



Appeal Decision

Site visit made on 25 November 2008

by **I D Jenkins BSc CEng MICE MCIWEM**

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

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Decision date:
4 December 2008

Appeal Ref: APP/P2365/A/08/2082079

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Chrysler Leisure Ltd. against West Lancashire District Council.
- The application Ref 2008/0301/FUL is dated 25 March 2008.
- The application sought planning permission for the **use of the caravan park without complying with condition no. 1 attached to planning permission Ref. 8/93/1133, dated 6 January 1994, with occupation of the caravans limited to the period from 14 February in any year to 31 January in the following year.**
- The condition in dispute is no. 1 attached to planning permission Ref. 8/93/1133, dated 6 January 1994 which states that: **the occupation of the caravans shall be limited to the period running from 1 March to the 6 January. The caravans shall not be occupied in any way between 7 January and the last day in February in any calendar year.**
- The reason given for the condition is: **the application site is in an area designated Green Belt and as such the siting of full time residential units of accommodation including caravans is contrary to established Green Belt Policy.**

Procedural matters

1. In 1994 the Council granted planning permission for development described as the *modification of conditions imposed on 8/6/4568, 8/6/13345, 8/74/556 and 8/76/852. Use of caravan park between 1st March and 6th January each year.* Condition no. 1 attached to planning permission Ref. 8/93/1133 restricted the occupation of the caravans to the period from 1 March to 6 January.
2. In the case before me the appellant is seeking a variation of the period of occupation to allow *the caravans to be occupied from the 14 February in any year to the 31 January the following year.* In the event that I was minded to allow the appeal a new permission would be created. I consider that in the interest of clarity and precision the proposal before me is best described as *use of the caravan park without complying with condition no. 1 attached to planning permission Ref 8/93/1133, dated 6 January 1994, with occupation of the caravans limited to the period from 14 February in any year to 31 January in the following year.* I have used this description in my decision.



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3. Since the appeal was made the Council has indicated that, were it still in a position to do so, it would have refused planning permission on the basis that the proposal would: constitute new housing in a location that is not specifically identified for housing development; amount to inappropriate development in the Green Belt; and, increase the pressure on local services as well as reduce the contribution that tourism makes to the local economy.

Decision

4. I allow this appeal and grant planning permission for the use of the caravan park without complying with condition no. 1 attached to planning permission Ref. 8/93/1133, dated 6 January 1994, with occupation of the caravans limited to the period from 14 February in any year to 31 January in the following year at Woodlands Caravan Park, The Marshes Lane, Mere Brow, Tarleton, Preston, Lancs, PR4 6JS in accordance with the application Ref 2008/0301/FUL made on the 25 March 2008 and 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. The caravans shall not 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) None of the caravans shall be occupied in any way between 1 February and 13 February in any calendar year.
 - 4) 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 nos. 2 and 3 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

5. I consider that the main issues in this case are whether the proposal would constitute inappropriate development in the Green Belt and the effect of the proposed development on local services and tourism.

Reasons

6. Woodlands Caravan Park is situated within a rural area designated as Green Belt. The appeal site surroundings are generally characterised by open countryside with a scattering of residential and commercial buildings. The appeal proposal equates to a reduction of the period each year during which caravans cannot be occupied, from approximately 8 weeks to 2 weeks. The appellant has indicated that nationally there are an increasing number of static caravan holiday sites which are open all year and the proposal would

improve its ability to compete in that market. PPS7¹ indicates that planning authorities should adopt a positive approach to proposed extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such business.

