

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

Jesson Court Caravan Park

Jefferstone Lane, St Mary's Bay, Romney Marsh, Kent TN29 0SG

Variation of condition no.1 on planning permission WE/7/67/114 to allow the occupancy of existing static caravans for 11 ½ months i.e. from March to 14th February in the following year

The Rural and Urban Planning Consultancy
October 2016

1. The Applicant

The owners of Jesson Court Caravan Park, Park Holidays UK Ltd, is one of the largest operators of holiday caravan parks in the UK currently with 27 parks and is the largest operator in the South-East region, with seven parks in Kent alone.

The Company's business plan aims to improve its parks to a high modern standard commensurate with the more discerning holiday-taking public. This process is already evident within the industry nationally where an increasing level of competition within the holiday caravan market necessitates the provision of far higher standards than previously delivered.

2. The Application

Variation of condition no.1 on planning permission WE/7/67/114 to allow the occupancy of existing static caravans for 11 ½ months i.e. from March to 14th February in the following year

Park Holidays UK is seeking to extend the seasonal occupancy period at Jesson Court to coincide with its other park operations and the holiday caravan market as a whole, where extended seasonal use has become increasingly commonplace over the last 20 years.

The extended season has been encouraged by successive Governments and provision has been made within planning guidance documents accordingly. Subsequent planning appeals have further clarified and consolidated this guidance. The majority of holiday parks now enjoy an extended season as standard.

The applicant will continue to operate the park as a holiday accommodation facility, but with the opportunity to better compete within the regional holiday caravan market and thereby offer a higher quality of caravan and facilities for holidaymakers.

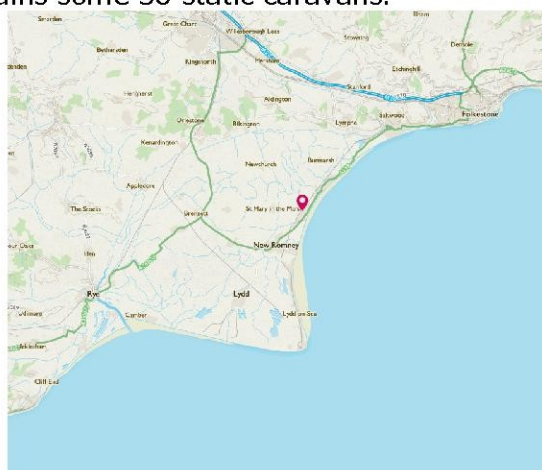
Planning permission has been obtained for extended holiday occupancy periods of up to 12 months over other holiday park properties within the applicants' portfolio. Their nearby park - New Beach Holiday Village at Hythe Road, Dymchurch - was granted a similar permission for 11½ months (Y15/0005-SH) on 8th April 2015.

3. The Application Site

The application area extends to the area edged Red on *Location Plan RUPC.1* (approx 0.9Ha).

4. Site Description and Surroundings

The application site forms the entirety of Jesson Court Caravan Park situated just to the west of St Marys Bay and approximately 0.4 miles from the A.259 Dymchurch Road, close by the St Mary's Bay station. The existing holiday park contains some 38 static caravans.



5. Relevant Planning History

Consent 99/1115/SH permitted the Variation of condition no.1 on planning permission WE/7/67/114 to allow the occupancy of existing static caravans for 11 months of the year. The park has been operating under this permission.

6. Supporting Documents

A Design and Access Statement is not required for this application.

A Flood Risk Assessment and Flood Warning and Evacuation Plan are submitted. Information has been sourced from the Environment Agency.

7. Planning Policy Framework

The extant policy framework comprises the National Planning Policy Framework (NPPF), the 'Saved' policies of the adopted Shepway Local Plan Review (2006) and the emerging Local Development Framework.

