

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE
APPROVAL

DATE: 6 DECEMBER 2012
REF: SW/CMS
CHECKED BY:

APPLICATION NO: 3/2012/0920/P (GRID REF: SD 382550 452150)
PROPOSED APPLICATION TO VARY CONDITION 4 OF PLANNING PERMISSION
3/2007/0010/P TO ALLOW THE ENTIRE CARAVAN PARK TO BE USED FOR 12 MONTH
HOLIDAY USE AT TWYN GHYLL CARAVAN PARK, PAYTHORNE

PARISH COUNCIL: No comments received at the time of report preparation.

ADDITIONAL REPRESENTATIONS: Four letters of objection have been received. Members are referred to the file for full details which are summarised as follows:

1. If the caravans become permanent residences this will place additional pressure upon and create difficulties for public services.
2. A number of the conditions on 3/2007/0010/P have not been fulfilled and the site licence should be revoked with immediate effect.
3. A believe that the original application to extend the opening dates was put before Community Committee and not Planning Committee. For consistency this application should be presented to Community Committee.
4. Additional noise and road traffic emanating from the site – the village of Paythorne requires some piece and quiet.
5. Questions regarding enforcement/monitoring of occupancy of caravans to ensure they are not a person's primary residence.
6. A cheap mini-housing estate would develop.
7. Question the suitability of the caravans and site for all year round use particularly during severe winter weather.

Proposal

Consent is sought for a variation of condition 4 imposed on planning consent 3/2007/0010/P which was for the change of use of a vacant agricultural land to form an extension of the

caravan park consisting of an additional 75 static holiday caravan pitches, associated highway improvements and new sewage treatment plan. The condition states the following:

The period of occupancy of the entire caravan site shall be limited to 1 March to 6 January in any succeeding year with none of the units being occupied outside these dates.

The variation sought is that the wording stipulate:

The caravans across the entire site are to be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residential occupation. The owner/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home address, and shall make this information available at all times to the Local Planning Authority. The register shall normally be collected by the caravan site's licence holder or his/her nominated person.

Site Location

Twyn Ghyll Caravan Park is set outside any defined settlement boundary lying within land designated open countryside to the north and west of the public house that serves Paythorne.

Relevant History

3/2007/0010/P – Change of use of vacant agricultural land to form an extension of Twyn Ghyll Caravan Park consisting of an additional 75 static holiday caravan pitches, associated highway improvements and new sewage treatment plan. Approved with conditions 14 September 2007.

Relevant Policies

Ribble Valley Districtwide Local Plan Adopted June 1998

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy RT1 - General Recreation and Tourism Policy.

Ribble Valley Borough Council Caravan Compendium – A Guide to Policy and Implementation.

Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft

EN2 – Landscape.

DMG1 – General Considerations.

DMB3 – Recreation and Tourism Development.

National Planning Policy Framework (NPPF).

DCLG – Good Practice Guide on Planning for Tourism.

Environmental, AONB, Human Rights and Other Issues

Twyn Ghyll Caravan Site is limited to a maximum of 295 static caravans which under current permissions are limited to occupancy between the period 1 March to 6 January in any succeeding year. Given this application is seeking to modify the condition in respect of occupancy, the key consideration is whether or not the revised wording would still achieve the same aim as the original condition.

Members will note under the relevant policies heading of this report that reference is made to the Caravan Compendium and whilst that document is somewhat dated it is important in

explaining the background to the occupancy period issue as it was drawn up in response to events on this particular site. The Caravan Compendium was produced in June 2005 to draw together the Council's Policies about the principal statutory regulations that applied to caravan development at that time, including sites used for holiday use, second homes and residential use. It is sought to help the interpretation of the relevant regulation and clarify how the Council would approach issues such as site occupancy, responsibilities of site operators and individual owners. It provided a vehicle for discussion and a starting point for a better understanding between all those involved in the issues surrounding caravans. It was drawn up at a time when the Lancashire Structure Plan was still in force, as indeed was PPG21 – Tourism.

In respect of conditions, the Compendium concluded that the length of season would be restricted to 10 months and 6 days based on agreements that had been made in connection with a legal appeal on the open period issue. This provided for a break in occupancy, thereby avoiding the creation of permanent residential use whilst allowing the growth of this form of holiday accommodation. Significantly however it provided an important means by which the use of the unit could be monitored and subsequently enforced to ensure compliance. That document has formed the basis for discussions on a number of sites throughout the borough in previous years that have sought to extend their occupancy restrictions since its adoption.

In 2003 Ribblesdale Caravan Park at Gisburn was approved by a Planning Inspector with the occupancy condition imposed stating *the mobile homes hereby permitted shall not be occupied as permanent dwellings and shall be used for holiday purposes only*.

Since the Inspector's decision and indeed this Council's Caravan Compendium, PPG21 has been superseded by the Good Practice Guide on Planning for Tourism (2006) which recognises the nature of holiday in this country has become increasingly diverse in location, in season, and in duration. It acknowledges the demand for accommodation may occur in areas where the provision of permanent housing would be contrary to Policies that seek to restrict development in order to safeguard the countryside but states *the planning system can reconcile these two objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose*. Annex B makes reference to holiday occupancy conditions – the aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock. The three principal reasons given for using such conditions are:

- in order that national/local policies on development in the countryside are compromised;
- to strengthen tourism in a particular by ensuring there is a wide range of properties available to encourage visitors to come there on holiday;
- to avoid occupation by permanent households which put pressure on local services.

Conditions such as this will need to be framed by local authorities according to local circumstance but they should be reasonable and fair and framed in such a way that they can be readily enforced and are not unduly intrusive for either owners or occupants.

