

Parish: Dalton
Ward: Sowerby and Topcliffe
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Committee Date: 21 October 2021
Officer dealing: Jon Berry
Target Date: 18 June 2021
Date of extension of time (if agreed):

21/01122/MRC

**Application for removal of condition 3 (occupancy use - to allow for all year-round residential occupancy) of approved application 2/04/037/0123B (04/02047/FUL) for the change of use of agricultural land to enable the siting of 3 static caravans
At: Dalton Bridge House Caravan Park, field adjacent to Dalton Bridge House, Dalton Lane, Dalton
For: Mr & Mrs Cowell**

This application is presented to the Planning Committee due to it being a departure from the Development Plan

1.0 Site, context and proposal

- 1.1 Dalton Bridge Caravan Park is located on Dalton Lane, Dalton, from which vehicular access is taken. The application site is located to the west of Dalton and east of Topcliffe, opposite Eldmire Lane. Directly to the north and east is the Cod Beck, then open countryside and the A168. To the west is Dalton Bridge, open countryside and the A168. To the east is the property of Greystones and open countryside, with Eldmire Farm to the south east. To the south is Dalton Industrial Estate. Land opposite the site (24.57 hectares), surrounding Elmire Farm is allocated for employment use as allocation: DAL 1: Extension to Dalton Industrial Estate Employment Allocation within the emerging Local Plan. There is a tall, landscaped boundary at present to the south east of the site along Dalton Lane in the form of hedges and trees situated on the opposite site of the road to the caravan park.
- 1.2 The site itself is surrounded by trees and hedging, including along Dalton Lane with grassed open space and ornamental garden features within the site. Each plot is enclosed by timber fencing/hedging and incorporates parking and outdoor space/garden area. Accommodation comprises of a mixture of static caravans, lodges and park homes of various sizes, designs and materials. Infrastructure incorporates an existing septic tank and current energy is derived from gas bottles.
- 1.3 Upon entrance to the park the internal access road forks both east and west. To the east of the vehicular access pitches are laid out in circular form around the internal gravelled access road which serves them. To the west of the access point is a gravelled car park, grassed area and greenhouse with six caravans fronting onto the internal access road, three facing north and three facing south. Further west are two further groups comprising of three and four pitches in two groups. Adjacent to these is Dalton Bridge House, the applicant's property, and associated outbuildings/garage, gardens and a parking area.

- 1.4 The application is seeking to delete condition 3 from planning permission 04/02047/FUL (Change of use of agricultural land to enable the siting of 3 static caravans) to allow all year-round permanent residential occupancy. Condition 3 reads as follows:

'The occupation of the caravans hereby approved shall be restricted to holiday visitors only and no person or persons shall occupy the accommodation for more than 8 weeks consecutively. No caravans on the site shall be occupied during the period from the 15th January to the 15th February in each year.

Reason: In order to prevent the accommodation being occupied as dwellings contrary to the Hambleton District Wide Local Plan Policies L1 and Hambleton Local Development Framework Core Strategy Policy CP4.

- 1.5 The specific part of the site that planning permission 04/02047/FUL relates to is three plots to the south of the site directly to the west of the existing greenhouse and car parking area, adjacent to Dalton Lane.
- 1.6 The application form advises that recent changes locally have rendered the caravan park unsuitable for continued holiday use. The submitted supporting documents explain that there are currently 26 pitches on the park. The applicant advises that the initial planning permission was granted in 1963 for four residential pitches (pitches 1-4), but with an eleven-month occupancy condition imposed. It is unclear whether this restriction is through the imposition of a planning condition as the council's current planning history records do not extend back to the 1960's. In 1999 permission was granted for three pitches as holiday pitches (pitches 1a-1c). These are restricted to eleven-month occupancy and that they should not be occupied for more than 56 consecutive nights. The applicant advises that council tax has been paid on these properties since at least 2002 when the applicants bought the park. In 2005 permission was granted for a further three pitches for holiday homes (pitches 1d-1f subject of this application). Again, these have the same restrictions imposed and council tax has been paid on them. In 2014 permission was granted for sixteen twelve-month holiday pitches (pitches 11-16). As such there are a number of planning permissions associated with the incremental growth of the park over time.
- 1.7 The applicant advises that for many years the park was considered a quiet rural park, attractive to holiday visitors. Although close to the A168, traffic noise was limited due to noise reducing road surfacing. The industrial estate was some distance away and there was good tree screening. Subsequently the road surface has been changed and there is more traffic noise. The tree screen has been removed opening views to the industrial estate which has been expanded to include warehouses directly opposite the park. The recent permission for l'Anson animal feed mill and its new entrance means that heavy traffic passes directly past and is likely to do so on a 24/7 basis. This has meant that the site is no longer viable as a holiday park. The growth of the industrial land and the jobs generated means that there is increased demand for accommodation locally. The site is ideally suited to meet this growing need and as laid out is suitable for residential use. Additional viability, marketing information and letters of support from occupiers of properties within the park have also been submitted with the application.

