

A V Town Planning Ltd

Variation of Condition No.3 on Planning Permission 3/2021/0335

Ribble Valley View Lodge Park
Old Langho Road
Langho

January 2023

Alan Kinder – Director

Valerie Kinder – Director

Company No.
078520641

1. Introduction

- 1.1 Planning Permission was granted on the 22nd February 2022 under reference 3/2021/0335 for an extension of the existing holiday lodge park to provide for the siting of 19 additional holiday lodges. As an integral condition to that consent Condition No.3 reads as follows:

“The caravan units hereby approved shall not be let to or occupied by any one person or group of persons for a combined total period exceeding 3 months in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence.

The owners shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the local planning authority on request. For the avoidance of doubt the register shall contain the name and address of the owner and the main guest who made the booking together with dates of occupation.

Reason:

The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the areas economy.”

2. Background

- 2.1 This latest planning consent effectively represents the third phase of development associated with the creation of this tourism facility comprising of self-catering holiday lodge accommodation, which was originally granted consent to members of the Simpson family as an agricultural diversification project on the family run farm which is in it's fourth generation. The first phase obtained consent for a total of 19 units and was granted consent on 17th December 2010 under application 3/2010/0417 (Appendix 1). Subsequent to this the second phase of works were granted planning consent for the development of a further 12 lodges on 30th November 2018 under reference 3/2018/0506 (Appendix 2).
- 2.2 Both these consents applied slightly differently worded restrictive conditions regarding the occupancy of the holiday units and specifically Condition 10 on 3/2010/0417 reads as follows:

“The mobile homes/lodges hereby permitted,

- a. Shall be occupied for holiday purposes only,*
- b. Shall not be occupied as a person's sole, or main place of residence, and*
- c. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log 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: To comply with the terms of the application, to ensure that the units are used as holiday accommodation only, and not used for unauthorised permanent residential occupation. To comply with Policies G5 and RT5 of the Ribble Valley Districtwide Local Plan.

Moreover, Condition 5 on 3/2018/0506 reads as follows:

“The development hereby approved shall be restricted to short-term holiday purposes only. No holiday lodge caravan stationed on the site shall be occupied at any time as permanent residential accommodation or as a person's main place of residence.

The owners/operators of the park shall maintain an up-to-date register of the names of all owners/occupiers of the individual lodges on the site, and of their main home addresses, and shall make this information available, on request, to the Local Planning Authority.

Reason: To clarify the nature of the consent, to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved.

2.3 In the case of both of the occupancy conditions applied to the first two phases of development then there is absolutely no restriction on the amount of time that any individual or group of people can occupy the units, the only restriction being that they must only be used for holiday purpose and as such cannot be a person's sole or main residence. As such, whilst worded slightly differently, these two conditions are considered to be reasonable.

2.4 Our client recognises the need for the imposition of a restrictive condition which controls the use of the units to holiday use and also prevents use as either a sole or permanent residence. It is contended however that the specific 3 month restriction in Condition No. 3 of 3/2021/0335 is considered to be both unnecessary and unreasonable and moreover as set out does not meet the fundamental tests embodied in paragraph 55 of the National Planning Policy Framework (NPPF).

- 2.5 In conclusion, then with the exception of the units granted consent with the issue of the most recent planning permission under reference 3/2021/0335, all the other holiday units on the site are restricted to holiday occupation but without any specific time limit for the occupation by individuals or groups of people.

3. Case for the Proposed Variation of the Condition

- 3.1 The proposal is that the existing Condition No.3 be varied so as to remove any reference to a 3 month period of occupation. There would still be a restriction to holiday use only thereby making the condition consistent with occupancy restrictions on not only the other pitches elsewhere on this site but also other caravan and lodge parks within the Borough.
- 3.2 It is our contention that it is neither necessary nor reasonable to restrict the occupancy of the units on this Phase III of development to 3 months in any one calendar year by a single person or group. A condition which limits the occupation of the units to purely holiday purposes would be sufficient to robustly safeguard the use of the lodges and in this regard I would recommend the condition applied to the variation of condition application which was attached to planning permission 3/2019/1011 in respect of Rimington Caravan Park on Hardacre Lane, Rimington.
- 3.3 The condition at Rimington Caravan Park in its amended form on planning permission 3/2020/1104 (Appendix 3) reads as follows:

"Each caravan hereby approved shall not be used as a unit of permanent accommodation and shall be solely used for holiday accommodation and not be used at any time as sole or principal residence by any occupant.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain:

*The name and address of the owner's permanent residence (where they pay Council tax and/or are registered to vote and keep the majority of their possessions);
the name and address (permanent residence) of main guest who made the booking together with dates of occupation.*

For the avoidance of doubt permanence residence is where the owner / guest pay Council tax and/or are registered to vote and keep the majority of their possessions.

REASON: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy."

3.4 In respect of the application for the variance of the condition at Rimington Caravan Park then their case cited three pertinent appeal cases which are listed below for ease of reference.

(a) Leeds Children's Holiday Camp – Appeal Reference APP/M0933/W/17/3183971 (Appendix 4) where the Inspector, in arriving at their decision applied the following condition:

"The caravans shall not be occupied other than as holiday accommodation. They shall not be used at any time as sole or principal residences by any occupant."

(b) Acton Caravan Site – Appeal Reference APP/P2935/W/19/3239953 (Appendix 5).

Again the Inspector, in determining the appeal, imposed the following occupancy condition:

"The lodge, camping pods, cabins and tree house subject to this permission shall be occupied for holiday purposes only, and no unit shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times."

(c) Stretton Lodge – Appeal Reference APP/A2470/W/20/3254410 (Appendix 6). The Inspector in this case applied the following occupancy condition:

"The development hereby permitted shall not be used other than for the provision of holiday accommodation. No caravans shall be occupied as permanent dwellings."

3.5 In citing the above appeal decisions then it is clearly apparent that the approach of the Planning Inspectorate is to apply restrictive conditions which merely limit the use of caravans to holiday use, as opposed to applying any form of restrictive time limit in order to control that use.

3.6 This consistent approach was clearly given significant weight when the Council itself considered the merits of the application to vary the restrictive occupancy condition at

Rimington Caravan Park under application 3/2020/1104 as within the Officer Report to Committee on the 27th May 2021 which embodied a positive recommendation it was clearly recognised in paragraphs 5.1.1 – 5.1.6 that the modification of the condition was not at variance with adopted policy nor the Council's legitimate aim in restricting use to holiday use which then led to the recommendation that the application be approved. Copy report attached at Appendix 7.

3.7 In addition to the cited case at Rimington Caravan Park then there are numerous other similar comparable cases for expansions of other parks within the Ribble Valley where a relatively straight forward holiday occupation restrictive condition has been applied. In this regard we would wish to cite the following examples.

3.8 On the 27th October 2017 planning consent was granted for an extension to Todber Caravan Park, Burnley Road, Gisburn for the siting of a further 16 holiday caravans under reference 3/2015/0750 (Appendix 8). Condition no. 8 on the consent notice reads as follows:

"The caravans/lodges hereby approved shall not be occupied otherwise in accordance with the following terms:

- A. The caravans/lodges shall be occupied for holiday purposes only*
- B. The caravans/lodges shall not be occupied as any persons or individuals sole or main place of residence.*
- C. The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual caravans/lodges on site which shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain the name and address of the principal owner/occupier together with dates of occupation.*

REASON: In order to limit occupation of the lodges/caravans to that of holiday use only and to define the scope of the permission. It is further considered that the condition is required to prevent the use of the caravans/lodges for permanent occupation which may lead to unsustainable patterns of development which would be of harm to the development Strategy for the Borough and to ensure the development accords with Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy.

3.9 On the 13th July 2012 planning consent was granted to create a new static caravan/lodge park at Lower Moss Farm, Lower Lane, Longridge under reference 3/2012/0426 (Appendix 9). Condition No.5 on the consent notice reads as follows:

“The occupancy of the 19 caravans/lodges hereby permitted shall be subject to the following restrictions:

- i) They shall be occupied for holiday purposes only*
- ii) They shall not be occupied as a persons 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 the individual caravans/lodges 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 in order to ensure that the approved holiday accommodation is not used as 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.

- 3.10 On the 12th February 2016 planning consent was granted to allow the siting of static caravans on a touring caravan area at Three Rivers Caravan Park, Eaves Hall Lane, West Bradford under reference 3/2015/0977 (Appendix 10). Condition No.4 on the consent notice reads as follows:

“The terms of occupancy of the static caravans hereby permitted shall be as follows:

- i) The caravans shall be occupied for holiday purposes only.*
- ii) The caravans shall not be occupied as a person’s sole or main place of residence.*
- iii) The owners/operators of the site 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 reasonable times to the Local Planning Authority.*

REASON: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation in order to comply with Policies DMG1 and DMB3 of the Ribble Valley Core Strategy (Adopted Version).

4. Conclusion

- 4.1 Within sub-section 3 entitled “Case for the Proposed Variation of the Condition” then we have cited the most pertinent of recent applications the first of which is specifically a directly comparable case for the variation of a restrictive occupancy condition at Rimington Caravan Park which was varied under consent notice 3/2020/1104. In addition to this we have cited a total of three appeal decisions where Inspectors have deemed it inappropriate to embody time

restrictions within a restrictive occupancy use condition and this has been further reinforced with three other local examples elsewhere within the Borough.

- 4.2 In the three cited appeal decisions it is abundantly clear that the principles adopted by Planning Inspectors is to apply restrictive conditions which merely limit the use of caravans to holiday use falling short of seeking to apply any form of time limit to control the use.
- 4.3 Whilst an overarching principle that it must be accepted that any planning application must be determined on their own individual merit it has been widely accepted by both the Planning Inspectorate and the Courts that there is an overriding need for consistency in decision making.
- 4.4 In its current form the condition as applied to planning consent 3/2021/0335 is regarded as being unnecessary and over restrictive to secure the lodges occupation for holiday use only and as a consequence it puts the applicant in a commercially disadvantageous position when compared to other caravan park operators elsewhere in the Borough, which in itself is wholly unreasonable.
- 4.5 The condition as currently applied is therefore considered to be neither reasonable nor necessary and this case demonstrates that seeking to limit the amount of time that lodges can be occupied, whether that be by individuals or groups of people, is not necessary to safeguard their use for holiday purposes.
- 4.6 It is however acknowledged that there needs to be a condition which does limit the use of the lodges for holiday purposes and in this regard we would suggest the self-same wording that was applied to the Rimington Caravan Park approval in consent 3/2020/1104 and specifically set out in Condition No.12 on that consent.

Appendix 1

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2010/0417

DECISION DATE: 17 December 2010

DATE RECEIVED: 12/10/2010

APPLICANT:

Simpsons Farm Dairies
c/o Agent

AGENT:

Reedley Chartered Town Planning & Architectural
Consultants
2 Reedley Business Centre
Redman Road
Burnley
Lancs
BB10 2TY

DEVELOPMENT PROPOSED: Proposed change of use of agricultural land to form a pitch static caravan holiday park with warden unit, reception, grounds maintenance store and associated landscaping.

