

PLANNING COMMITTEE

Wednesday 6th August 2008

This application is reported to Members because the Parish Council have raised an objection. Nineteen letters of objection have also been received.

Case Officer - Charlie Colling

STARTFORTH - 6/2008/0183/DM

Variation of condition 8 of 6/1998/0134/DM to allow all year round use of the caravan park for holiday only purposes at East Lendings Caravan Park, Abbey Lane, Startforth for North Dales LLP (28 April 2008).

THE SITE:

The caravan site is located on the south bank of the River Tees, immediately to the east of the residential, road the Lendings, from which there is footpath access. Vehicular access to the site is via Abbey Lane which is a narrow 'C' class road. The site is within the Area of High Landscape Value and partly within the Barnard Castle Conservation Area. The caravan site is outside the defined settlement limits for Startforth.



THE PROPOSAL:

Variation of condition 8 of planning approval 6/1998/0134/DM to allow all year round use of the caravan park for holiday only purposes.

PLANNING HISTORY:

6/2007/0570/DM - Extension and alterations to existing function room, shop including erection of entrance canopy, provision of toilets, shop & office facilities (approved)

6/2003/0451/DM – Extension to seasonal Holiday Occupation at East Lendings Caravan Park, Startforth, 005-154 for Lakeland Leisure Estates Ltd (withdrawn Dec 2003)

6/1998/0279/DM – Amendment to condition 8 of planning permission 6/1998/0134/DM for new closed period of 6th January to 1st March in any one year – refused consent for the following reason:

“The proposed change to the closed period of the caravan site would adversely affect the amenities of local residents by reason of the extended period of disturbance, noise and nuisance generated from the caravan park.”

6/1998/0134/DM – Engineering works and associated landscaping to accommodate 13 re-located caravans from existing site – approved subject to condition 8:

“That none of the caravans at the East Lendings Caravan Park shall be used for human habitation other than seasonally, for holiday purposes, and that none of them shall be so used between 31 October in any one year and 1 March in the succeeding year.

Reason: To ensure the caravans are not used for permanent residential use.”

The caravan park pre-dates the Planning Acts and prior to 1998 there was no control over the period of closure of the caravan park. The caravan park has previously been extended in 1958, 1961, 1963 and 1972.

PLANNING POLICY:

GD1 General Development Criteria

TR3 Camping, caravan and chalet sites in the countryside

TR4 Static caravans, chalets and other holiday accommodation occupation.

ENV1 Protection of the Countryside

ENV3 Area of High Landscape Value

H6 New dwelling in the countryside

BENV3 Development affecting the character of a Listed Building or its setting.

PPS7 Sustainable Development in Rural Areas (2004)

Good Practice Guide on Planning for Tourism – Department for Communities and Local Government 2006 (amended 2007)

REPRESENTATIONS:

Statutory and Internal Consultants:

County Highways Officer – Abbey Lane is a narrow “C” class road with commensurately low vehicle speeds. The access to the caravan park itself is good, as is the junction with the B6277 road. There are adequate passing places on Abbey Lane.

No objection is raised to this proposal from a highways aspect.

Environment Agency – We have no objection to the time extension providing the following condition is imposed:

A flood evacuation plan should be submitted and agreed with the Local Planning Authority prior to occupation of the site during the period of 31 October to 1 March.

Reason: To ensure safe exit from the site in times of high flow.

This condition has been requested on the basis that at present there is no such evacuation procedure in place, and following an increase to year round use (i.e. use during the winter period when flooding is more likely) the provision of an adequate evacuation plan would reduce the flood risk to occupants.

Environmental Health – This section has not received any complaints concerning the operation of the site from residents of neighbouring properties. However, if the season is extended as is proposed the disturbance the residents state they are experiencing will be prolonged.

From a caravan licensing point of view the site complies with its current licence and the extension of the opening period will have no effect on the license.

Parish – The Parish Council oppose the application for several reasons. Extension of use will by virtue of its position and scale have an adverse impact upon the conditions of neighbouring properties. Year round traffic on the narrow Abbey Lane would prove difficult when snow and general winter conditions are prevalent. The caravans would become the permanent homes for some and no longer treated as a holiday home.

