

DELEGATED DECISION REPORT

HPK/2024/0349
Valid 13/08/2024

CARAVAN SITE
LODGE FARM BOGGARD
LANE
CHARLESWORTH

EXTENSION OF HOLIDAY
SEASON FROM 11 MONTHS A
YEAR TO 12 MONTHS A YEAR
FOR 8 STATIC CARAVANS
(LODGES)

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application relates to a well established caravan (lodge) park that contains 8 x static (lodge style) caravans at the end of Boggard Lane at the eastern fringes of Charlesworth. The site lies within the open countryside and the Green Belt and is relatively isolated from nearby residential development.

The site has been operating since being granted permission in 2002. Since this permission was granted, the site has been subject to further applications which initially extended the holiday season (occupancy period) from March-October to March-January, granted in 2003 (under HPK/2003/0470).

This application was subject to an appeal against a condition restricting the maximum occupancy period for one occupier of 28 days, which was allowed by the Inspector.

In 2011, the Local Planning Authority subsequently granted the extended use of the caravan site for holiday purposes (short term holiday let) from between 3rd February and 2nd January.

PROPOSAL

The applicant is seeks full planning permission for the occupation of the existing 8 static caravans on site for a continuous 12 month period.

The Planning Statement (paragraph 4.5) states that should the Local Planning Authority find this extension acceptable, the applicant will be willing to accept condition(s) being attached to the permission restricting the use of the caravans solely for the purposes of holiday let accommodation, similar to those applied to a previous consent under HPK/2011/0587. No new physical development is proposed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S5 Glossopdale Sub-area Strategy
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making
- EQ10 Pollution and Unstable Land
- CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- | | |
|---------------|--|
| HPK/0003/2555 | Change of Use of land to Static Caravan Holiday Caravan Park (Refused 08/07/1993) |
| HPK/2002/0884 | Certificate of Lawful Development for Existing Use – 8 Static Caravans and 1no. Residential Caravan (Granted 25/03/2003) |
| HPK/2003/0470 | Extension of permitted season for 8 static caravan from “1 st March to 30 th October” to “1 st March to 16 th January” (Approved 05/08/2003) |

Appeal against Condition 2:

- “2. *The static caravans hereby permitted to be occupied between 1st March and 14th January in the following year must not be occupied for more than 28 days consecutively by any one occupier*”

Appeal Allowed (APP/H1033/A/04/1138026) – 12/04/2004

HPK/2004/0643	Retrospective application for layout and ancillary works (Refused 31/08/2024)
HPK/02005/0010	Resubmission of application HPK/2004/0643 for layout and ancillary works (Approved 22/02/2005)
HPK/2011/0587	Proposed extension to holiday season to enable the 8 static caravans (lodges) to be used for holiday purposes from 3 rd February until 3 rd January in any 12 month period (Approved 06/12/2011)

CONSULTATIONS

Publicity

Site Notice expiry date: 24th October 2024
Neighbour consultation period ends: 15th October 2024
Press Advert: N/A

Public Comments

1no. neutral representation has been received which raises the following points:

- Concerns at lack of consultation with residents on Boggard Lane

2no. objections (one submitted by an agent on behalf of residents) have been received in connection with the application that raise the following concerns:

- Increase in Traffic and Highway and Pedestrian Safety Impacts
- One month break allows maintenance to be carried out at neighbouring properties which will be compromised
- Granting of permission will allow long term lets giving a more permanent residential feel to the site than a short term holiday caravan park
- Removal of the one month break will remove the safeguard that prevents the site from becoming part of the housing stock, with the restriction on the holiday use being virtually impossible to enforce

Town / Parish Comments

No comments received at time of writing

Environmental Health

No Objections

The site must comply with the Council's current caravan site licencing conditions for the type of caravan site, holiday or residential use. If new planning approval is granted a new caravan site licence will be needed and applied for the owners.

If the site is for holiday use and not residential then the development shall only be occupied by a person or a group of persons whose main residence lies elsewhere, no caravans or tents are to be occupied outside or longer than the occupational periods, site operational times and dates in the site planning permission, or for a continuous period longer than 28 days unless permission to do so is specified within the sites planning permission.

