



DESIGN AND ACCESS
PLANNING STATEMENT

PROPOSED VARIATION OF CONDITION No. 5
OF PLANNING PERMISSION REFERENCE
NYM/2012/0785/FL TO ALLOW THE EXTENSION OF
HOLIDAY SEASON TO 12 MONTHS
AT LADYCROSS PLANTATION CARAVAN PARK,
EGTON, WHITBY YO21 1UA

PREPARED BY
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DATED 18 APRIL 2016

1 SUMMARY

- 1.1 Ladycross Plantation is a well established caravan park which has been attractively developed within mature woodland. The site is exceptionally well screened and lies close to the A171 approximately three miles west of Whitby
- 1.2 This application is for the variation of condition 5 of planning consent NYM/2012/0785/FL to allow the extension of the holiday season to 12 months, this will allow the site owners to extend the season so that they can offer customers year round holiday opportunities.
- 1.3 Traditionally holiday parks are subject to planning conditions limiting the occupancy of caravans to 9 or 10 months in each year. The purpose of such conditions is usually stated as being to ensure that caravans are not used for residential occupation, however over recent years there has been a move away from restricting the season to prevent residential occupancy and a move towards adopting better drafted planning conditions restricting the type of occupancy.
- 1.4 Following recent national planning guidance, particularly the Good Practice Guide on Planning for Tourism (the 'GPGPT') caravan parks have been granted twelve month seasons by adopting the suggested occupancy conditions in place of the restriction to season. Further planning appeal decisions have followed this principal and have allowed the deletion of such restrictive conditions.

2 APPLICATION

- 2.1 Ladycross Plantation Caravan Park is a well established caravan park which has been attractively developed within mature woodland. The site is exceptionally well screened and lies just off the A171 approximately three miles west of Whitby.
- 2.2 The business makes a small but important contribution to the local economy bringing tourists to the area who use other local businesses during their stay.
- 2.3 The increased popularity of long weekend and mini break vacations has led to park operators within the industry wanting to offer their customers the flexibility to holiday at any time of the year. This allows customer the flexibility to use the well insulated touring caravans during the winter months as well as the more traditional holiday periods.

- 2.4 In order to continue to meet the demands of customers this application seeks to extend the holiday season to allow visitors to stay all year round on this park in line with the growing trend already adopted by many parks around the country.
- 2.5 Conditions restricting the duration of the season have been deleted from many touring caravan parks across the country in recent years. The conditions are unduly restrictive and hold back the business from maximising their trading potential. They have instead been replaced with the GPGPT model planning condition restricting the occupancy of the caravans to holiday occupancy only as set out at Appendix 1.
- 2.6 There have been a number of planning appeals brought in relation to this issue and it has been found by the Planning Inspectors in many cases that the restriction to season was not necessary to prevent residential occupancy. We refer to the appeal APP/C499/A/09/2117805. Here an occupancy period was in operation and the appellant sought approval for twelve month holiday use of the park, the site is in the Yorkshire Dales National Park. The inspector stated that:
- 2.7 *'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. However that condition, in my view, unduly restricts occupancy in an era of changing trends toward short stay breaks outside the traditional holiday season – a trend, which is recognised in national policy guidance'. 'The appellants have drawn my attention to conditions set out in Annex B in the 'Good Practice Guide For Tourism' which can secure this. 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. I therefore conclude that permanent residential occupancy could be satisfactorily controlled in ways, other than by the condition in dispute.*
- 2.8 The seasonal occupancy condition was removed in its entirety and replaced by a holiday only occupancy condition and subject to the maintenance of a register of caravan owners names and home addresses.
- 2.9 Planning appeals to remove restrictions to season as a means to prevent residential occupancy have now been successful across the country. We refer to the following cases:
APP/P1615/A/09/2103429 – Whitecliff Holiday Lodges, Gloucestershire
APP/E2340/A/10/2137234 – Forest of Bowland Leisure Park, Lancashire
APP/P2365/A/11/2146532 – Woodlands Caravan Park, Lancashire
APP/J1860/A/11/2165323 – Coppice Leisure Park, Worcestershire
APP/A6835/A/12/2169310 – Caerwys Caravan Park, Mold, Flintshire

Full details of these appeals are included at Appendix 2.