7.1 National Planning Policy

7.1.1 National Planning Policy Framework (March 2012)

National Planning Policy Framework (March 2012)

The NPPF recognises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development will stop (paragraph 28). This includes support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Such support should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

This particular proposal does not expand the overall development footprint but provides a direct business benefit to the Park and its local area through the ability to operate over an extended season for the benefit of visitors to the area.

The Good Practice Guidance on Tourism (2006)

In May 2006 the Government replaced *PPG21: Tourism* with the ***Good Practice Guide on Planning for Tourism***. Although this planning guidance is revoked (March 2014) it remains helpful in understanding the basis upon which planning policy and appeal decisions have been determined to date on this matter.

This guidance reiterated support for tourism development in general and provided guidance on holiday caravan park development. The economic value of holiday parks expressed in the document will not be lost on the Council who gain considerable economic benefit from the various holiday parks in their area.

The Guidance Note retained and refreshed specific guidance (from PPG21: Tourism) relating to seasonal and holiday occupancy conditions in Annex B. This not only indicated the underlying reasons for seasonal extensions, but provides examples where draft planning conditions could be applied. As a result of the original PPG21 guidance and the replacement Annex B examples, it is now quite common for holiday parks to have both holiday and seasonal occupancy conditions attached in order to ensure adequate and proper planning control. This is sought as much by the applicant as by the authority.

In their March 2011 statement on Tourism Policy the Government state that [we are] *focused on securing economic growth and even though the Tourism Industry is the 5th or 6th biggest sector of our economy there is still plenty of untapped potential. Of course the industry is, like most others, affected by macroeconomic factors such as fluctuating exchange rates which are beyond the scope of government intervention. But nonetheless government can help by tackling barriers to growth.*

The best way to deal with our relatively short tourism season is to encourage the industry to create more all-weather packages, so the sector becomes truly resilient to poor weather throughout the entire year (as described above). But we could also extend the tourism season significantly....

Despite recent concerns with the state of the global economy, the current domestic holiday market remains strong. Holidaymakers are tending to opt more for domestic breaks; the so-called 'staycation'.

Direct spending by tourists creates multipliers in the local economy, providing vital additional income for small businesses, resulting in greater economic diversity and job creation.

7.2 Shepway Local Plan

The park is situated in the open countryside for planning purposes and is subject to a range of policy considerations. The principal policies are:

SD.1 ; TM.1 ; TM.4 ; TM.5 ; TR.11 ; TR.12 ; CO.1 ; CO.5 ; CO.9 ; CO.10

The application area falls within the broad area covered by Policy CO5 as a Local Landscape Area. This policy states;

POLICY CO5

Local Landscape Areas are defined as follows and illustrated on the proposals map:

Romney Marsh

Sandgate Escarpment and Seabrook Valley

Eaton Lands

Coolinge Lane and Enbrook Valley

Mill Lease Valley

Proposals should protect or enhance the landscape character and functioning of Local Landscape Areas. The District Planning Authority will not permit development proposals that are inconsistent with this objective unless the need to secure economic and social well-being outweighs the need to protect the area's local landscape importance.

In tourism terms the plan is supportive in principle and the broad aim is:

To maximise the economic, environmental and social benefits that tourism has the potential to provide for the District.

And:

To support policies for the protection, enhancement and promotion of the District's unique built and natural environment as its major tourism asset.

The proposal will not prejudice or impact upon the aims of policy CO5 and replicates applications of like kind made over many years.

With particular reference to holiday parks the Local Plan notes:

POLICY TM4 :- The District Planning Authority will not permit the establishment of new static caravans or chalet sites. Proposals for the upgrading of existing holiday accommodation at static caravan and chalet sites will only be acceptable subject to the criteria a-e in Policy TM5, would not be at an unacceptable risk from flooding and would lead to an improvement in the range and quality of tourist accommodation in the area.

