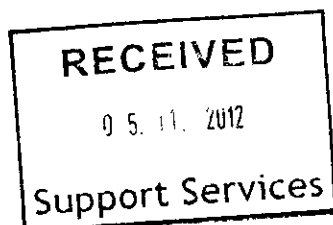


The Berkeley Leisure Group Limited
West Coker House
West Coker
YEOVIL
BA22 9BW

18 October 2012
ACWB 5558.104



Direct line: 01392 667634
Secretary: 01392 209591

Dear Sirs

Legal Opinion in relation to proposed application for planning permission to vary conditions attached to planning permission reference EEC/ROC/582/62 (as revised by appeal decision ROC/546/82) Halcyon Park Pooles Lane Hullbridge

This opinion is written in anticipation of the above application and in the light in particular of the contents of the Officers' Report to the Development Committee of the Council dated 14 April 2011 prepared in relation to application reference 11/00037/FUL, which was withdrawn by the Company before a decision was reached.

The Condition which it is sought to delete

The condition contained in planning permission EEC/ROC/582/62 (as amended on a later appeal) reads as follows:

Caravans shall only be occupied during the period 1 February to 30 November in each year

The Condition which it is sought to impose

In connection with the holiday part of the site:-

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

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These provisions follow the recommendation contained in the most recent Government guidance on this subject-matter being the Good Practice Guide on Planning for Tourism issued by the DCLG in May 2006. See in particular the text at page 43 and our further comments below¹.

Modern Holiday Parks

It is necessary to look in some detail at the proposed use.

The Applicant will offer caravans for sale to private owners who will station them under rights contained in licence agreements, paying the Applicant an annual pitch fee. There will not be a letting fleet operated by the Applicant. As appears from drawing 6800-84 the caravans will be modern twin-unit caravans which offer a high standard of accommodation. Buyers will use the caravans for their own holiday and recreational purposes (principally weekends and holidays) and many of them are likely to let the caravan (probably to friends and relatives) for holiday purposes in order to cover their expenses and perhaps to provide a return on their investment.

Competition from foreign holidays and the abandonment of the traditional two week summer break have transformed the holiday sector. That is a key benefit for the local economy both in terms of employment that tourism can bring and also the length of the season.

Halcyon Park is well-situated on the Crouch Estuary and the Applicant expects many of their future customers to come from the Greater London area and to come to Halcyon Park for the boating and fishing recreational opportunities which it offers. These people will have a main home somewhere else, as of course will the people to whom they might let the caravan for a holiday.

There is a major benefit to the area in that in the past people wishing to acquire a holiday home tended to look to the traditional housing stock and compete with the local population for that. Having a range of holiday units available means that the buying power of these incomers is deflected away from the main housing market leaving it available for local people.

National Policy Context

National Policy is supportive of extending the tourist season where it has economic benefits and emphasises the tangible social and economic disadvantages to local businesses and communities of the lack of tourist activity outside the traditional summer tourist season.

¹ Particularly in relation to the reasons for the conditions

The **Good Practice Guide on Planning for Tourism** is supportive of lengthening the tourist season and sets out the advantages to the local economy and the benefits to local businesses and communities such as increased permanent and year-round, as opposed to temporary and seasonal, employment opportunities.

"The provision of essential facilities for visitors is vital for the development of the tourism in rural areas. Tourism can:

- be a key element in rural and farm diversification;*
- help to revitalise market towns and villages;*
- support important rural services and facilities; and*
- underwrite environmental schemes and improvements to the built and natural environment."*²

*"Local planning authorities may attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only. However, with better caravan standards and the trend towards tourism as a year round activity, authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions. Annex B covers these matters in more detail."*³

*"1. The nature of holidays in this country has become increasingly diverse, in location, in season and in duration. Many people go away several times a year, often for short breaks and not exclusively in the summer months. Much of this demand is for self-catering accommodation – whether in new or converted buildings or in caravan holiday homes..."*⁴

The guidance goes on to state unequivocally that seasonal restrictions should be used only when necessary, for example, to avoid environmentally sensitive seasons.

*"4. ...Local planning authorities will need to balance the need to impose seasonal occupancy conditions with the wish to avoid exacerbating the seasonal nature of tourism in the locality and its possible adverse effects upon local businesses and jobs."*⁵

The Guidance helpfully suggests model planning conditions as invited in this application.

The guidance is clear that planning authorities should be careful to impose conditions which are enforceable without the necessity to be unduly intrusive:

² Good Practice Guide on Planning for Tourism 2006 para 3.24

³ Good Practice Guide on Planning for Tourism 2006 Annex A para 23

⁴ Good Practice Guide on Planning For Tourism 2006 Annex B "Seasonal and Holiday Occupancy Conditions"

⁵ Ibid Annex B "Seasonal and Holiday Occupancy Conditions"

*"Planning authorities will frame these conditions according to local circumstances, and in accordance with general Government advice that conditions should be reasonable and fair. They will also need to frame them so that they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants."*⁶

The Comments of the Officers' Report in relation to application 11/00037/FUL

Several of the issues the subject of comment in the Officers' Report have been resolved but the following issues remain to be addressed:

1. Whether the use of the site with the conditions proposed means it is a "highly vulnerable" or a "more vulnerable" site for the purposes of PPS25.
2. The preparation of a safety procedure reflecting the flood risk.
3. Whether the wording of the proposed conditions is sufficient particularly in relation to the ability to verify main addresses of owners/occupiers.

Applicant's comments on each issue in detail

1. "Highly Vulnerable" or "More Vulnerable"

Table D.2 to PPS25 sets out the classification of flood risk vulnerability. Developments described as "highly vulnerable" include:

Caravans, mobile homes and park homes intended for permanent residential use

Forms of development described as "more vulnerable" include

*Sites used for holiday or short-let caravans and camping, **subject to a specific warning and evacuation plan***

The development proposed by the Applicant is to station caravans for holiday use only. It is incumbent on the buyers of the units to comply with the proposed conditions and in the opinion of the Applicant the way that this is achieved is by the buyers having their main home elsewhere. The Applicant will take a pro-active stance to ensure compliance with the proposed conditions by declining to accept a "poste restante" address, perhaps by using a relative's home. The Applicant will require to see Council Tax assessments to verify the main residential address at the time of purchase and licence agreements will require that information to be kept up to date. Use other than

⁶ Ibid Annex B para 3

for holiday purposes will entitle the Applicant to terminate the licence agreement, on grounds of breach. The Applicant will also be alert to warning signs at the outset of the transaction especially where the buyer of the caravan is selling a residential property to fund the purchase.

Where a caravan is used for holiday purposes and the owner or user has a main address elsewhere there are benefits to the local economy through spending on food and general living expenses (and Council Tax or rates) but other services which are provided for residents do not have to be provided. For example children will be educated at their main address, most people who are on holiday will go home when they fall ill, so the effect on local health services is slight, the same applies for social services.

It follows from the previous paragraph that were the site to be the subject of serious flooding the owners of holiday units would go back to their homes while the site is restored to use. Where there is serious flooding the physical effects are much the same whether the caravans are occupied for holiday purposes or for permanent residential use. Caravans with permanent residential use are classified as highly vulnerable for three main reasons:

- When the flood hits it is more likely that the caravan will be occupied
- The evacuation process is therefore more extensive and difficult
- Residents have no other address and all will need to be re-housed temporarily, probably by the Council

On the other hand a site used for holiday or short-let caravans is regarded as more vulnerable for these general reasons:

- Most serious flood events take place in the winter when occupation rates are at their lowest. Most parks with holiday occupation by private owners such as is proposed at Halcyon Park operate at less than 50% capacity in the winter months.
- The evacuation process is accordingly less extensive
- The caravan owners will go back home while the site is restored rather than look to the Council for temporary accommodation

The Council should give due weight to those considerations and to the wording of the highly vulnerable classification "**intended for permanent residential use**". What is proposed by this application is not a permanent residential use and the single most important factor is the necessity for the caravan occupier's main home to be elsewhere. This is considered in more detail at para 3 below.

2. Preparation of a safety and evacuation procedure reflecting the flood risk

The Flood Risk Assessment and the Flood Evacuation Plan accompanies this application. The Council's attention is drawn to the requirement for specific warnings and an evacuation plan to be in place where a property is "More Vulnerable" in classification.

In the opinion of the Applicant the best way of bringing the Flood Evacuation Plan into force would be by means of a new site licence condition. Breach of a condition can result in a fine of up to £5000 and ultimately can imperil the licence so the use of a site licence condition (perhaps in addition to a planning condition) has considerable force.

3. Wording of the proposed conditions

As stated above the wording of the conditions which the Applicant seeks should be imposed follows exactly the specimen condition given in the Good Practice Guide on Planning for Tourism issued by the DCLG. The reason suggested in the Guidance for the imposition of this condition is:

The reason for these conditions is to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The register required in (iii) above shall normally be collected by the caravan site licence holder or his/her nominated person.

The Guidance was very clear that it would not be appropriate to require the monitoring of occupation to be too intrusive. The Guidance acknowledged the undesirable consequences that could stem from unauthorised residential use and the model conditions were formulated to address these concerns. The proposed conditions are not intrusive but they do enable the park owner and the Council to see who is in occupation of a unit and what address is given as the occupier's main address. The Officers' Report in respect of the previous application (see para 3.40) foresaw difficulties in verifying the information given. In fact there are a number of quick and inexpensive checks which can be made to verify an address, such as searching the electoral role, requiring the production of Council Tax information or going to a credit reference agency. A planning authority can serve a Planning Contravention Notice setting as many questions as they require to be answered by the park owner and the individual caravan owner, and there are sanctions for failing to respond accurately. It is simply not right to say that there is no means of the planning authority verifying the information given in the register.

The conditions set out in the DCLG Guidance have been widely accepted by the Planning Inspectors determining appeals. See the decision letters in respect of the following sites:

Talland Bay

Avon Forest Spa and Lodge

Whitecliffe Holiday Lodges

Bankbottom Farm

Dartmoor View

Redmoor Close, Tavistock

Yours faithfully

TOZERS LLP



Your Ref:

Our Ref: KJT/JB

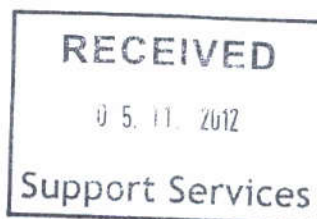
24 February 2012

Mr M Williams MRTPI
Planning Adviser
The Berkeley Leisure Group Ltd
West Coker House
West Coker
YEOVIL
BA22 9BW

Newport House,
Topsham Road,
Exeter. EX2 7DT

Telephone: 01392 874411
Facsimile: 01392 874880

E-mail: info@foxleisure.co.uk
Website: www.foxleisure.co.uk



Dear Mr Williams

RE: HALCYON PARK, POOLES LANE, HULLBRIDGE, ESSEX

We refer to your letter of 27 June 2011 which has been held in abeyance pending your instructions to proceed with a planning application process in respect of the above property. We note you now require an abbreviated Report to assist with completion of the planning application specifically in relation to the likely holiday occupation of the Holiday Homes.

