



Appeal Decision

Site visit made on 31 May 2011

by **Victor Crumley DipTP DMS MRTPI**

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

Decision date: 7 June 2011

Appeal Ref: APP/P2365/A/11/2146532

Woodlands Caravan Park, The Marshes Lane, Mere Brow, Preston PR4 6JS

- 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 Mr Andrew Chrysler, Chrysler Leisure Ltd against the decision of West Lancashire Borough Council.
 - The application Ref 2010/1401/FUL, dated 1 December 2010, was refused by notice dated 26 January 2011.
 - The application sought planning permission for use of land as caravan park without complying with a condition attached to planning permission Ref 2008/0301/FUL, dated 4 December 2008.
 - The condition in dispute is No 3 which states that: 'None of the caravans shall be occupied in any way between 1 February and 13 February in any calendar year'.
 - The reason for the condition is: To limit occupation of the caravans to the period sought.
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Application for costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal, and grant planning permission for use of land as caravan park, without complying with a condition attached to planning permission Ref 2008/0301/FUL, dated 4 December 2008, at Woodlands Caravan Park, The Marshes Lane, Mere Brow, Preston, in accordance with the terms of the application, Ref 2010/1401/FUL, dated 1 December 2010, 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 caravans shall be occupied for holiday purposes only. No caravan shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
 - 3) Within one month of the commencement of the development hereby permitted a notice shall be erected in a prominent position close to the entrance to the site, the details of which shall have been submitted to and approved in writing by the local planning authority. This notice shall

draw attention to the terms of condition 2 above, and shall make it clear that all the owners/occupiers of the caravans must abide by those terms at all times. The notice shall be retained in the approved position.

Main Issues

3. I consider the main issues in this appeal to be:
- a) whether the proposal without the condition described above would amount to inappropriate development within the Green Belt for the purposes of PPG 2 and development plan policy, and the effect of the proposal on the purposes of including land within the Green Belt, and on the visual amenity of the Green Belt;
 - b) if it is inappropriate, whether the harm by virtue of inappropriateness, and any other harm, would be clearly outweighed by other considerations, thereby justifying it on the basis of very special circumstances;
 - c) in the light of these considerations, whether it is necessary and reasonable to retain the condition in its present form.

Reasons

4. The site is an established static holiday caravan site in a quiet and secluded location within the Green Belt. Prior to 2008 most of the caravans were privately owned and occupied for holiday use only by individual owners and their families. However, the recent economic downturn undermined the desire for ownership of such caravans, sales of vans reduced and a number of caravans became unused. In response, the site owner obtained permission in 2009 for five caravans to be occupied on a year-round basis, and these have been used for short term holiday letting purposes, with the letting process managed on his behalf by Hoseasons. Following the success of this response, additional letting units are proposed. At present, the condition of planning permission described above requires the site to be unoccupied for a two-week period in February. The appeal proposal seeks authority for the site to open for holiday use throughout the year.
5. While the site has always been managed as holiday accommodation, the Council argues that the all-year round occupation now proposed could encourage a permanent form of housing, with the site forming part of the local housing stock. It believes that this would amount to inappropriate development within the Green Belt, and add to pressure on local services. Government guidance on planning in Green Belts is set out in 'Planning Policy Guidance Note 2: Green Belts' (PPG 2). Paragraph 3.1 states that there is a general presumption against inappropriate development within Green Belts, which is by definition harmful, and which should not be approved unless there are very special circumstances which would clearly outweigh the harm caused.
6. The prevention of the use of holiday caravans as permanent housing is addressed in Annex B of the DCLG document 'Good Practice Guide on Planning for Tourism'. It acknowledges that there may be good reason to prevent the use of holiday caravan sites as permanent housing, and states that this can be achieved through the use of occupancy conditions designed to ensure that holiday accommodation is used only for its intended purpose. The document highlights a form of condition which specifies use for holiday purposes only, requires that the caravans shall not be occupied as a person's sole or main residence, and requires owner/operators to maintain a register of caravan

occupiers, and of their main home addresses. It does not recognise the need for a formal period of closure. While separate reference is made to the use of a 'seasonal occupancy' condition, this refers to situations where there is a need to protect the local environment, for example, because of breeding birds.