POLICY TM5 :- Proposals for new or upgraded touring caravan and camping sites will be permitted where they can meet the following criteria:-

- a. The proposal would not harm the character or appearance of the countryside or coastline or conflict with other countryside and environmental protection policies.
- b. Sites should have good access via a local distributor road to the primary road network, and any local roads involved in gaining access to the site should be capable of accommodating the extra traffic generated without undue hazard or inconvenience to local residents or other road users.
- c. Sites should be situated so as to minimise their effect upon local amenity, and should as far as possible, be screened from public roads, open spaces or footpaths and where necessary a scheme of landscaping should be submitted with the proposal to achieve this.
- d. The proposal should not significantly affect the best and most versatile agricultural land.
- e. The proposal should not substantially interfere with the amenities of residents in nearby dwellings.
- f. The applicant should be prepared to enter into an agreement to secure good regular on-site resident management throughout the holiday season, and where there is no suitable dwelling on or adjoining the site in the control of the applicant, the Council may be prepared to permit the stationing of a single residential caravan on the site for the temporary use of the on-site manager, with appropriate safeguards and conditions.
- g. The site shall be used only from 1 March to 31 January in each year and shall be completely cleared of all caravans and tents by 1 February in each year, together with all temporary structures. No individual touring caravan or tent shall remain on the site for more than 28 consecutive nights and site operators will be asked to adopt a system of registration to facilitate the enforcement of this condition.
- h. The site must be capable of meeting the requirements of the Council's adopted standards for touring caravans and tented sites and essential services should be readily available and of sufficient capacity, ie. water, power, sewage disposal and refuse disposal.
- i. Within the defined areas at risk from flooding as referred to in Policies U5 and U6 of the Plan, sites will be restricted in their occupation to the months of May - August, inclusive.

Here again, by virtue of its form and location this proposal will satisfy the requirements of policy TM 4 and TM 5. Issues of flood risk are dealt with in the accompanying flood risk assessment.

Criteria (g) established a longer seasonal period than currently allowed on-site, but less than that sought. The policy was drafted in a form that pre-dates the various interpretations and appeal decisions that are set out in the accompanying document (see paragraph 8 below).

7.3 LDF Core Strategy

Policy SS1 provides (inter alia) that 'Development in the open countryside and coast, and other rural places (defined as anywhere outside of settlements within the Settlement Hierarchy) will only be allowed exceptionally, where a rural/coastal location is essential (policy CSD3)'.

Holiday caravan parks are a form of development that is acknowledged as being most appropriately located within the countryside. The Core Policies of the LDF acknowledge that *'Appropriate flexibility is needed for genuinely rural use'* (para5.23).

A Flood Risk Assessment and a Flood Warning & Evacuation Plan have been provided in accordance with the requirements of policy SS3.

Policy CSD3: Rural & Tourism Development of Shepway is satisfied by this proposal which is also *'proportionate in scale/impact'*, *'accessible by a choice of means of transport'* and constitutes rural economic diversification, which will be supported by the Plan. Local Plan policies TM4 and TM5 will remain relevant for the time being following implementation of the Core Strategy (paragraph 6.35).

There are no Green Infrastructure impacts or specific requirements associated with this proposal.

Due account is taken of Policy CSD5: Water and coastal environmental management in Shepway in the FRA.

Enzygo's Flood Risk Assessment is in accordance with the NPPF. It demonstrates that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of guidance.

The development should not therefore be precluded on the grounds of flood risk.

The Strategy for New Romney (Policy CSD8) notes that New Romney should develop as the residential, business, service, retail and tourist centre for the Romney Marsh in line with the strategic vision.

8. Seasonal Extensions and Planning Decisions

This planning statement is accompanied by a separate document setting out the background to and current planning position regarding the application of seasonal and holiday occupancy conditions to planning consents for holiday parks.

Following a series of appeal decisions it has become clearly recognized that the application of holiday occupancy conditions is appropriate and sufficient to control the occupation of caravans throughout the year.

In addition, in order to further ensure that a caravan is not used as a persons' only or main residence a condition requiring the maintenance of a register of caravan occupiers and their home addresses is sometimes applied.