3 ACCESSABILITY

- 3.1 The subject caravan park is situated in an accessible location just off the A171 some three miles west of Whitby.
- 3.2 The park's access is via a tarmacadam level access road from the public highway into the park. Site roads within the park are either tarmacadam or stone and create an excellent road system within the site. Pathways are also clear and are made with either tarmacadam or stone. All internal roads and pathways are developed fully in accordance with the requirements of the current caravan park site licence issued under the Caravan Sites and Control of Development Act 1960.
- 3.3 The proposal does not require a new access to the public highway or create any changes to the existing layout. There will be no increase in the number of caravans allowed on the park so the number of daily traffic movements to and from the site will not be affected under the proposal.

4 COMMUNITY

- 4.1 The caravan park is a viable and popular local business. The park brings customers to the area they then use local shops, pubs and restaurants. The park also employs local people and indirectly supports jobs both in the immediate locality and helps support jobs in the towns and villages that lie close to the park. It is important to the local community that the caravan park business is allowed to be flexible and continue to remain viable.
- 4.2 As stated below the application does not have any negative impact on the community and is socially sustainable. We have not carried out any community consultation as part of this application as we do not envisage there would be any negative comments received.

5 SUSTAINABILITY

- 5.1 Paragraph 14 of the National Planning Policy Framework advises that at the heart of the NPPF is a presumption in favour of sustainable development which is seen as a golden thread running through both plan making and decision taking.
- 5.2 The proposal responds positively to the three key dimensions of sustainability set out in the NPPF. Firstly the proposal seeks to expand the flexibility offered to customers. By allowing customers to visit the park throughout the year the operator is responding to changing customer demand, this will create an economic gain for the site and other local businesses, which will benefit from the additional business generated.

- 5.3 In similar applications we have provided details of the employment created by the park and the economic benefits to the local community, this level of detail was not required in the appeal cases stated at 2.7 to 2.9 above as it was accepted by the Inspector that clear economic benefits are created by allowing a business to trade for a longer period of time. If further information on the economic benefits of the application are required these can be provided by the agent.
- 5.3 Secondly, the proposal will appeal to customers, often older couples, who wish to visit this destination throughout the year and not just at traditional holiday periods. This concept of year round weekend and mini break holidays is a growing trend within the industry and parks which can cater to this need are seeing the economic benefits.
- 5.4 Thirdly, the caravan park is exceptionally well screened by mature woodland and makes no visual impact upon the surrounding landscape. During our site visit we viewed the park from all public vantage points and it is our view that there are no visual or landscape issues arising from this proposal.

6 FURTHER PLANNING POLICY CONSIDERATIONS

Local Policies

- 6.1 The North York Moors National Park Authority Local Development Framework Core Strategy Document contains a number of policies relating to rural tourism and caravan park development. Policy 16 relates specifically to caravan park development and sets out criteria controlling the physical expansion of sites and new development, the policy does not discuss the holiday season or suggest occupancy conditions.
- 6.2 Policies 13 and 14 of the Core Strategy Document support rural tourism and acknowledge the contribution that tourism can make to the local economy.
- 6.3 In the absence of any directly relevant local policies we refer to the national policies set out below.

National Planning Policies - NPPF

- 6.4 Paragraph 14 of the NPPF advises that at the heart of the NPPF is a presumption in favour of sustainable development which is seen as a golden thread running through both plan making and decision taking. It goes on to state that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date permission is to be granted, unless any adverse impacts from doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF.
- 6.3 This proposal to extend the holiday season is in accordance with the NPPF's three strands of sustainable development, economic, social and environmental as set out below.
- 6.4 Firstly regarding economic sustainability, the proposal will allow the expansion of an existing rural business providing an opportunity for customers to come to the park throughout the whole year and not just in a prescribed holiday season, thus benefiting

the park and other complementary local businesses.

- 6.5 Secondly, the proposal is socially sustainable as it will attract further new customers from outside the area, thereby helping to support a strong, vibrant and healthy local and wider community able to respond to new and changing social aspirations for quality leisure and tourism all year round.
- 6.6 Thirdly, the proposal is environmentally sustainable as it relates to an existing business, which is already integrated into the landscape and has proven to be compatible with all surrounding land uses.
- 6.7 Paragraph 28 of the NPPF goes on to state that in order to promote a strong rural economy LPA's should support tourism and leisure proposals that help support rural communities and attract visitors which respect the character of the countryside.
- 6.8 The NPPF states "*planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*" It is our view, for the reasons set out above in this statement, that the existing condition that restricts the length of season is not necessary to restrict occupancy and a much more specific condition, purely aimed at occupancy would allow more control.
- 6.9 It has been proved by similar planning applications and appeals that planning conditions limiting season in order to restrict occupancy have been found to not satisfy these tests, we refer to paragraph 2.6 to 2.9 above.
- 6.11 Annex B of the GPGPT specifically discusses holiday caravan park occupancy conditions and suggests model conditions for local planning authorities to adopt, which allow the business to trade for a twelve month season whilst preventing residential use of caravans. These conditions have now been widely adopted across the country and provide LPA's with a greater control over occupancy than a basic seasonal restriction. These model conditions are contained within Appendix 1.

