

5. FULL APPLICATION – APPLICATION FOR THE REMOVAL OR VARIATION OF CONDITION 5 OF NP/SM/0904/0974 – LONGNOR WOOD HOLIDAY PARK, LONGNOR (NP/SM/0922/1125) MN

APPLICANT: MR DALE JAMIESON

Summary

1. The proposals seek to remove a condition that currently prevents occupation of the static caravans at the site between 10th January and 28th February each calendar year.
2. Further conditions of the permission would continue to prevent the permanent occupation of the caravans as permanent dwellings.
3. There are no further policy or material considerations that would indicate that the condition requested to be removed should be maintained.
4. The application is therefore recommended for approval.

Site and Surroundings

5. Longnor Wood Holiday Park lies in open countryside approximately 1.7 kilometres to the south west of Longnor village. The site is situated on high ground and is well screened from views to the north and west by mature trees within Longnor Wood.
6. The site contains wooden lodges, static caravans, pitches for touring caravans and tents, and facilities buildings.

Proposal

7. Planning permission is being sought for the removal or variation of condition 5 of NP/SM/0904/0974.
8. NP/SM/0904/0974 was itself a variation of a previous permission (NP/SM/0797/059), which made the following changes to the previous permission:
 - Made the previously temporary permission permanent
 - Made changes to the site layout
 - Replaced the 28 days occupancy restriction with one prohibiting permanent occupation of the units on the site and requiring the operator to keep a register of guests, including recording council tax details of the permanent residence of guests
 - Altered the occupancy and opening period of the caravan park to reduce the required winter closed period from 30 November-1 March to 10 January-28 February (giving greater flexibility to the operator).
9. Condition 5 of NP/SM/0904/0974 reads as follows:

“No static caravan shall be occupied between 10th January and 28th February each calendar year.”

RECOMMENDATION:

That the application be **APPROVED** subject to the following conditions:

- 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plan numbered 14.503/HLDL2B and dated June 2005, subject to the following conditions or modifications.**
- 2. This consent relates to the layout of the caravans under Phase 1 (as amended by the annotation on the plan) as shown on the approved drawing numbered 14.503/HLDL2B and dated June 2005.**
- 3. The number of touring caravans on site as part of ‘Phase 1’ shown on the approved plan shall not exceed 33 touring caravans, 14 static caravans and 1 warden’s caravan at any one time.**
- 4. This permission, in relation to the 33 touring and 14 static caravans hereby approved, relates solely to their use for short-let holiday residential use. The owner shall maintain a register of occupants noting their permanent residential address upon which Council Tax is paid for each calendar year which shall be made available for inspection by the National Park Authority on request.**
- 5. Details of the type and colour of all new caravans and their subsequent replacements shall be submitted to and approved in writing by the National park Authority before siting.**
- 6. The site warden’s caravan shall not be occupied other than by a site warden working at Longnor Wood Holiday Park and their dependents, and shall be maintained as a single planning unit with the holiday park.**

Key Issues

The key issues are:

- The housing policy implications for relaxing the condition
- The landscape impacts of relaxing the condition
- Any amenity impacts associated with relaxing the condition

History

10. NP/SM/0620/0543 – Permission granted for the temporary variation of condition 5 on NP/SM/0904/0974 to temporarily suspend the requirement for the park to close during January and February 2021 and 2022.
11. NP/SM/0620/0544 – Permission granted for the temporary variation of condition 6 on NP/SM/0605/0614 to temporarily suspend the requirement for the parks camping paddock to close during January and February 2021 and 2022.
12. NP/SM/0717/0699 – Permission granted for change of use of area of the site from campsite to the siting of 6 static caravans, 2 pods and 4 tents ancillary to the wider use of the existing holiday park; retention of existing access road, construction of parking spaces, hardstanding bases and associated landscape planting and decking
13. NP/SM/0217/0189 – Permission refused for change of use of area of the site from camp site to the siting of timber-clad static caravans ancillary to the wider use of the existing holiday park; construction of access road, parking spaces and hardstanding bases and associated landscape planting.
14. NP/SM/0605/0614 – Permission granted for ‘Phase 2’ of masterplan - change of use of tent camping paddocks to 14 touring units

15. NP/SM/0904/0974 – Permission granted for variation to conditions as set out in the 'Proposals' section, above.
16. NP/SM/0797/059 – Permission granted for renewal of temporary consent for caravan site
17. These applications were preceded by additional historic temporary permissions for the caravan and camping site and associated managers dwelling.

Consultations

18. **Highway Authority** – No objections.
19. **Parish Council** – *“Fawfieldhead parish council have concerns over the holiday park been made residential and to be open the full year. Environmental issues- the extra pollution going into the river from the septic tank. The park as it is open already is big enough and commercial enough, without it been open 12 months. The time the park is closed at present would give time for repairs to happen. Its primary purpose is and should stay as holiday like originally planned and not residential.”*

Representations

20. No third party representations have been received.

National Planning Policy Framework (NPPF)

21. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
22. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
23. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

24. Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.