We understand a situation has arisen at the above property whereby the planning status of the Site is split between permanently occupied Mobile Homes (residential) with the remainder of the pitches used for Mobile Homes which can be occupied for 12 months of the year for holiday purposes only. We understand you intend to resubmit a planning application to extend the period of occupation in relation to the Holiday Homes to 12 months with a firm undertaking the use is for holiday occupation only.

As you know, this firm specialises in the sale, valuation and acquisition of both Park Home Estates and Holiday Parks and deals with instructions throughout the UK. Therefore, we are familiar with a number of similar successful planning applications to extend traditional holiday occupation, i.e. 8/10 months, to full 12 month use for holiday purposes only. There is definitely cohesion across the industry sector to satisfy the growing demand for virtual 12 month holiday accommodation for both private occupation and extended holiday letting outside of the traditional holiday season.

To cite a recent case, this firm handled the sale of a Static Holiday Park in Kent trading as Little Venice Caravan Park & Marina at Yalding, near Maidstone and the deal was completed in November 2011. It was already licensed for 120 Holiday Homes unrestricted for 12 months holiday occupation. It is on the River Medway and there was Planning Consent for 95 riverside pontoons/moorings and due to size restrictions (large boats), there were about 75 boats stored.

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Kelvin J. Thomas MRICS

North of England
Scotland

Associated Office:
Kinnaird House,
278 St Vincent Street,
Glasgow, G2 5RL

Telephone: 0141 248 7344
Fax No: 0141 248 7588

Allan McLaren MRICS
Cameron McLaren B.Eng (Hons)

24 February 2012

Mr M Williams MRTPI

You will appreciate due to data protection restrictions we are unable to release details of the customer base as such but the profile of the holiday occupation is broadly spread across the following categories:-

1. Second home owners for family and friends only.
2. Second home owners for family mainly used over the main summer holidays, weekends, half terms, bank holidays and out of season use and not sublet to the general public.
3. Second home owners owning boats mainly used for extended holiday occupation in conjunction with boating activities at any time of the year.
4. To a lesser extent, second home ownership for investment and subletting at any time of the year.

It is worthy of note the purchasers of the above property also own an existing Caravan Park on the North Kent coast. To consolidate business activities between the two locations, the clients have recently undertaken a successful planning process to extend the permitted historic occupation from 1 March to 31 October (8 months) to full 12 month holiday use. The planning process was successful. If you provide us with your email address, we will send you the link to follow the planning application on this particular Park.

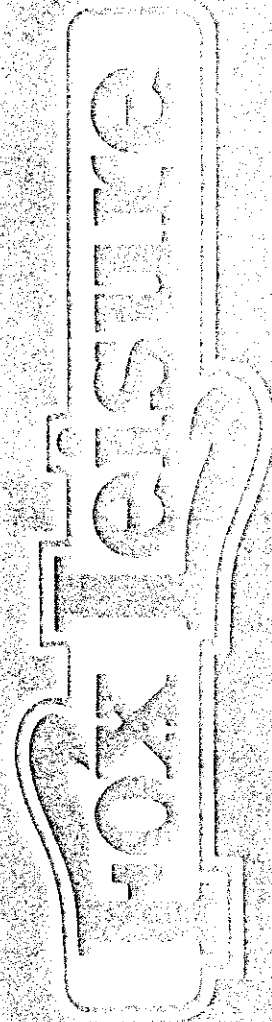
To conclude, it is clear to us there is a general sea change within the industry sector to enhance traditional Holiday Parks from the seasonality of the 8/10 month holiday season to full year-round, 12 month trading entities. There is a growing demand for extended holiday occupation as leisure time expands in parallel with the advancement in the standard, quality and range of Holiday Homes to accommodate out-of-season or extended holiday occupation.

We hope the above evidence is of some assistance and is merely a snapshot of many other recent examples which we anticipate will manifest into the further consolidation of virtual or actual year-round holiday operations. We confirm you may disclose this abbreviated Report as part of your planning process and hope the application is successful in tune with a number of recent precedents set by similar successful planning applications. We trust this is helpful and should you require any further background information, evidence or support for your application, please do come back to us at any time.

Yours sincerely



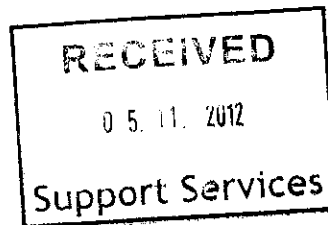
K J Thomas MRICS Registered Valuer
Managing Director
FOX LEISURE



Mrs A Barber
Hannah-Reed
Telford House Cow Lane
Fulbourn
Cambridge
CB21 5HB

Our ref: AE/2011/112821/04-L01
Your ref: AJB/SCD/C-211119

Date: 12 January 2012



Dear Mrs Barber

**APPLICATION TO REMOVE CONDITION 1 TO PLANNING PERMISSION
EEC/ROC/581/62 DATED 5TH NOVEMBER 1963 (AS REVISED BY APPEAL
DECISION TO APPLICATION ROC/546/82 DATED 17TH AUGUST 1983)**

HALCYON PARK POOLES LANE HULLBRIDGE HOCKLEY

Thank you for consulting us regarding a Flood Risk Assessment (FRA) referenced C-211119/AJB/Dec2011.

Environment Agency position

At present we cannot agree to the proposed removal of the condition as the FRA has not been accompanied by a Flood Evacuation Plan (FEP). As prior warning and evacuation will be the sole basis for safety at the site this should be produced in advance with the FRA to demonstrate its suitability to the site.

The FRA has been used to demonstrate that while the site is protected by defences up to a level of 5.14m AOD if these defences were to be breached during a 1 in 200 year flood event with the addition of climate change the site could experience flood depths of up to 4.5m.

As the proposed FEP is to be used to mitigate against these residual risks it should be completed in advance and submitted with the FRA to have its feasibility assessed.

Once the FEP has been completed and submitted we maybe in a position to remove our objection and allow the Local Authority in conjunction with their Emergency Planners decide if evacuation is suitable.

Note to LPA:

Section 4.2 of the FRA indicates that at present the site is classed as 'More vulnerable' and that it will remain this way after the removal of this condition. Table D.2 of Planning Policy Statement 25 (PPS25) however indicates that caravans, mobile homes and park homes intended for permanent residential use should be classed as 'Highly vulnerable' and as such development should not be permitted in Flood Zone 3 according to Table D.3 of PPS25.

The LPA should decide if they are satisfied that the removal of this condition will not mean the site becomes a site of permanent residential use, therefore a Highly Vulnerable development.

If you wish to discuss the FRA or FEP requirements further please contact Sean Mullins, Development and Flood Risk Officer, on 01473 706370.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Black'.

Mrs Lindsay Black
Planning Liaison Officer

Direct dial 01473 706820

Direct fax 01473 271320

Direct e-mail lindsay.black@environment-agency.gov.uk

The
Berkeley
Leisure
Group Limited

16th February 2012

Registered Office:

West Coker House
West Coker,
Yeovil, Somerset,
BA22 9BW
Tel: (01935) 862079
Fax: (01935) 863554
E-mail: sales@berkeleyparks.co.uk
www.berkeleyparks.co.uk

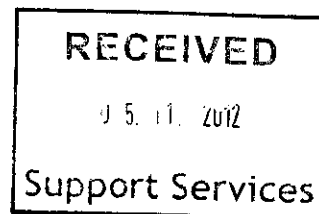


Our Ref:

MW/JML

Your Ref:

Miss K Rodgers
Rochford District Council
Planning Department
3-19 South Street
ROCHFORD
Essex
SS4 1BW



0702 318191.

Dear Miss Rodgers

Re: Application No. 11/00037/FUL – Halcyon Park, Pooles Lane, Hullbridge

You will recall the above application that was subsequently withdrawn when it was realised that you were recommending refusal on flood risk grounds. Since then the applicants through Consulting Engineers has liaised with the Environmental Agency and your Emergency Planning Officer to prepare a Flood Risk Assessment and Flood Evacuation Plan.

I can provide you with copies of the documents if you so wish but I also need your advice on the next steps. As you will recall you were taking the view that the extension of the occupation period for holiday purposes from ten months to twelve months meant that the use was "highly vulnerable" in the context of Planning Policy Statement 25.

The applicants do not agree with that opinion and legal advice confirms this. Essentially, it is considered that the extension of the period to twelve months is not the issue. It is instead on what basis the mobile homes would be occupied during that period of time. Their occupation for holiday purposes for twelve months would not mean permanent occupation given the conditions that can be imposed and therefore it is considered that the use should be classified as "more vulnerable" in the context of Planning Policy Statement 25.

I would like to be able to agree this issue with you and I am wondering how we can take it forward. As you appreciate there are still other issues that have to be satisfied to make the application acceptable and these will need discussion with you.

If you consider that a meeting would be worthwhile, then please contact me so that a mutually convenient time can be agreed.

Yours sincerely

MICHAEL WILLIAMS MRTPI
PLANNING ADVISOR

Copy: JRB / File

OFFICES AND PARKS LOCATED IN: ADDLESTONE, BEDFORD, BOURNEMOUTH, BOVEY TRACEY, BRISTOL, BUILTH WELLS, BURY ST. EDMUNDS, CALLINGTON, CAMBORNE, CHELMSFORD, CHERTSEY, CRAWLEY, CROYDON, DEAL, ELSTREE, EXETER, FERNDOWN, GOSFORTH, GRANTHAM, HAILSHAM, HATFIELD, HULLBRIDGE, ILMINSTER, LANCING, LLANTWIT MAJOR, NEWHAVEN, NEWPORT, OXFORD, PETERBOROUGH, ROCHESTER, ST. IVES, SHERBORNE, SKEGNESS, SOUTHAMPTON, SWANAGE, TAUNTON, TONBRIDGE, WARSASH, WEST HANNINGFIELD, YEovil.



Appeal Decision

Inquiry held on 17-18th November 2009
Site visit made on 19 November 2009

by **Mike Robins** MSc BSc(Hons) MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@plins.gsi.gov.uk

Decision date:
29 January 2010

Appeal Ref: APP/Q1153/A/09/2108933

**Land North East of Redmoor Close, Butcher Park Hill, Tavistock,
Devon PL19 0ER**

- 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 3H Investments Ltd against the decision of West Devon Borough Council.
- The application Ref 12806/2009/TAV, dated 09 April 2009, was refused by notice dated 23 June 2009.
- The development proposed is the change of use of land to the siting of 52 timber clad caravans, access works, landscaping and erection of an administration building.