7 OVERALL CONCLUSION

- 7.1 This application is for the variation of condition 5 of planning consent NYM/D/2012/0785 to allow the extension of the holiday season to twelve months, this will allow the site owners greater flexibility to operate the touring section of the caravan park.
- 7.2 This caravan park is an asset to the local economy and can help support many complementary businesses within the community. The park wants to offer customers a longer holiday season so they can visit the area throughout the year allowing it to compete with other caravan parks around the country for this additional trade.
- 7.3 Conditions restricting the duration of stay on touring caravan parks have been deleted from many planning permissions for touring caravan parks across the country in recent years. The conditions are unduly restrictive and hold back businesses from trading to their full potential.
- 7.4 As shown in the appeal decisions referred to in paragraphs 2.6 to 2.9 above and provided in more detail at Appendix 2, such restrictive conditions have been deleted on caravan many parks across the country.
- 7.5 It is our opinion that the application is in accordance with the relevant local and national planning policies, particularly the NPPF.
- 7.6 Having regard to all the above comments the planning application should be approved under delegated powers.

Planning Statement
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APPENDIX

See attached PDF documents

ANNEX B

Seasonal and Holiday Occupancy Conditions

1. 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. Much of this demand is for self-catering accommodation – whether in new or converted buildings or in caravan holiday homes. This spread of demand improves the use that is made of this accommodation and so is advantageous to the businesses which provide it and to those host communities which are supported by the spending that it generates. It can help to reduce the disadvantages of seasonal employment, including the difficulties of retaining trained and experienced staff.
2. Whilst extension of the season has these advantages, the demand for this accommodation may occur in areas in which the provision of permanent housing would be contrary to national or local policies which seek to restrict development, for example in order to safeguard the countryside. The planning system can reconcile these two objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose. Planning authorities commonly impose such conditions when granting permission for self-catering holiday accommodation. Chapter 6 above explains the general use of conditions with planning permissions.
3. One type of condition frequently used for holiday accommodation, particularly in holiday areas, is known generically as a ‘holiday occupancy condition’. The aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock. There are three principal reasons why a planning authority might seek to do this:
 - in order that national or local policies on development of the countryside are not compromised. Often the conversion of redundant rural buildings to holiday accommodation provides a means to retain those buildings without introducing a level of activity that would occur with permanent households;
 - to avoid occupation by permanent households which would in turn put pressure upon local services. Permanent households may place demands for local schools and social and health services that would not normally arise from visitors. Moreover, in remote locations the cost of providing these services is greater. It may therefore be reasonable for the planning authority to place an occupancy condition when properties are being built or converted for residential use; and
 - to strengthen tourism in a particular area by ensuring that there is a wide range of properties available to encourage visitors to come there on holiday.

Planning authorities will frame these conditions according to local circumstances, and in accordance with general Government advice that conditions should be reasonable and fair. They will also need to frame them so that they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants.

Controlling use of holiday caravan and other holiday park accommodation

East Riding of Yorkshire Council established a joint working group to establish the best approach to secure holiday use of caravan parks. This group comprised councillors and council officers; representatives from the British Holiday and Homes Parks Association Ltd; the park operators and their agents; and the caravan manufacturers. It concluded that planning conditions needed to be stronger, requiring documentary evidence of occupiers maintaining a primary residency elsewhere to be provided.

As a result the planning committee agreed that future planning permissions for holiday caravan parks, holiday log cabins and holiday chalets shall normally be subject to the following conditions:

- (i) the caravans (or cabins/chalets) are occupied for holiday purposes only;
- (ii) the caravans (or cabins/chalets) shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets 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 reason for these conditions is to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The register required in (iii) above shall normally be collected by the caravan site licence holder or his/her nominated person.

4. Another type of condition that may be appropriate for tourist areas is known as a 'seasonal occupancy' condition. This would seek to restrict use of holiday accommodation during particular times of year, perhaps to protect the local environment. This could be used if, for example, use of the premises or the site might affect an important species of bird during its breeding season or when it is winter feeding. Local planning authorities will need to balance the need to impose seasonal occupancy conditions with the wish to avoid exacerbating the seasonal nature of tourism in the locality and its possible adverse effects upon local businesses and jobs.