The applicant subscribes to and applies the approved Code of Practice issued by the British Holiday and Home Parks Association (BH&HPA). This contains contractual requirements relating to the sale and occupation of holiday caravans and details of Park Holidays UK contract provisions are contained in the accompanying document.

9. Highways

There will be no material effect on traffic or travel issues. There is ready access to public transport services in St Mary's via paved footpaths. Equally the park is beside the St Mary's Halt of the Romney Hythe & Dymchurch Railway. Parking requirements are in accordance with and controlled by the existing Caravan Site Licence under Model Standard provisions.

10. Drainage

The park is connected to the mains service in Jefferstone Lane. The overall level of discharge will remain broadly consistent.

11. Ecology

There are no identifiable ecological issues arising out of this proposal.

12. Public Rights of Way

No public rights of way are affected by this proposal.

13. Conditions

Should this application be acceptable, then we would be happy to discuss the wording of any planning conditions that the local planning authority may consider necessary and expedient in the light of Circular 1/95, prior to the issuing of the decision notice or the consideration of the application at Planning Committee.

14. Summary

This is a long established holiday park that has been granted an extension of season consent previously. The granting of consent will further assist in its continuing upgrading and improvement and help both the operational effectiveness and competitiveness of the park in the holiday market and (as a result) provides benefit to the local tourism economy.

There is policy support at national level that has been supported on appeal throughout the UK.

There are no infrastructure limitations or technical concerns that would prevent this application being granted. There are no flood risk concerns arising from this development.

The development will help to support and sustain this important tourism asset to the local area whilst imposing no material impact on the Park or its surroundings.

Having regard to all the matters outlined above we trust that the Council will find this proposal acceptable and grant planning permission accordingly.

Rural and Urban Planning Consultancy
October 2016

VALIDATION CHECKLIST

NATIONAL REQUIREMENTS:

- **Completed Application Forms**
- **A Location Plan (Red Line)**
- **Completed Ownership Certificate A**
- **Completed Agricultural Holdings Certificate**
- Design and Access Statement (Not Required)
- **The planning application fee (£195)**

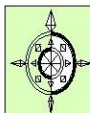
LOCAL REQUIREMENTS:

- | | |
|--|-------------------|
| • Affordable housing statement | - Not Required |
| • Air quality assessment | - Not Required |
| • Arboricultural Survey | - Not Required |
| • Archaeological Statement | - Not Required |
| • Daylight/Sunlight assessment | - Not Required |
| • Economic statement | - Not Required |
| • Ecological Assessment | - Not Required |
| • Environmental Impact Assessment | - Not Required |
| • Town Centre Uses | - Not Required |
| • Flood Risk Assessment | - Provided |
| • Flood Warning & Evacuation Plan | - Provided |
| • Foul sewage and utilities assessment | - Not Required |
| • Heritage Statement | - Not Required |
| • Land Contamination assessment | - Not Required |
| • Landfill statement | - Not Required |
| • Landscape Assessment | - Not Required |
| • Landscape Management Plan | - Not Required |
| • Lighting assessment | - Not Required |
| • Noise impact assessment | - Not Required |
| • Open Space assessment | - Not Required |

- | | |
|--|-------------------|
| • Parking Provision | - Not Required |
| • Photographs | - Not required |
| • Planning obligations | - Not required |
| • Planning Statement | - Provided |
| • Site Waste Management Plan | - Not Required |
| • Statement of Community Involvement | - Not Required |
| • Structural Survey | - Not Required |
| • Telecommunication Development | - N/A |
| • Transport assessment | - Not Required |
| • Tree Survey and Arboriculture Implications | - Not Required |
| • Ventilation/Extraction statement | - Not Required |

Plans

Location Plan (Red Line) (1:1250 at A4)



Jesson Court
Caravan Park

2.5m

Training Centre

El Sub Sta

Mast (Telecommunication)

St Mary's Bay Station

NESBIT ROAD

Drain

JEFFERSTONE LANE

JESSON COURT HOLIDAY PARK
St Mary's Bay
Romney Marsh
Kent
TN29 0SG

0m 25m 50m 75m

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SEASONAL AND HOLIDAY OCCUPANCY CONDITIONS

for

CARAVAN & CHALET PARKS

In this statement we outline the issues and current practice relating to the use of seasonal and holiday occupancy conditions which are commonly applied to planning permissions granted with respect to caravans and chalets used for holiday purposes.

