be materially larger than the existing dwelling on site and is therefore inappropriate development in the Green Belt. Additionally the proposed dwelling due to its increased size and prominence would adversely impact on the openness of the Green Belt. Whilst a number of very special circumstances have been put forward by the applicant and whilst there is an extant consent for a replacement dwelling of an identical size on the site of the existing dwelling, it is not considered that there are sufficient very special circumstances to outweigh the harm that would result from the proposal. The proposal would also result in a significant adverse impact on the amenity of the occupiers of No.3 The Orchard, a park home located adjacent to the site of the proposed replacement dwelling.

Application for **Full Planning**

## **RECOMMENDATION : Refuse for the following reasons**

1. R02RD - Loss of privacy
2. R05LP - Harmful to appearance of the countryside
3. Contrary to Green Belt policy



10/4283M HOLFORD HOUSE, HOLFORD DRIVE, MOSSWAYS PARK, WILMSLOW, CHESHIRE, SK9 5PA  
 NGR- 382,070:381,470

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