



Appeal Decision

Site visit made on 12 August 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Appeal Ref: APP/H1033/W/25/3366398

Lodge Farm, Caravan Site, Boggard Lane, Charlesworth, Derbyshire SK13 5HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr M Clare against the decision of High Peak Borough Council.
 - The application Ref HPK/2024/0349 was approved on 28 November 2024 and planning permission was granted subject to conditions.
 - The development permitted is extension of holiday season from 11 months a year to 12 months a year for 8 static caravans (lodges).
 - The condition in dispute is No 4 which states, the caravans (lodges) and holiday site subject to this permission shall not be occupied by any single person or group of persons for more than 28 consecutive days and shall not be occupied by any single person or group of persons for more than 28 days in any one calendar year.
 - The reason given for the condition is in order to protect the character of the open countryside and ensure that the use of the land is commensurate with its rural and Green Belt location in line with Local Plan Policies EQ3 and EQ4 and relevant paragraphs under Chapter 13 of the NPPF.
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Decision

1. The appeal is allowed and the planning permission Ref HPK/2024/0349 for extension of holiday season from 11 months a year to 12 months a year for 8 static caravans (lodges) at Lodge Farm, Caravan Site, Boggard Lane, Charlesworth, Derbyshire SK13 5HL granted on 28 November 2024 by High Peak Borough Council is varied by deleting condition 4.

Background and Main Issue

2. Planning permission was granted under reference HPK/2024/0349 for extension of holiday season from 11 months a year to 12 months a year for 8 static caravans (lodges). A condition was imposed relating to the occupancy period and states, the caravans (lodges) and holiday site subject to this permission shall not be occupied by any single person or group of persons for more than 28 consecutive days and shall not be occupied by any single person or group of persons for more than 28 days in any one calendar year.
3. The reason for the condition is in order to protect the character of the open countryside and ensure that the use of the land is commensurate with its rural and Green Belt location in line with Local Plan Policies EQ3 and EQ4 and relevant paragraphs under Chapter 13 of the NPPF.
4. The appellant contends that condition 4 fails to meet the 6 tests for planning conditions set out in paragraph 57 of the National Planning Policy Framework (the Framework) in that it is not necessary, reasonable nor enforceable. The appellant therefore seeks removal of this condition.

5. In light of the above and taking into account the reasons provided for the imposition of the disputed condition, the main issue is whether the condition is necessary, reasonable and enforceable having regard to its location and its effect on the character and appearance of the area.

Reasons

6. The appeal site 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 outside of the built-up area boundary within the open countryside and the Green Belt.
7. The site has been operating since being granted permission in 2003. 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 ref HPK/2003/0470).
8. This application was subject to an appeal¹ against a condition restricting the maximum occupancy period for one occupier of 28 days, which was allowed by the Inspector. In 2011, the Council subsequently granted the extended use of the caravan site for holiday purposes from between 3rd February and 3rd January in any 12 month period (under ref HPK/2011/0587). The appeal site is therefore currently operational for 11 months of the year.
9. The Planning Practice Guidance (PPG) and paragraph 57 of the Framework make it clear that planning conditions should only be used where they satisfy 6 tests. These tests include whether a condition would be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
10. It is clear from the evidence before me that the purpose and intention of imposing condition 4 was to ensure that the existing lawful use of the site as short term holiday accommodation would be maintained and not be subject to permanent occupancy. Condition 3 of permission HPK/2024/0349 states that 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. This is supported by condition 5 which states that 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 on request to the local planning authority.
11. Condition 3 is capable of preventing permanent occupancy of the appeal site, and condition 5 would allow the Council to gain information on the occupiers and their main home addresses for monitoring and enforcement. I appreciate the Council's intentions for short term holiday accommodation and I acknowledge their concern that If condition 4 was not in place, there would be nothing to stop residents from occupying their 'main' residence off site for one month of the year, and residing at the site for the remaining 11 months of the year, which would effectively mean occupying the (secondary home) lodge on a semi-permanent basis. The previous appeal decision and the consent granted under reference HPK/2011/0587 do not include a condition restricting the maximum occupancy period for one occupier of 28 days. This means that under the terms of such consents, the lodges could

¹ APP/H1033/A/04/1138026

indeed be occupied for longer than 28 days provided that it is occupied within the months specifically specified and subject to condition that the caravans shall be used as holiday accommodation only.