Background

The use of seasonal occupancy conditions has been a feature of planning in relation to caravan and chalet parks for many decades, having first reflected public health considerations concerning the poor overwintering qualities of these types of accommodation. Such a condition came into regular use for caravans in particular following the introduction of site licensing by virtue of the Caravan Sites and Control of Development Act 1960, both for environmental health and planning land use reasons.

As the quality of caravan and chalets accommodation began to improve, holiday occupancy conditions began to "belt and brace" seasonal occupancy conditions in order to ensure they were not used as permanent accommodation contrary to national policies, particularly with regard to development in the countryside.

With economic improvement in the mid to late 1980s providing the means for holiday taking over a longer seasonal period and significant advancements in caravan and chalets construction, there was increasing pressure for longer seasonal use than the traditional March to October period. Encouraged by successive governments seeking to extend the tourist season the holiday parks industry began to request seasonal extensions.

Specific advice was first outlined in Annex C of Planning Policy Guidance Note PPG 21:Tourism (November 1992) which was subsequently updated and replaced by Annex B to The Good Practice Guide on Planning For Tourism (May 2006).

Although this planning guidance has now been revoked it remains helpful in understanding the basis upon which planning policy and appeal decisions have been determined to date on this matter. Annex B to the Guidance is attached for reference.

The use of conditions in planning permissions

Circular 11/95: the use of conditions in planning permissions considers both seasonal occupancy and holiday occupancy conditions in paragraphs 115 and 117 respectively together with Model Condition 43.

As far as seasonal occupancy conditions are concerned, they are considered acceptable in order to limit the use of land for a particular purpose to certain seasons of the year both in order to prevent the permanent residential use of premises or in order to provide appropriate protection for the local environment; particularly near fragile habitats which require some respite to allow seasonal breeding or winter feeding to take place.

The suggested condition effectively defines a closed period with boundaries set by way of a commencement and completion date.

With regard to holiday occupancy conditions these were relatively new at the time of the circulars publication and guidance was drawn from the relevant planning policy guidance note at that time (PPG 21: tourism).

In drawing a distinction between the two types of condition it is to be noted that the circular guidance indicates that, *"authorities should continue to use seasonal occupancy conditions to prevent the permanent residential use of accommodation which by the character of its*

construction or design is unsuitable for continuous occupation, particularly in the winter months".

However, with many modern caravans and chalets now being designed to very high build specifications, providing accommodation more than capable of occupation during the winter season.

The issue in planning terms has turned from one of controlling occupation for environmental health reasons to one predominantly of controlling residential occupation of caravans or chalets sited in areas that would not normally be considered acceptable, or would be contrary to development plan policy. This has brought about a change in approach from controlling caravan occupancy by way of seasonal conditions to a holiday occupancy condition.

Concerns over Control

As occupancy periods have extended toward a full 12-month season there have been natural concerns over potential abuses of the planning system, where occupiers might try to live residentially in holiday accommodation. This has sometimes occurred where historic planning permissions have been insufficiently precise and there have of course been instances of deliberate abuse of the planning system. However, for the most part, both seasonal and holiday occupancy conditions have worked well to deliver and retain holiday accommodation throughout the country.