Summary of Decision: I allow the appeal subject to conditions

RECEIVED

05.11.2012

Support Services

Procedural Matters

1. For reasons of precision I have used the Council's site location details.
2. A signed Statement of Common Ground, (SOCG) was submitted to the inquiry. This addressed agreed details of the site and surroundings and confirmation of matters not in contention.

Main issues

3. I consider that there are three main issues in this case: firstly, whether there is a need for the proposal sufficient to outweigh the aims of adopted local planning policies which seek to restrict development within the countryside; secondly, the effect of the development on the character and appearance of the surrounding countryside; and thirdly, the effect on highway safety.

Reasons

4. The appeal site comprises a series of enclosed fields of approximately 5.67 hectares, set on the edge of Tavistock. The fields are currently semi-improved grazing land with some substantial Devon Bank hedges, notably adjacent to the road which runs north from Tavistock towards Brentor. The site slopes down from its north west corner, with the southern and eastern boundaries in particular, having stands of mature trees.
5. The site is located just outside of the settlement boundary, but is within walking distance of the services and facilities available in Tavistock. Access to the site would be via Butcher Park Hill which, on leaving Tavistock, passes up through a deep cutting and then levels out, becoming a fairly typical country lane enclosed between Devon Banks. Beyond the appeal site the road passes entrances to a number of agricultural buildings and dwellings as well as the Hurdwick Golf Club, approximately 1 km to the north. Highway works are proposed as part of the

scheme to provide a footpath and lighting through part of the cutting, connecting the southern pedestrian entrance of the proposed site with the footpath on Butcher Park Hill.

6. Tavistock itself, defined in the West Devon Borough Council Local Plan Review, adopted 2005, (the Local Plan), as an Area Centre, lies alongside the Tavy River in a natural bowl surrounded by low hills; the appeal site sits on the upper slope of one of these hills. Immediately to the south of the site are allotments and the nearest properties are to the southwest in Redmoor Close. A number of other dwellings are found approximately 400m to the east along Kilworthy Road.

Need

7. While planning policy generally militates against new development in the countryside, this proposal is for a change of use to provide tourist accommodation. A rural location for such a use can be appropriate and this is reflected in Planning Policy Statement 7 - *Sustainable Development in Rural Areas* (PPS7) and in the Good Practice Guide on Planning for Tourism (the GPG). These state that planning authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes. They further acknowledge that new sites that are close to existing settlements are generally more sustainable.
8. As a tourism related development this proposal falls to be considered against specific tourism policies in the development plan. This includes the Devon Structure Plan, adopted 2004, (the Structure Plan), which differentiates on development size and location. This states that large developments, those in excess of 100 bed spaces, should be accommodated in resorts, Policy TO1, or in Area Centres, Policy TO2. As a general principle it suggests large-scale development should not be located in rural areas, which are dealt with under Policy TO3, the criteria of which does not include new holiday parks.
9. In addition the plan specifically identifies that holiday parks should be considered under Policy TO1 and TO3. This proposal is not within a resort area and therefore would not comply with a strict interpretation of these policies. However, the plan does identify future growth in rural tourism, compensating for the reduced market share in traditional resorts. It also seeks to increase the length of the season and improve the quality of accommodation. These aims are reflected in the regional strategy for rural tourism, *Towards 2015: The Rural Dimension*, which identifies that such improvements include the development of 'lodge type' accommodation.
10. The appellants have put forward a comprehensive assessment detailing a general trend moving away from traditional resort based accommodation towards an emerging, growing market in higher quality, rural based lodge parks. As identified above, while this scheme would not comply with the Structure Plan policies it would respond to this trend and to the aims and objectives of the plan and regional strategies on tourism. In addition, later policy including that within the Local Plan, PPS7 and the GPG, clearly accept the principle of holiday parks in rural areas, albeit directing them to locations well-related to existing centres. This is further reinforced by recent national policy guidance on these matters set out in Planning Policy Statement 4 - *Planning for Sustainable Economic Growth*, paragraph EC7.1.
11. The emerging South West Regional Spatial Strategy, which is well advanced and therefore can be accorded some weight, reflects on changes in tourism

emphasising again the need for improvement in the quality of accommodation provision and that account should be taken of emerging trends driving the consumer market place. Overall I consider that the scheme, subject to compliance with other policies considered below, meets the aims and objectives for tourism development. It also responds directly to more recent and emerging policies. Together I consider these factors amount to relevant material considerations that outweigh its non-compliance with Policies TO1 and TO3.

12. These policies nonetheless establish a principle that new tourist accommodation schemes should be subject to an assessment of need, and this is supported by PPS7, which identifies that authorities should plan for 'adequate facilities'. This is set out in the Local Plan, specifically Policy TLS2, the second part of which states that where the local planning authority considers that existing provision is inadequate the development of new sites will be permitted subject to certain criteria.
13. The Council suggest that the existing provision of caravan/camping sites is adequate in this area and that any assessment should be a purely quantitative one of the sector as a whole, although they concede that there may be some differentiation between mobile and static provision. The appellants' view is that the differing types of facilities within the generic caravan/camping descriptor must be assessed separately or quantitatively, in response to changing market demands. They have set out evidence which indicates a growing demand for, and under provision of, lodge accommodation in West Devon, and suggest that for such an important visitor destination as Tavistock, the provision of lodges here is only in its infancy.
14. Policy TLS2 is not explicit that the adequacy of provision is qualitative, despite references which differentiate some types of facilities within camping/caravanning sites generally. Nonetheless, reasonable interpretation would suggest that adequacy must include sufficient provision to respond to the different markets, thus ensuring provision of an appropriate diversity of accommodation. Although I would acknowledge there is some overlap between facilities, I am satisfied that there is a difference between traditional static caravans and lodge accommodation which needs to be reflected in provision.
15. When the plan was drafted it envisioned the collection of a specific evidence base to support this policy and assess demand within the Borough. Unfortunately the Council have not carried out the identified survey, which would have included a quality component. The evidence on this matter submitted to the inquiry consisted of that collected by the appellants, including a limited survey of local sites and a comprehensive assessment of market trends, the Council's recent but limited survey of the local static and lodge sites and County wide trend data produced annually with specific data covering West Devon, Devon Trends 2001 to 2007.
16. I consider the appellants' survey data, although indicative of high levels of occupancy, limited in that it only provided a snapshot of certain days in the season. That of the Council, which showed lower occupancy rates, I consider somewhat compromised by its limited range, detail and accuracy of responses. It showed significant variations between 2008 and 2009 and figures representing use exceeding available capacity. I have therefore primarily considered the evidence presented within Devon Trends against the uncontested evidence of the national

trend towards high quality lodge type developments, put forward by the appellants.

17. The Councils' interpretation of need focussed on capacity against demand, and suggests that the evidence from Devon Trends confirms a general decline in holiday park occupancy in the County, from an 85.5% peak in 2000 to 67.3% peak in 2007, and that data for West Devon show parks are not at full capacity during peak periods.
18. My own assessment, and the submissions of the appellants, is that this is not reflective of the local picture. While there has been an overall decline in holiday park occupancy in Devon, recorded tourist nights per district allows assessment of the local situation. In this case it appears that West Devon has not followed this trend, indeed it shows year on year increases in tourist nights at holiday parks. Over the period reported it also shows an increase in average occupancy against a reducing capacity in the Borough, from 650 tourists against a capacity of 1030 units in 2001, to 800 against a capacity of 920 in 2007. While the Council identify this as representing only 87% peak occupancy, this is a significant increase on the 2001 figure of 63%.
19. I accept that these figures are not specific to Tavistock, nonetheless they support the contention by the appellants, and the trend highlighted in strategies and plans, that the reducing caravan market in coastal resort areas is not replicated in rural areas. I am further persuaded that within the holiday park market there is a move towards higher quality lodge style parks away from the standard static parks, which is further supported by increasing short breaks taken over a longer season.
20. This proposal would represent a high quality development of this nature. Although some quality aspects, such as internal fitments, would be outside of immediate planning control, the timber lodges would be within an extensive landscaped layout, providing significantly greater space around units in comparison to typical static caravan sites. The number of units and level of landscaping can be controlled by conditions, as can the quality of the external finish.
21. The Local Plan recognises that tourism is a main contributor to the economy of West Devon, and identifies Tavistock as the 'gateway' to Dartmoor, the Borough's most obvious asset, as well as a key centre for the neighbouring Tamar Valley AONB. The analysis of general market trends and evidence of County wide trends suggests that this is an area well placed to respond to the increasing levels of tourism and new markets associated with lodge style properties, of which very few are present in the parks local to Tavistock.
22. I am satisfied that, on the evidence submitted, there would be insufficient provision in this area to respond to current and emerging demand for this type of development. The scheme would therefore comply with Policy TLS2 in this regard. Subject to further considerations below, it would also comply with Policy NE10 of the Local Plan, which seeks to control development within the countryside and outside settlement limits.

Character and Appearance

23. Both national policy and guidance and the development plan reflect that while tourist accommodation of this type can be located in the countryside, it must be carefully weighed against the need to protect the distinctive landscape character of

the area. While this proposal would be well-related to Tavistock, and the sustainability of the location weighs in its favour, it is in the countryside and could result in significant visual impacts which could prejudice the character and appearance of the area.

24. I am satisfied that the scheme has been put forward following a comprehensive assessment of the site and surrounding landscape. As such the layout of the units and the substantial planting, both reinforcing the hedge boundaries and introducing new trees, could assist in mitigating this impact. However, changes to the existing character and appearance of the site would occur and views of the proposed lodges, roads and administration building would remain.
25. A public footpath runs up the western side of the road and currently looks out over the site towards Dartmoor. The roadside hedge banks limit views into the site itself, but users here would have a clear perception of significant change, including the additional planting as well as the tops of lodges and the administration building. Similar views, but at greater distance would arise for some residents of the dwellings to the rear of Redwood Close, as well as from the top of the cutting, from where, particularly in winter, one or more of the timber lodges would be visible.
26. Longer views would be available from within Tavistock and from the dwellings to Kilworthy Road. At significant distance other viewpoints within the wider countryside and Dartmoor National Park to the east are available, although I do not consider that there would be any material perception of development from these, other than a slight change in the landscape.
27. The scheme would result in retention of existing vegetation and a substantial increase in tree cover on the site, softening and screening much of the lodges and interconnecting gravelled access roads. None of the views would perceive the site as a whole; indeed for a site so closely related to the town I consider that it would have limited presence other than an increased perception of woodland cover at the skyline.
28. I do not concur with the Council's concern regarding views from the viaduct. Only a very limited field of view could be obtained from approximately 600m away and any glimpses of roof lines past the reinforced screening would be minimal. Although the bulk of Tavistock is set within a natural bowl and some surrounding hills are open or wooded, development on these flanks is present, both close to the appeal site, at Redmoor Close, and on other sides of the town. While there would be a perceived change from grassland to more wooded cover, pockets of woodland are clearly visible around the area and characteristic of the landscape.
29. In relation to the closer views, the increased hedge height and additional planting would assist in screening the development, but it is not suggested that the lodges would be hidden from all views, nor would the full measure of screening be achieved until there had been some maturing of the new planting. Therefore to occupants of the houses or walkers on the path, the immediate impression would be of an extension to the woodland cover within which would be perceived the lodges, whose timber cladding would be recessive in the landscape. Overall I consider that the change would not be to an urban form, but a woodland transition which would not result in material harm to the character or appearance of the area.

