

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**20 APRIL 2011**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**11/0430/VARY**

**Drovers Way Holiday Caravan Park, Coatham Stob, Elton  
Application to vary/remove condition 7 No. (Occupancy limitation period) of 03/2069/P  
(change of use from agricultural land to land for the siting of static holiday caravans and  
associated landscaping) to allow full year holiday season**

**Expiry Date 20th April 2011**

### **SUMMARY**

**Planning permission was granted for the change of use of agricultural land to land for the siting of static holiday caravans in 2004. This application approved the siting of 68 static caravans on the site. A condition was imposed that stated the static caravans shall only be used by the same person or family for holiday accommodation and not for permanent residential accommodation and the units shall not be occupied between 1st January and 1st March each year. This condition was imposed to limit the development to holiday accommodation only and prevent permanent residential use.**

**The applicant now seeks to vary this condition to allow year round use of the caravan site. The site would remain a holiday caravan park and the caravans would not be used for permanent residential use.**

**Thirteen objections have been received. Objections mainly relate to the impact on highway safety, the impact on nearby residential properties, the visual impact and some concern have been raised about permanent residential use.**

**The application has also received sixteen letters of support that outlined the benefit to the local economy and businesses and highlights the environmental and conservation status that the site has achieved.**

**The Head of Technical Services does not object to the proposal and the Tourism Service Manager supports the application.**

**Having regard to National Planning Policy Statements and guidance it is considered that suitable conditions can be imposed to allow the use of the caravan park for holiday purposes all year round without allowing permanent residential use**

### **RECOMMENDATION**

***Planning application 11/0430/VARY be Approved subject to the following conditions***

**01** *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

**Plan Reference Number**    **Date on Plan**  
**B23/02/01**                      **23 February 2011**

**Reason:** *To define the consent.*

**02.** *The caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans 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.*

**03** *This consent relates solely to the variation of condition 7 of planning permission LPA reference 03/2069/P and does not in any way discharge any of the conditions contained in planning permission LPA reference 03/2069/P dated 25<sup>th</sup> August 2004*

**Reason:** To define the consent

## **INFORMATIVES**

The proposal has been considered against the policies below and subject to the imposition of suitable conditions to prevent permanent occupation it is considered 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. The proposal would not give raise to any issues in relation to highway safety and there are no other material considerations which indicate a decision should be otherwise.

**Stockton on Tees Local Plan Adopted June 1997:**  
**EN13 - Outside the limits to development**

**Stockton on Tees Core Strategy Adopted March 2010:**  
**CS4 - Economic Regeneration**

**National Planning Policy:**  
**PPS4 - Planning for Sustainable Economic Growth**  
**PPS 7 - Sustainable Development in Rural Area**

## **BACKGROUND**

1. An application (032069/P) for the change of use from agricultural land to land for the siting of static holiday caravans \_ associated landscaping facilities was approved with conditions on 25th August 2004. One of the planning conditions required that not only could the caravans not be used as permanent residential accommodation but that the units could not be occupied between 1<sup>st</sup> January and 1<sup>st</sup> March each year.

## **PROPOSAL**

2. This application seeks permission to vary condition No.7 of 03/2069/P that states; Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987, the static caravans shall only be used by the same person or family for holiday accommodations and not for permanent residential accommodations and the units shall not be occupied between 1st January and 1st March each year. The applicant wishes to vary this condition to allow year round use of the static caravans.

## **CONSULTATIONS**

**The following Consultees were notified and comments received are set out below:-**

### **Tourism Service Manager**

I would like to offer support from the Visitor / Tourism perspective, for the application by Mr and Mrs Brown to extend their use of Drovers Way Holiday Caravan Park to full holiday season. The site is on a working farm, so will be manned at all times by the owners / staff therefore will continue to operate as a holiday park, not as a residential one.

The site currently operates on a 10 month calendar, but due to the longer holiday season, they are looking to open for a full year. People have invested a substantial amount of money in these caravans and are requesting to use them over the Christmas and New Year holiday periods. The residents in the park add to the local economy throughout their stays by eating out, purchasing from local stores/businesses and fuel and in these current times of recession this can only be of an advantage to the local economy and North East region.

Drovers Way actively promote business within the local area and through the promotion of their own Park continue to publicise the attractions throughout Tees Valley and wider region.

### **Head of Technical Services**

#### General Summary

Urban Design has no objection to this application.

