

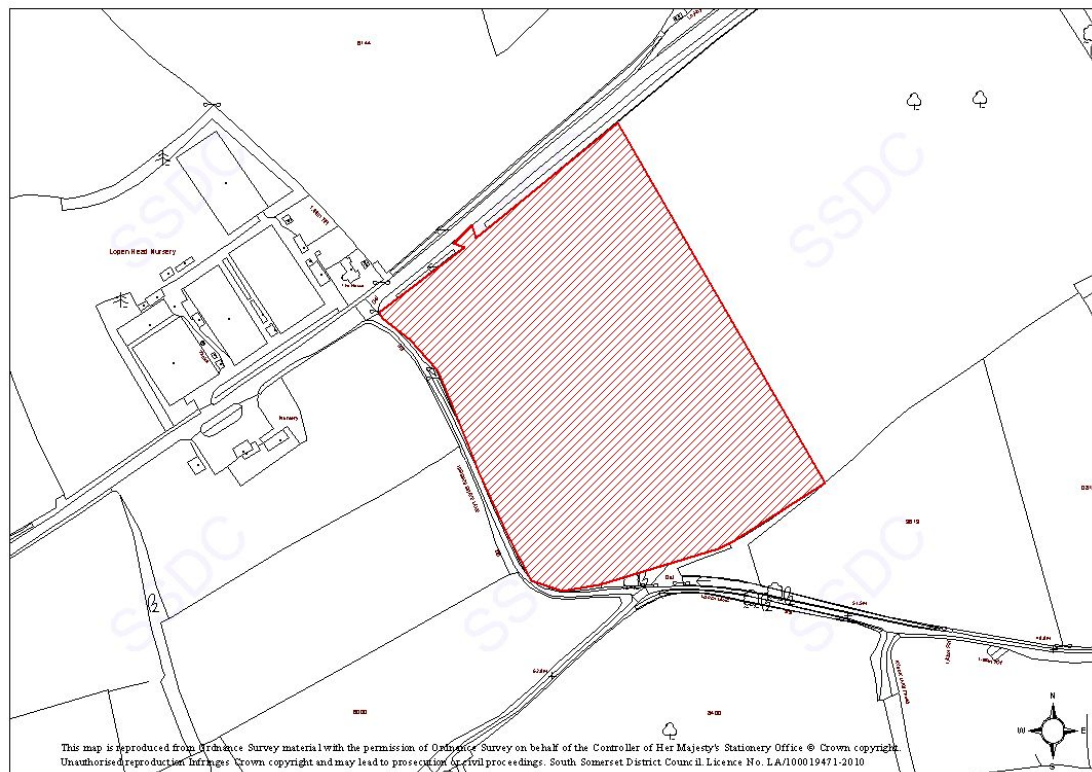
Officer Report On Planning Application: 10/00188/FUL

Proposal :	The replacement of the existing permission as a touring park under permission 893522 dated 29.07.91 with a new permission to allow caravan storage; touring caravans, tents, motor caravans (60 pitches); 4 seasonal holiday caravans and; 15 static caravan pitches; all for holiday purposes and a permanent wardens caravan. (GR 342726/115294)
Site Address:	West Down Orchard Touring Park, Lopenhead, South Petherton
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Mr Paull Robathan (Cllr) Mr Keith Ronaldson (Cllr)
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	13th April 2010
Applicant :	Mr J Penfold
Agent:	Paul Dance, Foxgloves, 11 North Street Stoke Sub Hamdon, Somerset TA14 6QR
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Committee at the request of the Ward Member with the agreement of the Chairman due to the concerns of the Parish Council with regard to the future control of the site.

SITE DESCRIPTION AND PROPOSAL



The application relates to a touring caravan park of approximately 3.8 hectares (9.3 acres) located to the south of the old A303 just to the east of Lopen Head. Permission was granted for the use of the land as a caravan and camping site (100 pitches) in 1991 (ref. 893522).

