

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03250/VOC
FULL APPLICATION DESCRIPTION:	Removal of holiday occupation condition (No.16) of 3/2010/0143 to allow permanent residential accommodation for over 55s.
NAME OF APPLICANT:	Mr W Hobson
ADDRESS:	Deneside Lodge Park Wolsingham Bishop Auckland DL13 3BL
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Deneside Lodge Park is a holiday chalet park, which sits to the south of Wolsingham, across the River Wear. Access to the site is from an unmade road leading off the bottom of Wear Bank on the south side of the River Wear.
2. There are currently 17 chalets built on the site, but the permission is for 41 holiday chalets and up to 20 touring caravan and camping pitches on the site.
3. The occupation of all chalets is restricted to holiday use only by the conditions below:

16a) Notwithstanding Classes C2 and C3 of Schedule to the Town and Country Planning (Use Classes) Order 1987 the development hereby approved shall be occupied for holiday accommodation only and for the avoidance of doubt shall not be occupied as permanent residential accommodation or as the principal or primary places of residence.

b) If at any time hereafter any holiday unit is let out by the developer or sub let by a leaseholder the lease or sub lease shall contain a covenant on the part of the leaseholder to comply with the conditions 18a) and 18b) above, the wording of such covenant to have been previously submitted to and approved in writing by the Council's Assistant Director for Legal and Administrative Services, such approval not to be unreasonably withheld.

Reason: To prevent the holiday accommodation being used for permanent residential use. In accordance with the Tourism Good Practice Guide, PPS7 and PPS21".

17) *The site operator shall keep a register of the names, addresses and telephone numbers of the primary residences of all owners, hirers or leaseholders. Such register shall be maintained up to date by the operator and shall be made available for inspection by the local planning authority at all reasonable times.*

Reason: To ensure the holiday accommodation is used solely as short stay residences in accordance with the Tourism Good Practice Guide, PPS7 and PPS21.

4. This application seeks to remove condition 16 to allow the lodges to be occupied permanently as residential dwellings for the over 55 age group. This would have to be done in conjunction with a S106 Agreement.
5. The application has been referred to the Planning Committee by Cllr Shuttleworth on the basis that there is a need for housing development in Wolsingham.

PLANNING HISTORY

6. 3/2005/0959 Outline application for chalet park – 27.03.2009
7. 3/2010/0143 Variation of condition to allow year round (holiday) occupancy – approved 13.08.2010
8. 3/2011/0108 Reserved matters pursuant to outline permission 3/2005/0959 – approved 27.07.2011
9. 3/2012/0489 Amendments to layout – approved 10.09.2013
10. DM/16/00639/FPA Decking, storage buildings, paving, planting beds (Retrospective) – approved 14.07.2016

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
12. Core Planning Principles – Among other things, paragraph 17 states that planning should, proactively support sustainable economic development, meet housing, business and other development needs of an area, and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
13. *NPPF Part 3 - Supporting a prosperous rural economy.* 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.
14. *NPPF Part 4 – Promoting sustainable Transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed

communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.

16. *NPPF Part 8 - Promoting healthy communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning should aim to achieve places which promote among other things, opportunities for meetings between members of the community by bringing together those who work, live and play in the vicinity.
17. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.

The above represents a summary of those policies considered most relevant in the Development Plan

LOCAL PLAN POLICY:

18. The following saved policies of the Wear Valley Local Plan are relevant to the application:
19. *Policy ENV1: Protection of the Countryside.* This Policy seeks to protect and enhance the countryside of Wear Valley. Development will be allowed only for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses within the countryside as defined in other Local Plan policies.
20. *Policy H17: Housing for the Elderly:* Such accommodation will only be approved where it is among other things, located within the limits to development; and on or near public transport routes and close to a stopping point.
21. *Policy TM1: Criteria for Tourist Proposals:* The Council will give encouragement to schemes which provide tourism facilities provided they are of a scale compatible with their surroundings, can be absorbed into the landscape, can be accessed safely and do not affect local amenity.
22. *Policy T1: General (Highways) Policy:* All developments which generate additional traffic will be required to provide adequate access, not exceed local network capacity and be capable of access by public transport.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <https://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan -

23. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County

Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Highway Authority:* In terms of the current lawful permission (and conditions) the lodges are in practice likely to have a very low occupancy level during normal off-peak tourism periods (i.e. Nov to Mid-April), irrespective of their lawful potential year round occupancy. Permanent sole residential occupancy will also create separate servicing and delivery journeys to that associated with holiday home. In summary, there will inevitably be a greater amount of annualised vehicular and pedestrian movements as a result. The conditioned highway improvements (predominantly, a short section of footway abutting the entry radius from the C30) have not been undertaken. If the proposed variation of condition is acceded to then there is naturally a greater justification for this condition than previously. It is considered that any permission will act as precedent for the rest of the immediate area becoming a Park Home style arrangement.
25. *Environment Agency:* No objections subject to strict accordance to the submitted flood risk assessment including measures to include:
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 - Evacuation plan must be prepared and agreed to ensure the users and occupants of the lodges aware of the risk and know what to do in times of flood event.
 - Residential lodges remain 300mm levels above existing ground level.
 - Signage to be placed in areas of flood risk to ensure occupants and visitors are aware the land is subject to flooding.

INTERNAL RESPONSES:

26. *Spatial Policy:* In approving the original scheme, it was accepted that there was demand for tourism in this part of County Durham which would bring benefits to the local area and economy. However, as part of the current submission no evidence has been provided to justify why they are no longer suitable as holiday lets. Were these lodges to be lost to residential use, it would mean that the benefit to the rural economy in terms of tourism and associated local spend would also be lost too. The site is at risk of flooding, and lodges used as permanent residential properties falls into a higher risk category than those used for tourism purposes. Given the location of this site to the south of Wolsingham and the distances residents would have to travel on foot to access shops, services and facilities within the village, I would question the sites appropriateness for housing (putting to one side the fundamental issue of flood risk) to those exclusively within the over 55 age group, given that they are more likely to have mobility issues than those in younger age groups.

PUBLIC RESPONSES:

27. The application has been publicised by way of site notice. Two letters of support have been received. One representation suggests that this proposal will free up other housing within Wolsingham so that young couples can get onto the property ladder. Another letter is from an older couple who are considering buying a plot.

PLANNING CONSIDERATIONS AND ASSESSMENT

28. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issue in this case is whether the current holiday occupation restrictions on the site are reasonable and necessary, in the interests of being consistent with the principles of sustainable development, and if so, whether any material considerations would justify their removal.

Whether the conditions are reasonable and necessary

29. As is evident from the grant of the relevant planning permissions, the Council considered the development of the site for holiday accommodation compliant with the development plan and, in particular, policies ENV1 and TM1 of the Wear Valley Local Plan.

30. Policy ENV1 sets out the type of development permissible in the open countryside, including tourism, while policy TM1 specifically gives encouragement to tourist development providing it meets various detailed criteria.

31. To ensure that the accommodation is used for its intended tourism-related purpose, the two relevant conditions restricting occupancy of the lodges to holiday accommodation only are obvious necessities. Without them, the accommodation could be used for permanent residential purposes.

32. As the site is located in the open countryside and is both visually and physically detached from the town of Wolsingham, a residential scheme on the site would have been contrary to policy ENV1, and so too would the current application.

33. Furthermore, in developments of greater than 5 residential units, they must be served by a highway suitable for adoption including layout, geometry, surfacing, footways, lighting and drainage. The access serving the site and the internal access road between units is incompatible with such standards. Nor is the access road depicted as in the ownership of the applicant to enable the necessary improvements to be secured.

34. In that overall context, it is clear that the holiday occupancy conditions are a necessary imposition to ensure the development on the site complies with the development plan and, as such, they meet the tests of paragraph 206 of the NPPF, which requires that 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.

Whether any reasons justify removal of the conditions

35. The applicant puts forward two main arguments to justify removal of the holiday conditions. First, in simple terms, it is suggested that the site is in an accessible location where occupants could easily access the services and facilities in

Wolsingham and beyond by both walking, or public transport, and therefore the site is a sustainable location for housing.