30. Concerns were raised regarding the new planting obscuring views from the footpath towards Dartmoor. There is no question that this would be an outcome of the scheme, but it would represent only a limited part of the views available to walkers, replacing an open vista at this point with a predominantly wooded one. Overall the impact is insufficient to alter my decision on the overall benefits of this scheme.
31. The proposal also includes the introduction of a footway to one side of the road through the cutting. The Council contend that this section presents as a gateway, an abrupt transition which defines the edge of the developed part of the town from the countryside beyond. While the footway and lighting would extend some urban elements into the cutting, this part of the cutting is already within the defined settlement boundary and I am unconvinced that this would significantly alter the perception of transition for drivers using the road. For those travelling south, Tavistock is open to views from the southern edge of the site anyway, and for those travelling north a more gradual transition may be different to that existing, but would not be materially harmful to the character.
32. Within the site the movement of cars would not be a major component of views with the access roads well confined within hedging and the landscaping of the scheme as a whole. The low level lighting proposed for the internal roads and public areas, which can be controlled by condition, would have limited impact outside of the site.
33. Visibility splays are a necessary requirement for the proposed vehicular entrance and would entail the moving of part of the existing Devon Bank. The likely outcome of this procedure, known as a shunt, was challenged, but I am satisfied that it would be achievable with minimal harm to the functioning character of the hedge. The management of the shunt and the future maintenance of the altered section can be secured by condition.
34. While it would change the immediate character established here by the tightly enclosing banks either side of the road, this slight set back would be reflective of similar recessed boundaries associated with other entrances along the road and would not materially harm the character of the area.
35. In conclusion, the site is located on the edge of the town and outside of the nearby Dartmoor National Park and AONB. It would introduce a significant increase in the levels of planting and trees which to longer views would be perceived as a woodland extension. To closer views the lodges and roads would be visible, but be within an overall landscape setting which, even in winter, would reflect transition to countryside and not significant harm to character and appearance.
36. The scheme has been landscape led and reflects the natural landform with a significantly more dispersed and less uniform layout than static holiday parks typical of resort areas. Consequently, I consider that the scheme does address landscape concerns and complies with Local Plan Policies NE10 and TLS2 in this regard.

Highway Safety

37. I am satisfied that the visibility splays proposed for the main vehicular entrance would be sufficient to protect the safety of the users of the road at this point. However, the accessibility of the site to walkers and cyclists would be

compromised by the existing road section through the cutting without the proposed footway and pedestrian crossing. Neither the Council nor the Highway Authority has specific highway safety concerns regarding the proposed access, or footway, and the scheme has been subject to a safety audit. These proposals, however, would represent significant changes to the road network at this point.

38. Increases in traffic movements associated with the proposal have been assessed, and I concur that they would be insufficient to result in a significant additional contribution to the risk of users of the highway network here. I note local concerns regarding potential increased HGV use through expansion of the Hayedown Recycling site, but have no information on which to assess any change in traffic patterns associated with this or its influence on highway safety.
39. The proposed footway would reduce the width of the road and I sympathise with local concerns regarding this, the proposed pedestrian crossing and any effect on the access to the allotments. However, the road narrowing, which would only significantly effect the passing of two HGVs, would be reflective of road conditions along Butcher Park Hill as it rises out of Tavistock, where car parking, poor alignment and narrow sections all contribute to a poor road for larger vehicles. As identified in the safety audit, the meeting of HGVs would be a relatively unusual occurrence and the narrowing would serve to encourage lower speeds through this section generally.
40. The access to and from the allotments has very poor visibility currently. The introduction of the footway would not make this worse and may, through provision of some additional width to allow for cars to emerge from the access, improve the situation.
41. While I accept this is a steeply sloping stretch of road, visibilities for users of the proposed crossing would be sufficient within a 30 mph zone, to perceive vehicles and be perceived. I do not consider therefore that this would lead to material additional risk to safety of users at this point, and again may contribute to management of speed generally, and benefit users of the allotment access.
42. The scheme would therefore comply with Local Plan Policy T9 and Structure Plan Policy TR10, which state that developments would not be permitted where they adversely affect the functioning of the highway network in terms of road safety.

Other Matters

43. The scheme would establish a substantial holiday accommodation facility in a sustainable location and would introduce employment opportunities and visitor spending to the area. The appellants have proposed a Travel Plan to be secured by condition, which would help reduce vehicular use of the site, provide for a minibus, encourage cycling and walking and contribute to the overall sustainability of the proposal.
44. These matters add weight in favour of the scheme, although I note that there are other matters of concern. The Council suggest that the low density nature would be at odds with the efficient use of land. I disagree as the national focus of increasing densities relates predominantly to housing, and the extensive layout here contributes to the quality of the scheme and its overall landscape impact. I also note concerns of the local residents with regard to lighting in the cutting. The proposed lighting stands would be lower than the top of the cutting and, coupled

with the fencing and vegetation along the top, should not result in significant levels of light affecting residents in Redmoor Close.

45. Regarding security concerns at the allotments, the existing bank and hedge on the southern boundary is sparse in places, but still forms a substantial barrier which will be strengthened by the proposal. I see no reason why the likely users of this site should represent a security risk to the allotments. The site would not have a centralised entertainment facility and I would not anticipate significant levels of noise would be perceived in light of the substantial vegetation and separation of the majority of lodges from neighbouring properties.

Conclusion

46. This is a well designed and extensively landscaped scheme to provide high quality timber lodges in an area of acknowledged attraction to incoming holidaymakers. Existing provision is limited for this type of facility and national and local trends strongly suggest this will be a growing market likely to introduce extended seasonal bookings. Although the site is within the countryside it is nonetheless very well-related to Tavistock and sustainable in its location and approach.
47. The scheme fits well with tourism strategies for the area and its overall benefits outweigh its non-compliance with a strict interpretation of the Structure Plan policies. The scheme would result in a change to the appearance and landscape character of the area, but would be designed such that the impacts would be acceptable.

Conditions

48. Conditions were put forward by the Council and reviewed by both parties; I have considered them against the requirements of Circular 11/95. In addition to a standard implementation condition, and for the avoidance of doubt and in the interests of proper planning, I have also required compliance with submitted plans.
49. I have imposed conditions related to protection of the character and appearance of this countryside setting including one related to holiday occupancy, as residential dwellings would not be appropriate here. These conditions address landscaping matters, but also long term maintenance of the approved layout and finishes including: the number, siting and external finish of the lodges; external materials used for the administration building; the construction of the roads; and low level lighting of the public areas. In addition, to ensure that the hedgerow and bank to the public road are properly retained, I have imposed conditions regarding the shunt. I do not consider that a condition restricting further fencing within the site is reasonable or necessary.
50. To protect highway safety and enhance accessibility of the site, I have imposed conditions relating to the provision and maintenance of visibility splays, and delivery of the proposed highway works to the cutting. In the absence of a detailed topographical survey, I have also sought further information on levels of the proposed structures.
51. The sustainability of this proposal weighs in its favour and a condition requiring final submission of the offered Travel Plan is necessary. A comprehensive ecological assessment was carried out, but to ensure all recommendations are implemented I have covered this by condition, and in light of the site location

upslope of a known flooding area, I have required submission of details of construction and maintenance of surface water drainage.

52. I have not imposed the requested condition relating to restoration of the site, as this would be unreasonable for a comprehensive and permanent change of use proposal such as this. Nor have I imposed conditions relating to the alterations to the administration building, as I have acceptable details of a permanent building before me. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the guidance in Circular 11/95.

Formal Decision

53. I allow the appeal, and grant planning permission for a change of use of land to the siting of 52 timber clad caravans, access works, landscaping and erection of an administration building on land North East of Redmoor Close, Butcher Park Hill, Tavistock, Devon PL19 0ER in accordance with the terms of the application, Ref 12806/2009/TAV, dated 09 April 2009, subject to the following conditions:

- 1) The development hereby permitted shall begin not 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: RSK/H/P41211/02/001 Rev C, RSK/H/P41211/02/002 and RSK/H/P41211/02/003.
- 3) The caravans are to be occupied for holiday purposes only. The caravans shall not be occupied as a person's sole or main place of residence; the owner/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site and their main home address and shall make this information available at all reasonable times to the local planning authority. The register required shall normally be collated by the caravan site licence holder or his/her nominated person.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Details shall include the location, species and spread of all trees, shrubs, hedges, hard landscaping and boundary treatment, and shall identify those which are to be retained and those to be removed. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities. The scheme shall include a phased programme for the implementation of hard and soft landscaping works. The approved works shall then be carried in accordance with the agreed scheme and programme. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 5) No more than 52 caravans shall be stationed on the land at any time.
- 6) Caravans shall be sited in accordance with the layout shown on the approved plan ref RSK/H/P41211/02/001 Rev C.

- 7) No development shall take place until details of the external appearance and materials for the external surfaces of the caravans have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and the introduction of any replacement caravans shall be in accordance with these approved details.
- 8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the administration building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place until details of the construction of the internal access roads have been submitted to and approved in writing by the local planning authority. The roads shall be laid out in accordance with the approved details prior to first use of the site, and shall thereafter be permanently retained.
- 10) No development shall take place until details of the type and location of the external lighting used within the public areas and along internal roads of the site, have been submitted to and approved in writing by the local planning authority. The lighting scheme shall be implemented in accordance with the approved details prior to first use of the site, and shall thereafter be permanently retained.
- 11) The hedgerow shunt, required to create visibility splays, shall not take place until a methodology, together with a full specification for a replacement hedge bank to be implemented in the event of the shunt failing, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved methodology prior to first use of the site.
- 12) Should any part of the hedge subject to the shunt die, the hedge bank shall be replaced in that section in accordance with the specification set out in Condition 11 within six months of the local planning authority requesting such replacement in writing.
- 13) No caravan within the site shall be occupied until the access from and associated visibility splays to the public highway have been completed in accordance with the approved plans.
- 14) No structure or erection exceeding 0.6 metres in height shall be placed within the visibility splays referred to in Condition 13.
- 15) No caravan within the site shall be occupied until the footpath link and lighting on Butcher Park Hill have been fully completed in accordance with a detailed scheme which shall be submitted to and approved in writing by the local planning authority.
- 16) No development shall take place until details of the proposed levels for each caravan and the administration building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the levels shall thereafter be permanently retained.