- 1.8 There are two further concurrent applications currently under consideration as follows, which effectively seek permission in totality for the caravan park as a whole (26 pitches) to be used for permanent residential occupancy, without holiday use restriction and without occupation time limiting constraints by removing the relevant conditions as follows:

21/01125/MRC - Application for removal of condition 9 (occupancy use - to allow for all year-round residential occupancy) of approved application 2/99/037/0123A for Siting of 3 static holiday caravans and formation of an access road as amended by letter and plans received by Hambleton District Council and

21/01126/MRC - Application for removal of condition 9 (occupancy use) of approved application 14/01388/FUL. To allow for all year-round residential occupancy.

- 1.9 The applicant has confirmed acceptance of a planning condition limiting all the accommodation on the site to be available for the over 55's only.

2.0 Relevant planning and enforcement history

- 2.1 2/99/037/0123 - Siting of 3 static holiday caravans and formation of access as amended by plans received by Hambleton District Council. Refused 22 June 1999.
- 2.2 99/50319/P (2/99/037/0123A) - Siting of 3 static holiday caravans and formation of an access road as amended by letter and plans received by Hambleton District Council. Approved 18 November 1999.
- 2.3 01/50174/P - Infilling and surfacing of land for the prevention of flooding. Approved 4 April 2001.
- 2.4 99/50318/P - Construction of a domestic double garage with workshop/store to replace existing garage and store.
- 2.5 02/00983/FUL - Conservatory extension to existing dwelling. Approved 22 July 2002.
- 2.6 04/02047/FUL (2/04/037/0123B) - Change of use of agricultural land to enable the siting of 3 static caravans. Approved 10 January 2005.
- 2.7 14/01388/FUL - Change of use of agricultural land to caravan park. Approved 17 September 2014.
- 2.8 14/01388/DCN - Discharge of condition(s) attached to application 14/01388/FUL. Approved 21 December 2015.
- 2.9 21/01125/MRC - Application for removal of condition 9 (occupancy use - to allow for all year-round residential occupancy) of approved application 2/99/037/0123A for siting of 3 static holiday caravans and formation of an access road as amended by letter and plans received by Hambleton District Council on 22nd September 1999 - pending consideration.

- 2.10 21/01126/MRC - Application for removal of condition 9 (occupancy use) of approved application 14/01388/FUL. To allow for all year-round residential occupancy - pending consideration.

Relevant off-site planning history

- 2.11 19/01626/FUL - Construction of agricultural feed mill, warehouse, access and parking arrangements and associated works. l'Anson's Dalton. Approved 4 February 2020.
- 2.12 21/00331/HYB - Hybrid planning application seeking a) Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping; and b) Full planning permission for creation of new main access and road spur with associated infrastructure. Part OS Field 6717, Eldmire Lane, Dalton. Resolved by the Planning Committee to grant planning permission subject to the completion of a Section 106 Agreement.