AT: land at Aspinall Farm Old Langho Blackburn Lancashire

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The permission shall relate to the development as shown on Plan Reference No's SIMPS/01 Dwg 01A, SIMPS/01 Dwg 02A, SIMPS/01 Dwg 03A and SIMPS/01 Dwg 04.

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

3. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 6 October 2010 and 12 October 2010.

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

P.T.O.

4. The development hereby permitted shall not be commenced until details of the proposed landscaping scheme, including wherever possible the retention of existing trees, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform, the types and details of all fencing and protection and details on their maintenance.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter in perpetuity 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.

5. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviors, or other approved materials.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

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.

The visibility splay to be the subject of this condition shall be that land indicated on the submitted plan drawing No SIMPS/01 drawing 02A and shall be constructed and maintained at verge level in accordance with the scheme submitted.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to ensure adequate visibility at the street junction or site access.

7. No part of the development shall be commenced until all the on-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The scheme shall also include details of the materials proposed for the on-site road.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users.

P.T.O.

8. Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in strict accordance with the recommendations of the badger survey and report submitted with the application dated June 2010.

REASON: To comply with policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan ensuring that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed.

9. Prior to the commencement of any works on site, details of species/habitat protection and mitigation measures shall have been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include details of how badger protection measures will be incorporated into the development.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV3 and ENV7 of the Ribble Valley Districtwide Local Plan.

10. The mobile homes/lodges hereby permitted,

a.shall be occupied for holiday purposes only,

b.shall not be occupied as a person's sole, or main place of residence, and

c.the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log 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: To comply with the terms of the application, to ensure that the units are used as holiday accommodation only, and not used for unauthorised permanent residential occupation. To comply with Policies G5 and RT5 of the Ribble Valley Districtwide Local Plan.

11. Before the development hereby permitted is commenced, details of any external lighting, including details of the location and height of columns and the intensity of lighting, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and operated in accordance with the approved details.

REASON: In the interests of preserving the visual amenities of the locality and to comply with Policies G1, ENV3, RT1 and RT5 of the Ribble Valley Districtwide Local Plan.

12. The occupation of the Warden's Unit shall be limited to a person solely employed by the owner of the site as a Site Warden to help with the day-to-day running of the site.

REASON: In order to comply with Policies G1, H2 and ENV3 of the Ribble Valley Districtwide Local Plan. The site is within an area where residential development for purposes other than the essential requirements of agriculture, forestry or other uses appropriate for a rural area, are not normally permitted.

13. No more than nineteen (19) mobile homes (or their equivalent) shall be stationed at any one time on the site as defined in red on this application. Notwithstanding the details submitted with this application, before any unit is stationed, precise details of the specification, design and external materials of the units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and operated in accordance with the approved details.

REASON: In the interests of visual amenity and to comply with Policies G1, ENV3, RT1 and RT5 of the Ribble Valley Districtwide Local Plan.
P.T.O.

14. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services, all trees identified in the tree survey shall be protected in accordance with the BS5837 [Trees in Relation to Construction]. The root protection zone shall be 12 x the DBH (unless otherwise agreed in writing with the LPA), and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value is afforded maximum physical protection from the adverse effects of development.

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed, with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

17. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

REASON: To prevent pollution of the water environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

P.T.O.

Policy G1 - Development Control.
Policy G5 - Settlement Strategy.
Policy H2 - Dwellings in the Open Countryside.
Policy ENV3 - Development in Open Countryside.
Policy ENV7 - Species Protection.
Policy RT1 - General Recreation and Tourism Policy.
Policy RT5 - New Static Caravan Sites and Extensions to Existing Sites.
Good Practice Guide on Planning for Tourism 2006

SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design, size and location would not result in visual detriment to the surrounding countryside, nor would its use have an adverse impact on highway safety.

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.
4. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath 15 in the Parish of Dinckley and Billington and Langho runs through the site.

STEWART BAILEY
DIRECTOR OF DEVELOPMENT SERVICES

Appendix 2

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2018/0506

DECISION DATE: 30 November 2018

DATE RECEIVED: 09/10/2018

APPLICANT:

Mr P Simpson
C/o Agent

AGENT:

Mr Alan Kinder
Avalon Town Planning Ltd
2 Reedley Business Centre
Redman Road
Reedley
Burnley
BB10 2TY

DEVELOPMENT PROPOSED: Change of use of agricultural land to allow extension to lodge park and the erection of an additional 12 lodges (Amendment to application 3/2015/0880 approved 16 December 2016).

AT: Ribble Valley View Old Langho Road Langho BB6 8AW

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

Timings and Commencement

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

SIMPS/01B - Dwg 01
SIMPS/01B - Dwg 02 Rev C
SIMPS/01B - Dwg 03
SIMPS/01B - Dwg 04
SIMPS/01B - Dwg 11

REASON: For the avoidance of doubt since and to clarify which plans are relevant to the consent hereby approved.

APPLICATION NO. 3/2018/0506

DECISION DATE: 30 November 2018

Matters of Design

2. Precise specifications or samples of all external surfaces of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality.

3. Details of any external lighting or external lighting to be mounted upon the lodges, including details of the location, nature and the intensity of lighting, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out and operated in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and does not contribute to unnecessary or unwarranted light pollution.

Landscape and Ecology

4. The landscaping details hereby approved (Site Plan SIMPS/01B Dwg 02C) shall be implemented in the first planting season following the granting of this consent and shall be maintained thereafter for a period of not less than 10 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 order that the Local Planning Authority may ensure that the proposal is adequately landscaped and sufficient landscape visual mitigation is provided and maintained.

Control over Development

5. The development hereby approved shall be restricted to short-term holiday purposes only. No holiday lodge caravan stationed on the site shall be occupied at any time as permanent residential accommodation or as a person's main place of residence.

The owners/operators of the park shall maintain an up-to-date register of the names of all owners/occupiers of the individual lodges on the site, and of their main home addresses, and shall make this information available, on request, to the Local Planning Authority.

REASON: To clarify the nature of the consent, to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved.

P.T.O.

APPLICATION NO. 3/2018/0506

DECISION DATE: 30 November 2018

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.

NICOLA HOPKINS
DIRECTOR ECONOMIC DEVELOPMENT & PLANNING

Appendix 3

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2020/1104

DECISION DATE: 28 May 2021

DATE RECEIVED: 04/01/2021

APPLICANT:

Rimington Leisure Park Ltd
Middlebarrow Plain
Silverdale
Nr Carnforth
LA5 0SH

AGENT:

Mr Harry Tonge
Steven Abbott Associates LLP
130 Highgate
Kendal
LA9 4HE

DEVELOPMENT PROPOSED: Variation of Condition of planning application 3/2019/1011. Condition 13 - Occupancy.

AT: Rimington Caravan Park Hardacre Lane Rimington BB7 4EE

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of the original consent (3/2019/1011) dated the 31/07/2020.

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004

2. Plan related

Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan SK-RLP-001

Proposed Layout Plans SK-S-100A, SK-S-1.1A and SK-N-1.2A

Landscaping Planting Plan RTP 700 Rev 0 and RTP 701 Rev 0

Caravan Elevation Plan RTP 081 Rev 0

Proposed Conservatory site Plan SK-RLP-CH.103

Proposed Store Building site block plan SK-RLP-SB.101A

Proposed Conservatory Elevation Plan SK-RLP-CH.104

Proposed Store Building Elevation Plan SK-RLP-SB.100

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

APPLICATION NO. 3/2020/1104

DECISION DATE: 28/05/2021

3. Drainage

The sustainable drainage scheme shall be implemented in accordance with the WYG Drainage Technical Note (dated 21 September 2020) and drawings 500-01 Rev A02 and 500-02 Rev A02 as submitted and approved in the Discharge of Condition application 3/2020/0781.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

4 Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

5. Highways

For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

6. Demolition or construction works shall not take place outside 08:00 hours to 17:00 hours Mondays to Saturday and not on Sundays or Bank Holidays.

REASON: To protect the amenities of the nearby residents.

7. The development shall be carried out in accordance with the Construction Method Statement dated 7 August 2020 as submitted and approved in the Discharge of Condition application 3/2020/0781.

REASON: To protect existing road users in the interest of highway safety.

8. Notwithstanding the access details shown on the submitted plans Sk-S-100A there shall be no vehicular access to and from the site on to Rimington Lane with the exception of emergency purposes or for construction traffic purposes previously agreed in accordance with the construction phasing plan submitted in compliance with Condition 7.

Within one month of the commencement of the development full details of a gate or other form of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved measure(s) shall be installed in accordance with the approved details prior to the first use of the caravans hereby approved

REASON: To protect existing road users in the interest of highway safety

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9. Within one month of the commencement of the development further details showing:

how adequate intervisibility between vehicles and pedestrians using the PROW3-36FP4 will be secured
full details of the surface materials of the crossing point
details of the future management and maintenance of this part of the site shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall be completed in accordance with the approved details prior to the first use of the caravans hereby approved and the area of land maintained in accordance with the approved details thereafter.

REASON: To protect existing road users in the interest of highway safety.

10. Prior to the first use of the caravans hereby permitted, three bat boxes shall be installed in accordance with the details set out in the Envirotech letter and plans dated 10 August 2020 as submitted and approved in the Discharge of Condition application 3/2020/0781.

REASON: To encourage and promote biodiversity.

11. Within three months of commencement of development on site, a scheme/timetable of phasing for the approved landscaping areas shown on Landscaping Planting Plan RTP 700 Rev 0 and RTP 701 Rev 0 shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in strict accordance with the duly approved timings and phasings and the areas which are landscaped shall be retained as landscaped areas thereafter.

Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure the proposed landscaped areas are provided on a phase by phase basis in the interest of visual amenity.

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12. Each caravan hereby approved shall not be used as a unit of permanent accommodation and shall be solely used for holiday accommodation and not be used at any time as sole or principal residence by any occupant.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain:

the name and address of the owner's permanent residence (where they pay Council tax and/or are registered to vote and keep the majority of their possessions);
the name and address (permanent residence) of main guest who made the booking together with dates of occupation.

For the avoidance of doubt permanence residence is where the owner/ guest pay Council tax and/or are registered to vote and keep the majority of their possessions.

REASON: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy.

13. The extension to the facilities building, creation of new children's play area and storage building shall be constructed using the materials detailed in Steven Abbott Associates letter dated 18 August 2020 as submitted and approved in the Discharge of Condition application 3/2020/0781

REASON: To ensure that the materials used are visually appropriate to the locality.

14. The ground surfacing materials for the new children's play area and storage area shall be constructed using the materials detailed in Steven Abbott Associates letter dated 18 August 2020 as submitted and approved in the Discharge of Condition application 3/2020/0781

REASON: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

15. Prior to the first use of the caravans hereby permitted a scheme showing dedicated electric vehicle charging points throughout the application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging points shall be provided in accordance with the approved scheme prior to the first use of the caravans hereby permitted.

REASON: To promote options for sustainable modes of transport within the site.

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The Local Planning Authority operates a pre-planning application advice service which

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applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.

4. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpaths 4 and 5 are of particular relevance.