- 17) No caravan within the site shall be occupied until a Travel Plan, to include provision of a minibus, and a timetable for its implementation has been submitted to and approved in writing by the local planning authority. The approved Travel Plan shall then be implemented in accordance with the agreed timetable.
- 18) No development shall take place until a timetable to deliver the recommended measures in the submitted ecological survey, dated 24 October 2008, has been submitted to and approved in writing by the local planning authority. The recommended measures shall be implemented in accordance with the agreed timetable.
- 19) No caravan hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development.

Mike Robins

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Gover	Instructed by West Devon Borough Council.
He called Jane Hart MSc, BA, MRTPI	Chief Planning Officer, West Devon Borough Council.
Nadine Trout HND	Tourism Manager, West Devon Borough Council.
Stephen Kirkpatrick BSc, BLD, CMLI	Consultant, Chris Blandford Associates.

FOR THE APPELLANT:

Mr Albutt, of Counsel	Instructed by Goodwin Planning Services.
He called Stephen Goodwin BA(Hons), MCD, MRTPI	Goodwin Planning Services.
Martin Taylor BA(Hons), BTP, MRTPI, MIED, MTS	HLL Humberts Leisure Ltd.
Jennifer Wilson Dip.LA, CMLI	RSK Environmental Ltd

INTERESTED PERSONS:

Mr Spry	Local resident.
Mr Harrison	Local resident.
Mr Wylie	Local resident.

DOCUMENTS

- 1 Council's Letter of Notification, dated 26 August 2009.
- 2 Extract West Devon Borough Council Local Plan Review, P 48 and 50.
- 3 Graph – data from Devon Trends 2001 – 2007.
- 4 E-mails between S Kirkpatrick and Devon County Council re Shunt.
- 5 Natural England's response to application, dated 05/02/2009.
- 6 Draft conditions.

PLANS

- A Example of pine lodge dimensions.
- B Revised plan detailing cross section and relationship with viaduct.
- C Plan showing recreational open space on site.
- D Map showing location of Hayedown recycling site.

PHOTOGRAPHS

- 1 A3 enlargement of Photograph O from evidence of S Kirkpatrick



Appeal Decision

Site visit made on 26 April 2004

by **Anthony Thickett BA(Hons) BTP MRTPI DipRSA**

an Inspector appointed by the First Secretary of State

RECEIVED

15.11.2012

Support Services

The Planning Inspectorate
109 Kite Wing
Temple Quay House
The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail enquiries@planning-
inspectorate.gsi.gov.uk

Date

12 MAY 2004

Appeal Ref: APP/H1033/A/04/1138026

Bankbottom Farm Caravan Park, Boggard Lane, Charlesworth, Glossop, Derbyshire, SK13 5HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mark Clare against the decision of High Peak Borough Council.
- The application (Ref. HPK/2003/0470), dated 28 May 2003, was granted planning permission by the Council on 5 August 2003 subject to conditions.
- The development permitted is the extension of the permitted season for 8 static caravans from 1 March to 30 October to 1 March to 16 January on application HPK/2002/0884.
- The condition in dispute is No. 2 which states that:
'The static caravans hereby permitted to be occupied between 1 March and 14 January in the following year must not be occupied for more than 28 days by any one occupier'.
- The reason given for the condition is:
'In order for the Local Planning Authority to retain control over future developments at the site in the interests of amenity'.

Summary of Decision: The appeal is allowed and the planning permission varied.

Procedural Matters

1. The description of the development permitted set out above is that given on the decision notice issued by the Council. The appellant indicates on the appeal form that the description of development has not changed from that given on the application form. However, on the application form the end date for the season is 16 December and there is no reference to an earlier application. In addition, the date of 14 January in condition 2 contradicts that given in the description of the development permitted in the decision notice.
2. The parties' views were sought with regard to the above. The Council state that the application form submitted to them gives an end date of 16 January and that the date of 14 January in condition 2 '*was probably a typographical error*'. Both parties are content that I determine this appeal on the basis of the development permitted set out in the decision notice and I shall proceed on that basis.

Main Issue

3. I consider the main issue in this case to be the whether the removal of condition 2 of planning permission HPK/2003/0470 would conflict with national and local policies designed to protect the countryside.

Planning Policy

4. The development plan for the area includes the High Peak Local Plan 1998. The site lies in the open countryside outside a built up area and is in the Green Belt. Policy GD.4 states

that in the countryside permission will only be granted for development appropriate to a rural area. Tourist facilities are listed in Policy OC.1 as one of the types of development which may be permissible in the countryside. The general presumption against inappropriate development in the Green Belt is set out in policy GD.5. The site also lies in a Special Landscape Area wherein under Policies GD.6 and OC.3 regard is to be given to the protection of its special landscape quality and character. Policies T.3 and T.4 relate to tourist accommodation, touring caravan and campsites and both state that conditions will be imposed to prevent permanent occupation of holiday accommodation.

5. The above aims are carried forward by Policies OC1, OC2, OC3, LT12 and LT13 of the High Peak Local Plan, Revised Deposit Draft January 2003. Nothing has been submitted in this case to indicate the stage reached by the emerging Local Plan in its progress towards adoption or to show that the policies relevant to this appeal are not subject to objection. I shall, therefore, in light of the advice in paragraph 48 of Planning Policy Guidance Note 1, General Policy and Principles (PPG1) afford the emerging plan limited weight in this case.
6. Advice regarding tourism and development in the countryside can be found in Planning Policy Guidance Note 7, The Countryside-Environmental Quality and Economic and Social Development (PPG7) and Planning Policy Guidance Note 21, Tourism (PPG21). Also relevant is Circular 11/95 'The Use of Conditions in Planning Permissions'.

Reasons

7. There is no dispute that there have been caravans at Bankbottom Farm for around 50 years. The lawfulness of the use is confirmed by the issue by the Council on 25 March 2003 of a Certificate of Lawful Use or Development. The use described as lawful by the certificate is *'Use as a holiday caravan park for 8 static holiday caravans between 1st March and 30th October every year and one permanently residential static caravan'*. The planning permission subject to this appeal in effect extends the season by granting permission for the use of the site between 1 March and 16 January. This permission stands apart from the Certificate of Lawful Use or Development and the Council cannot rely on the description of development in the Certificate to ensure holiday occupation outside the dates set out in the Certificate.
8. The site lies in the open countryside and the Green Belt. It is common ground that in such areas national and local policy resist residential development unless it is essential to meet the needs of agriculture or other activities appropriate to a rural area. It is also common ground that in order to prevent permanent residential occupation, which would be contrary to national and local policy, a condition is required to control the occupancy of the caravans. I do not consider that Condition 2 of planning permission HPK/2003/0470 achieves this.
9. The condition does not prevent any one occupier living in a caravan for 28 days, spending a day away and then returning for another 28 day period of occupation. It could be argued that anyone using one of the 8 caravans as permanent accommodation would only need to spend a day away in any 28 day period to comply with the condition. Although I have assumed that a break of one day would be sufficient the condition is not clear in this regard. In addition, in setting an end date of 14 January the condition conflicts with the description of the development permitted. Whilst it would go too far to say that it nullifies the benefit of the permission, it introduces an element of confusion and leaves the appellant unsure as to what he is permitted to do.

10. To my mind the condition is unnecessary, in that it does not do the job it is meant to do, it is imprecise and it contradicts the permission to which it is attached. In addition, the reason is vague and conflicts with the advice in paragraph 10 of Circular 11/95. Insofar as the condition does not prevent permanent residential accommodation, I conclude that its removal would not conflict with national and local policies to protect the countryside. I shall therefore, allow the appeal but in light of the site's location in the countryside and the Green Belt, I shall substitute the condition with one restricting occupancy along the lines suggested in Circular 11/95 and PPG21.
11. In reaching this conclusion, I have considered the unilateral obligation submitted by the appellant. Whilst this seeks to achieve the same end, I am mindful of the advice in Planning Policy Guidance Note 1, General Policy and Principles (PPG1) and Circular 11/95 that conditions should be used in preference to obligations.

Other matters

12. Local residents are concerned that the removal of the condition would lead to the caravans being occupied permanently and increase traffic along Boggard Lane. The lane is a narrow unmade road unsuitable for large numbers of vehicles. However, the condition I shall impose is designed to ensure that the caravans are not occupied as permanent dwellings and I do not consider that it should result in any additional traffic using the lane.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I consider that the appeal should succeed. I shall vary the planning permission by deleting the disputed conditions and substituting another.

Formal Decision

14. I allow the appeal and vary the planning permission Ref. HPK/2003/0470 for the extension of the permitted season for 8 static caravans from 1 March to 30 October to 1 March to 16 January on application HPK/2002/0884 at Bankbottom Farm Caravan Park, Boggard Lane, Charlesworth, Derbyshire, SK13 5HL granted on 5 August 2003 by High Peak Borough Council, deleting condition 2 and substituting therefor the following condition:
- 2) The caravans subject to this permission shall be used as holiday accommodation only.

A. Thickett

Inspector



Appeal Decision

Site visit made on 1 August 2006

by **Simon Hill MRTPI**

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

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Support Services

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
28 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 13 September 2006

Appeal Ref: APP/Q1153/A/06/2012242

Dartmoor View Holiday Park, Whiddon Down, Okehampton EX20 2QL

- 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 S. Cliff against the decision of West Devon Borough Council.
- The application (Ref.8102/2005/OKE), dated 22 September 2005, was refused by notice dated 6 December 2005.
- The development proposed is change of use of land to static holiday caravans.

Decision

1. I allow the appeal and grant planning permission for change of use of land to static holiday caravans at Dartmoor View Holiday Park, Whiddon Down, Okehampton EX20 2QL in accordance with the terms of the application Ref. 8102/2005/OKE and plans submitted therewith subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The change of use hereby permitted shall not occur until there has been submitted to and approved by the local planning authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land, details of any to be retained, any changes proposed in existing ground levels and details of species, numbers, size and location of all proposed planting. All planting, seeding, turfing or earth moulding indicated in the approved details of landscaping shall be carried out in the first planting/seeding season following commencement of the use. Trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority give specific consent in writing to any variation.
 - 3) The change of use hereby permitted shall not occur until a programme for the phased introduction of no more than 42 static caravans has been submitted to and approved by the local planning authority and caravans thereafter brought on site only in accordance with that programme or amendment to it approved by the authority.
 - 4) The total number of caravans within the land subject of this and previous consents for the Park shall not exceed 157 units in total, comprising 82 static caravans and 35 touring caravan pitches.