From the standpoint of holiday caravan developments, it must be appreciated that the combination of both planning and site licence conditions does help to ensure stronger management and control. The operation of a caravan site not only requires a planning permission for the use of land, but also a licence from the Environmental Health Department which sets out a range of conditions that are required in order to deliver appropriate environmental health standards. These are wide ranging and although authorities have discretion to apply any condition that they think fit, such conditions must be in accordance with the ministers Model Standards that are appropriate for the particular type of caravan site being provided.

Circular 14/89 sets out the Model Standards that are appropriate for static holiday caravan sites. These represent the standards normally to be expected as a matter of good practice. There are separate Model Standards for residential caravan sites, which have been amended in recent years (Model Standards for Caravan Sites in England 2008). The 2008 standards may also apply where there are a mix of residential and holiday caravans unless the caravans have been set out in distinct areas of a caravan park where separate licenses can be issued.

The important points to note here are that if a holiday caravan becomes residential (through breach of the seasonal or holiday occupancy conditions) it could place the caravan site technically in breach of the site licence, as well as being in breach of planning control. The former situation is directly actionable through the County Courts and the latter by way of enforcement action. In addition, such a situation could introduce the implied terms of the Mobile Homes Act 1983; giving rise to a further range of contractual complications. Caravan Park Operators are therefore very mindful of these potential pitfalls and seek to positively control their park occupation through contractual means and by way of park rules. These issues are discussed further below.

What Distinguishes a Holiday from a Residential Use?

There are a number of potential differentiations between a holiday and residential use of a caravan or chalet, but the principle distinguishing feature is that the holiday accommodation

should not be that persons' only or main residence. That is to say, their holiday accommodation is not the property in which they would normally reside to the extent that it could be described as their "home".

For example, a persons' residential property will attract Council Tax, whereas a caravan or chalet within a holiday park will attract Uniform Business Rates as part of the commercial enterprise in which the property is situated.

The residential property may be the location at which a person is registered to vote and, where families are concerned, will be the location from which children normally attend school. The caravan or chalet should not be a registered postal address and should not be used as an address for registering, claiming or receipt of any state benefit. In addition, no caravan or chalet should be occupied in any manner, which might cause the occupation to be (or to become) a protected tenancy within the meaning of the Rent Acts 1968 and 1974.

For those who have semi or fully retired, their use of a caravan or chalet may extend over the whole season even though their main residence is elsewhere. This is perfectly acceptable so long as they can demonstrate that their main residence is legitimate and accords with the various matters outlined above. For those who suggest that they might move out of their caravan or chalet during the closed season to temporary accommodation and then return, this clearly does not satisfy the "only or main residence" test. This would simply be moving from one temporary/holiday accommodation to another of the same kind.

To belt and brace the matter, many park operators apply contractual terms which have been produced by the British Holiday and Home Parks Association (BHHPA). Park Holidays UK subscribe to and use this contract.

In particular, paragraph 3.8 of the contract notes the following in respect of tenant obligations:-

"To use the unit as accommodation for holiday and recreational purposes only and not as your main or permanent residence. You acknowledge that if we have reasonable grounds to believe that you are in breach of this condition, we have the right to terminate this agreement forthwith. You agree to produce to us in response to a written request satisfactory proof that your main residence is at the address registered with us, such as a council tax bill, utility bill or driving licence in your name. You agree to inform us in writing of any change of your address."

This is important in business terms not only for the reasons already outlined above, but also because of the potential difficulties associated with the interaction of holidaymakers with residential occupiers that might arise. The level of residential paraphernalia and degree of permanence of occupation will also have an impact upon the appearance and perception of the holiday park that could be detrimental to their business enterprise if allowed to occur.

How has this matter been dealt with on appeal?

There have been a large number of planning consents granted over the last 20 or so years emanating from the guidance in *Planning Policy Guidance Note 21: Tourism* and subsequently the good practice guide. However, the matter has also been tested on appeal and some recent decisions are set out below for information.