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP5 - The scale of new housing

Core Strategy Policy CP6 - Distribution of housing

Core Strategy Policy CP8 - Type, size and tenure of housing

Core Strategy Policy CP9 - Affordable housing

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

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 DP6 - Utilities and infrastructure

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP13 - Achieving and maintaining the right mix of housing

Policy DP15 - Promoting and Maintaining Affordable Housing

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 DP43 - Flooding and floodplain

Affordable Housing - Supplementary Planning Guidance - June 2008
Supplementary Planning Document - Size, type and tenure of new homes.
Adopted September 2015
Supplementary Planning Document - Open Space, Sport and Recreation
Adopted 22 February 2011
National Planning Policy Framework

Hambleton Emerging Local Plan
The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Dalton Parish Council - No objections.
- 4.2 Swale and Ure IDB - No comment.
- 4.3 Environment Agency – No comments received.
- 4.4 Highway Authority - No objections raised.
- 4.5 Environmental Health - Based on the information provided we believe there will be no significant impact on the local amenity. The change to permanent residential occupation for the whole site will, however, require an application to be made for amendment of the existing site licence under the Mobile Homes Act 2013 and various improvements to be made to the site to ensure compliance with the council's adopted Conditions for Permanent Residential Sites. It might be appropriate to attach an Informative to this effect to any planning approvals. The Environmental Health Service has no objections as the applicant is aware of the need to comply with conditions for permanent residential sites and has indicated willingness to comply with them.
- 4.6 Public Comments - No publicly submitted comments have been received in relation to this particular referenced planning application.

5.0 Analysis

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the impact on residential amenity, (iii) highway safety; (v) flooding and drainage and (iv) other matters.

Principle

- 5.2 Notwithstanding the general view that the site is not considered to be isolated and is considered to be a relatively sustainable location, close to Dalton and Topcliffe and the surrounding road network, the site falls outside of Development Limits as identified in the Local Development Framework (LDF). Therefore, development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. These include where development: is necessary to meet the needs of farming, forestry, recreation, tourism, and other enterprises with an essential requirement to locate in the countryside; is necessary to secure a significant improvement to the environment of the conservation feature; would provide affordable housing; would re-use existing buildings and support a sustainable rural economy; would make provision for renewable energy generation; or it would support the social and economic regeneration of rural areas.
- 5.3 It is also appropriate to consider whether there are material considerations that outweigh the provisions of the Development Plan. The NPPF represents up to date government planning policy and is a material consideration that must be taken into account where relevant to a planning application, along with any other considerations relevant to making the planning decision and the weight which is to be given.
- 5.4 It has been concluded in a recent planning appeal decision that mobile homes can be a type of affordable housing. The basis for the conclusion is the National Planning Policy Framework as revised in 2021. This defines affordable housing as “housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers; and which complies with one or more of the following definitions....c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households”. Mobile homes can therefore be considered to offer an affordable means of providing home ownership. The NPPF requires the council to address the needs of groups with specific housing requirements, particularly the elderly and those requiring single storey accommodation.
- 5.5 It is noted that the applicant has confirmed acceptance of a condition limiting all the accommodation on the site to be available for the over 55's only through targeting of this market due to perspective occupants seeking to downsize. Indeed, the applicants have advised that the interest that they have is from this age group and above who are looking to sell or have sold their homes. A planning condition is recommended to ensure there are no properties constructed of bricks and mortar at the site so they remain under the definition of discounted market sales housing and offer a route to affordable accommodation for the older generation.
- 5.6 Policy CP8 requires proposals for housing to take appropriate account of local housing needs in terms of size, type and tenure of dwellings. The Council's approach in relation to the general type of housing required is covered by Policy DP13. The overarching aim of Policy DP13 is that the proposed development meets

the needs of all sections of the local community, promotes sustainable communities and social cohesion and supports the local economy. Policy CP9 sets out the % requirements for affordable housing delivery on development sites to help meet housing needs, and in this location requires 40% of housing development schemes within the Thirsk sub area. Policy DP15 adds to the definition and explanation provided under Policy CP9 and identifies the key definitions or principles on which the provision of affordable housing will be achieved.