12. The previous Inspector found fault with the wording of the condition applied to a previous decision under reference HPK/2003/0470 and his judgement was on the basis that there would be no one occupying the site between January and March. Even so, the condition restricting the maximum occupancy period for one occupier of 28 days was still removed and substituted with one restricting occupancy ie the caravans subject to this permission shall be used as holiday accommodation only. Such a condition was found to be appropriate in restricting the permanent occupancy and was later also added to the permission which sought to extend the holiday season under ref HPK/2011/0587.
13. Whilst such consents did not cover a 12-month operational period and thus different from the appeal before me, the consent under reference HPK/2011/0587 would ultimately allow an occupier to reside offsite for one month of the year and at the lodge for the remainder 11 months which is no different to the scenario raised as a concern by the Council albeit that the condition relating to holiday accommodation only would still need to be complied with. It would not therefore be reasonable to now restrict the occupancy by any single person/group to 28 days of the year. Even considering the 12-month operational period, condition 3 would still be in place and applicable requiring the caravans to be occupied for holiday purposes only and not as a persons sole or main place of residence. The owners/occupiers of the site would therefore need to comply with this.
14. On this basis and given the presence of condition 3 which is supported by condition 5, I do not find it necessary for further conditions to be imposed for the purpose of restricting residential use and thus condition 4 is unnecessary.
15. I am mindful of the appellant's comments regarding the business model and that condition 4 would prevent the sale of the lodges to individual owners to occupy it for holiday purposes only as required by condition 3. This would affect the viability of the business as it would limit the attractiveness of the lodges to prospective purchasers who would only be able to holiday in their lodge for 28 days per calendar year. I find this to be an unreasonable restriction for holiday makers. The permission allows for the site to be operational for 12 months of the year for holiday use and thus the Council has confirmed that it is acceptable for the development to be used all year round for holiday use. There is little if any difference in the development's impact whether it is occupied for holiday purposes by the same person for up to or more than 28 days in a calendar year having regard to the open countryside and Green Belt location.
16. I am aware of the location of the site to services and amenities as well as the Council's concern regarding adequate standard of residential amenity for more than a short term, temporary occupancy. However, this would not alter the fact that the site can already be occupied for a significant time of the year and thus there would be very little change in this regard via the removal of condition 4. Moreover, I observed at my site visit that there are shared areas of open spaces as well as private enclosed gardens and an area of grass around the lodges to be used as amenity space.

17. In terms of enforceability, condition 5 requires a register to be kept of the names of all owners/occupiers of the caravans and of their main home addresses and for the information to be made available at all times upon request to the local planning authority. There is however no requirement for the register to record the dates on which the occupiers/owners occupy the caravan during the year. Whilst this is likely to be complete by the owner/operator, this cannot be assumed, and it is not a requirement of the planning permission. This means that it would be extremely difficult if not impossible for the Council to know if someone had occupied a caravan for more than 28 days in a calendar year in breach of condition 4 to be able to enforce. I therefore find condition 4 to be unenforceable.

Conclusion

18. For the reasons given above, and taking into account all matters raised, I am satisfied that the disputed condition is neither necessary, reasonable nor enforceable and does not comply with the PPG and paragraph 57 of the Framework. In coming to such findings, I have had due regard to Policies EQ3 and EQ4 of the High Peak Local Plan, 2016 which together amongst other matters, relate to rural development and Green Belt development as well as chapter 13 of the Framework relating to protecting Green Belt land. I do not however find the removal of condition 4 to be contrary to the relevant policies. As such, condition 4 should be removed as set out in the formal decision.

N Teasdale

INSPECTOR