

Parish: Knayton with Brawith

Ward: Bagby & Thorntons

4

Committee date: 20 July 2017

Officer dealing: Mrs L Chambers

Target date: 27 July 2017 (requested not yet agreed)

17/00610/MRC

Proposed variation of condition 3 (deletion of criteria iii - the caravans shall not be occupied by persons or connected group of persons for a period exceeding 28 days in any calendar year) to previously approved application Reference Number: 16/02136/FUL (Change of use of agricultural land to provide extension of existing caravan park for provision of 49 permanent static unit pitches)

At Hillside Caravan Park

For Mr & Mrs Cook

This application is referred to Planning Committee as the condition which it is proposed to vary was agreed by the Committee.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The application site is 2.6 hectares in size, and abuts the Hillside Caravan Park which itself extends to approximately 6.2 hectares and accommodates 50 touring caravan pitches, timber camping pods (eight approved under 14/02595/FUL) and a single holiday let plus communal amenity block, games room and office/reception, original farmhouse and storage space. The site lies approximately 2km northeast of Knayton, to the north of Moor Road. The caravan park is a former agricultural (dairy) farmstead and wider holding that has diversified into tourism.

1.2 The previous permission for an additional 49 static pitches was granted subject to the following condition:

“The development must comply with the following requirements that:

- (i) The caravans are occupied for the holiday purposes only;
- (ii) The caravans shall not be occupied as a person’s sole, or main place of residence;
- (iii) The caravans shall not be occupied by any persons or connected group of persons for a period exceeding 28 days in any one calendar year; and
- (iv) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.”

1.3 It is proposed to omit clause (iii) within the condition so that caravans can be occupied by any person or group for more than 28 days in any calendar year. That part of the condition was intended to maximise the contribution of the additional 49 static caravans to the rural economy by ensuring they would be occupied by a wide range of users throughout the year, forcing a greater turnaround of tourists rather than a single owner or group making repeat visits. However, it was the applicants’ intention that they would operate on a holiday home basis and as such they contend that the occupancy restriction would prevent the business operating as intended.

1.4 The remainder of the restrictions within the condition are not proposed to be altered and as such occupancy would still be limited to holiday purposes only, not sole

residences and the site operator would be required to maintain an up-to-date register.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/02136/FUL - Change of use of agricultural land to provide extension of existing caravan park for provision of 49 permanent static unit pitches; Granted 19 January 2017.
- 2.2 14/02595/FUL - Provision of eight pitches for the siting of timber camping pods with associated access; Granted 3 March 2015.
- 2.3 11/01943/FUL - Change of use of agricultural land for use as an extension to the existing caravan park to create an additional 15 touring caravan pitches; Granted 7 November 2011.
- 2.4 11/01942/FUL - Alterations and extension to former agricultural building to form a reception, office, recreation and amenity building with a worker/holiday flat at first floor; Granted 16 November 2011.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 – Landscaping
Development Policies DP37 – Open space, sport and recreation
Development Policies DP39 – Recreational links
National Planning Policy Framework - published 27 March 2012
Written Ministerial Statement on Landscape Character – March 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Wishes to see application approved.
- 4.2 Ramblers Association – No comments received.

4.3 Environmental Health Officer – No objection.

4.4 Public comments – None received.

5.0 OBSERVATIONS

5.1 The principle of development has been established by the previous planning application, the purpose of this application is to determine whether the development would still be acceptable if one of the conditions previously imposed was amended.

5.2 The main issues to consider are: (i) economic benefit; (ii) levels of activity; and (iii) effectiveness of the condition as worded.

Economic benefit

5.3 The clause to limit the length of occupancy sought to prevent the site being used repeatedly by the same visitors, as it is considered those who visit the site on a regular basis would not re-visit attractions in the area or create the same demand for services and would offer less support to the rural economy than might otherwise be the case. It is considered that the shorter stays that clause (iii) of the condition promotes has the potential to provide greater economic benefits in terms of employment opportunities in administering the lettings and in cleaning and laundry services associated with more frequent turnover.

5.4 The applicant has identified research on behalf of the British Holiday Home & Park Association from 2012 that indicates average daily spend for visitors is not materially different between those who are owner occupiers, those renting or those occupying touring units. The Council does not have independent evidence of the actual levels of visitor spend or the variations in economic impact (through direct employment such as maintenance, cleaning, site and bookings management jobs or indirectly through visitor attractions and pubs and restaurants) arising from the different types of occupation of holiday accommodation.

5.5 Policy CP4 identifies tourism as an exception that could justify development beyond Development Limits; it does not however specify the scale or nature of development concerned or identify thresholds relative to the level of support to the rural economy that would deem development acceptable. However, it is reasonable to assume that pattern of occupation would need to be significantly different from that of a second home in order for the full economic benefits of tourism to be realised. However, the proposed development is of a scale that would undoubtedly have some beneficial impact on the rural economy and while potentially greater economic benefits may be generated by a different operating model, it should be borne in mind that in this instance part iii of the condition would require the applicants to introduce a new dimension to their business.