John Machole

pp NICOLA HOPKINS

DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Notes

Right of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the

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carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix 4

Appeal Decision

Site visit made on 21 February 2018

by D R Cullingford BA MPhil MRTPI

an Inspector appointed by the Secretary of State for the Ministry of Housing, Communities and Local Government

Decision date: 17 April 2018

Appeal Ref: APP/M0933/W/17/3183971

Leeds Childrens' Holiday Camp, Far Arnsdale, Silverdale, Cumbria, LA5 0SJ

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is by Mr Michael Holgate on behalf of Holgates Caravan Parks Limited against the decision of the South Lakeland District Council.
 - The application (ref: SL/2016/1044 and dated 7 November 2016) was refused by notice dated 4 May 2017.
 - The development is described as the 'demolition of camp buildings and replacement with 25 static caravan pitches and manager's house and site reception'.
-

Decision

1. I allow this appeal and grant planning permission for the demolition of the holiday camp buildings and their replacement with 25 static caravan pitches and a manager's house and site reception at Leeds Childrens' Holiday Camp, Far Arnsdale, Silverdale, Cumbria, in accordance with the terms of the application (ref: SL/2016/1044) dated 7 November 2016, subject to the conditions listed in the attached schedule.

Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the proposal would result in a cumulative impact of caravan development that would, due to its layout, density and appearance, significantly harm the landscape character of the Arnsdale and Silverdale Area of Outstanding Natural Beauty, contrary to 'saved' policy T5 of the Local Plan (2006) and emerging policy AS11 in the submission version of the AONB DPD (2018).

Reasons

The buildings and the site

3. The buildings that once formed the Leeds Childrens' Holiday Camp are now empty, the charity having sold the site to support their operations closer to home. The flat-roofed, white-rendered, one or two story concrete structures sprawl across the cliff top at the edge of the Morecambe Bay SSSI, SAC, SPA and Ramsar site. Built in the 1930s, they are adorned with oddly incoherent elements of an 'art deco' and 'modernist' style. But, *en masse*, they appear from Cove Road as a conglomeration of utilitarian structures, starkly evident across the featureless swathe of mown grass through the intermittent roadside hedgerow and chain-link fencing. As the Conservation Officer points out, although these buildings illustrate a particular type of charitable philanthropy, they are of insufficient architectural quality or interest to warrant inclusion on the 'local list'. I agree.

4. The site extends across some 2.5ha. Much of it is mown grass, which originally provided space for games and other outdoor activities as well as for formal play equipment. But there are also areas of woodland and scrub. Woodland lies mainly in the eastern part of the site and separates the complex from the grounds of the Silverdale Cricket Club. An area of some 0.8ha, consisting mainly of oak and some hawthorn, stands beside the roadside: an area of mixed woodland, extending to about 0.3ha, descends over the cliffs towards the shore. There are some wind-blown hawthorns to the west of the main building and some self-seeded trees towards the roadside at the western end of the site. Gardens and old allotments are evident beside the buildings and a newly planted intermittent hedgerow runs along the roadside behind a chain-link fence. Apart from the main complex, which housed dormitories, a kitchen, a communal dining and living area, several outbuildings accommodated maintenance equipment, a swimming pool and a greenhouse. A large surfaced area beyond the buildings provided parking and turning facilities.
5. A private driveway provides a gated access from Cove Road, the main route between Arnside and Silverdale. The access is almost opposite the appellant's main holiday caravan complex at Far Arnside, which includes a bar, café, restaurant, swimming pool, children's entertainment area and bowling alley, all used not just by caravan occupants but also by the local community; the intention is that occupants of the currently proposed caravan lodges would make use of those facilities too. The site is adjacent to the village of Silverdale, identified in the Lancaster City Core Strategy as a place with sufficient facilities to accommodate a percentage of housing and employment development to meet local needs. Arnside is a local service centre in the Core Strategy for South Lakeland. The site lies within the Arnside and Silverdale Area of Outstanding Natural Beauty.

The proposal

6. The proposal is to demolish the existing buildings and replace them with 25 static caravans. There would also be a simple dwelling to be occupied by a manager who would provide for the operation and security of the site; it would replace the staff flat within the existing building. The layout now shown on the 'context plan' (HOL040 – Rev1) indicates 3 rows of static caravans set back roughly 8m from the cliff-side edge of the area agreed as being occupied by the existing buildings and hard surfaces interspersed with individual trees and partially enclosed by new planting to the north, the west and the south east. The caravans, individual parking spaces and adjacent access ways would be confined to the area now covered by the existing buildings and associated hard standings.
7. Over the rest of the site the existing woodland areas would be retained and a new woodland area created at the site entrance. The Arboricultural Officer estimates that some 243 new trees would be planted and about 1,985 hedge plants introduced both within the main body of the site and along the roadside boundary. It is explained that the intention is to replace the existing incongruous structures with a much less intrusive form of development. The scheme would secure several improvements. The access would be altered with the boundary treatment re-aligned to provide visibility splays and the gated entrance set back to provide space for vehicles to wait clear of the carriageway while the gate is opened. The landscape would be enhanced and the future maintenance and reinforcement of the woodland achieved through the submitted Woodland Management Plan: a line for the mooted coastal footpath is shown through the site, allowing for a connection to the Lancashire Coastal Way just to the south east: the continuation of the stone wall from the boundary of the cricket field to the site entrance (replacing the chain-link fence) would enhance the roadside scene reflecting the characteristic stone walls on the opposite side of the road and

contributing to the distinctiveness of the countryside here: the ecology of the site would be improved, the proposed green corridors, woodland and other planting adding to the biodiversity of the site and the matrix of habitats to support a variety of wildlife: the permeable area of the site would be increased, so reducing run-off and flood risks: and, although there is an existing treatment system, a new package treatment plant with UV filters is proposed to secure a material improvement to the drainage facility at the site and to protect the nationally important nature conservation areas at Morecambe Bay.

8. The submitted Habitat Regulations Assessment concludes that the project would not have a significant effect on the conservation objectives of the SPA, SAC and RAMSAR site. There is no direct access to the shore, the steep cliff, woodland and scrub intervening to impede access and partially screen the site from the estuary. Hence, the integrity of the internationally important conservation site is considered as likely to be unaffected by the proposed works, the development being set back and isolated from the mudflats by the cliff. Indirect effects, perhaps due to lighting and noise, would already emanate from the existing use, but such effects could be ameliorated through the proposal by the imposition of conditions, particularly in relation to lighting. The drainage improvements proposed would further reduce the potential impact of the proposal over the existing use. I agree with this assessment and consider that the proposal would secure improvements for this internationally important conservation site.

Landscape impact – the proposal and the existing use

9. The Council argue that existing harm is caused by the vast array and proliferation of caravans within the AONB and, in particular, this part of Silverdale. Permission exists for some 1,684 caravan pitches in the AONB on 14 registered sites, 1,388 being static caravans; the appellant's Far Arnside and Silverdale sites are licensed for 500 static and 50 touring pitches. Seen in that context the quantitative cumulative impact of another 25 pitches for static caravans, although possibly 'the straw to break the camel's back', would appear quite modest. Of course, the partially open character, the coastal position and the available vistas of the appeal site would render such development potentially intrusive here, not least because, when seen, caravans would be evident on both sides of Cove Road spreading from the wooded slopes beneath Middlebarrow (the appellant's Silverdale site) across the swathes of flatter grassland above the seaside cliffs. Such development on a green-field site would clearly be intrusive and damaging. But, the appeal proposal is not on a green-field site. On the contrary, it accommodates a series of sprawling concrete structures, areas of hard surfacing and several ordinary outbuildings. The caravans would be confined to the area occupied by that 'previously developed land'. Moreover, the scheme would entail ecological, landscape, drainage, footpath and scenic enhancements, as indicated above. The potential cumulative impact of the project must be assessed in that context.
10. The existing buildings are deemed to be in Use Class C2 - residential institutions. The structures could thus be adapted for any use falling within that 'use class' without planning permission; such uses could entail residential care homes, hospitals, nursing homes, boarding schools, residential colleges, training centres and the like, including perhaps, one or two less friendly uses. There are no other restrictions on the use of the buildings or the land. The buildings are substantial and could accommodate uses of a nature and scale capable of generating rather more traffic than 25 holiday caravans, in my view. Moreover, in the absence of specific restrictions or conditions, the re-use of the existing buildings as some form of 'residential institution' would not necessarily entail the ecological, landscape,

developed land' nor does it have regard to rural businesses. In my reading, the emerging policy AS11 would be even more restrictive, preventing any new caravans even within the screening of existing sites in favour of allowing only tents, pods, shepherds' huts and yurts. Clearly, neither policy can accommodate the comparative assessment of relevance here. They both simply operate to ban caravan development beyond existing sites within the AONB regardless of their actual impact on the landscape, the ecology, the road network or anything else. Whether the continuation of such a stance would be 'sound' is not a matter for me; the issue is likely to be considered during the forthcoming examination of the AONB DPD. However, the vital purpose of 'saved' policy T5 is that 'the unique and sensitive landscape [of the AONB] is protected from inappropriate development'. In the context of this appeal that purpose must be set against the relative impact of the proposal in comparison to what already exists (as indicated above), other statutory policies that apply and the advice in the Framework.

14. As it happens, I think that the appeal scheme would not only meet the provisos set out in policy T5 (though not the policy itself), but also accord with several policies in the Core Strategy. In comparison to the existing buildings, it would enhance the landscape (criteria a)), for the reasons outlined above. Similarly, the scheme would accord with Core Strategy policy CS8.2 being on the edge of Silverdale, adding to distinctive rural features (like the roadside wall), enhancing the planting and the ecology of the site and being less intrusive than the existing buildings. No evidence is adduced to show that the proposal would seriously impinge on the capacity of the road network (criteria b)). As for the effects on wildlife, archaeology and geology, the scheme would accord with criteria c) of policy T5 and with the requirements of policy CS8.4 in the Core Strategy. The ecological survey demonstrates that, with the new planting and implementation of the Woodland Management Plan, the biodiversity of the site would be enhanced while the geology would be unaffected. Moreover, the filtration tests and the installation of a package treatment plant with UV filters would reduce any potential effects on the nationally important nature conservation sites nearby. The coastal and estuarine landscape would also be enhanced by the removal of the existing buildings and their replacement with smaller and less conspicuous caravans in a landscape setting amongst improved and maintained woodland, so fulfilling an aim of policy CS8.5.
15. The Framework aims to encourage the effective use of land by reusing land that has been previously developed (brownfield land - provided that it is not of high environmental value) and both planning policies and decisions are exhorted to achieve that aim. The proposal would make good use of such 'previously developed land'. Similarly, policies are expected to support sustainable rural tourism, so benefitting businesses in rural areas, communities and visitors, as long as such schemes respect the character of the countryside. In this case the scheme would allow for the modest expansion of the adjacent caravan park building on the success of a popular site and accommodating some growth in a local rural enterprise. The character of the countryside would be enhanced through planting maintenance and management, the replacement of chain-link fencing with a characteristic stone wall and the provision of new links in a long-distance footpath. In that way I consider that the proposal would recognise the intrinsic character and beauty of the countryside, responding to local character and local distinctiveness as the Framework extols while recognising the opportunity to make use of 'previously developed land' to accommodate modest growth in a local rural enterprise.

drainage, footpath and scenic enhancements that would be secured by the appeal scheme. The buildings would remain and the oddly incongruous, white-rendered and sprawling concrete structures would be evident from the public footpaths on Arnside Knott, positions on Cove Road and from other public footpaths towards the site as well as from the Morecambe Bay sands and Kents Bank in Grange. Being white, solid, extensive, partially unscreened and substantially taller than the proposed caravans, the buildings would remain particularly conspicuous and intrusive. In contrast, the proposed caravan lodges would be finished in muted colours, be interspersed with some planting, be confined to the existing brownfield site, be partially screened by substantial landscaping (particularly in relation to views from Cove Road and nearby footpaths) and be much smaller structures. By any objective measure the appeal proposal would be less conspicuous and less intrusive than retention of the existing buildings. It follows that the appeal scheme should also have a less damaging impact on this special landscape. So, why do the Council appear to hold a contrary view?

