

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 6 April 2010

Subject: Planning Application EPF/1753/09 – The Elms Caravan Site, Lippitts Hill, Waltham Abbey IG10 4AL – To extend the licence to 11 months from 2nd February to 2nd January instead of 1st March to 31st October

**Officer contact for further information: G Courtney
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee considers a planning application on The Elms Caravan Site, Lippitts Hill to allow for an extension to the time that the site can be occupied, which has been referred by Area Plans Subcommittee West without a recommendation.

Report

1. This application was submitted to Area Plans Subcommittee West on 27/01/10 with a recommendation for approval, however at that meeting Members exercised the right under Part 4 of the Constitution to require that no further action be taken on the matter until it had been considered by the District Development Committee.
2. The application is therefore brought before the Committee with no recommendation from Area Plans Subcommittee West. The Officers report is reproduced in full below.

Planning Issues

3. The application proposes an extension of time that the recreational site can be occupied by holiday makers. The present restrictions allow for occupation between 1st March and 31st October, and the proposed alteration would extend this to between 2nd February and 2nd January.

Conclusion

4. The following original officer's report weighs up the planning issues and outlines some local opposition, concluding that in this instance, the merits of the case are sufficient to have recommended to Members that planning permission be granted, including a condition to protect against the site being used for permanent residential purposes.

ORIGINAL AREA PLANS SUBCOMMITTEE WEST REPORT

Suggested condition:

- i) Any caravans or mobile homes stationed on the site shall be occupied for holiday purposes only and for no other purpose.**
- ii) Caravans stationed within the site shall not be occupied as a person's main or sole place of residence (for the avoidance of doubt, on the specific days of occupation the occupants shall be on holiday and not engaged in any paid work, or school or further/higher education attendance).**
- iii) The owners/operators of the site shall maintain an up to date register of the names of all occupants of the individual caravans on the site and of their main home addresses, together with proof of home address in the form of a copy of a driving license, utility bill or council tax bill or other proof as agreed in writing by the Local Planning Authority. This information shall be kept available for inspection by the Local Planning Authority at all reasonable times and shall be forwarded by the owners/operators of the site to the Local Planning Authority annually on or before the 31st January each year.**

Reason:- The site is within the Green Belt wherein additional residential accommodation is inappropriate but short term holiday use in connection with outdoor recreation is appropriate. The condition is necessary to ensure that the site is not used for permanent residential purposes, while allowing reasonable holiday use.

This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).

Description of Proposal:

This application is to extend the times of use of the existing caravan site from 1st March – 31st October to 2nd February to 2nd January, resulting in a total of 11 months usage.

Description of Site:

The application site is an established recreational caravan site located to the rear (east) of a static residential mobile home site. Access to the area is through the residential site and directly off of Lippits Hill. The road running through the residential site (and serving the application site) has a one-way system as the lanes are not large enough to allow for vehicles to pass (particularly if towing caravans). The site is located within the Metropolitan Green Belt

Relevant History:

WHX/0249A/61 - Caravan site between 1st March & 30th October every year – refused 20/09/66 (appeal lodged but no decision)
WHX/0249B/61 - Use as caravan site between 1st March & 30th October in every year – approved/conditions 26/01/67

WHX/0249/67 - Winter storage for 3 caravans – refused 07/07/70
WHX/0298/68 - Winter storage for 10 caravans – refused 07/07/70
WHX/0063/69 - Residential caravan park – refused 07/07/70
WHX/0101/69 - Residential caravan park – refused 07/07/70

Policies Applied:

GB2A – Development in the Green Belt
RST12 – Leisure plots
RST32 – Leisure caravans and camping
DBE9 – Loss of amenity
ST4 – Road safety

Summary of Representations:

39 neighbours were consulted and a Site Notice was displayed.

PARISH COUNCIL – No objection.

2 THE ELMS, LIPPITTS HILL – Object due to the increased noise and nuisance to permanent residents and as it would result in many people living on site permanently. Also this would result in an unacceptable increase in traffic.

3 THE ELMS, LIPPITTS HILL – Object as this would further increase the existing disturbance to the permanent residents and as the access is unsuitable for such intensive use.

4 THE ELMS, LIPPITTS HILL – Object due to the disruption to permanent residents and further impact on the surrounding roads and access lane.

6 THE ELMS, LIPPITTS HILL – Object due to the further disruption this would cause to residents.

9 THE ELM, LIPPITTS HILL – Object as the existing site is unsuited to its location and an extension of opening times would exacerbate this.