#### Highways Comments

This site is accessed via a narrow adopted road which has several passing places along its length. The road is maintained to a standard commensurate with its usage and it was noted on a site visit that all apparent pot holes had been repaired.

There have been no reported accidents between the site entrance and the junction of Coatham Lane and Darlington Road, Elton since March 2008.

The proposed revised opening time will produce few additional trips to the site therefore we raise no highway objections.

#### Landscape & Visual Comments

No comments

## **PUBLICITY**

Thirteen letters have been received objecting to the proposal from the addresses below:

Gillian Newlove, The Courtyard, Coatham Stob, Elton  
Christine Thomas, Andante, Coatham Stob, Elton

Jane Eleanor Thomas-Charlton, Andante, Coatham Stob, Elton  
B.S Littler, The Long Byre, Coatham Stob, Elton  
Wendy Harris, Venton, 5 Coatham Stob, Elton (2 letters)  
Debbie Turner, 11 Kenilworth Court, Stone, Staffordshire  
Stephen G, Cleveland Avenue, Darlington  
Mrs Richardson, 10 Preselli Drive, Ingleby Barwick  
Bev Foster, 19 Sandy Flatts Lane, Acklam  
Trevor and Gillian Newlove, The Courtyard, Coatham Stob, Elton  
Margaret and Peter Bruce, 109 Cookgate, Nunthorpe, Middlesbrough  
Keith Newlove, address requested

The comments received are summarised below:

- Access road is becoming dangerous and the condition deteriorating with vehicles already and there are only 5 caravans on site.
- The presence of the caravan site is affecting the sale of nearby properties
- The road leading to Drovers Way is not adequate for 11 properties let alone living vans where residents can reside all year round.
- Suggestions that the council undertake an initiative to evaluate the current state and the cost of upgrading the road to accommodate the current and future usage.
- The single track road was never designed for what could be come a small village of permanent residences.
- The caravan park has not improved the local area in any way.
- The application has no justification, no market existing for a caravan site in this location for holidays at traditional times of the year; therefore it does not make sense to try to sell holidays in the winter period.
- The park is nowhere near public transport.
- Why does this need to be a residence for 52 weeks? This is not residential, dangerous precedent.
- The park does not need to be open all year – this is not a tourist area.
- You can see the park as clear as day as it sticks out like a sore thumb. You can see it clearly especially in winter when the landscape is bare.
- Concerns the caravans become permanent residential accommodation on a site both unsuitable in location and in service availability.
- The site has proven to be commercially unviable.
- We have a right to the peaceful enjoyment of our homes for at least 2 months of the year.
- It is irresponsible to encourage any increase in traffic
- The site and caravans are clearly visible from numerous points along the land. An increase in caravan users in winter will lead to greater physical impact and increased noise and disturbance for other local residents.
- The application makes a number of references to the site leading to increased employment and trade. The reality is that the only people employed here are the applicant and his immediate family.
- Not one of the supporters has ever stayed at the park and no doubt never will.
- There is a dangerous blind bend just before the park; this access road is potentially dangerous.
- This appears to be a cunning ploy by the owner to remove restrictions and increase the value of the land with residential use.

Sixteen letters have been received expressing support for the proposal from the addresses below:

Robert Thompson, Novaton Lodge, Darlington Road, Long Newton  
Jack McClean, Fairweather, 2A The Bungalow, Sheraton Park, Stockton on Tees  
Johnny Atkinson, Hathaway & Hoyle Timber Merchant  
Brian Gregory, 9 Rectory Lane, Long Newton

Mrs M. D Smith, 9 Leighton Road, Hartburn  
Jill Jackson, Vane Arms, Darlington Road, Long Newton  
The Londonderry Arms, Darlington Road, Long Newton  
J Atkinson, Hartburn Fish Bar, Hartburn  
Angela Head, 21 Upsall Grove, Fairfield (Fairfield Florist)  
Joyce & Lance Martin & H Margaret Brown, Littledean, Pitts Lane, Hailey, Witney, Oxon  
Alan Flegg, Sutton Arms, Elton  
David Sayers, Flat 1, Corner House, Restwell Avenue, Cranleigh, Surrey  
Harry Fowler, 31 Merlin Way, Hartlepool  
Susan Langley, 10 Windsor Road, London  
Mr B. J Dale, 9 Osprey Close, Guisborough  
Eric Dale, 7 Greenacres, Hunton, Bedale