11. I read that members acknowledge that the site is on brownfield land and largely consistent with the Core Strategy principles of achieving 'sustainable development'. Hence they accept that the appeal scheme would not constitute 'major development' as outlined in the Framework (NPPF paragraph 116). I agree. However, in adhering to the requirements of 'saved' policy T5, I cannot find any explicit assessment of the harm due to the appeal scheme in comparison to the harm caused by the existing buildings. The fact that the appeal proposal would re-use 'previously developed land' seems to be acknowledged but not otherwise taken into account, save in the Planning Officer's careful report.
12. I agree that caravan development could be harmful, particularly so on this sensitive site within the AONB. And, of course, the scheme could entail not just the caravans themselves but also, domestic paraphernalia, decking, outbuildings, access arrangements, servicing and parking facilities, as well as communal support buildings. But, in this case many of those accoutrements already exist and there would be no need for further communal facilities because excellent provision is already 'sustainably' made just across the road on the appellant's Silverdale site. The layout would be confined to the area agreed as 'previously developed land', but it would not preclude tree planting amongst the caravans or landscaping around them. Nor would the scheme bring development closer to the cliff-top edge. On the contrary, the caravans would be set back from the edge of the 'brownfield' land there and, of course, be substantially smaller than the existing buildings. So, although the scheme would affect the character and tranquillity of the seascape and the immediate hinterland, and be seen with the existing caravan park from some vantage points, there is nothing to demonstrate that it would be as intrusive as anything involving the retention and possible re-use of the existing buildings. For the reasons indicated, I consider that the proposal would be substantially less conspicuous and less intrusive than the re-use of the existing buildings. The damage to this special landscape would thus reduce and the cumulative impact of this caravan development would thereby serve to enhance the landscape of the AONB.

Landscape impact – policy

13. 'Saved' policy T5 is now somewhat 'long in the tooth'. It is very restrictive, insisting that no new caravan development within the AONB can occur beyond the confines of existing screened sites and, even then, only if there is no adverse impact on the landscape and built environment, the capacity in the road network or wildlife, archaeological and geological features. The policy pre-dates the advice in the Framework, is not criteria led, does not address issues involving 'previously

The planning balance

16. I have found that this scheme would be less conspicuous and less intrusive than the re-use of the existing buildings so that the cumulative impact of this caravan development would actually serve to enhance the landscape of the AONB. Hence, even though the proposal would be contrary to the terms of 'saved' policy T5, it would not only meet the provisos set out in that policy, but also accord with several policies in the Core Strategy as well as the advice advanced in the Framework. Perhaps, more importantly, the proposal would serve to further the overriding aim of policy T5 by helping to protect the unique and sensitive landscape of the AONB from inappropriate development. Taking all those matters into account, I consider that the planning balance in this case is firmly in favour of the scheme.

Conditions

17. Conditions are imposed to ensure that the scheme is undertaken and completed as intended. Some small drafting changes are made to those suggested by the Council for clarity. Particular provision is made to ensure that the caravans would be finished in muted colours, that occupancy of the caravans and the manager's dwelling would be restricted, that existing trees would be protected, that the landscaping and planting is carried out as proposed, that surface and foul drainage is appropriately secured and improved, that nearby residents are protected from noise during the construction period and that lighting of the site is controlled. The reasons for imposing these conditions are either explained above or are self-evident.

Conclusion

18. I have found that the planning balance in this case is firmly in favour of the scheme. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed, subject to the conditions set out in the attached schedule.

David Cullingford
INSPECTOR

Schedule of Conditions

Details, phasing and lighting

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans.
 - 2016.002/Sk31 - LOCATION PLAN
 - 2016.002/Sk34 - EXISTING SITE PLAN
 - HOL040 Rev.1 - Context Plan (Aka Proposed Site Plan)
 - HOL050 Rev.2 - Proposed Elevations
 - 2016.002/Sk27D - Managers' Accommodation
 - HOL070 Rev.2 - Planting Plan
 - HOL082 Rev.2 - Construction Management Plan
 - HOL081 Rev.0 - Proposed Decking Detail
 - HOL080 Rev.0 - Proposed Waste Water Plan
 - HOL030 Rev.1 - Presentation Plan
- 3) The development shall be carried out in strict accordance with the phasing detailed on drawing number HOL082 Rev.1, hereby approved.
- 4) No more than 25 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time, as shown on drawing number HOL040 Rev.1 - Context Plan.
- 5) No caravan shall be stationed on the land other than within the area shown on drawing number HOL040 Rev.1 - Context Plan.
- 6) The caravans shall be sited in accordance with plan No. HOL040 Rev.1 - Context Plan. Any material change to the position of a mobile home, or its replacement by another mobile home in a different location shall only take place following an agreement in writing with the Local Planning Authority.
- 7) Prior to the siting of the caravans, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, light spillage and hours of use of all external lighting within the site. The approved lighting scheme shall be implemented in full prior to first occupation of the development hereby approved.
- 8) Prior to the siting of the caravans, a scheme to ensure that the external surfaces shall be matt finishes and in an appropriately specified colour shall be submitted to, and approved in writing by, the Local Planning Authority.
- 9) Other than the decking hereby approved on drawing no. HOL081 Rev.0, no additional decking, storage sheds or arials shall be permitted without the prior written consent from the Local Planning Authority.

Restrictions on use and permitted development

- 10) The caravans shall not be occupied other than as holiday accommodation. They shall not be used at any time as sole or principal residences by any occupant.
- 11) The occupation of the dwelling 'warden's house' as shown on drawing no. HOL040 Rev.1 shall be limited to a person solely employed in the business 'Holgates Caravan Parks Ltd'.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the construction and siting of any buildings, structures, erections, motorhomes or touring caravans (whether temporary or otherwise) to be placed or parked on the site, other than those hereby approved.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected on site, no extensions to the caravans and no extensions additional windows or dormers to the 'warden's house' shall be erected other than those expressly authorised by this permission without prior written consent of the Local Planning Authority.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the placing of any overhead electricity service lines on the site.

Drainage

- 15) Prior to the commencement of development a working Method Statement to cover all construction site drainage and pollution prevention works as set out, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

- 16) The construction phase of the development shall not proceed until infiltration tests in accordance with BRE Digest 365 have been carried out and approved in writing by the Local Planning Authority. And, before any caravan is occupied or first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied until the surface water management and the disposal of sewage works have been provided on the site to serve the development. Those works shall include the installation of a package treatment plant with UV filters. The approved works shall be retained as such thereafter.

Car parking

- 17) The precise details for the parking layouts shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction commencing. The approved details shall be implemented prior to the occupation of any caravan, hereby permitted, and retained thereafter.

Ecology

- 18) Unless otherwise agreed in writing demolition shall occur outside the months March to September to take account of nesting or hibernating wildlife.

Tree protection

- 19) No site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with Clause 7 of British Standard BS5837 - Trees in relation to Construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be carried out as described and approved and shall be maintained until the development is completed.
- 20) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of commencement of the development hereby approved, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained tree is cut down, uprooted, destroyed or dies another tree shall be planted in a location to be agreed in writing with the Local Planning Authority within the next available planting season and that tree shall be of a size and species that is first agreed in writing with the Local Planning Authority.

Landscape and maintenance

- 21) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The landscape management plan shall be carried out as approved.
- 22) Commencement of the works detailed in the Planting Plan (HOL070 Rev.1) shall be begun within the first available planting season from the date in which the development hereby approved is commenced and completed by end of the following March. Any trees or shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees or shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation. The planting shall be retained in accordance with the approved landscape management plan thereafter.

Construction and noise

- 23) Before the development is commenced, including demolition, a scheme to control noise and vibration from the demolition and construction phases of the development shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be in accordance with BS5228: Code of Practice for Noise and Vibration Control and Open Sites. Working practices shall be compliant with the approved scheme during the demolition and construction phases of the development.
- 24) Demolition or dismantling works shall not take place outside 09:00 hours to 18:00 hours Mondays to Fridays and at no time on Saturdays, Sundays, Bank or Public Holidays.
- 25) No work for the construction of these developments shall take place on the site, except between the hours:
- 08.00 - 18.00 Monday to Friday; and
 - 08.00 - 13.00 on Saturdays;
- unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Appendix 5

Appeal Decision

Site visit made on 28 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/P2935/W/19/3239953

Acton Caravan Site, U3041 Old Felton Junction to Brainshaugh Priory Junction, Felton, Northumberland NE66 9NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs J Campbell against the decision of Northumberland County Council.
 - The application Ref 19/01026/VARYCO, dated 25 March 2019, was refused by notice dated 11 September 2019.
 - The application sought planning permission for Proposed camping pods, camping lodges and tree house along with amenities and services, without complying with condition 8 attached to planning permission Ref 18/03203/FUL, dated 26 February 2019.
 - The condition in dispute is No 8 which states "*Notwithstanding the details submitted, the development shall not commence until details of the proposed highway works (modification to the site access, provision of passing places on the U3041 together with signage and additional drainage) have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans*".
 - The reasons given for Condition 8 is "*In the interests of highway safety, in accordance with the National Planning Policy Framework*".
-

Decision

1. The appeal is allowed and planning permission is granted at Acton Caravan Park for, Proposed camping pods, camping lodges and tree house along with amenities and services, without complying with condition No 08 attached to planning permission Ref 18/03203/FUL, dated 26 February 2019 within the terms of application Ref 19/01026/VARYCO dated 25 March 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. For clarity, the appeal site has been renamed from Acton Caravan Site and is now known as Woodland Chase Luxury Glamping. However, for the purposes of this appeal, I refer to the name specified within the original planning application.
 3. It was evident from my visit that works have commenced on site and the site was in operation. Therefore, the proposal is retrospective.
-

