

Town and Country Planning  
**Planning Statement**

on behalf of XXXX

**XXXX**  
**XXXX**  
**XXXX**  
**XXXX**

Siting of moveable lodge to provide ancillary residential annexe

May 2011

**Planning, Design and Access Statement**  
XXXX

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## **1.0 INTRODUCTION**

- 1.1 The application seeks planning permission for the siting of a moveable lodge within the garden of XXXX for use as a residential annexe, ancillary to the residential use of the existing dwelling. The proposed lodge is a moveable structure 12.37m x 6.01m rising to a ridge height of 4.03m. It would be sited in a secluded part of the garden to the northeast of the main dwelling.
- 1.2 The lodge is required to provide accommodation for the applicant, who is disabled, and her mother, who cares for her. The applicant's husband and family will continue to reside in the main dwelling. The lodge is required to provide convenient and accessible facilities to enable the applicant to continue to live with her family whilst receiving the care she needs.
- 1.3 We deal with the applicant's personal circumstances below. Further details are provided in the documentation contained in the Appendix.

## **2.0 SITE AND LOCATION**

- 2.1 The site comprises the existing residential curtilage of XXXX, a detached dwelling located in a rural area, outside any defined settlement, to the northeast of the West Devon village of XXXX.

## **3.0 PLANNING HISTORY**

- 3.1 None relevant to this proposal.

## **4.0 POLICY CONTEXT**

- 4.1 The Council's Core Strategy was adopted in April 2011 and seeks broadly to promote sustainable development whilst maintaining the quality of West Devon's environment. Strategic Policy 5 states that development in the countryside will be strictly controlled. Relevant saved policies of the adopted West Devon Borough Local Plan Review 2005 (LP) continue to apply. In particular, LP Policy H31 imposes strict control over new housing development in the countryside, outside defined settlements, which will normally only be permitted where justified by an essential agricultural, forestry or horticultural requirement.
- 4.2 LP Policy H40 deals with residential alterations and extensions. These will be permitted provided that the development is appropriate in terms of normal development control criteria relating to design and appearance, amenity, landscape or townscape, access and car parking. Other policies seek generally to protect the character and environmental quality of rural areas. Policy H42 states that the needs of those with impaired mobility should always be taken into account.

## 5.0 ASSESSMENT

- 5.1 In design terms, the proposed lodge is a modest structure, which would appear as an ancillary building, and is capable of being comfortably accommodated on the site without intruding onto any significant views or adversely affecting the character and quality of the wider rural landscape. The property is secluded and is not in proximity to any other residential properties. The lodge would utilise the existing access and parking arrangements, which are more than adequate to meet the needs of the development. The proposal is therefore considered acceptable in terms of the criteria relating to residential alterations and extensions set out in LP Policy H40.
- 5.2 In view of the general restriction on new residential development in the countryside, we recognise that any development that would be tantamount to the creation of a new dwelling would be contrary to the broad objectives of the Council's policies, including Strategic Policy 5 and LP Policy H31. It is therefore considered that the Council's main concern will be to exercise appropriate control over the use of the lodge. We therefore propose the following measures, which will ensure that the lodge can only be occupied as an ancillary annexe in connection with the main dwelling.

### Occupancy Condition

- 5.3 The national advice on conditions set out in Circular 11/95 acknowledges that it is possible that an annexe which provides independent living accommodation could be subsequently let or sold off separately from the main dwelling. Where this would be unacceptable, an occupancy condition may be imposed limiting the use of the annexe as accommodation ancillary to the main dwelling. We proposed the following, based on model condition 47:

*The lodge hereby permitted shall not be occupied at any time other than as an annexe for purposes ancillary to the residential use of the dwelling known as XXXX.*

### Personal Circumstances / Permission

- 5.4 Whilst we believe the proposal to be acceptable on its merits, the applicant's personal circumstances are a relevant material consideration. We refer the Council to the supporting documentation attached to this statement. In particular, the Council is asked to consider the letter dated 30 March 2011 from Adult and Community Services explaining that XXXX is no longer able to access the accommodation within the main dwelling. This letter also explains why it would be very difficult to adapt the existing dwelling to provide the accommodation she needs.
- 5.5 Circular 11/95 confirms that there are circumstances where development is justified exceptionally on compassionate or other grounds. In such cases a personal permission may be justified. Whilst this is rarely appropriate in the case

of permanent development, the lodge is designed as a moveable structure, requiring a suitable base but no permanent foundations. It can therefore easily be removed when no longer required and the base broken up and removed from the site. Circular 11/95 confirms that conditions can be imposed requiring that buildings or works be removed at the end of a specified period.

- 5.6 A personal permission would allow the Council to retain even greater control over the use of the annexe, whilst ensuring that the development is removed and the land restored to its original condition when no longer required. The applicant is willing to accept a personal permission for the benefit of herself and her husband, who also suffers from poor health and may also be unable to remain in the main dwelling. Please see the letter dated 4 May from the Royal Devon and Exeter NHS Foundation Trust for full details. We propose the following condition, based on the circular advice:

*This permission shall enure only for the benefit of XXXX. When the annexe ceases to be occupied by either Mr XXXX or Mrs XXXX, the lodge shall be removed from the site and all materials and equipment brought onto the premises in connection with its use shall be removed.*

### **Planning Obligation**

- 5.7 The national advice is that planning obligations should not be used where planning conditions are sufficient to make the development acceptable. In view of the above conditions, which the applicant is willing to accept, we consider that the Council will have sufficient control to ensure that there is no possibility that the annexe could be occupied as a separate dwelling unit.
- 5.8 However, if the Council considers that further controls are required, the applicant is willing to enter into a S106 planning obligation preventing the lodge from being let or sold off separately to the main dwelling. If this is deemed necessary, we confirm that the applicant is willing to meet the Council's reasonable costs in preparing a suitable agreement.

### **6.0 CONCLUSION**

- 6.1 We submit that this Planning Statement demonstrates that the Council will be able to exercise suitable control over the use of the annexe to ensure compliance with its adopted policies. It follows that the development would cause no material harm in planning terms and there is no reason why permission should not be granted, subject to appropriate conditions and, if necessary, the completion of a S106 planning obligation.

# APPENDIX

## SUPPORTING DOCUMENTATION