Levels of activity

5.6 Of particular concern in the original assessment of this application was the level of activity and vehicle movements that could be generated by the proposed development. It was highlighted that an owner occupancy model would result in a lower level of occupant turnover than a rental model, although it is suggested that some private rental of the units could take place this would evidently be to a lesser extent than in a 'fleet hire' scenario.

5.7 At the time of considering the original planning application the Local Highway Authority raised concern about the potential impact of additional traffic generated by the caravan park in conjunction with existing traffic on Moor Road and advised that additional passing places would be required to address this issue.

- 5.8 The submitted transport statement and subsequent assessment by Highways was based on an owner occupied model of caravan park; there is potential for the rental model to increase the level of trips taken to and from the site and thereby increasing the potential for vehicles to damage highway verges on sections of Moor Lane that are single carriageway.

Effectiveness of the condition

- 5.9 The revised wording of the condition is such that securing the units as solely for holiday accommodation would still be achieved, however removal of the time limit clause proposed would allow for a greater length of stay and/or number of visits by an individual or group and it would be difficult to draw a distinction between a second home and a private holiday home in terms of monitoring compliance under clause (iv).
- 5.10 It is asserted by the applicants that the condition as currently worded is open to interpretation and as a result does not meet the requirement to be sufficiently clear or precise. Uncertainty is raised regarding the reference to 28 days and whether this is a continuous period or a cumulative number throughout the year, as well what is meant by a 'connected group of persons'.
- 5.11 The supporting information submitted with the application suggests that the condition would place an undue burden on the site operators to identify every person connected with an occupant and the condition is unenforceable as a result. While it is not considered the condition as worded is unreasonable this should be balanced with the benefit it is intended to achieve. Given the assessment above regarding economic activity and vehicle movements, it is not clear that given the intended occupation model the time limiting clause in the imposed condition would deliver significant planning benefits sufficient to warrant its imposition.

The planning balance

- 5.12 The merits of this application are finely balanced. There is no empirical evidence on the relative economic merits of different business models. It is apparent that benefits would accrue from the development of the caravan park on the basis intended by the applicant. There is no evidence to show that the alternative models of occupation, such a "fleet hire" would have significantly greater economic value to the local economy. It is therefore considered that deletion of clause (iii) of condition 3 would not materially undermine the merits of the proposed development and can therefore be supported.
- 5.13 The model of occupation that the applicants wish to operate would have a lesser impact on the local highway network than the model with more frequent turnover that clause (iii) of the condition seeks to promote. In this case, that benefit is considered to justify removal of clause (iii) when the relative absence of evidence relating to economic gains from more regular turnover is taken into account.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of the original permission (16/02136/FUL, granted 19/01/17).
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 160602/2, 160602/3 and caravan detail

received by Hambleton District Council on 23 September 2016 as amended by plans and information on 13 December 2016.

3. The development must comply with the following requirements that: (i) the caravans are occupied for the holiday purposes only; (ii) the caravans shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
4. Prior to the first use of the development the mitigation measures shown on the submitted plans and identified in the submitted Ecological Impact Assessment carried out by MAB Environment & Ecology Ltd (reference 2016-124) shall be implemented. These specifically include 3m wildlife margins being left along hedgerows. Thereafter the mitigation measures shall be retained in accordance with the approved recommendation.
5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
6. Prior to the commencement of development details of surface and foul water drainage including full details of the proposed pond, swale and sustainable drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. The appropriate greenfield run-off rate is 1.4 litres per second per hectare. The development shall be carried out in accordance with the agreed details.
7. The development shall be carried out in accordance with the submitted landscaping scheme shown on drawing 160602/3 submitted on 13 December 2016. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
8. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) details of additional passing places on Moor Road have been submitted to and approved in writing by the Local Planning Authority; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority. The development shall not be brought into use until highway works have been constructed in accordance with the approved details.
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. 160602/2 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and for the avoidance of doubt.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17, DP30 and DP32.
3. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.
4. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures submitted in the Ecological Assessment as part of the application and in accordance with Local Development Framework Policies CP16 and DP31.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its rural surroundings, proposes adequate mitigation to prevent light pollution and impact on ecological and wildlife features and would be in accordance with the Development Plan Policies CP16, CP17, DP30, DP31 and DP32.
6. To ensure that the site is adequately drained and does not result in flooding elsewhere.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17, DP30 and DP32.
8. In accordance with policies CP2, DP3 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
9. In accordance with policies CP2, DP3 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.