- 5.7 Paragraph 62 of the NPPF states that 'within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)'.
- 5.8 Paragraph 63 of the NPPF states that 'where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless: (a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and (b) the agreed approach contributes to the objective of creating mixed and balanced communities. Paragraph 65 states that 'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:(a) provides solely for Build to Rent homes; (b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); (c) is proposed to be developed by people who wish to build or commission their own homes; or (d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.
- 5.9 In this case it is noted, subject to the imposition of a planning condition, that the site would be available solely for over 55's. As such it is considered that the proposal meets the general thrust of the NPPF in that it would support affordable housing for the over 55's in a rural area, likely residents seeking to downsize and vacate larger properties. The proposal would provide a significant opportunity to provide a form of development that would make a contribution to meeting the housing requirements of an ageing population comprising of single storey properties or varying sizes. The development offers an affordable route to home ownership and the units accord with the aims of the NPPF in that they address the needs of the elderly and those requiring single storey accommodation. A Section 106 Agreement to secure a financial contribution towards affordable housing elsewhere is not considered to be justifiable in these circumstances.
- 5.10 It is considered that the existing makeup of the site is also relevant. The applicant advises that the initial planning permission was granted in 1963 for four residential pitches, but with an eleven-month occupancy condition imposed. It is clear that given the passage of time these four units would be considered to be lawful permanent residential dwellings. In 1999 permission was granted for three pitches as holiday pitches as holiday pitches. These are restricted to eleven-month

occupancy and that they should not be occupied for more than 56 consecutive nights. The applicant advises that council tax has been paid on these properties since at least 2002 when the applicants bought the park. In 2005 permission was granted for a further three pitches for holiday homes (the subject of this application). Again, these have the same restrictions imposed and council tax has been paid on them. As such it is considered that given the passage of time of over 10 years depending on if and when planning conditions were breached, it may be the case that these units would be lawful as permanent resident dwellings, should the conditions have been breached for the last ten years. However, it is reasonable to consider that there is a mix of lawful residential units and holiday units occupying the site at present.

- 5.11 A further material consideration relevant is the clear changing context of the surrounding environment. Indeed, this is noted and acknowledged in the consideration of the applicants and existing occupants supporting information that the impact has led to and is likely to lead further to continuing issues in attracting holiday makers and buyers of property on a holiday basis to the site. Indeed, it is apparent that existing owners are unable to sell their holiday property. In this respect it is noted that planning permission has recently been granted at Eldmire Lane for employment development comprising industrial uses and/or storage or distribution uses. This coupled with changes to the adjacent road infrastructure and Dalton Bridge and the recent grant of planning permission in February 2020 at l'Ansons, Dalton Bridge Mill, Dalton Industrial Estate for the construction of agricultural feed mill, warehouse, access and parking arrangements and associated works on, inevitably means a noisier and less suitable environment to attract holiday makers and purchasers of holiday properties due to two-way traffic past the park.

Impact on residential amenity

- 5.12 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development. Development must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.
- 5.13 It is not considered that there would be any further impact on adjacent residential amenity both within or adjacent to the site. The site contains 26 pitches at the present time and permanent residential occupation would not significantly increase noise, vehicular traffic or comings and goings to any significantly harmful degree. The site is well screened. There would be no additional impact on adjacent residential amenity in respect of loss of light, outlook or privacy.
- 5.14 It is however necessary to consider whether the site, pitches and accommodation is appropriate for permanent living. From a site visit it was noted that the site is well laid out and green with areas of open spaces, landscaping and trees. Plots are relatively spacious, with garden/outdoor space and parking set within individual sites which are set well apart (more than six metres) to also meet fire regulations. It is noted that dogs are required to be kept on leads and gardens maintained. It is considered that the environment within the site itself is pleasant. It is acknowledged

that the accommodation is either static caravans, chalets, park homes or lodges and are unlikely to meet Nationally Described Space Standards for dwellings. However, it is considered that they accommodate the space and amenities required for yearlong living for those that are likely to have actively chosen to purchase this type of accommodation due to downsizing in later life. Provision is made for waste and recycling. Sewerage facilities are currently being receiving remedial works and it is proposed that gas infrastructure is to be installed in due course.