36. This is not accepted. It is over 700m from the site entrance to the Market Place in the town, which is also where the nearest stop for the regular bus service along the A689 is located. The first 200m of that journey is along a narrow, unadopted road with no footway or street lighting, before then having to cross a bridge with a very narrow footway. It is only at the 30mph signs at the entrance to the town that the pedestrian footway provision improves.
37. It is noted that the distance to the town centre is at the “Preferred Maximum” walking distance suggested in the IHT (2000) “Providing Journeys on Foot” guidance, and well beyond the recommended 250-300m walking distance to bus stops in the latest CIHT (2018) “Buses in Urban Developments” guidance. These distances together with the initial/end part of the route having no footway and street lighting provision for pedestrians, are likely to be a deterrent for pedestrian journeys to and from the site, and even more so for the over 55s which the proposal is aimed at, particularly in the winter months.
38. Therefore, walking and public transport would not be a realistic alternative to reliance on private car travel from this site, especially for the elderly who are likely to have more limited mobility as they get older and who would be less inclined to use routes that are not perceived to be safe. This is contrary to the aims of the NPPF in respect of locating development where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It is also contrary to policy H17 of the Wear Valley Local Plan, which requires housing for the elderly to be on or near public transport routes and close to a stopping point. While the current holiday users are also likely to be reliant on car travel for the same reasons, permanent residential occupation would result in a material increase in the number of journeys through day to day shopping, leisure, employment, school, health and family/friend visits. A permanent residential unit is also more likely to have two cars per unit.
39. Furthermore, the reason why Wear Valley Local Plan policy TM1 and NPPF Part 3 encourages tourist accommodation in the open countryside, is largely based around the economic benefits visitors bring to the area. The rural visitor economy is extremely important to Weardale and it is estimated that it supports around 11,000 jobs in the County. Those economic benefits played a significant role in the original grant of planning permission for the site.
40. The economic benefits would not manifest themselves in the same way if the units were to be used as permanent places of residence. A number of recent appeal decisions in the area have supported that view. Wolsingham is an attractive town, well placed in relation to tourist, leisure and recreation opportunities in the Weardale area, which could benefit directly from increased visitor spend. One of the Council’s key economic objectives is to increase the amount and range of holiday accommodation to increase tourist spend in the area, but this proposal would run directly contrary to that objective and take away the potential for the units to generate the economic benefits that justified them in the first place. It could also, all too easily, serve as a precedent for other holiday parks across the County, which would be very damaging to the local visitor economy. As such, there is also significant conflict with the aims of Part 3 of the NPPF, which aims to support a strong rural economy.
41. The second line of argument put forward by the applicant is that the proposal would help address a shortage of housing, particularly for the elderly.

42. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018). The Inspector concluded that the most appropriate measure for assessing the housing requirement is the 1,629dpa (1 of 3 scenarios within the County Durham Plan 'Issues and Options' (June 2016)) as it currently provides the best evidence of the objectively assessed housing need for County Durham. Against this figure, the Inspector concluded that the Council has a housing land supply of 4.75 years. It is also identified within the Council's Strategic Housing Market Assessment that there is a shortage of bungalows for the elderly across the housing market in County Durham. So in general terms the proposal would help address an identified housing shortage.
43. However, in order to meet the NPPF objectives of sustainable, inclusive and mixed communities, as well as other objectives such as increasing opportunities for social interaction and reducing the need to travel, housing for the elderly should be appropriately located close to facilities, social support networks and public transport. This is reflected in the criteria of Wear Valley Local Plan policy H17. For the reasons already set out above, the application site does not meet these criteria, and as a result, residents would not be closely integrated into the rest of the community within the town.
44. Furthermore, the lodges, whilst being single storey, are not purpose designed and built for the elderly, most being without level access on account of their location within Flood zones 2 and 3, which requires them to be elevated at least 300mm above ground level. Nor is the gravel surfacing within the site entirely mobility friendly, particularly as the site is at risk from flooding and requires an evacuation plan.
45. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. In addition, where the Council does not have a 5 year housing land supply, paragraph 14 of the NPPF is engaged, which means granting planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when considered against the policies in the NPPF considered as a whole.
46. Having regards to all of the above, it is considered that the site does not represent an appropriate and sustainable solution to address the shortfall of older persons housing within the County, nor is it compatible with appropriate highway standards for permanent residential occupation. Furthermore, paying particular regard to the importance of tourism to the area and the NPPFs clear approach to building a strong, competitive economy, it is considered that the economic loss to the area that would result from the proposal, and realistic potential to create a precedent for other holiday parks in the County to further detriment of the rural economy, would significantly and demonstrably outweigh any benefits of adding the units to the Council's overall supply of housing.