- **APP/W1335/A/07/2034354 (28 November 2007)**
Craggwood Caravan Park, Golden Lane, Ramshaw, Bishop Auckland DL14 0NS

In allowing this appeal for an extension of holiday season the inspector noted that:-

"Craggwood is located in attractive open countryside, close to facilities in Ramshaw and Evenwood. In my opinion, there is potential for the caravans to be used as permanent residences, so that controls as to their use are still necessary. At the hearing, it was agreed that any new conditions should require that the caravans should be holiday purposes and not permanent residences and that there should be means of monitoring and enforcement. The condition I have imposed reflects these aims as well as being advice in circular 11/95".

The condition imposed was as follows:-

"The caravans shall be occupied for holiday purposes only and 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 of 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".

In essence, the seasonal occupancy period condition was removed in its entirety to be replaced by a holiday occupancy condition.

- **APP/P1615/A/09/2103429 (25 January 2010)**
Whitecliff Holiday Lodges, Whitecliff, Coleford, Gloucs GL16 8NP

In allowing the appeal and granting planning permission for the erection of 22 holiday lodges, the inspector applied the following condition:-

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

The inspector noted that:-

"In this case as the site would comprise solely of holiday lodges, coupled with the nature and design of the lodges themselves, their use as permanent residential occupation is in my view less likely than, for example, the conversion of more permanent, isolated or individual units unrelated to a holiday park. I am satisfied that the condition that I have attached is capable of ensuring that the lodges within the holiday Park are not occupied as permanent residential accommodation".

- **APP/C9499/A/09/2117805 (19th March 2010)**
Hawswick Cote Caravan Park, Hawswick, Skipton, North Yorkshire BD23 5PX

A seasonal occupancy condition allowed use of this holiday park between 1st March and 14th November in any year. The appellant sought use of land as a caravan park without complying with this condition. The park lies within the Yorkshire Dales National Park.

In allowing the appeal the inspector noted the following:-

Control over permanent residential occupancy

10. Given national, regional and local policy to protect the countryside and to ensure sustainable patterns of development, I accept that controls to prevent all year round

occupancy are essential. The condition in dispute achieves that, by preventing occupancy between mid November and the beginning of March.

11. However, that condition, in my view, unduly restricts occupancy in an era of changing holiday trends towards short stay breaks outside the traditional holiday season – a trend, which is recognized in national policy guidance. In addition, at a regional level, the Yorkshire and Humber Plan (RSS) includes Policy E6, which seeks to promote, support and encourage tourism by, among other things, making best use of existing tourism infrastructure. The appeal proposals would do exactly that and, in my view, is, in principle, acceptable, provided that a mechanism exists to prevent permanent residential occupancy.

12. The appellants have drawn my attention to conditions set out in Annex B in the 'Good Practice Guide on Planning for Tourism' which can secure this. Having regard to advice in Circular 11/95, I consider that such conditions would be appropriate in this instance and note that similar conditions have been used by Inspectors in appeal decisions, to which my attention has been drawn. I do not share the NPA's concern that such conditions would be difficult to monitor or enforce.

13. I therefore conclude that permanent residential occupancy could be satisfactorily controlled in ways, other than by the condition in dispute.

The seasonal occupancy period condition was removed in its entirety to be replaced by a holiday occupancy condition and subject to the maintenance of a register of caravan owners names and main home addresses.

- **APP/E2340/A/10/2137243 (19th January 2011)**
Forest of Bowland Leisure Park, Roughlee, Nelson, BB9 6NR

Here again a seasonal occupancy period was in operation and the appellant sought approval for year round use of the park.

The inspector concluded inter alia that:

11. I consider that condition 1 should be replaced with a standard holiday occupancy condition, drafted in accordance with the GPGPT, which expressly states that caravans on the site shall only be used for holiday purposes and not as a person's main or sole place of residence. Such a condition would suffice to prevent any permanent residential use. It is not necessary to also require that the caravans be unoccupied for four week consecutive periods – and imposing such a condition would in my view place an unreasonable restriction on the appellant.