Main Issue

4. The main issue is whether or not the removal of condition No 08 would have an unacceptable effect on highway safety.

Background and Reasons

5. The appeal site is located in the small hamlet of Acton along a single track road, the U3041, where liveries, residential houses and the Grade II* listed 18th Century Acton House are located. The appeal site is positioned on a bend, with the rental chalets set back from the road within a wooded environment. The appeal site has a lengthy history as a caravan park dating from 1965.
6. A more recent planning application 17/04565/FUL sought permission to erect camping pods, a tree house, lodge and touring van bases along with amenities and services at the site. Since this approval in 2018, a subsequent application 18/03203/FUL was approved in 2019 to remove the touring van pitches and 2 no. camping pitches, but permitted 5 no. camping pods, 2 no. cabins, 1 no. lodge and 1 no. tree house along with amenities and services. According to the Council's 22 August 2019 committee report, this permission has been implemented.
7. Condition No 08 was applied to the 18/03203/FUL planning permission setting out the requirement to provide details of highway works including details of the access into the site, passing places along the U3041, signage and additional drainage. This was deemed necessary in order to mitigate the impacts of the development. The matter in dispute therefore relates to condition No 08, and, depending on the outcome of this appeal, it may also be necessary for me to consider the wording of condition No 02 (i.e. approved plans) which refers to a plan showing highways works.
8. As part of my assessment, I am mindful of Paragraph 206 of the National Planning Policy Framework 2019 (the Framework) that states that planning conditions should only be imposed where they meet the very specific six tests of compliance. The Government's Planning Practice Guidance emphasise that clear and precise reasons must be given for the imposition of every condition.
9. It would appear that the alterations to the site access have been undertaken and this has been widened from the former access and includes a new radius, verge and visibility splay. The Council's Planning Committee report explains that the Highways advisor is of the view that the proposal would not have an adverse impact on the highway network when compared to the historic use of the site. Furthermore, the additional drainage to the highway would not be required as this was not the responsibility of the appellant, nor is signage required. Therefore, on this basis, the Council's highways advisor supports the removal of condition No 08 of application 18/03203/FUL.
10. I apply significant weight to the comments of the Highways adviser of the Highways Authority to the Council. Furthermore, from my own assessment, in terms of flooding on the road, a condition has previously been agreed with the appellant and the Council relating to surface water drainage within the site. This is considered sufficient to prevent flooding on the road and negates the need for this part of condition No 08.
11. In relation to road signage, I can find no reason to suggest that signage to identify this specific site is necessary especially as it has historically operated

as a caravan site and limited signage was required to advertise that use. I also support the view that no signage is required to be erected along the road.

12. As part of my assessment, I have given due regard to the concerns raised by local residents who comment that the proposals are only acceptable with the necessary highway safety mitigation applied under condition 8. Furthermore, I do not dispute that an accident has occurred along the road although there is no indication to suggest this was as a result of the appeal development. There is no objective evidence before me of any officially reported incidents of road traffic collisions arising from the development.
13. I conclude that the removal of condition No 08 of application 18/03203/FUL would not result in unacceptable harm being caused to matters of highway safety or any other planning matter. In this respect, the continuation of the development without compliance with condition No 08 and with a modified condition No 02 would ensure that the development does not conflict with the highway safety requirements of the Framework. For clarity, I shall remove reference to the access plans within Condition No 02 and will re-word Condition No 7 of the original decision to ensure the site access is retained thereafter.

Other Matters

14. Despite the fact that the site is located within the countryside, I apply weight to their approval of application 17/04565/FUL. The subsequent application 18/03203/FUL is of limited change to this previous approval. On this basis, I am not in a position to disagree with the Council's view that the proposal is otherwise acceptable in planning terms.

Conditions

15. It is clear that some works have commenced on site to implement application 18/03203/FUL although there is an absence of information regarding the discharge of a number of these conditions, and therefore, in accordance with the Framework and the PPG, conditions are re-attached and amended accordingly.
16. The Council suggest a time limit condition is imposed to implement the permission within 3 years of the date of approval. However, development has commenced and therefore this condition is surplus to requirements.
17. I have also considered all other conditions. Condition No 2 (development to accord with approved plans) has been re-applied as Condition No 1, omitting reference to the Access, Alterations & Passing Provision plan, and I have combined the former conditions of 3 and 4 into one condition (Condition No 3) as they have the same objectives.
18. Condition No 04 now relates to the implementation of the car parking area to which I have set an agreed timeframe to implement as this is a reasonable request given the site is operating.
19. Condition No 05 now secures the vehicular access in perpetuity and condition No 06 seeks implementation of cycle parking within an agreed time limit with the parties, from the grant of permission in order to create a sustainable form of development.

20. The wording of Condition No 07 (refuse storage) remains unaltered from before. Condition No 08 relates to ecological mitigation and has been previously discharged and is therefore re-imposed as a compliance condition. Condition No 09 now relates to surface water drainage and the wording has been amended to submit the details to the Council within a timeframe from date of approval. This is agreed with both parties.

Conclusion

21. For the reasons outlined above, I conclude that condition No 08 to application 18/03203/FUL should be deleted and that a number of other conditions, including condition No 02, should be modified. Consequently, the appeal is therefore allowed.

Alison Scott

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1. Location plan; Drawing ref: 71/17 Sheet 5
2. Proposed site plan; Drawing ref: 71/17 Sheet 3 uploaded 18th October 2018
3. Proposed glamping pod plans; Drawing ref: 71/17 Sheet 3 uploaded 6th September 2018
4. Proposed treehouse plans; uploaded 12th September 2018
5. Proposed Warden's lodge; Drawing ref: 71/17 Sheet 1
6. Proposed log cabin; Drawing ref: 71/17 Sheet 1, 7. Proposed construction method; Drawing ref: 71/17 Sheet 4.
- 2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans. The development shall be constructed in accordance with the approved details and retained thereafter.
- 3) The lodge, camping pods, cabins and tree house subject to this permission shall be occupied for holiday purposes only, and no unit shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times.
- 4) Unless within 10 weeks of the date of this decision the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans, the use of the site for camping pods, camping lodges and tree houses shall cease. The approved car parking area shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 5) The vehicular access shall be retained in accordance with the plan Drawing ref: 71/17 Sheet 6, for the lifetime of the development.
- 6) Unless within 10 weeks of the date of this decision the cycle parking shown on the approved plans has been implemented in accordance with the approved plans, the use of the site for camping pods, camping lodges and tree houses shall cease. The approved cycle parking area shall thereafter be retained and shall be kept available for the parking of cycles at all times. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 7) No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.
- 8) The information approved under 19/00908/DISCON relating to condition 11 of application 18/03203/FUL (ecological mitigation), shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.
- 9) Within 6 weeks of date of this decision, a scheme to dispose of surface water from the development shall be submitted and approved in writing by the LPA

to: i. Restrict discharge from the development to Qbar for all rainfall events up to and including the 1 in 100 year event, unless otherwise approved by the LLFA and the local planning authority. ii. Agreement to adhere to the principles as set out in the drainage layout plan uploaded to the planning portal on 21st Jan 2019. iii. Provide attenuation on site for the 1 in 100 year plus climate change event. iv. Provide details of vegetated sustainable drainage techniques throughout the development, with justification for alternatives by means of a viability assessment; v. Provide details of the adoption and maintenance of all surface water features on site. Thereafter the approved surface water drainage scheme shall be implemented in accordance with the approved details within 10 weeks of the date of approval, unless otherwise approved in writing by the LPA, and thereafter maintained in accordance with the approved details. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

END OF SCHEDULE

Appendix 6

Appeal Decision

Site visit made on 24 August 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2020

Appeal Ref: APP/A2470/W/20/3254410

Stretton Lodge, Clipsham Road, Stretton LE15 7QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs R Needham against the decision of Rutland Council.
 - The application Ref 2019/1375/MAF, dated 6 December 2019, was refused by notice dated 2 April 2020.
 - The development proposed is use of land as touring caravan site and for angling purposes, creation of fishing lake, formation of roads and hardstanding and erection of amenity block.
-

Decision

1. The appeal is allowed and planning permission is granted for use of land as touring caravan site and for angling purposes, creation of fishing lake, formation of roads and hardstanding and erection of amenity block at Stretton Lodge, Clipsham Road, Stretton LE15 7QS in accordance with the terms of the application, Ref 2019/1375/MAF, dated 6 December 2019, dated 10 March 2020 subject to the conditions set out in the schedule below.

Procedural matter

2. One of the Council's reasons for refusal relates to insufficient information having been submitted regarding the provision of an acceptable means of foul drainage. However, since that time the appellant has submitted sufficient detail to satisfy the Environment Agency on this matter and therefore the Council has confirmed it will not be defending that reason for refusal. From the evidence before me I see no reasons to disagree with the Environment Agency and the Council.
3. The Council's reason for refusal No 1 on its decision notice refers to the provision of four holiday chalets and consequent conflict with Policy SP25 of the Rutland Local Plan Site Allocations and Policies Development Plan Document 2014 (the Local Plan) which concerns the provision of lodges, log cabins, chalets and similar forms of self-serviced holiday accommodation.
4. Its subsequent Statement of Case confirms that the reference to chalets and policy SP25 is a typographical error and that the reason for refusal should refer to future users of the caravan pitches and conflict with Policy SP24 regarding caravan and camping sites.

5. I appreciate that a decision once issued cannot be altered or changed and the appellant refers me to an appeal decision to this effect¹. However, that was in relation to an appeal against an enforcement notice and not similar to the circumstances before me now. In this instance, the Council's application report clearly makes reference to the provision of caravan pitches and the application of Policy SP24 both within the evaluation section, and that regarding policies that apply to the planning proposal. While the erroneous description occurs in the conclusion, I am satisfied from reading the report as a whole that the Council considered the correct proposal against relevant policy. I have therefore, taken the wording in the decision notice to be a typographical error.

Main Issue

6. The main issues are:
- whether or not the appeal site is an appropriate location for the development having regard to local and national policy; and
 - the effect of the proposal on the best and most versatile agricultural land.

Reasons

7. The appeal site being located within the countryside would be subject to certain caveats contained within the locational strategy for new development, including tourism, contained within the development plan.
8. Policy CS4 of the Rutland Local Development Framework Core Strategy Development Plan Document 2011 (the Core Strategy) states that development in Rutland will be directed towards the most sustainable locations in accordance with the settlement hierarchy of Oakham, Uppingham, Local Service Centres, Smaller Service Centres and Restraint Villages. The rest of Rutland, including settlements not identified in settlement categories will be designated as countryside. It goes on to state that development in the countryside will be strictly limited to that which has an essential need to be located there and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.
9. Policy SP7 of the Local Plan concerns non-residential development in the countryside, where the appeal site is located, and lists a series of development types that would be supported. These include sustainable development where it is essential for the provision of recreation and visitors facilities for which the countryside is the only appropriate location; new employment growth comprising small scale, sustainable rural tourism, leisure or rural enterprise that supports the local economy and communities; all subject to a number of criteria including whether the development is in an accessible location, its impact on the character and appearance of the area and provided it cannot be reasonably accommodated within the Planned Limits of Development of towns and villages.
10. Stretton Lodge comprises a large working farm in the countryside which has diversified and has received planning permission for the creation of a number of fishing lakes, and according to the appellant the siting of eight holiday

¹ APP/M2270/C/04/2000086/2000087

lodges², although only seven have been constructed on the site. In addition, there is a 5 pitch CL (Certified Location) caravan site.