The site has had a history of enforcement issues with particular regard to the permanent occupation of mobile homes on the site. The application has been submitted following pre-application discussions in order to regularise the situation on site and proposes the replacement of the existing permission as a touring park under permission 893522 dated 29.07.91 with a new permission to allow caravan storage; touring caravans, tents, motor caravans (60 pitches); 4 seasonal holiday caravans and; 15 static holiday caravans (lodges); all for holiday purposes along with a permanent wardens caravan. It is understood that all but one of the families that were permanently occupying the site have now left.

The applicant's agent advises that they wish to put the history of the site behind them and formulate a new permission that will be centred on the tourism industry in South Somerset. They give the following clarification of each of the proposed uses:-

Caravan storage (640m² approx):- this is a secure storage area for users of the site who wish to use the site on a reasonably regular basis but not as regularly as the seasonal pitches. The caravan owners give advance warning and the caravan is then moved from the storage area to the main site.

Touring site:- 60 ordinary holiday pitches to accommodate either tents, touring caravans or motor homes.

Seasonal holiday caravans (4 pitches):- These tend to remain on site nearly all year round, they are owned by individual families who regularly use their caravans at weekends and for extended holidays. The caravan would be used as base for tourism activities throughout the year without the need to tow the caravan or set it up on a regular basis.

Static holiday caravans (15):- These remain on the site for the whole time and would be of a lodge style. The agent suggests that they could be restricted to holiday use only.

Permanent wardens caravan:- This has been granted consent to remain on site on a number of occasions and it is now proposed that it be a permanently retained on site following the refusal of a further temporary consent in 2007.

HISTORY

08/02286/FUL - Application for the continued use for the siting of one static caravan for site manager and to store caravans on site pitches/compound. Withdrawn 6/8/2009.

07/02759/FUL - Siting of one static caravan for site manager (renewal of permission 03/00160/FUL). Refused 25/07/2007.

05/01208/FUL - Siting of one static caravan for site manager (renewal of permission 03/00160/FUL). Approved 15/06/2005.

05/00261/FUL - Siting of one static caravan for site manager (renewal of permission 03/00160/FUL). Refused 22/03/2005.

03/00160/FUL - Siting of one static caravan for site manager (renewal of permission 00/03108/FUL). Approved 20/02/2003.

00/03108/FUL - Siting of one static caravan for site manager. Approved 29/01/2001.

00/00572/COU - Change of use of site for three long-term pitches for travellers and mobile home for site supervisor. Withdrawn 9/5/2000.

99/02043/COU - Change of use of site for six long term and twenty transit pitches for gypsies or travellers, mobile home for site supervisor and 27 pitches for leisure touring caravans. Refused 14/12/1999.

98/00680/FUL - Siting of portakabin to provide toilet facilities and a shed for storage purposes (Amended scheme of application 97/02744/FUL). Approved 28/05/1998.

97/02744/FUL - The siting of a mobile home a portakabin to provide toilet facilities and a shed for storage purposes (Renewal of temporary permission 942613). Withdrawn 27/01/1998.

95/06339/ADV - Display of two non-illuminated entrance signs in respect of West Down Orchard Touring Caravan Park. Approved 14/3/1995.

94/02063/FUL - The siting of a mobile home a portakabin to provide toilet facilities and a shed for storage purposes. Approved 22/12/1994.

94/02062/ADV - The display of non-illuminated entrance sign in respect of West Down Orchard Touring Caravan Park. Withdrawn 29/9/1994

92/01924/OUT - The erection of a single storey dwelling and office (outline). Refused 23/07/1992.

89/01747/FUL - The construction of roads, use of land as a touring caravan and camping site for not more than 100 pitches and the construction of amenity block. Approved 29/7/1991.

882436 - The construction of roads and the use of land as a caravan and camping site. Refused 7/12/1988.