11 THE ELMS, LIPPITTS HILL – Object as this would increase the nuisance already suffered from this site.

12 THE ELMS, LIPPITTS HILL – Object due to the impact on neighbouring residents.

13 THE ELMS, LIPPITTS HILL – Object due to the impact on residents.

14 THE ELMS, LIPPITTS HILL – Object as this would further disrupt the permanent residents and would have a detrimental impact on their Human Rights. The existing access to the camp site is inadequate at present and would result in further problems through intensification of use. The current running of the recreational site causes problems for permanent residents and to extend the opening hours would end what little respite from this that is currently enjoyed.

14A THE ELMS, LIPPITTS HILL – Object due to the increased detrimental impact this would have on the permanent residents.

15 THE ELMS, LIPPITTS HILL – Object as this would remove the respite currently enjoyed from the existing disruptive camp site.

17 THE ELMS, LIPPITTS HILL – Object due to the impact this would have on residents.

20 THE ELMS, LIPPITTS HILL – Object due to the increased disturbance to the permanent residents.

21 THE ELMS, LIPPITTS HILL – Object due to the detrimental effect this would have on residents and the increased traffic. There would no longer be any respite from the existing nuisance.

21A THE ELMS, LIPPITTS HILL – Object as this would have a detrimental impact on permanent residents due to increased traffic, due to intensification of use and an increase in the number of visitors.

24 THE ELMS, LIPPITTS HILL – Object as this would remove the small respite currently enjoyed by permanent residents.

26 THE ELMS, LIPPITTS HILL – Comment that personal circumstances against the applicant are being used to ‘scare-monger’ the residents and that a decision should be made on the merits of the application.

28 THE ELMS, LIPPITTS HILL – Object as this would increase the existing disruption and nuisance to residents and would remove the only respite available.

29 THE ELMS, LIPPITTS HILL – Object as this would increase the existing disturbance and nuisance to permanent residents and would allow no respite from this.

31 THE ELMS, LIPPITTS HILL – Object as this would intensify the existing unwarranted and unacceptable disruption to residents.

32 THE ELMS, LIPPITTS HILL – Object as this would remove the respite enjoyed from the disruption already caused for 8 months of the year by the camp site.

33 THE ELMS, LIPPITTS HILL – Object due to the added impact this would have on residents and due to the insufficient access road.

34 THE ELMS, LIPPITTS HILL – Object as this would increase the disturbance and the existing highway danger resulting from the camp site (and users of this ignoring the one way road system).

TREETOPS, LIPPITTS HILL – Object as this site already causes problems to local residents and this would be increased and as there is a concern that this would lead to a permanent residential site being developed.

THE ANNEX, LIPPITTS HILL – Object as this would affect the openness of the Green Belt and have a major impact on local residents.

FOREST SIDE, CHINGFORD – Object due to the poor running of the existing site, the insufficient road network to cope with cars towing caravans, and as this would be intrusive to the openness of the surrounding area.

Issues and Considerations:

The existing recreational caravan and camp site was approved in 1961 for use between March and October, which was considered acceptable as this site is within the Green Belt wherein additional residential development is inappropriate but short term holiday use in connection with outdoor recreation can be appropriate. The restriction on times of use is necessary to ensure that the site is not used for permanent residential purposes while allowing reasonable recreational use.

Previous applications were made for winter storage of caravans on the site in the late 1960's, however these were refused on the following grounds:

- 1. The site lies in the Metropolitan Green Belt and the stationing of caravans on this site is considered to be a prominent feature in this rural scene and detrimental to the amenities of the area by reason of their appearance.*
- 2. The screening to be planted on the perimeter of the site and the previous approval for summer parking would not be effective during winter months.*
- 3. It is considered that approval of the proposal would be contrary to the provisions of the previous permission WHX/0249B/61, use as a caravan site between 1st March and 30th October in every year.*

Notwithstanding the above, given the date of these decisions and the considerable changes to Planning Policy and planning guidance that have occurred since this time, the previous decisions should not necessarily set a precedent for this proposal.

This application is to amend the existing restrictions on the site such that the use would remain for holiday purposes only but would allow the site to be occupied for 11 months of the year rather than the currently lawful 8 months. The main issue therefore is whether this proposed amendment would result in any significant harm to the locality from use of the caravans for holiday purposes during the winter months (namely 31st October to 2nd January and 2nd February to 1st March) and additionally whether the alteration to this restriction would be sufficiently enforceable and adequate to ensure that the caravan site will not be utilised for permanent residential purposes, which would constitute inappropriate development within the Green Belt.

Harm from holiday use in winter:

The existing recreation site has lawful use for the stationing of holiday caravans between March and October, and involves holiday makers bringing recreational caravans to and from the site. At present there is no planning permission for static caravans to be stationed on the site, although a recent letter received from the applicant reveals a desire for this to be undertaken in the future. Notwithstanding this, planning permission would be required for the stationing of such static caravans and, as this does not form part of this application, is not assessed at this time.