- 5) The caravans hereby permitted shall be occupied for holiday purposes only and not as a person's sole or 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 individual caravans and their main home address and shall make this information available at all reasonable times to the local planning authority.

Reasons

2. As the Council considers that the visual impact of the proposal to extend the holiday park on to adjacent land to the west is in principle acceptable, the main issue is whether there is a need for static holiday caravans to justify overriding countryside restraint policies.
3. In the context of the general restraint policy NE10 of the West Devon Local Plan Review (LP), adopted in the March 2005, LP policy TLS2 allows for the extension of existing static and mobile caravan sites in the countryside, subject to certain criteria not at issue in this appeal, where the Local Planning Authority considers that existing provision is inadequate. I consider that the more recent LP policies prevail over those of the Devon Structure Plan 2001-2016, adopted in 2004, which do not allow for the expansion of static caravan sites.
4. National and regional guidance and statements in the development plan identify the importance of tourism to the local economy and, subject to environmental safeguards and protection of special areas (none of which cover the appeal site), encourage certain types of tourism development. Against this background the appellants propose an additional 42 static caravans, in association with a reduction in 40 touring caravan pitches and an improvement of the remaining pitches elsewhere in the Holiday Park. They also cite particular arguments in support, none of which is specifically disputed by the Council, including:

the high take-up of static caravan pitches they have experienced, in line with a general trend towards static and away from touring caravan pitches and the fact 25 static caravan pitches have been lost in the locality, due to the sites being developed for other purposes.

the Council's tourism officer's view that there is demand for additional static caravans in the area and that they provide support to the local economy over a longer season than touring caravans;

the site's favourable location close to but outside more restrictive designations, including the Dartmoor National Park (NP), and with an hourly bus service to Okehampton and Exeter (with train connections) and a Sunday service into the NP.

5. The Council however considers evidence of demand to be no more than an understandable desire by more people to own a holiday home in the countryside, rather than a demonstration of 'a genuine need' that it considers LP policy TLS2 intends. However, like the appellants and the Council's tourism officer, I would anticipate caravans being rented out, providing for a demand for tourist accommodation from more visitors than owners alone. Also, I have no indication of how the Council assesses 'genuine need', or 'inadequate' provision as referred to in the policy. Paragraph 7.5 of the LP states that at the time of its adoption the Council was undertaking, in partnership with the Devon Tourism Authority, a survey of caravan sites to establish demand, occupancy levels and the quality of the existing stock within the Borough. No such study has been produced more than a year after adoption of the LP and as there appears to be no updated programme and the Council

now considers the LP's reference to the study as 'unfortunate', I assume it has been abandoned. This is at odds with Planning Policy Guidance: Tourism (PPG21), in force at the time of the LP preparation, which states that when drawing up development plans local authorities should investigate whether there are adequate facilities for the static holiday caravanner to have a reasonable choice of sites.

6. I judge that those involved in the scrutiny of the LP during preparation would have expected policy TLS2 to be applied with the benefit of the results of the survey, if not supplementary planning guidance. In this case the appellants have had to submit information without the benefit of any published and objective indication by the Council of how it will be assessed, contrary to Planning Policy Statement 1: Delivering Sustainable Development (PPS1), which requires policies to be open and transparent, and thus provide a degree of certainty. I thus reject the Council's view that its own failure to provide figures that might or might not justify the proposal does not undermine application of policy TLS2 in this case.
7. I consider the appellants have provided evidence of need and that the appeal site is well placed to meet it, in accordance with sustainability principles set out in PPS1, Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Guidance 13: Transport. I attach little weight to the Council's concern that the replacement of the touring pitches with static caravans would have a greater visual effect, as it has simultaneously accepted that there would be no adverse visual impact, subject to a landscaping scheme. Neither do I give weight to the view that allowing the appeal would 'open the floodgates' to similar applications, as no other sites have been suggested and the appellants' evidence is that there has been a loss of static sites in the area. In any event each case must be considered primarily on its individual merits in relation to relevant policy.
8. As the appeal site is potentially visible from surrounding countryside, the second condition is necessary to reduce the impact on the environment, in accordance with LP policy TLS2.2 (vii). The third condition reflects agreement that 22 units could be located on the lower best screened part of the site, following the implementation of the landscaping scheme, with the remaining units not introduced until 2007/8 to allow the planting to become effective. The number of caravans that would be located on the appeal site, as indicated by the appellants, is incorporated as maximum, so that the Council would have the opportunity to assess the planning implications of any future increase above 42. The fourth condition adopts the appellants' suggestion of specifying the mix of static and touring pitches within the Park as a whole, allowing the Council to assess the planning implications of any changes proposed.
9. The fifth condition accords with the advice of the Good Practice Guide on Planning for Tourism that, as permission is being granted for a tourism use where other development would not be allowed, the restriction of occupancy to holiday use should be made explicit and information collected to enable the condition to be enforced by the Council, as required by Circular 11/95, in a manner that is not unduly intrusive on the owners or occupants.

Conclusion

10. In view of the above and taking into consideration all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Simon Hill

INSPECTOR



Appeal Decision

Site visit made on 19 October 2009

by **A Clack BA(Hons) BTP MRTPI MBA**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
25 January 2010

Appeal Ref: APP/P1615/A/09/2103429

Whitecliff Holiday Lodges, Whitecliff, Coleford, Gloucestershire, GL16 8NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Bluedyne Ltd against the decision of the Forest of Dean District Council.
- The application Ref P0232/09/FUL, dated 13 February 2009, was refused by notice dated 8 April 2009.
- The application sought planning permission for the erection of 22 holiday lodges and alteration to vehicle access without complying with a condition attached to planning permission Ref DF.9752/A, dated 14 May 1993.
- The condition in dispute is condition b which states that: 'The holiday accommodation for which permission is granted shall only be occupied for a period not exceeding 4 weeks for any single letting and a return within 4 weeks by the same household shall not be permitted. A register of lettings shall be kept available for inspection by officers of the Council'.
- The reason given for the condition is: 'The site is in an area where consent would not normally be granted for permanent residential accommodation and the Local Planning Authority wishes to retain control over the use in the interests of amenity'.

Application for costs

1. An application for costs was made by Bluedyne Ltd against the Forest of Dean District Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal and grant planning permission for the erection of 22 holiday lodges and alteration to vehicle access at Whitecliff Holiday Lodges, Whitecliff, Coleford, Gloucestershire, GL16 8NB in accordance with the application Ref P0232/09/FUL dated 13 February 2009, without compliance with condition b previously imposed on planning permission Ref DF.9752/A dated 14 May 1993 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
 - b) The lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual 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.

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05.01.2012

Support Services

Reasons

3. The appeal site is outside of any defined settlement boundary and as such falls within the open countryside where restrictive policies apply to new residential development. A previous planning consent allowed for the development of a holiday park comprising 22 holiday lodges subject to a condition restricting occupation by any person to no more than 4 weeks for a single letting with no return within 4 weeks by the same household.
4. The appeal proposal seeks to remove the restriction on the length and frequency of occupation of the lodges. From all that I have seen and read I consider that the main issue in this case is the effect of the proposal on the character and appearance of the countryside.
5. Given the location of the site and the rural nature of the surrounding landscape, the approved lodges would be viewed in the context of the topography of the site and the established surrounding vegetation. Given the site layout and design of the lodges, their use in a less restricted manner, including the use of the external areas of the site by occupants, need not in my opinion result in a more domestic appearance or any material change in the overall rural appearance of the site or the surrounding area.
6. Similarly, provided that the lodges are not used as a main residence, the comings and goings from the site would not involve accessing employment and education facilities or social meeting and events. Rather, they are likely to relate primarily to recreation and leisure trips or other trips associated with visitor activities such as accessing entertainment or places to eat. Accordingly, I do not consider that the activity associated with the occupation of the lodges as holiday accommodation would have any unacceptable urbanising effect, result in more car dependency or material change in the number of car movements or could be considered to be comparable to the activity associated with permanent residential accommodation.
7. In support of the appeal proposal the appellant has indicated that despite marketing the site is not attractive to purchasers because of the restriction on the length and frequency of occupancy as set out in the disputed condition. However, notwithstanding the lack of marketing information or the business case demonstrating the viability of the approved scheme, as I have indicated above the issue to be considered in this case is whether condition b is necessary to protect the intrinsic character and appearance of the countryside.
8. Both the Council and the appellant have stated that it will be necessary to replace the disputed condition with another suitably worded condition in order to ensure that the lodges remain as holiday accommodation only. I agree that the suggested condition is necessary and appropriate for holiday park accommodation, and is in accordance with the advice set out in the Government's Publication a *Good Practice Guide on Planning for Tourism*.
9. My conclusion on the main issue is therefore that, subject to a replacement condition, the use of the lodges by occupiers without restriction on frequency or length of stay would not constitute less sustainable development or cause any material harm to the character or appearance of the countryside. Accordingly I

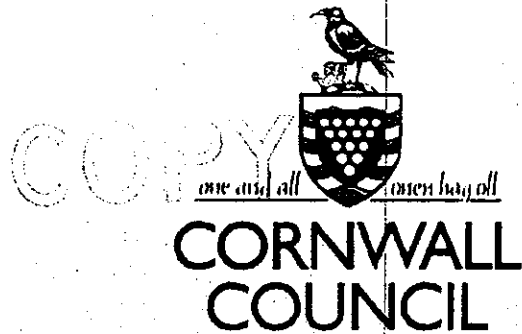
find no conflict with the objectives of Regional Planning Guidance 10; policies S.4, S.6, TSM.1, TSM.3 and NHE.1 of the Gloucestershire Structure Plan, or policies (R)F.Strategy 2, (R)FTRL.2 and (R)FNE.1 of the Forest of Dean District Local Plan Review. These policies together seek to protect the character and appearance of the countryside and natural environment, and promote sustainable tourism and travel in rural areas.