82A075 - Advertisement: The erection of a hoarding (Main sign B). Refused 10/2/1983.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority accords significant weight to the emerging Regional Spatial Strategy for the South West (RSS10) due to its highly advanced state. The view is therefore taken that the relevant development plan comprises the Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008), the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

Relevant Development Plan Documents
Regional Spatial Strategy September 2001:
VIS1 Expressing the Vision
VIS2 Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

STR1 - Sustainable Development
STR6 - Development outside towns, rural centres and villages
5 - Landscape Character
23 - Tourism Development in the Countryside

South Somerset Local Plan 2006:

Policies:-

ST3 - Development outside development areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
EH12 - Areas of High Archaeological Potential
ME10 - Tourist Accommodation,
para. 9.51 of Chapter 9 - Employment and Tourism which states:-

'Static Caravans, Chalet or Cabin Development

Even more care must be observed when considering holiday accommodation which becomes a permanent feature in the landscape. These types of development include static caravans, chalet or cabin development which are not removed or decreased in numbers on a seasonal basis. Such development proposals will be judged against other policies within the plan for control of development in the countryside.'

Policy-related Material Considerations

PPS's/PPG's

Good Practice Guide on Planning for Tourism 2006. This replaced PPG21 'Tourism'.

South Somerset Sustainable Community Strategy

Goal 8 - Quality Development

CONSULTATIONS

Lopen Parish Council:-

'The background to this application is well known to us and thus also the need to reach a carefully defined decision, whilst accepting that some concessions, which were not originally intended in 1991, will have to be agreed for the benefit of the applicant.

Our main concerns during the discussion were centred on the lack of definition in the application in respect of the intended occupancy rights of owners/tenants of the three different categories of pitch included in the application. After discussion and on advice it was agreed unanimously by parish councillors and members of the public present that we should request that the application be refused unless the following conditions, limitations or amendments are included:

1. All pitches are conditioned such that it is clear that not only are they solely for holiday purposes and are not to be occupied as a person's main or sole residence, but also there is in place a workable system of checks that will ensure there are no breaches of this

condition. Enforcement concerns us both in terms of our own interests and those of the site owner. I am mindful that a family continues to occupy a pitch at West Down as their sole residence and that, as you have explained and contrary to what I think is the understanding of the applicant's manager, you do not have the authority as an LPA to impose a condition that limits the total number of days (whether or not consecutive) that an individual can occupy a pitch (of any type) in any one year - in other words, enforcement against misuse of the site is dependent upon successful enforcement of the holiday only rule. Presumably, the applicant as the owner of the site can set his own rules on how long a pitch can be occupied and it is perhaps that to which the manager has referred.

2. The four seasonal pitches as their description implies should be limited to a specified season, which we suggest should be March to October. I understand that this is a limitation which you can impose through a condition.

3. The site should not be used for the sale of caravans.

4. The site's original 1994 licence (as opposed to planning permission) was for 78 touring pitches. Concessions in respect of different categories of pitch are under consideration, but not as far as we are aware in respect of their total number. We believe that the original number should remain the upper ceiling and therefore consider that the number of touring pitches should be reduced to 58. The acreage of this site is extensive and we want to guard against any further expansion of this site, whether by the current or any future owner.

5. Appropriate conditions or checks should be in place to ensure that the chalets proposed for the 15 static holiday pitches are without foundations and are built on chassis'.

6. The site is cleared of old derelict caravans.

I am conscious that this response is messy. The message from us is in effect that, in return for allowing the development of this site, we would like in return as many legitimate safeguards written into the conditions as necessary to ensure that there is no unauthorised occupation of any part of the site, that the site is not allowed to become any larger and there are no loopholes to be exploited. I am sure that the present owner wants the same.'

South Petherton Parish Council (adjoining parish):-

'Recommend refusal unless the pitches are purely for holiday use and not residential.'