Whilst traditionally holiday caravans are not well equipped for winter use, specialised caravans are available for use during colder months. As holiday makers using this site bring their own caravans it is expected that anybody seeking to use the site during winter would ensure that an adequate caravan was used.

The biggest concern and objection with regards to this development is from the permanent residents residing in the residential mobile home site to the west of the application site. Access to the recreational caravan site is through this residential area, which has a narrow track with a one way system imposed (as the road is too narrow to allow for two vehicles to pass, particularly when towing caravans).

Furthermore it is reported that the current caravan park results in high levels of disturbance and nuisance to the neighbouring residents for the 8 months which it is operating, and it is therefore felt by neighbours that an additional 3 months of use would exacerbate these problems.

Whilst it is appreciated that there is no doubt some form of disturbance from a holiday site located adjacent to the residential site, which is largely occupied by elderly residents; given that the use of the site is considered 'acceptable' in planning terms for 8 months of the year it is difficult to justify that it would thence be 'unacceptable' for the remaining 3 months. Furthermore, although there is a concern with regards to the Health and Safety issues that result from holiday makers ignoring the imposed one way system within The Elms estate, as this is a private track it is the responsibility of the owner of the site to ensure that this system is adhered to rather than the Local Planning Authority.

Similarly, whilst it is appreciated that the application site is located within a very rural and unsustainable location, and that the roads within the vicinity of the site are narrow and unsuitable for vehicles towing caravans, they are currently used for 8 months of the year and it is not considered that additional use would be unduly detrimental. Whilst weather conditions are worsened during winter months, and therefore these existing narrow roads are made more hazardous, this would not justify a reason for refusal for this proposal. Furthermore, if the site was used as principal or main residences, additional movements by occupants and service vehicles, together with journeys by visitors would be likely to give rise to an unacceptable increase in traffic on the surrounding roads. However, providing a holiday occupancy condition is imposed, this would provide sufficient control against this.

Several issues have been raised from the permanent residents of The Elms with regards to the current running of the caravan park and the impact it has on their amenities. Whilst it is noted that there appears to be issues arising from the management of the site, this is not a planning issue and as such cannot be taken into account in this instance. The application site is subject to Site Licensing and other Environmental Acts (regarding waste disposal, etc.), which should be used to control the impact of the existing site on the neighbours (and also during the additional months should permission be granted for this).

Enforceability:

The advantage of a seasonal use condition in relation to holiday use is that it is clear and relatively easy to establish when there is a breach. If caravans are located on the site out of season then they are breaching the condition. This was seen as making it easier for Planning Enforcement to ensure that the units do not become residentially occupied. However this is by no means foolproof and it has been possible for people to establish residential use of a "holiday" caravan or chalet, as it may be proven to be their main home even if they do not occupy it for a few months of the year. They could for instance vacate the unit for the winter months to occupy a holiday home in a warmer climate.

Circular 11/95 details how conditions can be used in planning and states it may be *"reasonable for the local planning authority to grant planning permission for holiday accommodation...with a condition specifying its use for holiday accommodation only"*. Whilst seasonal conditions (restricting the times of occupation of a site) are still the most common condition for recreational holiday parks, Annex B of the Department for Communities and Local Government publication entitled *Good*

Practice Guide on Planning for Tourism (GPG), issued in May 2006, suggests a condition ensuring a site is only used as holiday use. This includes three criteria and has recently been imposed on Roydon Mill Leisure Park. These criteria are:

- (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.*

An alternative condition which requires details to be kept of the owners and occupiers main place of residence has been proven within several appeal decisions throughout the Country as a better way of controlling the use than the standard seasonal condition, as it would enable Planning Enforcement or Compliance Officers to check the records rigorously and check the validity of the main addresses given on a regular basis.

Notwithstanding this, the further safeguard of retaining a period of closure of the site, even if only for 1 month of the year, when combined with a condition relating to the above criteria, will allow for greater control over the potential use of the site as a permanent residential site.

Conclusion:

In conclusion, whilst it is accepted that there is a level of disturbance to permanent residents within The Elms as a result of this holiday use, it is a long established recreational site and is considered acceptable (in planning terms) for 8 months of the year. The initial requirement of a closure period throughout the winter months was to ensure that the site did not become a permanent residential site, however the imposition of the new condition (as imposed on Roydon Mill Leisure Park, which now has no restriction on the time of year to which it can be occupied) would successfully protect against this. Due to this it is considered difficult to justify that, whilst the site is acceptable to be used as a holiday caravan site for 8 months of the year an additional 3 months use would be unacceptable. As such, subject to a relevant condition regarding an up-to-date register and the caravans only being used for holiday use, it is considered that in planning terms the extension of use of the caravan site is acceptable and the application is therefore recommended for approval.