It is recalled that extension of the caravan park was granted on the firm understanding that caravans be for holiday use only and closed for 4 months of the year and these conditions should prevail.

Barnard Castle Police – comments awaited

Public Responses:

Neighbouring properties have been consulted and three site notices placed within the locality. Nineteen letters of objection have been received from residents within The Lendings and Abbey Lane, and owners of some of the caravans within the site (two of the letters received were from the same person). Concerns in summary are:

From residents of the Lendings and Abbey Lane

- Circumstances have not changed since the 1998 permission was granted and the occupancy conditions imposed, and the reasons for imposing the conditions are still valid.
- The access to the site is along Abbey Lane, which is a single track lane. An increase in traffic in winter months would cause a significant traffic hazard as the road is never gritted and is often icy due to water run-off from the fields.
- The restrictions imposed in 1998 were a compromise between the respective interests of the park owners and the local community.
- Teesdale has a policy of having a closed period for caravan parks in the district.
- It would be impossible to know that a caravan is being used solely for holiday purposes.
- The owners of houses in The Lendings have been very generous in their tolerance to nuisance caused by caravanners over many years.
- Litter problems

- Any extension whatsoever of the period allowed for occupation would damage the relationship between the residents of the Lendings and the caravan users.
- Increase in antisocial behaviour experienced and late night disturbance.
- We understand that sub letting was restricted, under the original approval.
- If the extension is allowed the site will become a Hoseason's caravan park, and will drive away the regular visitors who cared for and appreciated the environment.
- We fear a cheap, kiss me quick, family holiday park with the return of bad behaviour.
- We have no objection to the site as seasonal and appreciate the need for tourism in Teesdale, however the shop on site and extension of the clubhouse, does not encourage visitors to use the local facilities.
- This would create a cheap housing estate in an area where planning permission would not be obtained.
- Long term occupancy of the caravans will be impossible to police.
- The footpath beside the river becomes almost impassable during the winter months, making it increasingly likely that any pedestrian traffic would detour through the Lendings.
- Nature of the site and occupants will change.
- The previous owner made a similar application which was rejected and I see no reason to change that decision.
- The proposal is suggesting sub-letting of caravans on the park and when this was previously the case, it created a number of problems on the Lendings.
- An extension to the current opening at East Lendings would lead to a further drain on already stretched resources of medical services in the community.

From Caravan owners

- The site fees will be raised.
- Concerns as to whether caravan owners will have to pay rates if the site is open for 12 months.
- Many of the owners would not have bought caravans on the site if they had known some caravans would be hired out.
- Concerns over security of the caravans.
- The vans are neither designed or constructed for permanent residential use.
- The type of people using the site will change.
- Hoseasons brochure shows that the East Lendings site already has a 12 month opening period.
- The majority of caravan owners do not want this as it is just another way for the site to get more money.
- It will not bring that much trade into the town as North Dales seem to think.

PLANNING CONSIDERATIONS:

Principle

Impact on Residential Amenity

Highway Safety

Flood Risk

The East Lendings Caravan Park, currently has a condition which does not allow for the caravans on the site to be used for a four month period between 31st Oct and the 1st March. The current proposals seek to vary this condition to allow the site to be used all

year round. A similar application was recently refused by the Council at a site known as 'Cragwood Caravan Park', Gordon Lane, Ramshaw. The Planning Inspector allowed the appeal and granted planning permission (28th November 2007). The Inspector advised that whilst Policy TR4 was a useful starting point in determining the application, the more recently published PPS7 (2004) was a material consideration and due regard must also be given to the Good Practice Guide on Planning for Tourism (2006). The Inspector acknowledged tourism as a year round activity, and noted that subject to appropriate conditions, it would be possible to restrict these caravans to holiday purposes only, to avoid them being used as a person's main or sole residence. The Inspector also found that as the extension of hours would be during in the winter months when less clement weather would be more frequent, which would discourage people from lingering in the street. The extended operating of the site would therefore be unlikely to give rise to a material increase in noise levels. A copy of this decision has been attached to this report as the Inspector's decision/findings are relevant to this application.

