

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 25 July 2012

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APPLICATION REF. NO:	12/00317/FUL
STATUTORY DECISION DATE:	3 July 2012
WARD/PARISH:	HURWORTH
LOCATION:	Lakeside Eco Lodge Park, Neasham Road, Hurworth Moor
DESCRIPTION:	Removal of condition 20 of planning permission 07/01064/FUL granted on appeal, app/N1350/A/08/2071080 dated 18 July 2008 to permit year round opening.
APPLICANT:	Lakeside Eco Lodge Park Ltd

APPLICATION AND SITE DESCRIPTION

The application site is situated at the former Skipbridge Brickworks site, midway between Darlington and the village of Neasham.

It is bounded to the north by farmland, and to the east and southeast partly by farmland and a range of former agricultural buildings, now converted to dwellings (The Potteries) and a complex of existing agricultural buildings. A small field adjoins the southern boundary, beyond which lies Neasham Road (C38). A pond and further remains of the former brickworks site are located along the western boundary. Planning permission was granted in January 2005 for the use of this land for recreational purposes, including an equestrian centre and improvements to the pond.

In respect of the application site itself planning permission (Application Ref: 07/01064/FUL) was refused for a leisure park for the stationing of static caravans and associated facilities in February 2008. The application was subsequently allowed on appeal in July 2008 subject to a number of conditions, including a requirement for the caravans not to be occupied between 1 December in any year and the 31 January in the following year (two months). Planning permission (Ref: 10/00471/FUL) was granted in August 2010 for the extension of the holiday season to an eleven and a half month operating season with a seasonal break of two weeks, from 25 January until 8 February when none of the caravans are to be occupied

This application seeks to remove the condition controlling the holiday season of the leisure park to permit all year round opening.

PLANNING HISTORY

The site has an extensive planning history. The most recent and relevant entries to the current application are mentioned above.

PLANNING POLICY BACKGROUND

Darlington Core Strategy Development Plan Document

CS2 - Achieving High Quality, Sustainable Design

CS6 – Vibrant Cultural and Tourism Offer

The National Planning Policy Framework (2012)

Department for Communities and Local Government (DCLG) Good Practice Guide on Planning for Tourism (May 2006).

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received (two from one household) and the following comments have been made: -

- Condition 20 states that none of the static caravans shall be occupied as a person's sole or main place of residence to ensure that the Leisure Park does not become residential and removal of condition 20 will also remove this condition.
- When planning permission was initially granted this condition was put in place to prevent permanent occupation, by removing this condition, the element of prevention is also removed.
- The applicants state that they are at a disadvantage to other parks having a two week closure but if the leisure park is run as genuine venture then this period of closure should not be a problem. There are still other caravan parks in the area which are closed at the beginning of February
- If the condition is removed the Council will not have the resources or manpower to ensure that the caravans are not used as permanent living accommodation.
- It has been observed that some of the caravans are being used as a main place of residence.
- What action has the Council taken to ensure the caravans are not being permanently occupied?
- If year round occupation is approved we would not object to this provided the occupants are recognised as residents and pay the appropriate rate of Council Tax.
- The red site boundary shown in the Design and Access Statement is incorrect and includes areas of land and property not in the applicant's ownership.

Hurworth Parish Council has commented that no formal objection is raised but is concerned that the holiday park may become a residential estate. If this occurs then occupiers should make a full contribution to community services and pay similar rates to other residents in the parish.

Neasham Parish Council has objected to the proposal on the grounds that it would result in permanent residential accommodation and the site would in effect become a residential village with no facilities as such to accommodate a potential large number of residents. The road infrastructure on Neasham Road is not capable of handling larger numbers of vehicles that would be associated with permanent residential use and not safe for additional pedestrian use due to the lack of footpaths. Furthermore it would result in pressure on existing local services such as schools and medical facilities.

Campaign to Protect Rural England has objected to the proposal on the following grounds: -

- At the appeal at which the development received permission the Inspector specifically applied the condition preclude year round occupation ... *"to ensure that policies on development in the countryside are not compromised and that local services do not come under pressure from permanent occupation"*. We do not consider there has been any material change in facilities, etc. so the provisions of the condition are still relevant.
- What action is/has been taken to ensure the caravans are not the first residence of occupiers? We have been informed some occupiers seem to have their caravan as a first residence.
- It is noted that the map submitted as part of the application is inaccurate as it includes land not owned by the applicants.

The Council's Traffic Manager has no highway objection to the proposal.