11. Policy CS15 of the CS outlines the Council's strategy for tourism which is to allow provision for visitors which is appropriate in use and character to Rutland's settlements and countryside and support existing and new tourism provision in Oakham, Uppingham and villages while allowing new tourism development of an appropriate scale and use which utilises existing historic buildings in the countryside (adjacent or closely related to the towns, local services centres and smaller services centres) while respecting their character.
12. Specific to caravans and camping, Policy SP24 of the Local Plan states that they will only be acceptable outside of certain areas subject to four criteria. The concern of the Council relates to one of those criteria in that it considers that the site is not located with convenient access to supporting facilities.
13. The Council considers that insufficient evidence has been submitted that the development meets local business or community needs or that it would be essential for the pitches and fishing lakes to be located at the site. However, the appellant reports that there are long waiting lists for the holiday lodges, and a buoyant demand for the fishing lake and caravan pitches with high occupation levels, particularly during the summer months. Annually around 2500 day-tickets for fishing have been issued. In submitting this appeal, the appellant is seeking to extend the range and quality of accommodation at the site. As well as representing a significant leisure pursuit, existing anglers are constantly seeking new fishing challenges and experiences. Different stocking regimes and conditions offer a variety of angling challenges sought by anglers. The provision of the additional fishing lake at the site would serve to add considerably to the diversity of the angling offer.
14. Given the existing success of the wider site, I have no reason to believe that its expansion would not enjoy similar success, and for the business to expand and support the rural economy, it is essential that it does so at the appeal site adjacent to the existing business and lakes. Furthermore, I note that the Parish Council is fully supportive of the proposal which it considers will support jobs and opportunities in the local area.
15. Additionally, the appeal site and the existing use cover a large area of land. There is nothing before me to suggest that such provision would be easily provided, especially fishing lakes, within the confines of the Planned Limits of Development of the towns and villages. In that respect, it is likely that the countryside is the only appropriate location.
16. As part of the proposal an amenity block would be provided which would be an improvement for users of the caravan site and be a good supporting facility. However, the appeal site is some distance from a shop with day to day facilities which may be required when on holiday. I saw that the villages of Stretton and Clipsham where there are only limited facilities and services would be accessible by well signposted off- road paths. I envisage that the paths would provide a pleasant walk to the village pubs on a pleasant summer's day. However, this may not be such a suitable solution in inclement weather or during the winter. Furthermore, there are no dedicated cycle paths or routes, or convenient bus routes near the site. It's likely therefore that occupiers of the

² Page 10 appellant's statement of case.

proposed caravans would be dependent on the car to access facilities. In addition, the very nature of the proposal means that the number of cars visiting the appeal proposal would increase as they are needed to transport the caravans there.

17. However, at my site visit I noted that the site was quite busy and there were a number of caravans, with anglers at most of the lakes. This reflects the evidence provided by the appellant that a large proportion of visitors use the fishing lakes at some point during their stay. It seems to me that the very nature of the proposal to provide more caravan pitches, at an already popular venue, with an increased angling offer, while not preventing additional car journeys in totality, would serve to minimise them within the surrounding area.
18. Moreover, the proposal is limited to an additional twenty caravan pitches. If the majority of visitors are attracted to the site for the fishing facilities, then there would be very few additional journeys over and above those already associated with the wider site.
19. I am also mindful that paragraph 84 of the National Planning Policy Framework supports sustainable rural tourism and leisure developments and recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It goes on to state that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
20. I saw at my site visit that the proposed caravans and lake would be positioned in such a manner to ensure that they would have a very limited impact on the appearance of the landscape. New planting would facilitate further mitigation. As part of the proposal, improvements would be made to the access road where it joins Clipsham Road as requested by the Highway Authority. I saw that visibility from the access is good and therefore there would be no unacceptable impact on local roads. Opportunities have been taken, through the use of signposting and maintenance, to make the local footpaths to local facilities more attractive to visitors.
21. Whilst the accessibility of the appeal site is less than ideal in this countryside location, given that visitors tend to visit to take advantage of the fishing facilities, that the proposal expands an existing use and that opportunities have been taken to make the location more sustainable, it is not so poor that it has to be regarded as obviously unsustainable. I therefore find no fundamental conflict with Policy CS1c of the CS and paragraphs 102 and 103 of the Framework in respect of its countryside location which require that development be located where it minimises the need to travel and wherever possible where services and facilities can be accessed safely on foot, by bicycle or public transport.
22. As an expansion of an already successful business, this proposal would support the rural economy and be appropriate in use and character to the countryside in accordance with the Council's tourism strategy. Due to its specific nature and, as an expansion of an existing business, it needs to be located in the countryside and I have seen nothing to suggest that due to the size and nature of the facility it could easily be accommodated within the Planned Limits of Development of towns and villages. Therefore, I see no conflict with the

locational strategy for development, including tourism in the countryside contained within policies CS4 and CS15 of the Core Strategy and Policies SP7 and SP24 of the Local Plan.

Best and most versatile agricultural land (BMV)

23. The Framework identifies the best and most versatile agricultural land as land in Grades 1, 2 and 3a of the Agricultural Land Classification. The appeal site is located on Grade 3 agricultural land, which is at the lower end of the best and most versatile scale. The Framework makes little distinction between the grades within the overall BMV classification, other than at Footnote 53 where it states that "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred to those of higher quality".
24. I appreciate that there is no definition of significant, in this context, within the Framework. The appeal site forms about 3.5 ha and I saw at my site visit that it is currently being cropped. However, given the amount of land classified as Grade 3 and above within the district as a whole, then the harm caused by the loss of only 3.5 ha, which would not be a significant amount in that context, would be limited.
25. While therefore, there is some conflict with the Framework with regard to the loss of BMV, there would be very little resultant harm, which would be outweighed by the local economic benefits and increased visitor spend of the expansion of the business.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

Conditions

27. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.
28. In the interests of certainty, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
29. It is necessary to secure access improvements in accordance with the approved plan to protect highway safety. To protect wildlife a condition is imposed regarding the location of spoil from the excavation. Details of foul water drainage works are required prior to the commencement of development to ensure satisfactory provision for its disposal. Conditions to control floodlighting, the materials for the amenity block, the design, implementation and maintenance of landscaping and the number of caravans on the site at any time are necessary in the interests of the character and appearance of the countryside. Details relating to landscaping are required prior to works commencing on site to ensure Satisfactory provision for planting.
30. A condition restricting the occupation of the caravans for holiday accommodation only is necessary to ensure they are retained for tourism purposes given the limited accessibility of the site. A condition regarding noise

associated with music and other amplified sound is required to protect living conditions of nearby residents.

Zoe Raygen

INSPECTOR

Schedule of conditions

- 1) The development shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Drawing Numbers: MSP.673/801, MSP.673/102G, MSP.673 251.
- 3) Before the use of the development hereby approved commences the access improvements shall be completed in accordance with drawing MSP.673/102G Block Plan and managed in accordance with the Highway Section submitted in document 673 RCC 05032020 Dated 5/3/202.
- 4) Prior to the commencement of the excavation works for the pond, temporary fencing shall be erected in accordance with the details shown on Drawing Number: MSP.673/102G to ensure spoil from excavation works is not placed beyond the designated line. Fencing shall be removed following completion of the excavation works.
- 5) The development hereby approved shall not commence until details of the foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The foul water drainage shall be implemented in accordance with the approved details.
- 6) No floodlighting shall be installed until details of the illumination scheme which meets E2 ILP Guidance on Intrusive Lighting have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.
- 7) There shall be no more than 24 pitches on the site and on each of the 24 pitches hereby approved no more than one caravan shall be stationed at any time.
- 8) The development hereby permitted shall not be used other than for the provision of holiday accommodation. No caravans shall be occupied as permanent dwellings.
- 9) The amenity block hereby permitted shall be constructed entirely of the materials details of which are stated in the submitted application form.
- 10) No music, or other amplified sound, audible beyond the application site boundary shall be played on the site at any time.
- 11) No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British

Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."

- 12) All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species. Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.

Appendix 7

Agenda Item 6a

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

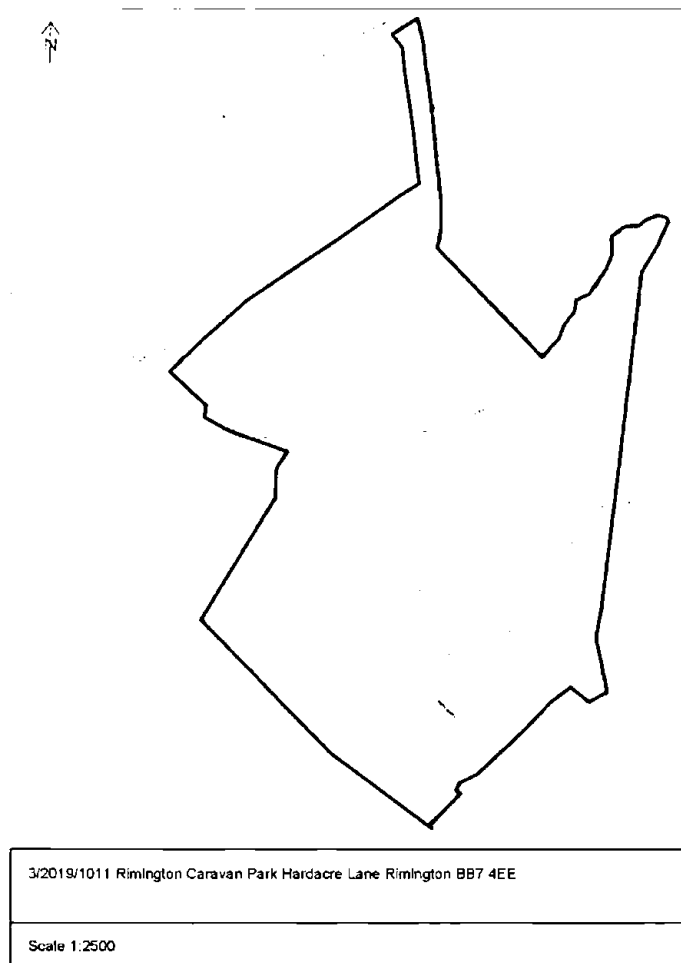
DATE: 27 May 2021
REF: JM
CHECKED BY: NH

APPLICATION REF: 3/2020/1104

GRID REF: SD 382491 446963

DEVELOPMENT DESCRIPTION:

VARIATION OF CONDITION OF PLANNING APPLICATION 3/2019/1011, CONDITION 13 – OCCUPANCY AT RIMINGTON CARAVAN PARK, HARDACRE LANE, RIMINGTON BB7 4EE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

We believe the condition should remain in place and not be lifted. We also wish to register our continued concern over the increased traffic and its effect on Hardacre Lane due to the greater number of units on Rimington Caravan Park.

ADDITIONAL REPRESENTATIONS:

2 letters of objection which raise the following issues.

- Removal would create a precedent
- Danger of more permanent residence and impact on local resources
- Concerns that other conditions have not been complied.
- Impact on highway.

1. Site Description and Surrounding Area

- 1.1. The site is located is located approximately 1 mile south of Gisburn and 2 miles east of Rimington. It is situated in the open countryside.
- 1.2. The existing caravan park has a total of 120 static caravan pitches and 50 touring caravan pitches. Work is ongoing to develop an additional 30 pitches. There is currently planning consent for a total of 200 caravans on the site, with a maximum of 55 touring pitches.
- 1.3. In addition to the caravan pitches, there is a facility building on the site which includes a small shop and bar, which is available to people staying on the site.
- 1.4. Access to the site is taken from Hardacre Lane. There are two access points on Hardacre Lane, one which is utilised by visitors to the site and a second which is primarily used when static caravans are being delivered to or removed from the site.