County Highway Authority:-

'It appears from the design and access statement submitted by the applicant that the site has the benefit of an existing planning permission (89/01747/FUL) enabling up to one hundred pitches being provided on the site. The current proposal is seeking to enable sixty ordinary holiday pitches, fifteen static caravans and four seasonal pitches. When the likely traffic generations of the two proposals are compared the Highway Authority are of the opinion that this proposal is unlikely to result in a significant increase.

The Highway Authority are content that an acceptable level of visibility can be achieved from the access on to the former A303 in both directions given the permitted speed of passing traffic at this point and as such I would advise you that from a highway point of view there is no objection to the proposal.'

Landscape Officer:-

'The major element of this proposal is an intent to establish 15 static pitches for holiday (not domestic) use, served by a circular access track in the northeast corner of the site. I note that this part of the site is well screened to all sides except the south, and in being on the plateau, is only visible in long, low trajectory views from this quarter. Hence I am confident that an area of planting along the south edge of this static block, as indicated on plan 2699:1, will mitigate the impact of the static's and associated lighting, car presence and movement. I would suggest a mix of medium-size trees, for example field maple and gean, and either a shrubby understorey to these trees, or a close adjacent native mixed hedge is planted here. One final point relating to this area of the plan, a tree is indicated for removal on the boundary of pitches 6 and 7 (where level 50.73 is noted). This is a good young oak, and noting its position between plots, and its potential to make a positive contribution to the site, I would advise it is retained.

The secondary element is an intent to accommodate a storage area for caravans in the northwest corner of the site. I note here that;

- (i) the boundary planting is a bit thin in places, and;
- (ii) close boarded fencing is intended to the north and west boundaries.

Again, I have no issue with this proposal, providing the boundary is restocked with native species planting, and the fencing is not positioned tight against the boundaries. There is currently a low bank that runs alongside the north boundary, and I would suggest that the fence line is a minimum of 0.5 metres inside the toe of the bank, with the bank planted-up with a thicket mix. Bearing in mind that this area will be shaded, I would suggest holly, hazel and hawthorn are utilised, similarly so in the corner where there is currently a gap in screening capability.

Regarding an intent to establish 4 seasonal caravan plots, noting their location to the immediate north edge of the main orchard area, which will ensure their visual profile is mitigated, then I have no landscape issue with such a proposal in this location.

The current orchard trees within the site are a great asset, not only in helping to screen the site from many quarters, but also as a distinctive landscape component that characterises the locality. As such, they provide a site context for tourism that epitomises the culture of rural Somerset. With this in mind, I believe it is essential that these trees remain, are maintained in good health, and the area they cover is not reduced. To the south of the proposed seasonal plots, I noted what appeared to be a disused caravan within the orchard area, where a number of trees are missing. I would wish to ensure that;

- (i) any missing orchard trees are replaced, and;
- (ii) all orchard areas outside the 'red line' are cleared of any caravans and other structures or waste material, to ensure the orchard's integrity is not compromised.

With these issues in mind, and to summarise, I can confirm there is no landscape objection, providing a landscape mitigation plan is provided prior to any works commencing, which details all those points raised above. I am happy to provide further guidance if necessary. '

Principal Housing Standards Officer (responsibility for site licensing):-

Confirm that they have inspected the site on many occasions the last time being in September 2007. There is a current site licence issued on 31 March 1994 permitting 78 touring caravans. They welcome the chance to tidy up the permissions and paperwork and have no adverse comments to make against this proposal. They request that upon completion of the works all the pitches will need to comply with the conditions attached to the licence regarding fire precautions, spacing, toilet/washing facilities etc but this not something they would normally want to control through a planning condition.

Development Control Archaeologist at Somerset County Council:-

Advises that there are limited or no archaeological implications to the proposal and they therefore have no objections.

Area Engineer, Technical Services Department:-

No comments.

REPRESENTATIONS

None received.