A record should be kept on site at all times of the names and permanent addresses of the owners of any static holiday caravan/unit on site. This record shall be available for inspection by the Licencing and/or Planning Authority on request.

Holiday use sites are not to be used for permanent residential occupation.

Copies of the current caravan site conditions can be obtained by the owner by contacting myself via email.

Derbyshire County Council Highways

Considering the proposed minor increase in the operational availability of the holiday lets i.e. one additional month in the year, in accordance with Paragraph 115 of the NPPF, it is considered that the potential increase in vehicular traffic movements on the highway network will not have an unacceptable impact on the highway safety or a residual cumulative impact on the network.

OFFICER COMMENTS

Principle of Development

The proposed extension of the period of occupation for guests on this established caravan holiday park would fully support the aims and objectives of LP Policy E6 and relevant paragraphs contained under Chapter 6 of the NPPF, which when taken together encourages the enhancement of an established tourism business.

The site lies outside of the built-up area boundary within the Open Countryside and the Green Belt, and as such the application is subject to Local Plan (LP) Policies EQ3 and EQ4 which respectively aims to strictly control development to preserve the character of the rural landscape and requires proposals to be considered in line with national policies relating to Green Belt Development.

The proposal relates to an existing operational caravan holiday park with no new operational development proposed. As such, there would be no conflict with either of these policies in that regard.

However, consideration must be given to the fact that owing to its isolated unsustainable location within the Green Belt and nearby services and facilities, planning permission would not be granted for permanent residential accommodation.

As such, the Council must be satisfied that there are appropriate measures/restrictions that can be applied to any consent, that ensures that the existing lawful use of the site as short term holiday accommodation will be maintained and not be subject to permanent occupancy.

Representations from a Planning Consultant on behalf of nearby residents has highlighted this issue within their submission, and that effectively, by granting a 12 months continuous occupancy period, removes the last 'safeguard' against the site being permanently occupied, and that in reality, standard conditions that include the requirement to keep a register of all guests and owners, which can be inspected by the LPA at any time and that which prohibits permanent occupancy are not sufficient and will be almost impossible for the Council to monitor and enforce.

Having presented such concerns to the agent, it has been submitted that the following conditions can ensure that the proposal is acceptable in planning terms:

1. *The caravans subject to this permission shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence."*
- and
2. *The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of the individual caravans subject to this permission, and of their main home addresses, and shall make this information available at all times to the local planning authority."*

The agent goes on to state that the above conditions follow guidance contained within the 'Good Practice Guide on Planning for Tourism, and that whilst this guidance is no longer in existence, it is still referred to and used by LPA's and Planning Inspectors to assess and determine applications.

Having considered the concerns raised by local residents with regards to the potential for the site to be permanently occupied, Officers take the view that in addition to the suggested conditions set out above, an additional condition will be required to specify the length of stay on site permitted by any single occupier within a 12 month period.

It is acknowledged that a similar condition was applied to a previous consent under HPK/2023/0470 which was successfully appealed. Crucially however, the Inspector found fault with the wording of the condition applied to that decision, and that it did not do the job that it was meant to with regards to preventing the permanent occupation of the site.

The precise wording of the condition that was the subject of the appeal is set out as follows:

2. *The static caravans hereby permitted to be occupied between 1st March and 14th January in the following year must not be occupied for more than 28 days consecutively by any one occupier*

Relevant paragraphs of the Appeal Decision are set out as follows:

9. *The condition does not prevent any one occupier living in a caravan for 28 days, spending a day away 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 14th 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 of Circular 11/95. Insofar as the condition does not prevent 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 I shall substitute the condition with one restricting occupancy along the lines suggested in Circular 11/95 and PPG21.*

With regards to the appropriate use of planning conditions, Paragraph 56 of the NPPF makes clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Having regard to the above, in considering the appropriateness of the condition restricting occupancy to a maximum of a continuous 28 days by a single occupiers, the Inspector made his judgement on the basis that there would be no-one occupying site at all between January and March. It is clear that the facts have materially altered since this appeal was allowed as a consequence of the occupancy period being extended under HPK/2011/0587.

In line with Paragraph 56 of the NPPF (and indeed relevant guidance contained within the online Planning Practice Guidance (PPG)) it is considered to be necessary to apply a strict condition that prevents the site from being occupied on a permanent basis, beyond those suggested by the agent.