2. Proposed Development for which consent is sought

- 2.1 The proposed development seeks to vary the occupancy condition attached to the most recent planning consent at the site by removing the reference to the occupancy clause limiting the occupation of the caravans to 3 months in any calendar year.

3. Relevant Planning History

BO1538 - Approved layout of land Hardacre Gate, Rimington as a holiday caravan site.
Approved 30/07/1970

3/1980/9044 - Proposed residential caravan for occupation by park warden. Approved
28/10/1980

3/1984/0470 - Proposed conversion of disused machines store building into a games building with bar, bottle and general store and toilets. Approved 23/10/1984

3/1989/0754 - Replacement of septic tank. Approved 24/11/1989

3/1990/0414 - Use of 12 static caravan pitches from 01 March to 31 January. Approved 24/06/1991

3/1999/0758 - Proposed modification of condition to permit 33 static caravan pitches to be used from 1 March to 31 January each year. Approved 31/11/1999

3/2006/0932 - Variation of condition to extend season to 10 months and 6 days. Approved 07/02/2006

3/2010/1027 - Variation of condition no. 1 (time/occupancy restrictions) of planning consent 3/2006/0932P, to read 'The caravans shall be used for the purpose of holiday accommodation only and not as a permanent residence'. Approved 21/03/2011

3/2010/1026 - Variation of condition no. 2 (time/occupancy restrictions) of planning consent. Approved 21/03/2011

3/2010/1025 - Variation of condition no. 2 (time and occupancy restrictions) of planning consent 3/1990/0414P, to be replaced with a condition reading 'The caravans shall be used for the purpose of holiday accommodation only and not as a permanent residence'. Approved 21/03/2011

3/2013/0059 - Extension of existing caravan park to allow for creation of 38 timber lodges. Approved 30/09/2013

3/2019/1011- Change of use of land to form extensions to existing caravan site for the siting of a further 62 holiday caravans and associated engineering works, demolition of existing building, erection of extension to facilities building, creation of new children's play area, erection of storage building and retention of access track. Approved with conditions

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EC3 – Visitor Economy

Key Statement EN2 - Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement DMI2 – Transport Considerations

Policy DMB1 – Supporting Business Growth

Policy DMB3- Recreation and Tourism Development

Policy DMB5 – Footpaths and Bridleways

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME6 – Water Management

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

5. Assessment of Proposed Development

5.1 Principle of Development:

- 5.1.1 The main issue is whether the modification of the condition would be harmful to planning considerations. The site was purchased by Holgates, who own and operate holiday parks, in 2019 at which time a number of the caravans were occupied as permanent residence in breach of the relevant planning conditions and site licence. These permanent occupations have now ceased, and the entire park is now for holiday use.
- 5.1.2 Policies within the Core Strategy seek to support business growth and the local economy, specifically in policy DMB1. Policy DMB3 supports the principle of tourism development which extend the range of tourism and visitor facilities in the Borough. The provision of holiday accommodation is acceptable in terms of Policy DMB3.
- 5.1.3 The purpose of attaching a restrictive occupancy condition reflects the stance taken on other holiday parks within the Borough, is to ensure that the caravans are used for people holidaying and visiting the area, which has an associated economic benefit to the local economy, and to ensure the caravans are not utilised as permanent residential accommodation which has historically occurred at this site and does at other sites across the Borough.
- 5.1.4 The agent for the application considers that a condition which restricts the use to holiday purposes and not the owner's main residence, which reflects the conditions on the other parts of this site, is sufficient. Hence the request to remove reference to three months occupancy. The agent for the application has cited appeal decision where similar suggested conditions have been imposed by the Inspectors.
- 5.1.5 The Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
- necessary;
 - relevant to planning;
 - relevant to the development to be permitted;
 - enforceable;
 - precise; and
 - reasonable in all other respects
- 5.1.6 It is acknowledged that since this park was purchased by the current owners the issues experienced on other similar parks, people living in the caravans permanently, has been removed and this is now a holiday park. However, to ensure that this remains the case in the future and to ensure that the condition imposed is enforceable additional items of proof will be required to be provided to the Local Planning Authority on request.

5.2 Impact upon Residential Amenity:

5.2.1 The issues raised by local residents are noted but the many of the concerns relate to the substantive consent and not this application.

6 **Observations/Consideration of Matters Raised/Conclusion**

6.1 In this case it is considered that the condition can be modified to prevent the units being permanently occupied as a main residence.

RECOMMENDATION: That the application be APPROVED subject to the following conditions.

1 The development must be begun not later than the expiration of three years beginning with the date of the original consent (3/2019/1011) dated the 31/07/2020.

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004

Plan related

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan SK-RLP-001
Proposed Layout Plans SK-S-100A, SK-S-1.1A and SK-N-1.2A
Landscaping Planting Plan RTP 700 Rev 0 and RTP 701 Rev 0
Caravan Elevation Plan RTP 081 Rev 0
Proposed Conservatory site Plan SK-RLP-CH.103
Proposed Store Building site block plan SK-RLP-SB.101A
Proposed Conservatory Elevation Plan SK-RLP-CH.104
Proposed Store Building Elevation Plan SK-RLP-SB.100

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

Drainage

3. The sustainable drainage scheme shall be implemented in accordance with the WYG Drainage Technical Note (dated 21 September 2020) and drawings 500-01 Rev A02 and 500-02 Rev A02 as submitted and approved in the Discharge of Condition application 3/2020/0781.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

4. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

Highways

5. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

6. Demolition or construction works shall not take place outside 08:00 hours to 17:00 hours Mondays to Saturday and not on Sundays or Bank Holidays.

REASON: To protect the amenities of the nearby residents.

7. The development shall be carried out in accordance with the Construction Method Statement dated 7 August 2020 as submitted and approved in the Discharge of Condition application 3/2020/0781.

REASON: To protect existing road users in the interest of highway safety.

8. Notwithstanding the access details shown on the submitted plans Sk-S-100A there shall be no vehicular access to and from the site on to Rimington Lane with the exception of emergency purposes or for construction traffic purposes previously agreed in accordance with the construction phasing plan submitted in compliance with Condition 7.

Within one month of the commencement of the development full details of a gate or other form of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved measure(s) shall be installed in accordance with the approved details prior to the first use of the caravans hereby approved

REASON: To protect existing road users in the interest of highway safety.

9. Within one month of the commencement of the development further details showing:
- how adequate intervisibility between vehicles and pedestrians using the PROW3-36FP4 will be secured
 - full details of the surface materials of the crossing point
 - details of the future management and maintenance of this part of the site shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall be completed in accordance with the approved details prior to the first use of the caravans hereby approved and the area of land maintained in accordance with the approved details thereafter.

REASON: To protect existing road users in the interest of highway safety.

10. Prior to the first use of the caravans hereby permitted, three bat boxes shall be installed in accordance with the details set out in the Envirotech letter and plans dated 10 August 2020 as submitted and approved in the Discharge of Condition application 3/2020/0781.

REASON: To encourage and promote biodiversity.

11. Within three months of commencement of development on site, a scheme/timetable of phasing for the approved landscaping areas shown on Landscaping Planting Plan RTP 700 Rev 0 and RTP 701 Rev 0 shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in strict accordance with the duly approved timings and phasing's and the areas which are landscaped shall be retained as landscaped areas thereafter.

Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure the proposed landscaped areas are provided on a phase by phase basis in the interest of visual amenity.

12. Each caravan hereby approved shall not be used as a unit of permanent accommodation and shall be solely used for holiday accommodation and not be used at any time as sole or principal residence by any occupant.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain:

- the name and address of the owner's permanent residence (where they pay Council tax and/ or are registered to vote and keep the majority of their possessions);
- the name and address (permanent residence) of main guest who made the booking together with dates of occupation.

For the avoidance of doubt permanence residence is where the owner/ guest pay Council tax and/or are registered to vote and keep the majority of their possessions.

REASON: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy.

13. The extension to the facilities building, creation of new children's play area and storage building shall be constructed using the materials detailed in Steven Abbott Associates letter dated 18 August 2020 as submitted and approved in the Discharge of Condition application 3/2020/0781

REASON: To ensure that the materials used are visually appropriate to the locality.

14. The ground surfacing materials for the new children's play area and storage area shall be constructed using the materials detailed in Steven Abbott Associates letter dated 18 August 2020 as submitted and approved in the Discharge of Condition application 3/2020/0781

REASON: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

15. Prior to the first use of the caravans hereby permitted a scheme showing dedicated electric vehicle charging points throughout the application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging points shall be provided in accordance with the approved scheme prior to the first use of the caravans hereby permitted.

REASON: To promote options for sustainable modes of transport within the site.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F1104

Appendix 8

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2015/0750

DECISION DATE: 27 October 2017

DATE RECEIVED: 04/09/2015

APPLICANT:

South Lakeland Parks Ltd

Charter Court

Midland Road

Hemel Hempstead

HP2 5GE

AGENT:

Mrs Rachel Whaley

Bilfinger GVA

1st Floor City Point

29 King Street

Leeds

LS1 2HL

DEVELOPMENT PROPOSED: Change of use of land to form extension to existing caravan site for the siting of a further 16 holiday caravans.

AT: Todber Caravan Park Burnley Road Gisburn BB7 4JJ

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Planting Plan: PP-0-01 Revision: 2

Proposed Block Plan (Option 02): 3579-253 Revision (March 2017)

Typical Lodge Elevations: 3579-260

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

P.T.O.

3. Precise specifications or samples of all external surfaces, including all surfacing materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and to protect the character and appearance of the Defined Open Countryside in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

4. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the phasing for the siting of lodges, implementation of landscaping proposals, woodland planting and informal pedestrian trails/routes have been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the submitted details shall indicate that the landscaping proposals and recreational/amenity routes shall be implemented in full prior to the siting of any lodge hereby approved. The submitted details shall also provide a detailed programme of timings for the implementation and completion of all landscaping elements and/or earthworks and a phasing plan (including timings) for the siting of each lodge following the full implementation of the aforementioned landscaping proposals.

The development shall be carried out in strict accordance with the timings and details provided within the approved details.

REASON: To ensure that adequate visual mitigation is provided in advance of the siting of the proposed lodges and to ensure that the recreational areas/routes are delivered on an appropriately phased basis to ensure that adequate provision is provided to serve the occupants of the wider site and lodges/caravans hereby approved in accordance with Policies DMG1, DMG2 and DMB5 of the Ribble Valley Core Strategy.

P.T.O.

5. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall also indicate that the landscaping proposals shall be maintained for a period of not less than 25 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.

The landscape management of the site shall thereafter be carried out in strict accordance with the approved details.

REASON: In order to ensure that the landscaping hereby approved is adequately and appropriately managed in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

6. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until full details of existing and proposed ground levels and proposed building/lodge floor and ridge height levels (all relative to ground levels adjoining the site) including the levels of the proposed roads have been submitted to and agreed in writing by the Local Planning Authority.