7. The proposal would theoretically make it easier for occupiers of caravans to live permanently on the appeal site and simply take a holiday elsewhere over the closed period proposed. However, Annex B of the Department for Communities and Local Government publication entitled *Good Practice Guide on Planning for Tourism* (GPG) indicates that it is possible through the imposition of a condition including three criteria to ensure that the premises are only used by visitors and do not become part of the local housing stock.
8. I recognise that if reliance was placed solely on the first two of the set of three GPG criteria, which require the units to be occupied for holiday purposes only and not as a person's sole or main place of residence, it would be difficult for the Council to identify a contravention and enforce against it. However, the third criterion requires an up to date register of the names of all owners/occupiers of caravans and their main home addresses to be maintained and made available to the local planning authority at all reasonable times. The Council has not identified any particular enforcement problems that would be likely to arise in the event that all three criteria were imposed. In my judgement, through the imposition of a condition based on GPG guidance it would be possible to ensure that the appeal site caravans would be used for holiday purposes only and not as part of the housing stock of the area, notwithstanding the proposed extension of the occupation period. I consider therefore, that subject to condition, the proposal would not result in the creation of new dwellings in the Green Belt.
9. The GPG indicates that the nature of holidays in this country has become increasingly diverse, in location, in season and in duration. Many people go away several times a year often for short breaks and not exclusively in the summer months. I agree with the Council that the use of an appeal site caravan for holiday purposes would be likely to be characterised by the intermittent occupation of the unit by any one household, whose main residence is elsewhere. In my judgement, whether the closed period is 8 or 2 weeks, the characteristics of holiday use during the remainder of the year would be likely to be the same.
10. Some holiday makers would be likely to be attracted to the site during the extended occupation period proposed and so activity levels at those times would be higher than in the past. However, I see no reason to believe that they would be any higher than those levels associated with the existing open period, particularly as the new occupation period would take in parts of the winter. The site would not be physically extended and its layout would not change as a result of the proposed variation. In my view, the proposal would maintain the openness of the Green belt, and it would not materially alter the visual amenities of the Green Belt or the character and appearance of the rural area.

¹ Planning Policy Statement 7: Sustainable Development in Rural Areas.

11. I conclude that, subject to condition, the proposal would not constitute inappropriate development in the Green Belt and it would not conflict with Policies DS2 or DE1 of the *West Lancashire Replacement Local Plan 2001-2016*, adopted in 2006 (LP), the *West Lancashire Residential Development Policy Update, 2008* or the aims of PPG2².
12. I have not been provided with any evidence to show that the use of the caravan park in the past has resulted in undue pressure being placed on local services. I see no compelling reason to believe that as a result of the extension of the potential period of occupation for holidays by around 6 weeks, as proposed, the use of the site would be likely to have a materially different impact in this regard. The GPG indicates that the spread of holiday demand throughout the year improves the use that is made of accommodation such as caravan holiday homes and so is advantageous to the businesses which provide it and to those host communities which are supported by the spending it generates. The proposed variation would allow the caravans to be occupied for a longer period of the year than has previously been possible and in my view, providing this use is restricted to holidays only, as I have indicated, this would be likely to support the growth of tourism to the benefit of the local economy.
13. I conclude it is likely that, subject to condition, the effect of the proposal on local services and tourism would be acceptable and in this respect it would accord with LP Policy DE17 and PPS7.
14. I have considered all of the other matters raised. My attention has been drawn to two previous appeal decisions, Ref. APP/W1335/A/07/2034354 and APP/H1840/A/06/2029112, which were allowed and in each case included the consideration of the merits of extending the period of occupation of a caravan site. The sites are not directly comparable to the proposal before me, not least as they are situated outside the District of West Lancashire. Nevertheless, my findings are consistent with those of the Inspectors who dealt with these previous appeals insofar as they considered that the criteria set out in Annex B of the GPG are an appropriate means of ensuring that holiday accommodation is used for its intended purpose and it does not become part of the local housing stock.
15. I understand that there may be no other holiday caravan sites within the District of West Lancashire with planning permission for occupation over a longer period each year than 10.5 months. However, each case must be considered primarily on its own merits. In this case I have found that the proposed extension of the occupancy period for caravans would be acceptable. In any future case it would remain open for the Council to show in the particular circumstances that harm would be caused. Neither this, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issues.
16. I conclude overall that condition no. 1 attached to planning permission Ref. 8/93/1133 is neither necessary nor reasonable. For the reasons given above I conclude that the appeal should succeed and I shall exercise the powers transferred to me accordingly. I will grant a new planning permission without the disputed condition but substituting others, in keeping with the

² Planning Policy Guidance Note 2: Green Belts.

advice contained in the GPG and Circular 11/95, and restating those undisputed conditions attached to planning permission Ref. 8/93/1133 in a form which is consistent with the substitute conditions.

Ian D Jenkins

INSPECTOR