

Parish: Hutton Sessay
Ward: Sowerby & Topcliffe

Committee date: 29th September
Officer dealing: Marc Pearson
Target date: 21 January 2021
Extension of time: 30 Nov 2022

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20/02700/CLP

Application for a Lawful Development Certificate for a proposed permanent use of play area for the siting of up to 12 static caravans without restriction on the layout of the land or number of caravans sited on it

At: White Rose Caravan Park, Hutton Sessay
For: Mr W Harrison

This application is referred to Planning Committee at the request of a Member of the Council.

1.0 Site, Context and Proposals

- 1.1 White Rose Caravan Park is an established site located on the south side of main highway in Hutton Sessay. Vehicle access is located off the main highway and the Park comprises static and (approved but recently taken out of use) touring caravans, office building, indoor and outdoor swimming pools, a children's play area located in the centre of site, whilst an amenity area with football goal posts and children's play equipment located at the north-east corner of the site.
- 1.2 The site is defined by hedgerows along its west, east and southern boundaries. Views into the site from main highway are limited to glimpsed views from the pub car park and vehicles entrance. Longer distance views are possible from east and west. Views from the public footpath to west of the application are possible but are restricted by the perimeter hedgerows.
- 1.3 The surrounding context is defined by housing to the north, north-west and north-east and to south, south-west and south-east agricultural land that forms part of the rural setting to the village. Whilst the local village Public House (Horse Breakers Arms) does not form part of the caravan park it has a close relationship and physical pedestrian linkages through its grounds and car park area.
- 1.4 This certificate of lawfulness relates to land at the north-east corner of the complex on land used as open space for the caravan site. During the application process the applicant has amended the site layout for a reduced layout to 12 static caravans and clarification on expansion of the existing play facilities located within the centre of the site. This particular element is proposed to be controlled through the (the provision of a planning obligation) under s.106 in association with the variation of condition application ref. no 21/02011/MRC.

2.0 Relevant Planning History

- 2.1 The site has an extensive planning history and therefore only relevant applications are noted below. The evolution of the site has resulted in a complex planning history with varying levels of control over the seasons of occupation and total numbers of caravans. As a consequence, the considerations of controls relating to the site are unusually complex.
- 2.2 97/50736/M - Variation of a condition to permit an extended period of time for the occupation of static holiday caravans at O.S. Fields 3900, 4700, 5190 and 5376. Approved.
- 2.3 20/02180/FUL - Change of use of an existing play area for the siting of 18no static caravans with associated access. Withdrawn
- 2.4 21/02011/MRC - Application to vary condition 2 of 97/50736/M (2/97/074/0001Y) to allow for up to 30 static caravans to be sited on land (OS Field 4775) comprising part of the approved caravan site which is currently used for touring caravans, also to vary condition 2 to allow for the proposed static caravans to operate all year round, and to vary condition 3 to allow for the caravans approved and sited in OS Fields 3900, 4700, 5190 and 5376 to operate all year round. Pending consideration.

3.0 Relevant Planning Policies

- 3.1 There are no relevant planning policies within the Development Plan in the case of an application for a Certificate of Lawful Use Proposed "CLP", however, guidance within the National Planning Practice Guidance and Case Law are pertinent.

4.0 Consultations

- 4.1 Site Notice expired on 9.2.2021

Eight observations have been received as summarised below:

- Concern for the loss of the children's play area and where will the children play who visit the site.
- Concern that the current overflow car park, which is adjacent to existing housing and garden areas, will be used as a play area
- Concern about the demolition of the buildings on the site and impact from asbestos and presence of bats.
- Concern about impact on sewage
- Concern about flooding and increase in surface water run-off.

5.0 Analysis

- 5.1 The application for a certificate of lawfulness is a legal test. The applicant is required to submit evidence to show, that on the balance of probabilities, the proposed or existing use is lawful either on the basis of planning legislation or through the passage of time. This is not a test against planning policy.
- 5.2 The issue to hand relates to the applicants position that the open space can be used as part of the caravan site to with additional caravans.

- 5.3 Officers have reviewed the submitted information (particularly a number of appeal cases) and consider that the evidence shows on the balance of probability that the existing play area is a lawful part of the caravan site and thus can lawfully be used to site additional caravans as summarised below:
- The application site, whilst including land outside the approved boundaries of the caravan park, has been used for many years as part of a single planning unit used as a caravan site.
 - The land has been used continuously as part of the caravan park for more than ten years.
 - The use of part of the planning unit for recreation/amenity/play area purposes does not limit the use of that land to such purposes. For the purposes of planning law no material change of use will arise as long as the use continues as part of the caravan site within a single planning unit. This change would not represent a material change to the approved land use of the site nor would it be in breach of any planning condition.
 - The main part of the caravan site edged blue and application site within the red edge have been run together both physically and in terms of management with the whole area maintained and operated for the use of visitors coming to the park for use as a caravan site as defined.
- 5.4 On the basis of concerns raised by officers on the increased number of caravans and the loss of open space, the applicant has agreed through negotiation to a reduced number of caravans, with some open space retained and clarification on the expansion of the existing play facilities within the centre of the site.
- 5.5 Officers note that the applicant is willing to agree to a planning obligation to formalise the provision of open space within centre of the site through the associated variation of condition application (ref. no. 21/02011/MRC) and to limit the number of static caravans within the area of the CLP application.
- 6.0 Recommendation:**
- 6.1 That the Certificate of Lawfulness for the use of land included within the application for the siting of up to 12 static holiday caravans is lawful and that a certificate should be issued.

Note that there are no conditions to add in this case.