7. The annual period of closure of the site was reduced from 8 weeks to the present 2 weeks following an appeal (Ref. APP/P2365/A/08/2082079) in 2008. In his decision the Inspector argued that, whether the closed period was 8 weeks or two weeks, the characteristics of holiday use during the remainder of the year would be likely to be the same. I agree with this view. No evidence of any problem arising from this decision, from the 2009 decision to allow 5 caravans on a year round basis, or likely to arise from the current proposal, has been presented.
8. There would be no physical extension or alterations to the site, and no change to its effect on the openness of the Green Belt or other purposes of including land within the Green Belt. Nor would there be any material effect on visual amenity. Provided that a condition of the kind described in the Good Practice Guide, which is already in use at the site, remains in force, I see little likelihood that the removal of the short two week closed period would lead to significant change in the character of occupation and use of the site. I therefore conclude that the proposal would not amount to inappropriate development within the Green Belt, and would not contravene Policy DS2 of the West Lancashire Replacement Local Plan, which seeks to control development within the Green Belt. I further conclude that it is neither necessary nor reasonable to retain condition 3 of permission Ref 2008/0301/FUL, dated 4 December 2008.

Other matters

9. The Council also argued that the proposal would constitute permanent residential development in an area not specifically identified for this purpose, contrary to Policy DE1, and would increase pressure on local services and reduce the contribution to the tourism economy, contrary to Policy DE17. I have concluded above that the proposal would not change the character of the use of the site, and I do not therefore agree that permanent housing, additional pressure on services or damage to the tourism economy would occur. Indeed, the slightly longer season combined with the focus on short term letting is in my view likely to lead to a higher occupation level than had been experienced when the site was used mainly for occupation by owners, and this could benefit the visitor economy. I therefore conclude that the proposal would not conflict with Policy DE1. Policy D17 has not been saved under the transitional arrangements towards Local Development Frameworks, and is therefore no longer part of the Development Plan.

Conditions

10. A condition limiting the use of the caravans to holiday use only, as described above, is needed to prevent the use of the site for permanent housing. To underscore the importance of this matter, the condition attached by the previous Inspector requiring a site notice drawing attention to the restricted use of the caravans should also be re-imposed. Subject to these conditions, the appeal is allowed.

Victor Crumley

INSPECTOR



Costs Decision

Site visit made on 31 May 2011

by **Victor Crumley DipTP DMS MRTPI**

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

Decision date: 7 June 2011

Costs application in relation to Appeal Ref: APP/P2365/A/11/2146532 Woodlands Caravan Park, The Marshes Lane, Mere Brow, Preston PR4 6JS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Chrysler, Chrysler Leisure Ltd, for a full award of costs against West Lancashire Borough Council.
 - The appeal was against the grant subject to conditions of planning permission for use of land as caravan park.
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Decision

1. I allow the application for an award of costs in the terms set out below.

Reasons

2. Circular 03/2009 states in paragraph B16 that planning authorities will be expected to produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations. Reason 1 in this appeal concerns inappropriate development in the Green Belt. This is based on the Council's view, set out in Reason 2, that the opening of the site on a 52 weeks per year basis would encourage the use of caravans as permanent accommodation. The potential for caravan occupiers to live permanently on the site was considered at a previous appeal against a grant of permission subject to a condition which in effect imposed an 8-week 'close season'. Allowing that appeal and agreeing to a shorter 'close season' of just 2 weeks, the Inspector held that a condition would restrict the use of the caravans to holiday use only, and that the proposal would not constitute inappropriate development within the Green Belt.
3. Though the current appeal differs from the above case by removing a 'close season' period altogether, the Council in effect argues that the loss of the 2-week 'close season' would result in a change in character of the use to permanent accommodation, to the extent that it would result in inappropriate development in the Green Belt. No evidence to explain how, when or why such a change in character of the use might occur, has been submitted, and the Council has not explained why the condition, imposed in the previous appeal to control the occupancy of the caravans, would not be suitable in the present appeal. Nor does it offer any evidence as to why the proposal for year-round use of the site would amount to inappropriate development in the Green Belt, when the Inspector in the previous appeal concluded that occupation for the marginally shorter 50 week season did not constitute inappropriate development. I find the lack of such evidence to be unreasonable.

4. Similarly, the case in Reason 3 that the proposal would increase pressure on local services and reduce the contribution to tourism is not justified with any discussion or evidence on these topics. In my judgement, the simple assertion that these consequences will result, without the articulation of any supporting case, falls far short of the requirements of paragraph B16 of the Circular. I find that in this matter the Council has acted unreasonably, and that this led to the appellant having to incur the work and the cost of this appeal.

Costs Order

5. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that West Lancashire Borough Council shall pay to Mr Andrew Chrysler, Chrysler Leisure Ltd, the costs of the appeal proceedings, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
6. The applicant is now invited to submit to West Lancashire Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Victor Crumley

INSPECTOR