The Council's Caravan Compendium set out that a seasonal occupancy condition would be the norm having regard to a number of factors. At that time principal concerns emerging were inconsistencies of approach between planning controls and site licensing, the growing use of caravans as a main residence, enforcement over closed periods, health and safety issues and the clarification of the planning approach to new sites and extensions to existing sites. Officers have sought to bring a consistency of approach by planning permissions and site licences (issued through the Council's Environmental Health Service) since that time but trends in this

form of holiday accommodation have moved on. In particular there has been a significant increase in the construction standards of such units with high levels of insulation, central heating etc – these are far removed from the early designs that originally led to the issues of closed periods due to health and safety. The Good Practice Guidance refers to the use of seasonal occupancy conditions to protect the local environment eg protection of important species of birds during breeding seasons not in particular to restrict permanent residential occupation. Advances in construction technology, changes in the nature of holiday demand and the emergence of more up to date Government Guidance lead me to conclude that to resist the principle of extending the period of occupancy may prove difficult to substantiate on appeal. Whilst I consider relaxation could be justified, I am of the opinion that the condition used by East Riding of Yorkshire Council (provided as an example in Annex B to the Best Practice Guidance) would offer this Council a manageable approach to development as this not only outlines that the units cannot be a person's sole or main residence and be occupied for holiday purposes only, it requires that a register of person's main home addresses are kept and made available for inspection. When considering applications for holiday let accommodation, a condition is imposed requiring the keeping of a register of lettings to prevent permanent residential accommodation and this would be seen as serving a similar purpose in terms of monitoring. The monitoring of these conditions would be a matter for the Council's Enforcement Officer and whilst that I note the comment made by one of the objectors about the appropriate Committee for this matter to be brought before, Members are reminded that this application is concerned with the planning controls over the site and there are other controls available to the Council under site licensing regulations. Those matters are reported to Community Committee as the appropriate Service Committee and should Planning and Development Committee approve this modification of condition, the site operators will need to satisfy other regulations in terms of health and safety and site operational issues in accordance with site licence regulations. It is worth reminding Committee that there have been a number of sites throughout the borough over the past few years that have sought to modify occupancy conditions in the manner proposed here and that have been approved either by Planning and Development Committee or under the Council's Delegated Powers.

In respect of comments made by objectors regarding non-compliance with conditions imposed on the 2007 consent for the extension of the site these have been forwarded to the Council's Enforcement Officer for further investigation. Committee should consider the application which is before them for a variation of the occupancy period and determine that on its own merits.

As stated above matters in respect of caravan policy have moved on since the occupancy period was imposed on the 2007 permission. Whilst I can appreciate the concerns expressed by objectors regarding possible residential use of this sites, should permission be granted, I am of the opinion that to resist the proposed variation of condition would prove unreasonable. I thus recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact.

RECOMMENDATION: That planning permission be GRANTED subject to the imposition of the following condition(s):

1. The extension to the caravan site shall be implemented in accordance with the proposal as amended by revised red edge received on 12 April 2007 and letters and plans received 6

June 2007 illustrating the location of the sewage treatment plant and discharge point; the proposed use of land within the ownership of Park Leisure 2000 Ltd; copies of the consent to discharge and associated correspondence and a detailed specification of the sewage treatment plant; received on 8 June 2007 revised versions of the development proposed and landscaping and planting proposals; and received on 19 June 2007 a revised location plan denoting the upgrading of existing hedges to the existing site's southern boundary and revised site layout plan showing 75 caravans.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments.

2. The total number of static caravans on site shall not exceed 295 and under no circumstances whatsoever shall the area edged red on the 'Landhouse Plan' annotated additional land accommodating sewage treatment plan received 6 June 2007 be used for the positioning of static caravans at any time.

REASON: In accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN2 of the Regulation 22 Submission Draft Core Strategy in the interests of the visual amenities of the area.

3. The terms of occupancy of the site shall be as follows:

- (i) The caravans/cabins/chalets shall be occupied for holiday purposes only.
- (ii) The caravans/cabins/chalets shall not be occupied as a person's sole or main place of residence.
- (iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: In accordance with Policies G5 and RT5 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMB3 of the Regulation 22 Submission Draft Core Strategy in order to ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation. The register required in (iii) above shall normally be collected by the caravan site licence holder or his/her nominated person.

4. The hedging to the south of the existing site as detailed on drawing M.40/007 and the verge treatment to the widened A682 junction shall be implemented in the first planting season following occupation or use of the development, either in whole or part and shall be maintained for a period of not less than five years to the satisfaction of the Local Planning Authority. The maintenance shall include the replacement of any plant that is removed or dies or is seriously damaged or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

5. In respect of the extension to the site the approved landscaping scheme as detailed within the landscaping and planting proposals received on 8 June 2007 and detailed on drawing M.40/003 Rev B received on 19 June 2007 shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Neps Lane to points measured 120m in each direction along the nearer edge of the carriageway of Neps Lane, from the centre line of the access and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the site egress in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

7. Notwithstanding the submitted plan (M.40/003 Rev B amended 19 June 2007) the emergency egress shall be located 14m further north along Kiln Lane and shall only be available for use in the case of an emergency occurring on site.

REASON: To ensure that the access is fully visible to traffic on Kiln Lane approaching from the north in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

8. Before each and every van is delivered to or taken away from the site any shrubbery or branches overhanging Neps Lane within 60m of the river bridge south abutments and less than 5.2m above road level shall be cut back at least 600mm from the highway boundary.

REASON: To ensure the full width of the highway is available for vehicles manoeuvring in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.