PLANNING ISSUES

The main issues to be considered in the determination of this application are: -

- Planning Policy
- Residential Amenity
- Highway Matters
- Other Matters

Planning Policy

There are no specific policies within the Darlington Core Strategy Development Plan Document in respect of the length of holiday occupation or length of holiday season. Such advice is contained within the National Planning Framework and guidance in the Good Practice Guide for Tourism.

The National Planning Policy Framework paragraph 29 states that planning authorities should: -

"Support sustainable rural and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres".

The DCLG's *Good Practice Guide on Planning for Tourism* also supports a more positive approach to extensions of the holiday season in respect of caravan holiday homes and self

catering accommodation generally. Annex B of the Guide which provides detailed advice in respect of seasonal and occupancy conditions states in paragraph1: -

“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 homes 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.”

The proposal would seem to make it easier for occupiers of the lodges to live permanently on the site. However Annex B of the Guide indicates that it is possible through the imposition of a condition including three criteria to ensure that the caravans/lodges are only used by visitors and do not become part of the local housing stock. The first two criteria require the caravans/lodges to be occupied solely for holiday purposes and not as a person's main place of residence and the third criterion requires an up to date register of the names of all owners/occupiers of caravans/lodges and their main home addresses to be maintained and made available to the local planning authority at all reasonable times.

There have been a number of successful appeal decisions elsewhere in respect of this issue for year round operation. Inspectors have considered that the imposition of the suggested conditions identified in the Guide, particularly the third criterion to be sufficiently adequate in preventing the holiday units from becoming permanent dwellings

In view of central government planning policy and guidance which supports a more flexible approach to the length of holiday occupation, officers consider that subject to the imposition of conditions described above then the proposal for 12 month holiday occupation of the units is acceptable.

Residential Amenity

The proposal is unlikely to adversely impact on the amenities of adjoining residents. This issue was considered in some depth by the planning inspector in respect of the original application for the leisure park. His comments on this issue are set out below: -

“ The only dwellings close enough as to raise the question of possible noise and disturbance from activities within the appeal site are those at The Potteries adjacent to the south-east boundary. However they stand some 35m from that boundary, behind long front gardens and a hard surfaced area, beyond which and within the site a landscaped mound is proposed. Given this buffer and, and the fact that the main potential sources of noise within the site, such as the tennis courts and children's play area, would be well away to the north west, I do not consider that residents would suffer unacceptable levels of noise and disturbance. ---”

Highway Matters

The proposed extension to the holiday season is unlikely to have any significant effects on the local road network and therefore it raises no highway objections.

Other Matters

Officers have visited the site on a number of occasions, in particular during the two week period when the facility is closed (25th January until 8th February) and have found no evidence to indicate that the condition preventing permanent occupation of the chalets has been breached. Similarly the information contained within register of the names and occupiers of the chalets kept by the operator of the leisure park reveals their main place of residence to be elsewhere.

The site boundary which the objectors refer to as being inaccurate is marked on an extract of an aerial photograph within the Design and Access Statement. The applicants' agent has stated that this is for illustrative purposes only, indicating the approximate location of the site. A separate site plan accompanies the application which identifies the precise boundaries of the site and other land within the applicants' ownership.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The proposal is considered acceptable, subject to the imposition of suitable conditions to prevent permanent residential occupation of the caravans. The proposal would not result in any adverse impact on the visual amenity of the locality nor is the development likely to result in any material harm to the amenities of neighbouring residents. It would not give rise to any issues in relation to highway safety or crime prevention.

RECOMMENDATION

THAT REMOVAL OF PLANNING CONDITION 20 OF PLANNING PERMISSION 07/010640 /FUL GRANTED ON APPEAL, APP/N1350/A/08/2071080 DATED 18 JULY 2008, TO PERMIT YEAR ROUND OPENING BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) The lodges shall be occupied for holiday purposes only.

REASON – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

- 2) The lodges shall not be occupied as a person's sole or main place of residence.

REASON – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

- 3) The owners/operators of the leisure park shall maintain an up-to-date register of the names of all owners/occupiers of individual 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.

REASON – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The removal of the condition to allow for all year round holiday opening of the Leisure Park is considered acceptable, subject to the imposition of suitable conditions to prevent permanent residential occupation of the caravans. The proposal would not result in any adverse impact on the visual amenity of the locality nor is the development likely to result in any material harm to the amenities of neighbouring residents. It would not give rise to any issues in relation to highway safety or crime prevention. The application raises no issues in relation to contamination or foul or surface water drainage. Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -

Darlington Core Strategy Development Plan Document

CS2 - Achieving High Quality, Sustainable Design

CS6 – Vibrant Cultural and Tourism Offer

The National Planning Policy Framework (2012)