

12. BROSTERFIELD CAMPING AND CARAVAN SITE-DELEGATION TO HEAD OF PLANNING TO MAKE A DISCONTINUANCE ORDER UNDER SECTION 102 TOWN AND COUNTRY PLANNING ACT 1990 (“TCPA 1990”)

1. Purpose of the report

To delegate to the Head of Planning authority to make a discontinuance order for Brosterfield caravan site, Foolow (“the site”).

Key Issues

- **To provide discretion as to when a discontinuance order is made in connection with sale of the site.**

2. Recommendations

- 1. That the Head of Planning in consultation with the Head of Finance and the Head of Law be authorised to make a discontinuance order for Brosterfield caravan site, Foolow.**

How does this contribute to our policies and legal obligations?

3. Section 102 TCPA 1990 provides briefly and as relevant –

“... If, having regard to the development plan and to any other material considerations, it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity) –

- a) that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land;
- b) they may by order –
 - i. require the discontinuance of that use, or
 - ii. impose such conditions as may be specified in the order on the continuance of it, or
 - iii. ...

4. The proposed discontinuance order will have the effect of imposing a new planning condition upon a 1998 permission, (NP/DDD/0497/156-Change of use of part of agricultural land to caravan site) (“the 1998 permission”), to replace condition 2. The proposed condition would allow touring caravans or tents only on the site by inserting a definition of a touring caravan thereby excluding static caravans as currently allowed

5. Existing condition 2 states:

“The number of caravans and/or tents in the site on any day shall not exceed the following:

- a) Between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive-30 caravans and/or tents
- b) On Bank Holiday weekends (i.e. Thursday to Tuesday) between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive-50 caravans and/or tents.

- c) Any other time-20 caravans and/or tents”.
6. 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 31st March or Good Friday, if earlier, and 31st October (all inclusive) when no more than 50 touring caravans or tents can be stationed on the site.
7. The proposed 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.

Background Information

8. Site and Surroundings

9. The site is located in open countryside, approximately 440 metres to the south of Foolow, Derbyshire. Access to it is from a track which runs along the southern boundary of the site and joins the Foolow – Howsley 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”).
10. The site consists of two fields bounded by dry stone walls. 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 site along with a leylandi hedge.
11. For the purposes of the Authority’s adopted Landscape Strategy and Action Plan the site is located within the White Peak and specifically within the Limestone Village Farmlands landscape character type.
12. It was purchased by the Peak District National Park Authority with the specific intention of changing the 1998 permission to align it with development plan policies.

13. Relevant Planning History

14. The 1998 permission was granted for change of use of part of agricultural land to caravan site. Planning permission was also granted 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.
15. In 2011, a planning inspector issued a certificate of lawful use for unrestricted all year round occupation of 20 caravans falling within the statutory definition (see next paragraph i.e. to include ‘park’ homes) (ref APP/M9496/X/09/2105897).
16. 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 site. 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 conflicts with development plans policies as set out below.
17. In 2020, planning permission reference NP/DDD/1219/1272 for erection of amenity building with turning head, new vehicular access, landscaping and associated facilities

for camping and caravan site at Brosterfield Caravan Park, Foolow was granted. This planning permission is extant but has not been implemented.

18. Justification For Discontinuance Order

19. 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.

20. 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.

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

22. 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.

23. 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.

24. The siting of up to 20 static caravans, chalets, 'park' homes or similar structures upon the site 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 site.

25. It is clear that the siting of 20 permanent residential caravans on the site 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.

26. The continued use 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.

27. Effect Of The Discontinuance Order

28. The Discontinuance Order will impose a new planning condition upon the 1998 permission to replace condition 2. The proposed condition would allow touring caravans

or tents only on the site. 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.

29. 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 31st March or Good Friday, if earlier, and 31st October (all inclusive) when no more than 50 touring caravans or tents can be stationed. The proposed new condition would control the on-going use 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.

Proposals

30. **That authority be delegated to the Head of Planning in consultation with the Head of Finance and the Head of Law to make a discontinuance order for Brosterfield Caravan Site, Foolow.**

Are there any corporate implications members should be concerned about?

Financial:

31. An effect of making a discontinuance order will be to substantially devalue the site compared with the price paid by the Authority for it. This has been taken into account and is being overseen by the Head of Finance. The size of devaluation can only be estimated at the time the discontinuance order is made but this will be a material consideration in deciding whether or not to make the order.

Risk Management:

32. If the size of the devaluation is too great, then the order need not be made. This will be a matter within the discretion of the Head of Planning taking into account the advice of the Head of Finance and the Head of Law and having regard to valuation advice. There is considerable local support in preventing development of static caravans on the site which will be achieved by making the discontinuance order.

Sustainability:

33. The effect of the order will be to bring the use of the site into alignment with the sustainability policies incorporated in the development plan.

Equality:

34. No equality issues are identified.

35. Climate Change

No Climate Change issues are identified.

36. Background papers (not previously published)

None.

Report Author, Job Title and Publication Date

Reg Cooper, Assistant Solicitor, 28 July 2021