

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Egton

Application No. NYM/2016/0297/FL

Proposal: variation of condition 5 of planning approval NYM/2012/0785/FL to allow the holiday park to remain open 12 months of the year (resubmission following refusal of NYM/2015/0489/FL)

Location: Ladycross Plantation Caravan Park
Egton Lane
Egton

Decision Date: 17 June 2016

Consultations


Parish – Objects to this application as it feels the caravan park should remain a holiday destination and not become a village of permanent residents.

Site Notice Expiry Date – 1 June 2016

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	RSUO00	The holiday units hereby permitted shall form and remain part of the Ladycross Plantation Caravan Park planning unit managed by the occupiers of the main house on the site.
2.	RSUO00	The caravans and timber lodges hereby approved shall only be occupied in accordance with the following criteria: (i) the caravans and timber lodges are occupied for holiday purposes only; (ii) the caravans and timber lodges shall not be occupied as a person's sole, or main place of residence; (iii) the site operator shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans and timber 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.
3.	RSUO00	The site shall not be used for more than 10 Static Caravans and the remaining numbers should be made up from 41 timber lodges, 124 Touring/Seasonal Caravans, 9 motor homes and 5 camping pods. The total numbers of both touring/seasonal caravans, static caravans, timber lodges and camping pods on the site shall not exceed 190.
4.	RSUO00	No fences, buildings or ancillary structures, with the exception of the approved storage boxes, shall be erected on the pitches or in the surrounding area without the further granting of planning permission.
5.	LNDS00	The existing woodland between the boundaries of the site and the development shall be retained and managed by the owners and operators of the caravan site, so as to allow natural regeneration.


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6.	GAC00	No external lighting shall be installed on the site and within the extension to the site hereby approved until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
7	MISC00	No work shall commence to clear trees and the site in preparation for the development hereby permitted until details of a programme of works to mitigate the impact of the development on any bats or other protected species at the site have been submitted to and approved in writing by the Local Planning Authority. The programme shall include a survey of the buildings to determine the extent of any bat or badger presence and a written scheme of mitigation measures. The work shall not be carried out otherwise than in accordance with the details so approved.
8	MATS00	No work shall commence on the siting of any storage box until details of the finish of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The storage boxes shall accord with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9.	RSU00	Only one of the timber lodges hereby approved shall have more than 3 bedrooms, the remainder shall have no more than 3 bedrooms, unless otherwise agreed in writing by the Local Planning Authority.
10.	HWAY00	The road surfaces within the application site shall be constructed using the "Cell Web" system as described in the information submitted in support of the application NYM/2011/0111/FL received on 3 May 2011.

Reason for Condition(s)

1.	RSU000	In the interest of providing a range of type of accommodation to visitors to the National Park in accordance with NYM Core Policy A.
2.	RSU000	The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to provide facilities for visitors in line with NYM Development Policy 16.
3.	RSU000	In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seeks to safeguard public amenity.
4.	GAC00	For the avoidance of doubt and to ensure the details of the development together with any subsequent insignificant variations as may be approved in writing, comply with the provisions of NYM Core Policy A and NYM Development Policy 3.
5.	LNDS00	In order to comply with the provisions of NYM Development Policy 16 which seeks to ensure that the expansion of caravans are located within an area of well established woodland where arrangements for the maintenance of this in perpetuity can be demonstrated.
6.	GAC00	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A and NYM Development Policy 13
7	MISC 00	To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C
8	MATS00	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

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9.	HWAY00	In accordance with NYM Development Policy 23 and in the interests of the safety and convenience of highway users.
10	LNDS00	The trees within the vicinity of the site are of significant amenity value and every effort shall be made to protect them in accordance with NYM Core Policy C.

Background

Ladycross Plantation Touring Caravan Park is a large established holiday caravan park located just outside of Egton to the south of the A171.

The site previously gained approval for an extension to accommodate up to 175 touring caravans in 2004. Planning Permission was then granted in 2008 to change some of the touring caravans on site to static caravans. The total number of static van pitches permitted was 60 in total with the remaining 115 pitches being seasonal and touring pitches.

Permission was also granted in 2008 to extend the operating period from eight months to 10.5 months (Mid March to January inclusive) and also to leave certain 'seasonal' touring caravans on pitches instead of having to move them into a storage area.