Principle

The Teesdale Local Plan which was adopted in 2002 contains Policy TR4 which states that permission will only be granted if occupation by any one person or group is limited to not more than six weeks in any one calendar year. Whilst it is acknowledged that this policy is not directly concerned with the extension of an existing caravan park's opening hours, it is noted that the policy reflects the Council's underlying sentiment that such sites for holiday accommodation should be retained for their intended purpose, preventing permanent residential occupation of the caravans. This policy can therefore be considered as a logical basis on which to consider this application, in that the caravans should not become permanent residential accommodation.

Members will note that a similar application was refused in 1998, at this site. Since this date Members should be aware that the Government has published further policy documents which are relevant to this application and should be considered as material planning considerations in determining this application. Both *Planning Policy Statement 7 – Sustainable Development* and *The Good Practice Guide: Planning for Tourism* have been published and due regard needs to be given to these documents.

Planning Policy Statement 7 states that 'authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes. The Good Practice Guide on Planning for Tourism acknowledges the trend towards tourism as a year round activity and states that "Local planning authorities may attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only. However, with better caravan standards and the trend towards tourism as a year round activity, authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions". With regards to the conditions which should be imposed, Annex B of this guide advises "...the demand for this accommodation may occur in areas in which the provision of permanent housing would be contrary to national or local planning policies which seek to restrict this 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".

Other than the condition attached to the permission granted in 1998 restricting the use of the caravans for a four month period between 31st October and the 1st March, the East Lendings Caravan park has not been subject to any other occupancy conditions. It

is therefore considered that in this instance it would not be reasonable to attach a condition requiring the caravans to only be used by the same person(s) for a maximum six week period in any one calendar year, as no such restriction has been imposed in the past. If Members were minded to approve the application, it is recommended that a condition be attached similar to that placed upon the recently approved site at Cragwood. This would state that the caravans shall be occupied for holiday purposes only and shall not be a person's sole or main residence. The operators would also be required to keep an up to date register of names and addresses of all of the caravan owners and this information would be made available to the local authority upon request.

It is considered that a condition such as this would prevent the caravans from being used as permanent places of residence, in accordance with the thrust of Policy TR4, yet allowing the existing caravan owners to continue their use of the caravans in the same way in which they have done in the past.

It is acknowledged that in policy terms Policy TR4 seeks to limit the use of such sites to holiday accommodation only, and through the use of conditions it is considered that this would be feasible. Having given due consideration to recent national planning policy publications it is considered that the principle of the development would accord with PPS7 and the Good Practice Guide on Planning for Tourism. The recent Inspector's decision has been duly noted and the policy stance which was established in this decision has been applied where relevant to assessing this application. On balance it is therefore considered that in terms of current local and national planning policy the proposals would be in line with current trends and the Government's objective of encouraging tourism.

Impact on Residential Amenity

The East Lendings Caravan Park, is within relatively close proximity to a residential street 'The Lendings' and 'Abbey Lane' which also contains some residential properties. There is a public footpath which passes through the caravan site and then leads both, through The Lendings and down to the river. At present, use of this footpath will inevitably create some level of disturbance from those walking from the caravan site into Barnard Castle. A number of objections have been received indicating that the proposed year round opening of the site would lead to an increase in this disturbance. It is appreciated that the increased opening of the site would result in the increased use of this right of way at times when this would previously have been less well used. The additional use would however occur over the colder winter months, when there is more likely to be less clement weather conditions, which would discourage people from lingering in the street at unsociable hours.

Similar concerns were noted by the Inspector when considering the application at 'Cragwood Caravan Park'. The Inspector considered that due to the increase in use of the site being during the winter months, and the reduced likelihood of people lingering in the street "...it seems to me that an extended season would be unlikely to give rise to a material increase in current noise levels. As such the likely effect on local living conditions does not, in my judgement, amount to sufficient reason to maintain the restricted operating season on the basis of local circumstances". Whilst it is acknowledged that there are obviously site specific differences between the two applications, the Inspector's stance in respect of this issue would appear to be clear.