CONSIDERATIONS

This application has to be considered in light of the existing consented use as a touring caravan and camping site (100 pitches), this remains the lawful use of the site despite the problems that there have been with permanent residential occupation of some units. The main difference between the existing consented use and the proposed application is the more intensive use of the site through the inclusion of static pitches and the proposed caravan storage. As such, it is considered that the main issues are related to:-

1. Highways issues
2. Landscape impact
3. Permanent retention of warden's caravan
4. The imposition of appropriate conditions to ensure holiday occupation only

1. Highways Issues

In terms of highways issues, as the site already has a consent for a similar number of units and has appropriate levels of visibility there are no highways objections.

2. Landscape Impact

With regard to landscape impact, the site is extremely well screened along the northern boundary (with the Old A303) and the east and west boundaries, and as such the development will have no significantly impact upon views into the site from these directions. In terms of the views to the south, the site slopes gently down from the road and to the south retains a large amount of orchard planting. As noted by the Landscape Officer, the site is on a plateau and is therefore only visible in long, low trajectory views from the south so, again, the landscape impact is limited. Furthermore, the proposed permanent static caravans would be of a lodge style, which are constructed in darker colours (typically brown wood style cladding with a tiled roof) unlike the more traditional white/cream flat roofed static, it is considered that this further reduces the landscape impact.

3. Permanent Retention of Warden's Caravan

It is considered that as a year round business use is proposed (covering more than 70 pitches) the services of a full time warden to supervise and maintain the site are reasonably required. The warden's caravan was originally approved in 2001 and was regularly renewed until 2007 when further permission was refused, although the caravan remains on site. The application was refused as the applicant had failed to prove a business need for a unit on the site. It is considered that the current application shows a serious attempt to re-instate a full business use of the site that will support local tourism, as such, there is a justifiable need for a permanent warden on the site. However, an informative can be attached to any consent advising that if the permission is not

implemented then it may be necessary to instigate action seeking removal of the warden's caravan.

4. The imposition of appropriate conditions to ensure holiday occupation only

The issue of appropriate conditions for uses such as that proposed have been subject to much discussion and a number of Inspector's decisions. There has been much debate about the appropriateness of restricting how long a unit can be occupied in any one year. The standard planning condition as stated in the Good Practice Guide on Planning for Tourism 2006 does not impose any time limit but states that such units should only be occupied for holiday purposes and requires that a register is maintained including main home addresses. The majority of Inspector's decisions seem to indicate that a limitation on the occupation of units (normally 28 days) is no longer appropriate as leisure demands have changed over time and units are now capable of being occupied throughout the year. As such, it is not considered that a condition restricting occupation to 28 days a year could reasonably be imposed. However, it will be important to ensure that there is a condition precluding permanent occupation of the units.

There is also an issue with regard to the appropriateness of a 'seasonal' condition, which restricts use of the site between certain months of the year, the normal holiday season is considered to be March to October. However, as with the time limits discussed above, with the changing demands of the leisure market, people often want to holiday in the winter months, additionally the units now have much better heating and are capable of occupation throughout the year. Therefore, unless there are specific reasons such as landscape impact or effect on wildlife breeding seasons it would not be appropriate to impose a seasonal condition. This is supported by Circular 11/95 which advises that such conditions are only appropriate where a unit is unsuitable for occupation all the year round because of its light construction. It is also important to note that whilst the original consent has a '28 day' condition it has no condition restricting the site to seasonal use only.