25. Core Strategy policy HC1 states that provision will not be made for housing solely to meet open market demand and that, exceptionally, new housing can be accepted where:
- A. It addresses eligible local needs
 - B. It provides for key workers in agriculture, forestry or other rural enterprises
 - C. It is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or it is required in order to achieve conservation or enhancement in settlements.
26. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

27. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
28. Policy DMR2 addresses occupancy of touring camping and caravan sites. It states that where the development of a touring camping or touring caravan site is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person. It also states that for an existing camping or caravan site, the removal of any existing condition that stipulates months of occupation, and its replacement by a holiday occupancy condition, will be permitted, provided that the site is adequately screened in winter months and that there would be no adverse impact on the valued characteristics of the area or residential amenity.
29. The supporting text to this policy states that applications to relax seasonal occupancy conditions will be considered on their merits but will more often than not be refused. This is because caravans and tents (or similar) are not considered appropriate permanent homes in a protected landscape, and because when they are occupied for holiday use they enable a large number of people to visit, experience and enjoy the National Park.

Assessment

Principle of Development

30. The reason for the imposition of condition 5 as set out in the decision notice for NP/SM/0904/0974 is *'to ensure that the site is not occupied on a permanent basis'*.
31. The rationale for restricting such occupation is not set out in the notice, but is detailed in the officer report at that time. Essentially it was imposed to ensure (continued) compliance with adopted planning policy of that time in relation to holiday accommodation. Whilst the current application must be assessed against current planning policy, the requirement to impose holiday occupancy restrictions as set out by policy DMR2 follows the Authority's longstanding position on such accommodation, with the reasons for such conditions commonly and principally being:
- To ensure that developments proposed for use as holiday accommodation do not result in the establishment of permanent dwellings in a location and of types that would not accord with adopted planning policy due to causing adverse landscape and/or heritage impacts, and that would undermine the need to broadly restrict new housing development to affordable housing to meet a local need.

- To minimise landscape harm during winter months when landscapes are at their most exposed due to reduced tree cover and other vegetation.
- To provide periods of reduced activity at tourist accommodation sites for some of year, in the interests of the amenity of local residents

32. Each of these is taken in turn below.

Establishment of permanent dwellings

33. The removal of condition 5 from the existing permission would allow year-round occupation of the static caravans on the site.

34. It should be noted however, that condition 4 of this same permission reads as follows:

This permission, in relation to the 33 touring and 14 static caravans hereby approved, relates solely to their use for short-let holiday residential use. The owner shall maintain a register of occupants noting their permanent residential address upon which Council Tax is paid for each calendar year which shall be made available for inspection by the National Park Authority on request.

35. This means that whilst the caravans could be occupied all year round if Condition 5 was to be removed, they could not be occupied by the same person for all of that time, with any occupier being required to have a permanent registered address elsewhere. The wording of condition 4 as it exists is not conventional or reflective of current planning policy, which seeks to limit occupation to 28 days per year by any one individual. Such a condition was previously in place however, and the Authority granted permission for it to be changed to the current wording as part of the permission NP/SM/0904/0974; the officer report at that time concluded that such wording “could be used by the Authority to more effectively monitor compliance with the condition”.

36. To summarise the implications of the discussion above, there are (at present) two conditions that prevent the accommodation at the site from being occupied on a permanent basis; one that explicitly prevents the permanent occupation of the units by any one individual, and one that requires all of them to remain unoccupied during a period of the year. Removing the condition securing the latter would not, therefore, create a situation whereby the accommodation at the site could be occupied on a permanent basis, and the development would continue to comply with the provisions of policy DMR2b insofar as the removal of condition 5 would remove stipulations on months of occupation whilst maintaining another holiday occupancy clause.

Landscape impacts

37. The site is well screened in wider views by dense and established planting and landscape topography. The landscape impacts associated with allowing the holiday park to operate throughout the months of January and February are therefore negligible, particularly given that the static caravans are already year-round fixtures in any case, and would not conflict with policies L1 or DMC3.

Amenity and other impacts

38. The development is positioned a significant distance from neighbouring properties and as a result extended opening seasons would have no impact on their amenity, according with policy DMC3.

39. The Parish Council concerns regarding the potential for increased pollution arising from the additional opening period are noted. However, the increase in opening duration is relatively small and, particularly given that it falls out of season, any increase is anticipated to be modest.
40. It appears from the Authority's records that applications to discharge the conditions of the extant permission relating to landscaping were never made, they have been breached for more than 10 years and are therefore no longer enforceable and the development as implemented is now lawful. In that context – given that landscape impacts remain low and given the change to the approved development now proposed – it is not considered reasonable to re-impose these.

Conclusion

41. Approval of the application would not prejudice or alter the use of the site for holiday accommodation, and would give rise to no other significant adverse planning impacts.
42. It would support the local economy to a modest extent, and help to sustain a business promoting the enjoyment of the National Park, according with statutory purposes and duties in these regards.
43. The application is therefore recommended for approval, subject to the reimposition of the remaining conditions from the previous permission to properly secure the development, subject to the omission of the previously imposed landscaping conditions and variation of the restriction on the warden's accommodation to reflect the change to the occupancy of the site hereby supported.

Human Rights

44. Any human rights issues have been considered and addressed in the preparation of this report.
45. List of Background Papers (not previously published)
46. Nil
47. Report author:
Mark Nuttall, Interim Area Team Manager, 1 December 2022