CONCLUSION

47. The holiday occupancy conditions on this site are necessary and reasonable in the interests of ensuring a sustainable pattern of development and supporting the rural economy through tourism.
48. The site is not an appropriate location, or compatible with appropriate highway standards for permanent housing and more substantially, the proposal would take

away the potential for the units to generate the economic benefits that justified them in the first place. The economic loss to the area that would result from the proposal, and realistic potential to create a precedent for other holiday parks in the County, would significantly and demonstrably outweigh any benefits to housing supply.

49. The proposal to remove the holiday occupancy conditions would not therefore amount to sustainable development under the terms of the NPPF taken as a whole and would conflict with Wear Valley Local Plan policies ENV1, H17 and T1.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

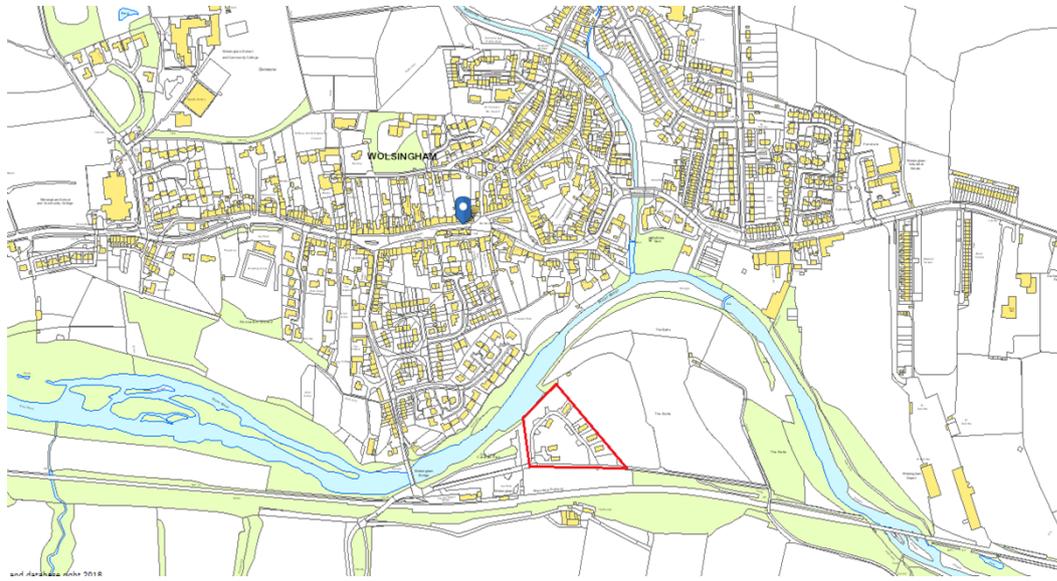
1. The holiday occupancy conditions on this site are necessary and reasonable in the interests of ensuring a sustainable pattern of development and supporting the rural economy through tourism.
2. The site is not an appropriate location or compatible with appropriate highway standards for permanent housing, and the proposal would take away the potential for the units to generate the economic benefits that justified them in the first place. The economic loss to the area that would result from the proposal, and realistic potential to create a precedent for other holiday parks in the County, would significantly and demonstrably outweigh any benefits to housing supply. The proposal to remove the holiday occupancy conditions would not therefore amount to sustainable development under the terms of the NPPF taken as a whole and would conflict with Wear Valley Local Plan policies ENV1, H17 and T1.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received. However, in balance of all considerations, the issues of concern could not result in a positive outcome being achieved. Pre application advice stated from the outset that the proposals could not be supported.

BACKGROUND PAPERS

Submitted application form, plans supporting documents
The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Wear Valley Local Plan
The County Durham Plan (Submission Draft)
All consultation responses received



Planning Services

Variation of condition 15(a) of 3/2011/0108 to allow for use of 17no. units as permanent residential accommodation

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21st June 2018