- 5.15 It is noted that, should planning permission be granted the owner would be required to amend the terms of the site licence to comply with the requirements of the 'Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 – Section 5'. This, amongst other matters will require the provision of street lighting, tarmac surfaces, road drainage, footways and upgrades to electricity supply of which the owner is aware of.

Highway safety

- 5.16 The proposals make use of the existing access point onto the existing road network. Internally to the site are footways and space available for cycle storage. The use of the site for permanent residential occupancy is not considered to have any significant additional impact on pedestrian or vehicular safety from the present situation and indeed this view is support by the Highways Authority.

Flooding and drainage

- 5.17 The part of the application site subject to this application lies within flood zone one and therefore this particular part of the site is at low risk of fluvial flooding.
- 5.18 It is understood that the current septic tank is currently being remediated. This has included recent cleaning/emptying, the proposed fitting of a vent with a carbon filter and ensuring the tank is airtight. It is important that necessary works are undertaken so that the on-site sewerage disposal system can accommodate the required capacity for permanent residential accommodation without impact on the residential or natural environment. It is understood that this meets the expectations of the council's environmental health team. Should the effluent load be increased due to year-round long residency then a consent permit to increase the existing discharge volume into the beck may be required from the Environment Agency. This would be secured via the imposition of an appropriate planning condition.

Other matters

- 5.19 It is considered that the use of the site for permanent residential occupancy would have no additional impact on the character and appearance of the area or any further effect on ecology or the landscape. The scale, layout, design and materials would remain as the present situation.

Planning balance

- 5.20 It is considered that there are no technical impediments to the proposal in respect of impacts on drainage, highway safety, landscape/ecology and residential amenity.

- 5.21 The proposal does not generally comply with Policies CP4 and DP9 of the Development Plan and therefore the assessment is whether there are material considerations which are considered to outweigh the presumption in favour of the Development Plan in this case. The proposal, if supported would ultimately grant permission for twenty-six permanent affordable dwellings in the open countryside.
- 5.22 On balance the material considerations identified as follows can reasonably be considered to hold determining weight so as to outweigh the conflict with the Development Plan in this case.
- 5.23 The site is considered to be located in a brownfield, previously-developed, sustainable location rather than isolated. It is recognised that there is a mix of lawful permanent residential units and holiday units on the site. The proposal would assist in meeting the needs of an ageing population in a rural area and offer a route to market, but discounted, affordable housing for the older generation. It is acknowledged that the changing circumstances of the business and the context of the surrounding environment render the use of the park for holiday accommodation as unlikely to be reasonably viable. There is market demand from groups with specific housing requirements, particularly the elderly, and the adaptation of some of the existing single storey properties on the site for the purposes of permanent affordable accommodation would address these needs and accord with the aims of the NPPF.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations, the imposition of the following conditions listed below and subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act to ensure that the park remains affordable in perpetuity, the application be **Granted**.

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings:

‘Proposed additional park home, lodges and caravans on individual plots with parking in field no. 1821, Dalton Bridge House, Dalton Lane, Thirsk. May 2014. Drawing no. CW/1255/5/14.

received by Hambleton District Council on 29 April 2021.

3. The chalets, lodges, park homes and static caravans shall be used for permanent occupation for persons over the age of 55 only.
4. No more than 26 caravans, lodges, park homes and chalets shall be situated within the site at any time and there shall be no provision of buildings constructed in bricks and mortar on the site.

5. Within three months of the date of this permission details of sewerage water disposal shall be submitted to the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the timeframes agreed with the Local Planning Authority as part of the approved scheme.

Reasons:

1. To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. 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.
3. In order to provide a mix of housing in the District and to meet the needs of an ageing population.
4. In order to restrict otherwise inappropriate development in the countryside without further consideration by the Local Planning Authority.
5. To ensure that the sewerage disposal system can accommodate any increased flows in the interest of residential amenity and the natural environment.