Planning permission was granted in 2011 for the re organisation of the 175 pitch caravan site to a 190 caravan pitch site to include the following arrangement of pitches;

- 42 lodges
- 10 statics in the middle field with parking (which has the permission from the previous approval)
- Seven new touring area (western boundary)
- 30 new touring area (southern boundary)
- Nine new motor homes
- Five camping pods
- 87 existing tourers

Planning permission was also granted in 2011 for the installation of four solar panels on the south facing roof slope of the northern amenity block and eight solar panels (four on each roof slope) of the southern amenity block, for a play area and new entrance walls to the lodge area together with a new water bore hole.

A further application was granted in January 2013 (NYM2012/0785/FL) which allowed the variation of conditions 2, 5 and 7 of the 2011 planning consent to allow the repositioning of lodges and gas storage tank, the extension of the opening times together with the siting of storage boxes to the rear of the seasonal caravans. Application NYM2012/0785/FL was originally submitted to include the extension of the opening times for the caravan park from 10.5 months to 12 months however following discussions with the Planning Officer this was amended to 11 months.

Planning permission was refused in 2014 for the Variation of Condition 5 of NYM2012/0785/FL to allow the holiday park to remain open for 12 months of the year. The application was refused on the basis that it was considered that if allowed, it would enable the holiday park to be occupied all year round resulting in a change of character and appearance to site akin to permanent residential accommodation and also, whilst the

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additional 4 weeks of provision of tourist accommodation would offer some modest tourism benefits in line with Development Policy 14, these were considered to be marginal compared with the conflict with the objectives of Core Policies B and J.

This current application again seeks permission to remove Condition 5 to allow the holiday park to be open all year round. Supporting documentation has been submitted with the application including 6 appeal decisions where such restrictions were allowed.

These were allowed on the basis that the Inspectors determining those appeals did not consider that the additional occupation of the site all year round would lead to a perception of permanent residential occupation; that it was not necessary to restrict the months of opening to ensure that none of the lodges/caravans were occupied as a permanent residence; it was still easy to enforce and there would be no greater impact in terms of light pollution.

The applicant's agent has responded to the comments made by the parish council, as follows:


"The application is to allow the 12 month use of the holiday park. If the application is approved the use will still be for holiday use and this will be strictly controlled by a better and more enforceable planning condition such as the condition that is set out in appendix one of our planning statement.

I am concerned that the Parish Council may not have read our planning statement which covers this point in detail. I copy an extract from the planning statement below:

26 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 owner's names and home addresses.



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Main Issues

The site is beyond the main built up area of Egton in open countryside. The proposal relates solely to a variation of a condition to enable the holiday park to be used all year round which effectively creates a permanent residential use in open countryside. The most relevant policies are therefore Core Policies B and J which set out the approach to new residential development in such locations. In addition, Development Policy 14 supports the expansion of tourism development where it will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a manner that will not undermine the special qualities of the National Park or in a way that conserves and enhances the special qualities.

Core Policies B and J restrict new housing in open countryside to that which is proven as essential for farming, forestry or other essential land management activities or is for a conversion to holiday accommodation or letting for local needs or for a replacement dwelling. In this case, there are no exceptional circumstances that would justify a departure from these policies. Whilst the proposal may offer some tourism benefits in line with Development Policy 14, these are considered to be marginal compared with the degree of conflict with Core Policies B and J and do not outweigh the strong policy objection.

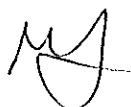
Development Policy 14 seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity; and where it will make use of existing buildings.

The Good Practice Guide on Tourism (2005) is one of the advice notes that is still in existence following the publication of the National Planning Policy Framework. It advises that local authorities should be generally supportive of proposals to extend holiday seasons specified in conditions and balance the need for holiday occupancy conditions with the more flexible pattern of holiday making that supports the local economy.

With the previous application to remove this condition, the Authority took the view that whilst it supported the extension of occupancy periods on a number of sites, none had been varied to permit all year round occupancy on this scale and effective monitoring of such a condition would not be possible.

However, subsequent to that refusal there have been a number of appeal decisions for similar types of development, where the months of opening restriction has been allowed for the reasons set out in the background above.

It is considered now, that in the view of this evidence, a refusal would not be supported at appeal as there is no Policy conflict with DP14.



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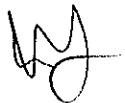
The Parish Council have objected on the basis that they do not want to see the holiday units here occupied as permanent units of accommodation. This is not what has been applied for and can be prevented by appropriate conditions and therefore their concerns can be managed by conditions. This has been explained to the Parish Council.

In view of the above considerations, approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

Approval (No Amendments Required)

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'WJ'.