Highway Safety

Vehicular access to the site is via Abbey Lane which is a narrow 'C' class road with commensurately low vehicle speeds. The Highways Officer has been consulted on this application and commented that the "...the access to the caravan park itself is good as is the junction with the B6277 road. There are adequate passing places on Abbey Lane. I have no objections to this proposal from the highways perspective". A number of objectors have commented that the increased use of the road during winter conditions would be dangerous. However given the lack of objection from the Highways Officer, it is not considered that this would be reason to justify refusal of this application.

Flood Risk

The site is within close proximity to the River Tees and the Environment Agency have therefore been consulted. No objection has been raised, although a condition has been suggested requiring a flood evacuation plan to be approved by the local planning authority. The reason for this request is that there is currently no such evacuation plan in place, and following an increase in year round use (during the winter when flooding is more likely) the provision of an adequate evacuation plan would reduce the flood risk to occupants. This is considered to be a reasonable request and could be controlled by way of condition.

Response to Objectors' Comments

Some of the current owners of caravans on the site have expressed some concern that their site fees will be increased and the type of people using the site may change with a negative effect upon the enjoyment of their caravan. Whilst these concerns are noted the fees payable to the site would not be a material planning consideration, neither would the potential for a different demographic of people using the site.

The nearby residents of the Lendings have expressed strong objection to the proposals, as have the Parish Council. A number of these have been addressed in the report. It is important to clarify the position in respect of some of the issues raised. The highways issues have been addressed in the report and no objection has been received from the Highways Officer. It would appear that there is a considerable amount of concern that should the operating season of the caravan park be extended, to allow all year round use, then this would lead to an increase in the number of caravans let out by holiday operators on a short term basis i.e. 2-14 day breaks. It is inferred that the demographic of people using the site would change, leading to an increase in impact upon amenities in terms of disturbance. It is acknowledged that the site may be increasingly used to accommodate for short breaks. However both local and national planning policy would encourage this type of tourist accommodation. With regards to the differing demographic of people, this is not a material planning consideration.

Some residents have indicated that this application should be refused as in 1998 an application of the same description was refused at this site, and nothing has changed since then. As discussed in the officer's report more recent planning policy has been published which must be given due consideration. The Inspector's decision on a similar site at 'Cragwood Caravan Park', sets out the policy approach, which has been given careful consideration in formulating a recommendation on this application.

Objections have also been received regarding the sub-letting of caravans, with the argument given that this is not permitted under the current conditions of the planning

permission. It should be clarified that this is not the case. The conditions require the caravans to be used for holiday purposes only and to close for four months over the winter period. There is no mention that the caravans cannot be sub-let, there may however be some agreement with the site operators. However the planning authority have not been made aware of this.

A lot of reference from objectors has been made as to the potential for an increase in the levels of noise, litter and anti-social behaviour should the site be granted permission to open all year round. This is addressed in the report. It should also be noted that the environmental health section have not received any complaints and the Barnard Castle Police have been consulted on the application, with their views awaited. It is reasonable to consider that there would be some overall increase in the disturbance experienced by the residents of The Lendings. However, it is not considered that the increase would have an unacceptable level of impact upon amenity. As stated in the report the time of the year which the extension is proposed would be typically during less clement weather conditions, which would generally discourage people from lingering in the street.

Summary

It is considered that, despite the Council's previous refusal to extend the operating times of this site, to allow all year round use, in light of more recent planning policy publications and the decision at 'Cragwood Caravan Park', it would not be prudent to refuse planning permission. It is acknowledged that there may be some increase in adverse impact upon the amenities of the occupiers of The Lendings. This is not considered, for the reasons outlined in the report, to be of such a degree to warrant refusal of this application.

PLAN Nos AND DATE RECEIVED:

SL1 – Site Location Plan (rec 28th April 2008)

RECOMMENDED: That the condition be varied to allow all year round use of the caravan park for holiday purposes, subject to the following conditions being attached.

1. The caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main 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.

To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies GD1 and TR4 of the Teesdale District Local Plan 2002.

2. A flood evacuation plan should be submitted and agreed with the Local Planning Authority prior to occupation of the site during the period of 31 October to 1 March.

To ensure safe exit from the site in times of high flow.