12. I also consider it unnecessary to limit occupation of the caravans to 11 months of the year. The Council have given little explanation for this part of condition 1, save that it would "emphasis the holiday nature of the units". The council is not seeking to control when any caravan should be unoccupied. The appellant does not object to the 11 month clause, but C11/95 advises that agreement to a condition does not make it reasonable. Since a holiday occupancy condition would prevent the use of the caravans as permanent dwellings, the Council's key objective – I find that the other occupancy constraints could not be justified.

- **APP/P2365/A/11/2146532 (7th June 2011)**

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

In this case, a seasonal occupancy condition was already in place for an extended season that provided, *"None of the caravans shall be occupied in any way between first February and 13th February in any calendar year"*. The appellant sought use of land as a caravan park without complying with this condition.

In allowing the appeal the Inspector noted that:

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.

"The annual period of closure of the site was reduced from eight weeks to the present two weeks following an appeal (APP/P2365/A/08/2082079) in 2008. In his decision the inspector argued that, whether the closed period was eight 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 five caravans on a year-round basis, or likely to arise from the current proposal, has been presented.

In applying conditions the inspector considered:-

"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".

He went on to apply a holiday occupancy condition only, together with the maintenance of an up-to-date register on the same terms as set out in the previous appeals referred to above.

- **APP/J1860/A/11/2165323 (19 March 2012)**

Coppice Leisure Park, Ockeridge, Wichenford, Worcester WR6 6YP

Here again the appeal considered variation of a planning condition which imposed a seasonal occupancy period with one-month closure between 15th January and 15th February in any calendar year.

In addition to the disputed seasonal occupancy condition there were already two other conditions that required caravans to be used only for holiday accommodation and not for any residential use and that a register be maintained.

The inspector concluded that:-

"In this instance the evidence is that conditions 4 and 6 would be sufficient to ensure that these caravans would not be occupied on a permanent basis and that the disputed condition is unnecessary. Lifting the disputed condition would not, therefore, compromise the aims of policies PS3, DS 14 and EP 14 of the Malvern Hills District Local Plan in so far as they seek to avoid unsustainable development in the countryside".

A costs application was successfully made in this instance.

- **APP/A6835/A/12/2169310 (2nd July 2012)**
Caerwys Caravan Park, Caerwys Hill, Caerwys, Mold

In allowing the appeal - to vary a condition to permit year round use the park - the Inspector found that:

7. Overall, I consider that the periodic occupation of the site on a year round basis is not the same thing as permanent occupation and conclude that the levels of occupation and the associated activity would not lead to a perception of permanent residential occupation. The impact of the site comes more from the permanence of the structures within it and I consider that year round use would not alter its impact on the landscape or the nearby AONB. Moreover, the year round activity on the site would not change its physical relationship with the adjacent settlement nor lead to a greater sense of coalescence.

A costs application was successfully made in this instance.

- **Yorkshire Dales National Park Authority (Application No. S/03/553)**
Cross Hall Caravan Park, Sedburgh

Permission granted on application for, "full planning permission for extending opening season to 11 months (1st March to 31st January")

It should be noted that in none of these cases was it considered or found necessary to introduce a section 106 agreement in addition to any planning conditions.

PHUK Parks – Seasonal Extensions by Local Authority

- | | |
|--------------------------------|----------------------------|
| • Rother - 12 months | • Hastings - 12 months |
| • Tendring - 11½ months | • Shepway - 11½ months |
| • Torbay - 12 months | • Canterbury - 11½ months |
| • Chichester - 12 months | • Christchurch - 12 months |
| • Suffolk Coastal - 11½ months | • Teignbridge - 11½ months |

Summary

There have been a variety of independent considerations on appeal of the Circular and planning guidance which have concluded that sufficient controls are available to ensure holiday occupancy of caravans and chalets can be maintained; even where the seasonal occupancy period is removed entirely and occupation takes place throughout the year.