The comments received are summarised below:

- As a local business I feel that we should support each other in promotion of this area and allowing people to use the Park throughout the year will encourage this.
- I believe this extended licence will bring extra tourism and revenue for the local area and local businesses.
- It is to my understanding other parks in the north east have a longer licence than Drovers Way, thus having an advantage over Drovers Way and attracting potential buyers to other spots in the region.
- The Drover's Way site is an attractive, aesthetically pleasing leisure development in an area in which opportunities for economic development and employment creation are somewhat restricted.
- This potentially extremely worthwhile asset has significant potential to attract visitors to the area; boosting local tourism and the economy and by boosting the local economy has the potential to encourage associated employment opportunities; in an area in which these are currently in extremely short supply.
- It would be advantageous to caravan owners to be able to visit the site all year round.
- Bringing more people to the area, especially for their leisure time is a good way of increasing trade.
- I am sure that if the site is open all year round it will be good for local traders.
- We fully endorse the concept of encouraging tourism and leisure in this area.
- Customers from the park regularly use the local facilities and support traders in the community.
- I have a holiday caravan on the Drovers Way site. I fully support this application.
- I would welcome the flexibility it would provide. I also recommend the wonderful environmental and conservation status that the site has achieved and think a year round season would promote tourism in the area.
- Can see no reason why the park should not be open for the full year holiday season.

## **PLANNING POLICY**

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)

The following planning policies are considered to be relevant to the consideration of this application:-

### **Policy EN13**

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
- (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or

In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:

- (iii) It contributes to the diversification of the rural economy; or
- (iv) It is for sport or recreation; or
- (v) It is a small scale facility for tourism.

### **Core Strategy Policy 4 (CS4) - Economic Regeneration**

Point 8:

Additionally, support will be given to:

- i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification; ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies;
- iii) The expansion of research-based businesses associated with Durham University's Queen's Campus;
- iv) Growth in sustainable tourism, particularly in the following locations:
  - a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
  - b. Preston Park;
  - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
  - d. Saltholme Nature Reserve.
- v) The creation of employment and training opportunities for residents by developers and employers.

### **Parts of the following National Planning Policy Statements and Guidance are material considerations:**

**PPS 4 – Planning for Sustainable Economic Growth (December 2009)**

**PPS 7 – Sustainable Development in Rural Areas (March 2005)**

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

### **SITE AND SURROUNDINGS**

3. The application site is a newly developed static caravan site, Drovers Way Holiday Caravan Park at Coatham Stob, just outside Elton. The development of the site has begun and some caravans are now located at the site. The site is located on land opposite Quarry House and has permission for 68 static caravans to be located on the site. The nearest residential property is approximately 90m from the edge of the site.

### **MATERIAL PLANNING CONSIDERATIONS**

4. The main material planning considerations of this application are relevant planning policy, the impact on visual and residential amenity, and the impact on highway safety.

5. As a result of a Ministerial Statement by Grant Shapps Local Planning Authorities have been advised that: “When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession

Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing

Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)

Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date

Ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.”

## **Planning Policy**

6. There are no specific policies within the Stockton on Tees Local Plan or Core Strategy with respect to the length of holiday occupation or length of holiday season. National Planning Policy and Guidance contains advice relating to this within PPS 4, PPS 7 and the Good Practice Guide for Tourism.
7. PPS 7 states that Planning Authorities should adopt a positive approach to proposed extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses. This point is repeated in more recent national policy in Policy EC 7 of PPS4.
8. Of particular relevance is the DCLG’s Good Practice on Planning for Tourism, which supports a positive approach to extensions of the holiday season in respect of caravan holiday homes and other self catering accommodation. Annex B of the Guide provides advice regarding seasonal and occupancy conditions and states;
9. ‘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 buildings 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.'

