

## APPENDIX C

### BROSTERFIELD CARAVAN SITE DISCONTINUANCE ORDER [2016] SECTION 102 TOWN AND COUNTRY PLANNING ACT 1990 STATEMENT OF REASONS

#### Introduction

This Statement of Reasons is a non-statutory document. It sets out the reasons why it is expedient in the interests of the proper planning of the area that the conditions on the use of Brosterfield Caravan Site ("The Land") should be changed and new conditions should be imposed on the continuance of the use.

The Discontinuance Order will be submitted to the Secretary of State for Communities and Local Government for confirmation pursuant to Section 103 of the Town and Country Planning Act 1990.

#### Site and Surroundings

The Land is located in open countryside, approximately 440 metres to the south of Foolow, Derbyshire (grid reference 418941 / 376200). Access to it is from a track which runs along the southern boundary of the site and joins the Foolow – Housley Road to the east. The track is used jointly with Brosterfield Farm and Brosterfield Hall. A public footpath runs along this track towards the south west. The Land is owned by the Peak District National Park Authority ("the Authority").

The Land consists of two fields bounded by dry stone walls and extends to 1.7 Ha (4.2 acres). A block of native trees and hedges has been planted along the eastern boundary of the westernmost field. There are a number of native trees and hedges planted along parts of the western and southern boundaries outside of the Land along with a leylandii hedge. The Land is currently used for grazing but retains a dilapidated former office building in the south west corner of the site along with fire and water points.

For the purposes of the Authority's adopted Landscape Strategy and Action Plan the Land is located within the White Peak and specifically within the Limestone Village Farmlands landscape character type.

It was purchased by the Peak District National Park Authority with the specific intention of changing the 1998 planning permission (ref NP/DDD/0497/156) ("the 1998 permission") to align it with development plan policies.

#### Relevant Planning History

The 1998 permission was granted conditionally for the change of use of part of agricultural land to caravan site. Planning permission was also granted conditionally in 2003 for the erection of amenity block to serve existing caravan park (ref NP/DDD/0203/070), however, the 2003 permission was not implemented and has expired.

In 2011, a Planning Inspector issued a certificate of lawful use for the unrestricted all year round occupation of 20 caravans falling within the statutory definition (i.e. to include "Park" homes) (ref APP/M9496/X/09/2105897).

The Inspector determined that there is no restriction on the type of caravan that can be sited, period of stay or purpose of occupation. The effect of the 1998 permission and the Inspector's decision is that 20 residential caravans can be permanently sited on the Land. This includes static caravans or any other structure that falls within the definition of a 'twin-unit caravan' as set out in the Caravan Sites Act 1968 section 13. This would conflict with development plans policies if it were to be implemented as set out below.

### Justification for Discontinuance Order

Core Strategy policy HC1 says that provision for housing to meet open market demand will not be made within the National Park. Open market housing is only acceptable in exceptional circumstances within the National Park where it is required in order to achieve conservation or enhancement in accordance with HC1 C. There is no provision within housing policies for sites for permanent residential caravans.

The Authority's housing policies closely reflect paragraphs 54 and 55 of the National Planning Policy Framework (the Framework) which restricts the provision of new housing in the countryside unless there are special circumstances. The National Parks Circular (2010) also makes clear that government considers it inappropriate to set general housing targets within National Parks.

It is clear that the siting of 20 permanent residential caravans on the Land would be wholly contrary to housing policies within the Development Plan and national policies within the Framework because this would represent wholly unsustainable development.

Core Strategy policy RT3 and saved Local Plan policies LR3 and LR5 say that small touring camping and caravanning sites will be acceptable in principle provided that their use is restricted to holiday accommodation. RT3 specifically states that static caravans, chalets or lodges will not be permitted. These policies are consistent with paragraph 28 of the Framework which supports sustainable rural tourism which conserves the valued characteristics of the National Park. The siting of static caravans or 'park' homes would be clearly contrary in principle to Core Strategy policy RT3.

Core Strategy policy L1 says that all development must conserve and enhance the landscape character of the National Park. This policy is consistent with paragraph 115 within the Framework which states that great weight should be given to conserving landscape and scenic beauty in National Parks.

The siting of up to 20 static caravans, chalets, "Park" homes or similar structures upon the Land would also have a considerable impact upon the character of it. They would have a visual impact on the public views from nearby footpaths and highways and in the wider landscape where the larger size of static caravans or 'park' homes and formal layout typically found on these types of sites would be obvious and would draw attention to the Land.

It is clear that the siting of 20 permanent residential caravans on the Land would be contrary to conservation, recreation and tourism policies within the Development Plan. The siting of 20 static caravans, chalets or "Park" homes falling within the definition of a 'twin-unit caravan' set out in the Caravan Sites Act 1986 section 13 could not be accommodated without a significant harmful impact upon visual amenity and the scenic beauty of the surrounding landscape which is given the highest status of protection in local and national planning policies.

The continued use of the Land as a caravan site in the absence of planning conditions to restrict the type, period of stay or purpose of occupation of any caravan is wholly unsustainable development and is contrary to local housing, recreation and conservation policies and the National Planning Policy Framework.

### Effect of the Discontinuance Order

The Discontinuance Order has the effect of imposing a new planning condition upon the 1998 permission to replace condition 2. The proposed condition would allow touring caravans or tents only on the Land. Any touring caravan would be single or twin axle and capable of being lawfully towed or driven on a public highway without division into separate parts.

The proposed condition would also restrict the period of occupation for any one caravan or tent for no more than 28 days in any calendar year. It would also restrict the total number of caravans or tents to no more than 20 except between 31<sup>st</sup> March or Good Friday, if earlier, and 31<sup>st</sup> October (all inclusive) when no more than 50 touring caravans or tents can be stationed on the Land.

The proposed new condition would control the on-going use of the Land in a way compatible with development plan policies. It ensures that camping and caravanning can be accommodated without harming the visual amenity of the local area or the scenic beauty of the National Park. For these reasons the Authority has made and wishes to have confirmed an order for alteration of the use under section 102 of the 1990 Town and Country Planning Act ('The Brosterfield Caravan Site Discontinuance Order 2016').