In order to address the criticisms directed towards the wording of the condition subject of the appeal, Officers consider that additional wording should be included to make clear that no person can occupy the site for more than 28 consecutive days and (crucially) up to a maximum of 28 days in any calendar year. This would essentially allow a guest or any one party to stay for a 4 week continuous stay, or as an equivalent, 2no. 2 x week stays, or 4no. 1 x stays in any calendar year, to read as follows:

2. *The caravan and holiday site subject to this application must not be occupied by any single person or group of persons for more than 28 consecutive days and for no more than 28 days in any one calendar year.*

This is considered to be perfectly reasonable and allows the Council to be satisfied that the site will at no point be occupied on a permanent basis, thereby aligning with relevant policies relating to its open countryside and Green Belt location. Subject to the three conditions

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

The application relates to an existing well established holiday caravan site which is currently operational for 11 months of the year. No additional units are proposed and therefore there would be no increase in the number of occupants on site at any one time, and indeed would see no reduction in distances between existing holiday accommodation and residential dwellinghouses.

The conditions requested by Environmental Health are discussed within the 'Principle of Development' section above, and will be incorporated into an appropriately worded condition that stands up to the relevant tests under Paragraph 56 of the NPPF and the online PPG.

Subject to compliance with these conditions, it is considered that the proposed development will not be prejudicial to the amenity of neighbouring residents or the wider general public, in accordance with LP Policies EQ6 and EQ10, and relevant paragraphs under Chapters 12 and 15 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Chapter 9 of the NPPF contains the relevant policies relating to highway safety. Paragraph 114 of the NPPF states that in assessing sites for specific applications, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The application does not include the provision of any additional units and therefore there is no requirement for the applicant to increase off-street parking provision. Concerns from local residents are noted with regards to a potential increase in traffic and increase risk to the safety of users of Boggard Lane as a consequence of the increased operating period of the site, and the claim that this would prevent the occupiers of nearby properties from carrying out maintenance during this quieter period.

Whilst these concerns are acknowledged and understood, it is the case that the increase in occupancy during the month of January on a site that contains a total of 8no. units would not give rise to any increase in vehicle movements that are materially different to other times of the year. In the absence of any objections from the Highways Authority it is considered that there are no sustainable reasons to refuse the application on grounds of highway safety, having regard to LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

Other Matters

Ecology and BNG

The application relates to a site with a site area that exceeds the minimum that triggers the requirement for BNG. However, due to the fact that no new operational development is proposed, it is the case that this application meets one of the limited exceptions to BNG under the Environment Act (2021).

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks planning permission to extend the occupancy period of an existing well established caravan holiday park located at the end of Boggard Lane, Charlesworth from 11 months of a calendar year to a continuous 12 month period. The site lies within an isolated unsustainable location in the Green Belt.

The proposal fully supports the aims and objective of LP Policy E6 and relevant paragraphs under Chapter 6 of the NPPF, by virtue of facilitating the growth of rural tourism business.

However, having regard to LP Policies EQ3 and EQ4, the site is not appropriate or indeed acceptable to facilitate permanent residency, and therefore the principle can only be acceptable where appropriate safeguards in the form of planning conditions are applied to prevent this.

As set out within the body of the report, it is considered that three planning conditions can be applied, that amount to the following:

- (1) restricts the use of the site solely to holiday accommodation
- (2) restricts the occupancy of the site by one person or group of persons to no more than 28 consecutive days or 28 days in total in any calendar year; and
- (3) that the owners of the site shall maintain a register of all owners and guests, that can be inspected by the LPA on request

Such conditions are considered to meet the tests of Paragraph 56 of the NPPF and online PPG and makes the application acceptable as a matter of principle, ensuring that strict controls are in place to prevent permanent occupancy of any lodge.

An assessment of all other material planning issues finds that the proposed extension of the occupancy period of the caravan park does not give rise to any adverse harm to public or residential amenity and highway safety.

In light of the above analysis, it is concluded that subject to planning conditions, the application amounts to a sustainable form of development and in line with LP Policy S1a and Paragraph 11 of the NPPF is recommended for approval.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 28th November 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council