Other issues - Parish Council comments

With regard to the comments of the Parish Councils it is considered reasonable that the standard condition be imposed to ensure that the site is only used for holiday purposes. However, as discussed above it is not possible to impose a seasonal restriction upon the site as there are no valid planning reasons such as landscape impact or wildlife issues. In terms of restricting the number of touring pitches to 58, the applicants are proposing 60 and it is not considered that there is a valid planning reason to require a reduction of 2 units especially as the existing consent allows for 100 pitches. The Parish Council also requests that the 15 static holiday pitches are without foundations, it is understood that the units would not comply with the definition of a 'caravan' if they had permanent foundations. As such, the site could not apply for a caravan site licence under the Caravan Site and Control of Development Act 1960 and would therefore not be able to trade. The proposed lodges are able to be moved but are sited upon a concrete plinth the agent advises that they fall within the definition of mobile homes/caravans by virtue of their construction. The requests of the Parish Council that the site is cleared of old derelict caravans and there should be no retail sales is supported and appropriate conditions can be imposed to meet these concerns.

In summary, the proposed additional units at the site are considered to be acceptable both in terms of highway safety and impact upon the landscape and the application is a welcome opportunity to regulate matters at the site. With regard to the comments of the Parish Council's it is considered that appropriate conditions can be imposed to ensure that the site and permanent units are only used for holiday purposes and so prevent permanent residential occupation.

RECOMMENDATION

Approve

01. The proposed use of the site including the introduction of permanent units of holiday accommodation are acceptable in terms of the landscape impact and impact upon the highway. The site can be adequately controlled through the use of appropriate conditions to ensure that it is only occupied by holidaymakers. As such, the application is in accordance with saved policies ST3, ST5, ST6, EC3, EH12 and ME10 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall not be commenced until particulars of the siting, design and external appearance of the static caravans to the north-east of the site have been submitted to and agreed in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

03. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The scheme of landscaping shall include all the details set out in Robert Archer's (Landscape Officer) e-mail of 22/2/10.

Reason: To safeguard the character and appearance of the area and to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

04. The existing disused caravans and mobile homes on the site shall be removed within 6 months of the date of this planning permission.

Reason: The structures do not benefit from any planning permission and are in a poor state of repair, furthermore they have a deleterious impact both upon the site

and the wider landscape contrary to saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

05. The caravans/statics/motor homes/tents shall be occupied for holiday purposes only.

The caravans/statics/motor homes/tents shall not be occupied as a person's sole or main residence.

Only tents, touring caravans and motor homes shall be stationed within Area 'B' as shown on the Site Plan (1:2500) Drawing No. 2699:1A received 12/01/10.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in PPS7.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to these buildings nor any ancillary buildings or structures whether or not required by the conditions of a site licence for the time being in force under the Caravan Sites and Control of Development Act 1960 without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area and to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

07. There shall be no development nor placing of caravans/tents/motor homes within the land outline in green on the site plan (1:2500) that forms part of Drawing No. 2699:1A received 12/01/10.

Reason: These areas comprise mature trees and orchard that form an integral part of the landscape and ensure that the site is appropriately screened. Any structures/development within this land would have a deleterious impact both upon the visual amenity of the site itself and the wider landscape. This would be contrary to saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

08. The occupation of the warden's caravan hereby approved shall be limited to a person solely or mainly working as a manager/warden of the West Down Orchard Touring Caravan Park and to any resident dependants.

Reason: The retention of the warden's caravan is only justified if it is associated with the running of the caravan park.

09. There shall be no retail caravan sales from the site.

Reason: To safeguard the character and appearance of the area and ensure appropriate sustainable development to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

10. The caravan storage shall only take place on the land within Area A as shown on Drawing No.'s 2699:1A and 2699:1:1 received 12/01/10.

Reason: To safeguard the character and appearance of the area and to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

11. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 2699:1A and 2699:1:1 received 12/01/10.

Reason: For the avoidance of doubt and in the interests of proper planning

Informatives:

01. All works will need to comply with the existing site licence and the requirements of the Caravan Sites and Control of Development Act 1960.
02. The applicant is advised that the current wardens caravan does not benefit from any planning permission. The retention of the caravan is only possible upon the implementation of this planning permission. Should this permission not be promptly implemented it will be necessary to consider enforcement action seeking removal of the warden's caravan as there is currently no business case for its retention.