10. The Council has also indicated that the proposed variation in the approved length and frequency of occupation of the holiday lodges would harm the tourism strategy for the area. However, it is clear to me that the lodges would contribute to available visitor accommodation within the area. Whether occupied by shorter or longer stay visitors or for more frequent visits throughout the year the accommodation would continue to be capable of meeting the needs of visitors to the area. I have not been provided with any substantive evidence that there is any unmet demand for short term only accommodation. Indeed, in this particular case the removal of the current restriction would allow for both shorter and longer term holiday usage thereby appealing to a wider visitor market and allowing more flexibility of use during different periods throughout the year in response to the changing demand for holiday accommodation. For these reasons I do not consider that the proposal would not undermine any of the objectives in respect of the promotion of sustainable tourism contained in the policies highlighted above.
11. In reaching my decision I have given careful consideration to the appeal decisions provided by both parties detailing the different approaches adopted by previous Inspectors considering the use of occupancy conditions for holiday accommodation. Although none of the cases cited are directly comparable to the case before me, and in the absence of detailed information about each case, the decisions do demonstrate that the individual circumstances of each site and proposal dictate the particular conditions attached by each Inspector. In this case as the site would comprise solely of holiday lodges, coupled with the nature and design of the lodges themselves, their use as permanent residential occupation is in my view less likely than, for example, the conversion of more permanent, isolated or individual units unrelated to a holiday park. I am satisfied that the condition that I have attached is capable of ensuring that the lodges within the holiday park are not occupied as permanent residential accommodation. I have also noted the approved holiday accommodation at other sites in the locality and I am mindful of the Council's reference to the special circumstances of the original consent. However, each proposal must be considered on its individual planning merits as I have done.
12. For the reasons set out above, and having regard to all other matters raised, I consider that the appeal should be allowed.

A Clack
INSPECTOR

Cornwall Council
Planning and Regeneration
Luxstowe House, Liskeard, Cornwall PL14
3DZ

TOWN & COUNTRY PLANNING ACT 1990
Town and Country Planning (General
Development Procedure) Order 1995 et.
seq.

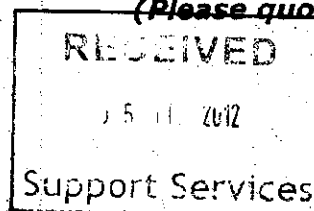


PERMISSION FOR DEVELOPMENT

To: Mr Sean Hodgson
C/O Mrs Deborah McCann
Deborah McCann Consultancy
Formation Zone Room 106
Roland Levinsky Building
Plymouth University
Plymouth
Devon
PL1 8AA

Application No: 09/01171/FUL
UPRN: 0900117

(Please quote on all correspondence)



The **CORNWALL COUNCIL** hereby give permission for the development specified in the plan(s) and application submitted by you on the 7th August 2009 namely:

Construction of 20 holiday units for use 52 weeks per annum. (Revisions to include re-design and siting of units) Application no. 05/00915/FUL approved 13.06.06 refers) on land situate at (Grid Ref: 222985 51633) Talland Barton Park, Polperro, Looe, Cornwall.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. This application has been determined in accordance with approved Development Plan Adopted Policies ALT2 and ALT3 of the Caradon Local Plan First Alteration 2007, Saved Policies CL6, EV7, TM1, TM4 and TM8 of the Caradon Local Plan 1999 and Saved Policies 1, 2, 3, 13 and 26 of the Cornwall Structure Plan 2004. The proposal has been approved because it is considered that the development proposal accords with the said policies and there are no other overriding material considerations which justify refusing planning permission.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be used for holiday accommodation only and for no other purpose including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any equivalent to the class in any statutory instrument revoking and re-enacting that order.

Reason: To prevent the establishment of a permanent residential use contrary to

PERMISSION FOR DEVELOPMENT

Application No: 09/01171/FUL

the planning standards and policies applicable to the area in accordance with Saved Policies TM4 and TM8 of the Caradon Local Plan 1999.

3. All the stone facing to the works hereby permitted shall be of granite or other natural stone laid on its natural bed and completed before the development is brought into first use.

Reason: To ensure that the works are satisfactory in appearance in accordance with Saved Policies CL6 and TM4 of the Caradon Local Plan 1999, Adopted Policy ALT2 of the Caradon Local Plan First Alteration 2007 and Saved Policy 2 of the Cornwall Structure Plan 2004.

4. Prior to the commencement of the development hereby approved, a detailed specification and method statement for the construction of the proposed 'no dig' access road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To protect the existing hedgerow, trees and vegetation on the site in order to secure a development which will not significantly impact on existing hedgerows/trees, in accordance with Saved Policy EV7 of the Caradon Local Plan 1999.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no works of the types described in Classes A, B, C, D, E, F, G, of Schedule 2 (Part 1 - Development within the Curtilage of a Dwelling House) or Class A of Schedule 2 (Part 2 - Minor Operations) shall be carried out.

Reason: In the interest of the visual amenities of the area in accordance with the Saved Policies CL6 and TM4 of the Caradon Local Plan 1999, Adopted Policy ALT2 of the Caradon Local Plan First Alteration 2007 and Saved Policy 2 of the Cornwall Structure Plan 2004 .

6. No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by Cornwall Council and these works shall be carried out as approved in the first planting season following the completion of the development or the first occupation of the holiday units hereby approved, whichever is the sooner. The hard landscaping details shall include proposed finished ground levels or contours, means of enclosure including hedgerow details and hard surfacing materials together with details of the proposed pool and decking feature. The soft landscaping details shall include details of all existing hedgerows and trees on the land and details of any to be retained, together with measures for their protection to be used in the course of development. The proposed protection measures shall be erected in the positions approved before the development is commenced and thereafter retained until completion of the development. Nothing shall be stored or placed in the protection areas, nor shall the ground levels within those areas be altered without the prior written approval of Cornwall Council. Submitted details shall also include planting plans, written specifications, and schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation plan. All hard and soft landscape works shall be carried out in full accordance with the approved details. Any trees or plants which within a period of five years from the completion of the development die are removed or become seriously damaged

PERMISSION FOR DEVELOPMENT

Application No: 09/01171/FUL

or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity in accordance with Saved Policies EV7, TM4 and CL6 of the Caradon Local Plan 1999, Adopted Policy ALT2 of the Caradon Local Plan First Alteration 2007 and Saved Policy 2 of the Cornwall Structure Plan 2004.

7. Details of any lighting to be erected around the site shall be submitted to and approved in writing by Cornwall Council before the holiday units are first occupied. Development shall be carried out in accordance with the agreed details.

Reason: To protect the visual amenities of the area in accordance with the aims and objectives of Saved Policies CL6 and TM4 of the Caradon Local Plan 1999 and Adopted Policy ALT2 of the Caradon Local Plan First Alteration 2007.

Informatives

1. For the avoidance of doubt the Drawing No(s) to which this decision refers are as follows:- Landscape Perspective Drawing Numbers L90-100 Revision A, L90-200 Revision A and L90-201 received on the 3rd August 2009 and Mador and Partners Chartered Architects Drawing Numbers S01, S05, P/01, P/02, P/03 and P/04 received on the 30th July 2009.
2. Attention is drawn to the fact that an Agreement under Section 106 of the Town and Country Planning Act, 1990, is in effect on this site. Reference should be made to it for further information regarding the terms and covenants contained therein.

Dated 6th November 2009



Phil Mason
Head of Planning and Regeneration



Appeal Decision

Site visit made on 17 February 2010

by **David Nicholson** RIBA IHBC

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
11 March 2010

Appeal Ref: APP/U1240/A/09/2117638

Avon Forest Spa and Lodge, Hurn Road, Ringwood BH24 2BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Matthew James against the decision of East Dorset District Council.
- The application Ref. 3/09/0532/COU, dated 18 June 2009, was approved on 4 November 2009 and planning permission was granted subject to conditions.
- The development permitted is use of land for the siting of seven holiday lodge caravans; retain decking around units 1-4; retain entrance gates and walls, pond and internal access roads (part retrospective) – (as amended by plans received 25.09.09 and 09.10.2009) at Avon Forest Spa and Lodges Tree Tops Caravan Site, Hurn Road, Ringwood, Hants.
- The condition in dispute is No. 8 which states that: the seven holiday lodge caravans shall not be used continuously by any one person, group or family, whether they be the owner, tenant, licensee or otherwise, for any period of more than 42 days. Any such person, group or family shall not return to any holiday lodge caravan on the site without being absent from the site for more than 28 days.
- The reason given for the condition is: to prevent permanent occupation which would be unacceptable in this Green Belt location which lies within 400 metres of protected heathland.

Decision

1. **I allow the appeal, and vary** the planning permission Ref. 3/09/0532/COU for use of land for the siting of seven holiday lodge caravans; retain decking around units 1-4; retain entrance gates and walls, pond and internal access roads (part retrospective) – (as amended by plans received 25.09.09 and 09.10.2009) at Avon Forest Spa and Lodges Tree Tops Caravan Site, Hurn Road, Ringwood, granted on 4 November 2009 by East Dorset District Council, deleting condition 8 and substituting for it the following conditions:
 - 9) The holiday lodge caravans shall not be occupied as a person's sole, or main, place of residence.
 - 10) There shall be no pets on the site at any time.

Main issue

2. The main issue is the effect of removing condition No. 8 on the Green Belt and the protected heathland.

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Support Services

Reasons

3. The site is within the Green Belt and within 400 metres of a protected heathland. The current planning permission follows a previous use of the site for 15 caravans. There is no dispute that permanent occupation of new dwellings would be inappropriate development, which would harm the Green Belt, and that likely activity would harm the protected heathland.
4. Government advice in Annex B to *Tourism Planning: New Practice Guide* suggests 3 conditions for controlling holiday park accommodation. These are similar to conditions Nos. 3 and 7, as imposed on the existing permission, and as my condition No. 9 above. The parties agree that conditions are required to restrict the lodge caravans to tourist accommodation to prevent the harm which permanent dwellings would cause. However, the restrictions placed on the permission by the condition in dispute go beyond those suggested in *Tourism Planning* to restrict the length of any one stay and to limit the frequency of return.
5. The Council has referred to the possibility of second home use, which it considers to be semi-permanent occupation, but has not defined these terms. It considers that repeat visits by the same occupier would not produce the same benefit to the local economy as short-term occupation. On the other hand, the Council has not produced any evidence to support this assertion, no development plan policies dealing with second homes have been brought to my attention, and the effect on the local economy was not part of the reason given for adding the condition in dispute. I therefore give little weight to these arguments.
6. I have considered the tests in Circular 11/95: *The Use of Conditions in Planning Permission*. I find that imposing the conditions recommended in *Tourism Planning* is necessary in order to safeguard the Green Belt and the protected heathland. However, for the above reasons, I do not consider that the restrictions in condition No.8 would be necessary to prevent permanent occupation or that preventing occupiers returning within 4 weeks would be reasonable. I therefore find that the condition should be deleted and replaced with the additional condition in Annex B to *Tourism Planning*.
7. Natural England has expressed surprise that pets have not been excluded by condition and the appellant has accepted that, if the heathland needs to be protected from household pets, such a condition would seem appropriate. Given the research cited by Natural England that the heathland birds are harmed by cats and dogs, I find that such a condition is necessary to protect the heathland and have added it accordingly.
8. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition and substituting the other two as set out above.