For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed caravans/lodges in relation to adjacent landform. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory form of development that is visually compatible with the defined open countryside and in the interests of protecting the visual amenities and character of the area in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

7. Notwithstanding the provisions The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the lodge/caravan units hereby approved shall only be used as holiday accommodation and for no other purpose, including any other purpose within Use Class C3.

REASON: In order to limit occupation of the lodges/caravans to that of holiday use only and to define the scope of the permission. It is further considered that the condition is required to prevent the use of the lodges/caravans for permanent occupation which may lead to unsustainable patterns of development which would be of harm to the Development Strategy for the Borough and to ensure the development accords with Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy.

P.T.O.

8. The caravans/lodges hereby approved shall not be occupied otherwise in accordance with the following terms:

A.The caravans/lodges shall be occupied for holiday purposes only

B.The caravans/lodges shall not be occupied as any persons or individuals sole or main place of residence

C.The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual caravans/lodges on site which shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain the name and address of the principal owner/occupier together with dates of occupation.

REASON: In order to limit occupation of the lodges/caravans to that of holiday use only and to define the scope of the permission. It is further considered that the condition is required to prevent the use of the caravans/lodges for permanent occupation which may lead to unsustainable patterns of development which would be of harm to the Development Strategy for the Borough and to ensure the development accords with Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy.

9. The number of lodges/caravans on the site area subject to this consent shall not exceed 16 and under no circumstances should the site to which this consent relates accommodate touring caravans or any other caravans/lodges other than those indicated on the drawings hereby approved.

REASON: To clarify the nature of the consent hereby approved and to protect the visual amenities and character of the area in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

10. Details of the alignment, height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved by the Local Planning Authority prior to their installation. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

P.T.O.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no external lighting/floodlighting or building/ground or wall mounted lighting shall be erected or placed anywhere within the site to which this consent relates without written consent from the Local planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

12. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site unless and until a scheme for protective fencing for trees within and adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority.

Such fencing shall be in accordance with BS5837 (2012): 'Trees in Relation to Construction'. Such fencing shall be erected in its entirety prior to any other operations taking place on the site. This fencing should not be breached or removed during development. Furthermore within the areas so fenced the existing ground level shall be neither raised nor lowered and there shall be no development or development-related activity of any description including the deposit of spoil or the storage of materials unless expressly agreed by the Local Planning Authority.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

13. No tree felling, vegetation clearance works, site clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless the site has been subject to additional surveys by a competent ecologist, the results of which shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the ecological survey/s.

REASON: To protect any nesting birds that may be present on the site and to minimise the potential impacts upon species of conservation concern in accordance with Policy DMG1 and Key Statement EN4 of the Ribble Valley Core Strategy.

P.T.O.

14. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent bird/bat species site plan and include details of the mitigation measures to be provided and their precise location. The submitted details shall take account of the mitigation and compensation recommendations contained within the submitted Ecological Assessment (April 2015) and provide detailed timings for installation or implementation of all mitigation/compensation measures.

The development shall be carried out in strict accordance with the approved details and the agreed mitigation measures shall be implemented in accordance with the approved timings and thereafter retained in perpetuity.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to reduce the impact of development in accordance with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

15. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the foul and surface water drainage for the site have been submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in strict accordance with the approved details.

REASON: To ensure appropriate drainage for the proposed development and to ensure that there is no flood risk on or off the site resulting from the proposed development in accordance with Policy DME6 of the Ribble Valley Core Strategy.

16. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of all refuse collection/storage points/areas and utility buildings (where applicable) have been submitted to and agreed in writing by the Local planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

P.T.O.

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

Appendix 9

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2012/0426

DECISION DATE: 13 July 2012

DATE RECEIVED: 03/05/2012

APPLICANT:

D & R Rainford
c/o Agent

AGENT:

Avalon Town Planning
2 Reedley Business Centre
Redman Road
Burnley
Lancs
BB10 2TY

DEVELOPMENT Static caravan/lodge park for 19no. pitches.

PROPOSED:

AT: Lower Moss Farm Lower Lane Longridge Lancashire PR3 2YG

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

2. The permission shall relate to the development as shown on Drawing Numbers RA/05aDwg 01, 02 & 03.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

3. The landscaping of the site shall be carried out in accordance with the scheme shown on submitted Drawing Number RAI/05a/Dwg2. All hedgerow and tree planting comprised in the approved scheme shall be carried out in the first planting season following the grant of this planning permission (unless any other timescale has first been agreed in writing by the Local Planning Authority)

Following implementation of the scheme, all planting 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.

P.T.O.

RIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED

APPLICATION NO. 3/2012/0426

DECISION DATE: 13 July 2012

-
4. Except for the bollard lighting shown on Drawing Number RAI/05a DWG 02, no other external lighting shall be installed at the site at any time unless a further planning permission has first been granted in respect thereof.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of the amenity of the area.

5. The occupancy of the 19 caravans/lodges hereby permitted shall be subject to the following restrictions:
- i) They shall be occupied for holiday purposes only
 - ii) They shall not be occupied as a persons 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 the individual caravans/lodges 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 in order to ensure that the approved holiday accommodation is not used as 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.

Relevant planning policy

Policy G1 - Development Control.
Policy G5 - Settlement Strategy.
Policy ENV3 - Development in Open Countryside.
Policy RT1 - General Recreation and Tourism Policy.
Policy RT5 - New Static Caravan Sites and Extensions to Existing Sites.
National Planning Policy Framework (NPPF)

Summary of reasons for approval

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

Note(s)

- 1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
- 2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
- 3. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.


JOHN HEAP

DIRECTOR OF COMMUNITY SERVICES

Appendix 10

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7
2RA

Telephone: 01200 425111 Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2015/0977
DECISION DATE: 12 February 2016
DATE RECEIVED: 18/11/2015

APPLICANT:

Harrison Leisure UK Ltd
Riverside Holiday Park
Southport New Road
Banks
Southport
PR9 8DF

AGENT:

Mr Mark Southerton
Springfield
Gawtersyke Lane
Kirbymoorside
YO62 6DR

DEVELOPMENT Use of land to allow for the siting of static caravans on touring caravan area.
PROPOSED:

AT: Three Rivers Caravan Park Eaves Hall Lane West Bradford BB7 3JG

Ribble Valley Borough Council hereby give notice that permission has been granted for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. Unless explicitly required by any condition within this planning permission, the development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Number D/0/1 Rev G - Site Layout.

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans.

P.T.O.

3. The number of static caravans hereby approved shall not exceed 56 at any time unless a further planning permission has first been granted in respect of any additional caravans above that number.

REASON: To comply with the terms of this application and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version) as the siting of a higher number of caravans would require further consideration to be given in relation to the potential impact upon visual amenity and highway safety.

4. The terms of occupancy of the static caravans hereby permitted shall be as follows:

- i) The caravans shall be occupied for holiday purposes only.
- ii) The caravans shall not be occupied as a person's sole or main place of residence.
- iii) The owners/operators of the site 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 reasonable times to the Local Planning Authority.

REASON: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation in order to comply with Policies DMG1 and DMB3 of the Ribble Valley Core Strategy (Adopted Version).

5. The development hereby permitted shall be carried out in complete compliance with the mitigation and enhancement recommendations in the Ecological Appraisal (Report Reference 2998 dated 20 October 2015) that was submitted with the application.

REASON: In the interests of protecting local wildlife and ecology and including the implementation of measures to enhance biodiversity in order to comply with Policy DME3 the Ribble Valley Core Strategy (Adopted Version).

6. Whilst the indicative details of boundary tree and hedge retention and additional landscaping and screen planting shown on Drawing Number D/0/1 Rev G are considered to be acceptable in principle, a more detailed scheme of landscaping/screen planting shall be submitted for the approval of the Local Planning Authority. This detailed scheme shall indicate the types and numbers of trees and shrubs, their location on the site, their size at planting and their spacings.

The approved detailed landscaping/screen planting scheme shall be implemented in the first planting season following the siting of the first caravan on any of the approved new 56 static caravan pitches. The planting shall be maintained thereafter for a period of not less than five 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 visual amenity and to comply with Policies DMG1 and DME2 of the Ribble Valley Core Strategy (Adopted Version).

P.T.O.

APPLICATION NO. 3/2015/0977

DECISION DATE: 12 February 2016

7. Prior to the commencement of any ground preparation works, all existing trees that are shown for retention on the submitted plans and in the Arboricultural Impact Assessment (Reference AIA 17/11/15), and that are close to any of the areas affected by those ground works, shall be protected with a root protection area in accordance with BS5837 (trees in relation to construction) precise details of which shall first have been submitted to and approved in writing by the Local Planning Authority. Details of a tree protection monitoring schedule shall also be submitted to and agreed in writing by the Local Planning Authority before any ground works are commenced. The monitoring schedule shall then be implemented in accordance with the agreed details. The root protection area shall remain in place until all ground remodelling works have been completed and all excess materials have been removed from the site.

REASON: In order to ensure that all existing trees that are shown for retention, are afforded maximum physical protection from any possible adverse effects of ground works in order to comply with Policies DMG1, DME1 and DME2 of the Ribble Valley Core Strategy (Adopted Version).

8. Prior to the commencement of development (including the formation of any roads or hard surfaces) a detailed scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed and completed in accordance with the approved details prior to the siting of the first caravan on any of the approved new 56 static caravan pitches hereby approved; and, thereafter, shall be appropriately maintained and operated in perpetuity.

REASON: To ensure the satisfactory disposal of foul and surface waters and prevent the possibility of flooding in the locality in order to comply with Policy DME6 - Water Management - of the Ribble Valley Core Strategy (Adopted Version).

9. Any development works (including the formation of any roads or hard surfaces) within the Root Protection Area (RPA) of the oak tree identified as tree T4 in the submitted Arboricultural Impact Assessment (AIA) shall only be carried out in accordance with a Construction Method Statement (CMS) that has first been submitted to and approved in writing by the Local Planning Authority.

REASON: In order to ensure the retention and protection of this tree in the interests of visual amenity and to comply with Policies DMG1, DME1 and DME2 of the Ribble Valley Core Strategy (Adopted Version).

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10. No part of the development shall be commenced until a non-native species removal and disposal method statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the eradication and removal from the site all Japanese Knotweed and Himalayan Balsam. The removal and disposal of these species shall then be carried out in accordance with the approved method statement to the satisfaction of the Local Planning Authority.

REASON: To ensure that there is no risk of further spread of a non-native plant species and to ensure that there are no residual non-native plant species parts remaining in the interests of protecting the native ecology of the site and to comply with Policies DMG1 and DME3 of the Ribble Valley Core Strategy (Adopted Version).

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.
4. The site owner is advised that a risk assessment into the safety of the retained pond on the site should be undertaken. The owner's attention is drawn to the ROSPA guide on preventing drownings in features of this type. <http://www.rospace.com/leisure-safety/water/advice/pond-garden-water/>
5. The developer/site owner is advised that the proposed development must comply with this Council's standard licence conditions for holiday caravan sites.
6. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Public footpaths 3-44-FP10 and 12 cross the application site.

 **JOHN HEAP**
DIRECTOR OF COMMUNITY SERVICES