10. With a 12 month opening period comes concern that the occupiers of the caravans could live permanently on the site. An objector raised this point; however Annex B of the Guide also states that it is possible to ensure that the premises do not become part of the local housing stock through the imposition of a holiday occupancy condition that includes three criteria. The first two criteria require the caravans to be occupied for holiday purposes only and not as a person's sole, or main place of residence. The third criterion requires the operator to 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 shall make this information available at all reasonable times to the local planning authority.
11. There have been a number of relevant appeal decisions within the Region and Nationally with respect to extending the period of holidays lets, similar to the current proposal for year round operation. These appeals were allowed and the Planning Inspectors considered the imposition of the suggested conditions identified in the Guide are sufficiently adequate in preventing the holiday units from becoming permanent residential properties.
12. As a result of these appeal decisions a number of Local Planning Authorities including Durham, Yorkshire Dales and Lake District National Parks have now accepted all year round holiday accommodation and granted planning permissions subject to the conditions identified in the DCLG Good Practice Guide.
13. The applicant has also provided the Local planning Authority with a copy of the Licence Agreement that has to be signed by the park owners and the caravan owners. The agreement clearly states that it does not permit use of the caravan as a permanent residence and the main residence of the caravan owners is recorded on the Agreement.
14. Taking the above into account and in view of recent national planning policy and guidance which supports a more flexible approach to the length of holiday occupation, it is considered that subject to the imposition of conditions outlined earlier in this report the proposed variation is acceptable.

### **Visual Amenity**

15. Some objectors have raised concern regarding the visual impact of the proposal. The site currently operates for 10 months of the year and the caravans would remain on site through the winter months when the site would be closed. It is therefore considered the proposed year round use would not have a detrimental impact on the visual amenity of the area.

### **Residential Amenity**

16. Concern has also been raised regarding the impact on nearby residents. It is accepted that the proposal may lead to increased activity levels and noise and light pollution during the two months when the site would have been previously closed but these are the winter months when it is anticipated there will only be a modest level of use of the site. In a previous appeal decision the Inspector noted that the expected activity would be limited during the winter months and would expect it to be less than that during the summer. It is considered that extending the usage of the park to all year round would be unlikely to lead to increased noise and disturbance to levels, which would adversely affect the living conditions of nearby residents.

## **Highway Safety**

17. The majority of the concern raised by objectors relates to the impact on highway safety and the use of the existing lane and access. The Head of Technical Services has stated the proposed revised opening time will produce few additional trips to the site and therefore no highway objection is raised.
18. Concern has also been raised regarding the condition of the access lane. The Head of Technical Services states that the road is maintain to a standard commensurate with its usage and it was noted on a site visit that all apparent potholes had been repaired.
19. It is also stated that there have been no reported accidents between the site entrance and the junction of Coatham Lane and Darlington Road since March 2008.
20. In light of the above it is considered that the proposed extending of the open hours to all year round will not have a detrimental impact on highway safety.

## **Other matters**

21. The objections received have raised some other points of concern that need to be addressed. Firstly it is stated that some residents of nearby properties are trying to sell their properties and the presence of the caravan site is affecting the sale of the properties, this issue is not however a material planning consideration.
22. It has also been stated that the application has no justification, the site is commercially unviable and it does not make sense to sell holidays in the winter period. In the applications supporting statement it is stated that the extended open season will be important to the caravan park business in enabling it to better meet customer demand and compete with other holiday parks on equal terms. It is also stated there is a strong customer demand for off-season breaks and winter holidays and the extended season will help to ensure the park can maintain staffing levels and contribute to the local economy for a longer season.
23. The application has also received support from the Tourism Service Manager who states that people have invested a substantial amount of money in these caravans and are requesting to use them over the Christmas and New Year holiday periods. It is also stated that the residents in the park add to the local economy throughout their stays by eating out, purchasing from local stores/businesses and fuel and in these current times of recession this can only be of an advantage to the local economy and North East region.

## **CONCLUSION**

24. The variation of condition to allow for an extended holiday season is considered acceptable, subject to the imposition of conditions to prevent permanent residential occupation for the reasons outlined above. It is considered the proposal would not have a detrimental impact on the visual amenity of the area nor is the proposal likely to have any significant impact on the amenities of nearby properties. It is also considered the extended season would not have a detrimental impact on highway safety.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Miss Ruth Hindmarch Telephone No 01642 526080**

## **WARD AND WARD COUNCILLORS**

**Ward Western Parishes**

**Ward Councillor      Councillor F. G. Salt,**

**IMPLICATIONS**

**Financial Implications: N/A**

**Environmental Implications: As report**

**Human Rights Implications:**

**The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report**

**Community Safety Implications:**

**The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.**

**Background Papers**

**Application (032069/P) for the change of use from agricultural land to land for the siting of static holiday caravans \_ associated landscaping facilities**