David Nicholson

INSPECTOR

Town and Country Planning General Development Order, 1967

Essex
County Council
Rural District

Council of Rochford

To: Halcyon Caravan Park Ltd. c/o Messrs. Offin & Rogers

22 South Street, Rochford, Essex.

In pursuance of the powers exercised by them on behalf of the County Council of Essex as local planning authority this Council, having considered your [outline] application to carry out the following development:— Holiday caravan park for 200 caravans unlimited in time

at Parcels 29 and 30 on O.S. 75/11 Police Lane, Haulbridge, Hockley.

In accordance with the plan(s) accompanying the said application, do hereby give notice of their decision to GRANT PERMISSION for the use of the land as a holiday caravan park.

subject to compliance with the following conditions:—

1. Caravans on the site shall only be occupied during the period 1st March to the 31st October in each year.
2. No permanent buildings shall be erected within 100 feet of the seaward toe of the sea wall.
3. The area hatched green on the application plan shall be retained as an open space between the camp and the River Crouch.
4. Any duly authorised officer of the local planning authority shall be entitled at all reasonable times of the day to enter upon and inspect the site with a view to ascertaining whether the conditions of this permission are being duly complied with.
5. That detailed drawings of any additional buildings required in connection with the camp showing the siting, design and external appearance of each of such buildings shall be submitted to and approved by the local planning authority before the erection of any additional building is commenced.
6. This permission conveys approval to the layout of roads and access paths within the site, detailed on the site layout on drawing No. D.7-6. Any variation to the layout of roads and footpaths shall not be undertaken without the prior approval of the local planning authority.
7. A scheme of tree planting shall be agreed with the local planning authority for the eastern boundary of the site. Such trees shall be planted during the period of the permission.
8. The site is not considered suitable as a permanent residential caravan site.
9. To protect land for future sea wall requirements.
10. To maintain a buffer of open land between the site and the river in the interests of amenity.
11. To enable the planning authority to be satisfied with the working of the camp.
12. The plans submitted do not give sufficient detail of any new buildings.
13. The layout detailed appears satisfactory, any amendment should be considered by the local planning authority.
14. To screen the eastern side of the camp in the interests of amenity.

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05.11.2012

Support Services

Dated

5th

day of

November, 1963.

3

TOWN AND COUNTRY PLANNING ACT 1962

Town and Country Planning General Development Order, 1950 to 1960

Rural District Council of Rochford

To: Halcyon Caravan Park Ltd. c/o Messrs Offin & Rumsey

22 South Street, Rochford, Essex.

In pursuance of the powers exercised by them on behalf of the County Council of Essex as local planning authority this Council, having considered your [outline] application to carry out the following development:- Holiday caravan park for 200 caravans unlimited in time

at Parcels 29 and 30 on O.S. 73/11 Pooles Lane, Hullbridge, Hockley.

in accordance with the plan(s) accompanying the said application, do hereby give notice of their decision to GRANT PERMISSION for the use of the land as a holiday caravan park.

subject to compliance with the following conditions:-

1. Caravans on the site shall only be occupied during the period 1st March to the 31st October in each year.
2. No permanent buildings shall be erected within 100 feet of the landward toe of the sea wall.
3. The area hatched green on the application plan shall be retained as an open space between the camp and the River Couch.
4. Any duly authorised officer of the local planning authority shall be entitled at all reasonable times of the day to enter upon and inspect the site with a view to ascertaining whether the conditions of this permission are being duly complied with.
5. That detailed drawings of any additional buildings required in connection with the camp showing the siting, design and external appearance of each of such Buildings shall be submitted to and approved by the local planning authority before the erection of any additional building is commenced.
6. This permission conveys approval to the layout of roads and access paths within the site, detailed on the site layout on drawing No. D.7-8. Any variation to the layout of roads and footpaths shall not be undertaken without the prior approval of the local planning authority.
7. A scheme of tree planting shall be agreed with the local planning authority for the eastern boundary of the site. Such trees shall be planted during the first planting season following the date of this permission.

The reason for the foregoing conditions are as follows:-

1. The site is not considered suitable as a permanent residential caravan site.
2. To protect land for future sea wall requirements.
3. To maintain a buffer of open land between the site and the river in the interests of amenity.
4. To enable the planning authority to be satisfied with the working of the camp.
5. The plans submitted do not give sufficient detail of any new buildings.
6. The layout detailed appears satisfactory, any amendment should be considered by the local planning authority.
7. To screen the eastern side of the camp in the interests of amenity.

Dated 5th day of November 1963.

Council Offices

etc.

A/126/PAB/P



**Department of the Environment and
Department of Transport**

Common Services

Room 1422 Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 448321

Direct line 0272-218 927

Switchboard 0272-218811

**ROCHFORD DC
CHIEF EXECUTIVE**

19 AUG 1983

Messrs Abbotts
22 South Street
ROCHFORD
Essex
SS4 1BQ

P.A.

S.R.

C.S.

M.M.

S.T.S.

Your reference

TCP/893/FHS/CB

Our reference

T/APP/5218/A/12420/PH2

Date

17 AUG 1983

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR W J CATON
APPLICATION NO:- ROC/546/82

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Rochford District Council to refuse planning permission for an amendment to Condition 1 in decision EEC/ROC/581/62, dated 5 November 1963, to permit caravans on the site to be occupied only during the period from 10 January to 20 December in each year, at Halcyon Caravan Park, Pooles Lane, Hullbridge. I held a local inquiry into the appeal on 19 July 1983.

2. At the opening of the inquiry it was agreed by yourselves and the Council that the application was effectively to continue the use of the appeal site as a holiday caravan park between 10 January and 20 December each year without complying with the condition in the planning permission referred to above, which provided that caravans on the site were only to be occupied during the period from 1 March to 31 October in each year. It was acknowledged by the Council that there had been no breach of that condition before the making of the application.

3. The appeal site is on the south bank of the River Crouch, about ½ mile east from the village of Hullbridge. It is approached by way of Pooles Lane, a narrow metalled road without footpaths, which turns south at the site and connects with Kingsmans Farm Road, a largely unmade road leading further to the east. The site is surrounded by mature tree and hedgerows. There are also a considerable number of trees interspersed among the caravans on the site. I understand that the site licence permits up to 126 caravans to be stationed on the site but that there are at the moment just over 100 caravans on the site.

4. From my inspection of the site and its surroundings and the representations made I consider that the principal issue to be determined in this case is whether or not the appeal proposal would be difficult to enforce and thereby result in a full residential use of the site, contrary to the intentions of the planning policies for the area.

5. On your client's behalf it was submitted that since permission was granted for the use of the site there had been nationally an increase in the length of holiday time available for employed people. Many of your client's tenants wished to make use of their caravans for short breaks of 2 or 3 days in the winter months, particularly if they were required to take some of their holidays at the beginning

of the year. In addition there were often spells of fine weather in the late autumn when tenants would like to use their caravans. There was no intention to create a full residential use. The requirements to know the tenants' permanent home address for insurance purposes would continue.

6. It was argued that as a holiday site the caravan park accorded with all the relevant planning policies. The site had not been allocated for development in the 1953 development plan but had been shown as a holiday camp in the 1964 review, both as submitted and as approved in 1976. The site was on the edge of the extended metropolitan green belt. There was nothing in the recent structure plan to suggest that the allocation of the site would be changed when a local plan was prepared. Extended holiday use would not be detrimental in the surrounding area, where there were several caravan sites and plots with houses that had the status or character of permanent residential use. The site did not have a betting shop, club or laundry room and there was no intention to establish any of those facilities. There was a general store nearby and other shops in the village. There was no reason why conditions on Pooles Lane should be any worse in winter than during the summer months.

7. Your client stated that he would like to make his site available for use for as long a period as possible. The Christmas and New Year period was omitted from the application because that was when people wished to gather in their own homes. It was submitted on his behalf that there was no reason why a different condition should be imposed from that suggested in Circular 5/68. The difficulties of enforcement were not entirely understood but your client was willing to enter into a Section 52 agreement with the Council before a permission was granted, whether in relation to the 20-day period of non-occupancy sought in the application or to the months of December and January as was suggested at the inquiry. The conditions suggested by the Council for attachment to a permission if granted were acceptable to your client.

8. Your client's appeal was supported in a number of letters received from his tenants and some local residents before the inquiry, by a large number of letters in response to a circular letter that he had sent to his tenants and by 3 tenants who spoke at the inquiry.

9. It was contended by the Council that to permit the caravans on the site to be occupied for all but 20 days in the year would be tantamount to full residential use. It was alleged that occupiers of the adjoining Shangri-La West Caravan Park had conspired to prevent the collection of evidence during the 20 days that they were required not to occupy their caravans. It was feared that a similar situation might arise at the appeal site. In addition the 20 days proposed in this case coincided with public holidays and the Council's limited enforcement staff might not be available during that period.

10. If the site became residentially occupied the Council submitted that such a use would be contrary to the policies of the structure plan approved in 1982. That plan proposed that the site should be included in the metropolitan green belt and within a special landscape area, where new residential development should not normally be permitted. In addition the residential use of up to 200 caravans that were allowed by the 1963 permission would make a substantial inroad into the 700 additional dwellings proposed for the Southend-on-Sea, Rochford and Castle Point districts up to 1991 and would severely reduce the flexibility intended by the Secretary of State in meeting housing needs in the South-East Policy Area of the county.

17. I have also considered whether or not it is desirable for the additional conditions suggested by the Council to be attached to the planning permission granted in this instance. In my opinion however the provisions of the permission granted in 1963 will continue to have effect, with the exception only of Condition 1 to that permission. It seems to me that it is not appropriate for additional conditions to be imposed at this stage, other than that relating to the extended period during which the caravans may be occupied, to which I have already referred.

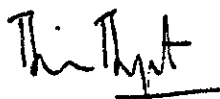
18. I have taken into account all the other matters raised in the representations including the possibility that increased pressure for sailing on the river would result from an extension of the holiday use of the site. In my view however those matters are outweighed by the considerations which have led to my decision.

19. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the continued use of Halcyon Caravan Park, Pooles Lane, Hullbridge, as a caravan park without complying with Condition 1 in decision EEC/ROC/581/62 dated 5 November 1963, in accordance with the terms of the application No ROC/546/82 dated 6 August 1982 and the plan submitted therewith, subject to the condition that caravans on the site shall only be occupied during the period 1 February to 30 November in each year.

20. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

21. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 32 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



B D BAGOT BA(Arch) MCP RIBA MRTPI FRSA
Inspector

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