



## Appeal Decision

Site visit made on 2 August 2010

by **Jim Metcalf BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
2 September 2010

**Appeal Ref: APP/Q9495/A/10/2126451**

**Pound Farm Caravan Park, Crook, Kendal, LA8 8JZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by North Dales Leisure Parks against the decision of the Lake District National Park Authority.
- The application Ref 7/2009/5128, dated 17 March 2009, was refused by notice dated 22 October 2009.
- The application sought planning permission for 'extension of seasonal holiday occupancy period to between 1 March and 6 January inclusive in any year' without complying with a condition attached to planning permission Ref 7/2005/5226 dated 2 June 2005.
- The condition in dispute is No 2 which states that 'this permission shall not authorise the occupation of any static caravan, touring caravan or tent on the site except during the periods 1 March in one year and 6 January in the following year'.
- The reason given for the condition is 'to ensure that the caravans are used for holiday purposes only in accordance with policy T10 of the Lake District National Park Local Plan'.

STOOKTON PARISH COUNCIL  
23 FEB 2011  
DATE RECEIVED

### Decision

1. I allow the appeal, and grant planning permission for the siting of 14 static caravans and pitches for 10 touring caravans and 10 tents at Pound Farm Caravan Park, Crook, Kendal, LA8 8JZ in accordance with the terms of the application, Ref 7/2009/5128, dated 17 March 2009, without compliance with Condition No 2 previously imposed on planning permission Ref 7/2005/5226 dated 2 June 2005, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:
  - 1) All caravans at Pound Farm Caravan Park shall be occupied for holiday purposes only and shall not be a person's sole or main residence. The operators of the caravan park shall maintain an up-to-date register of the names and addresses of all owners of caravans on the site and their main home addresses and shall make this information available at all times to the Local Planning Authority. The register shall first be completed within six months of the date of this permission.
  - 2) Within 6 months of the date of this permission a landscape management plan, including long term design objectives for strengthening the screening around and within the site, management responsibilities and maintenance schedules for all landscaped areas within and on the

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boundaries of the park shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved in accordance with a timetable to be first agreed in writing with the Local Planning Authority.

#### **Procedural Matter**

2. The planning permission granted in 2005 (Ref 7/2005/5226) was worded as set out above with the details of this appeal. However, the application effectively sought permission for the siting of 14 static caravans and pitches for 10 touring caravans and 10 tents with their occupation limited, by condition, to the period between 1 March and 6 January inclusive in any year. This appeal concerns an application to remove the condition, thereby allowing year round use, and I have reflected this in the wording of my decision.

#### **Background**

3. Pound Farm Caravan Park has developed since planning permission was first granted in 1966 for the siting of three caravans. A series of further planning permissions followed. The park now has 14 static caravans, pitches for 10 touring caravans and 10 tents, 4 holiday units in a converted outbuilding and a five bedroomed detached house.
4. The various planning permissions contained conditions that prevented use in the months of November to February but amendments subsequently extended use into the first two weeks of November. Planning approval Ref 7/2005/5226 reduced the 'closed' period to the weeks between 6 January and 31 March.
5. In refusing planning permission the Authority referred to policies in the North West of England Regional Spatial Strategy to 2021 (RSS). The Secretary of State for Communities and Local Government has since announced the revocation of RSS and therefore I give no weight to former RSS policies. However, the case does not turn on those policies and I can properly rely on local development plan policies referred to by the Authority.
6. Furthermore, the reason given for the condition in dispute referred specifically to Policy T10 of the Lake District National Park Local Plan' (LP). However, LP Policy T10 was not 'saved' in the Secretary of State's Direction under Paragraph 1(3) of Schedule 8 to the Town and Compulsory Purchase Act 2004. Consequently the policy expired on 27 September 2007. In refusing permission the Authority relied on Policies E37 and EM16 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (JSP) in support of their decision.

#### **Main Issue**

7. I consider that the main issue is the effect of year round use of the caravan park on the character and environment of the locality and the living conditions of local residents.

#### **Reasons**

8. Planning Policy Statement 7: '*Sustainable Development in Rural Areas*' (PPS7), gives great weight to the conservation of the natural beauty of the landscape and countryside in National Parks. JSP Policy EM16 reflects this approach and states that tourism proposals in the Lake District will only be permitted where

they would not conflict with the special qualities of the National Park, diminish opportunities for quiet enjoyment or be of a nature and scale detrimental to the character and quality of the environment.

9. The Authority submits that all year round use of caravan units is contrary to long established policy within the National Park. However, LP Policy T9 explains that where permission is granted for additional static caravans a condition will be imposed, in appropriate cases, that restricts the period of the year within which such caravans may be occupied. Although it seems that most static caravans are occupied on a seasonal basis, with the great majority of sites closed between 15 November and 1 March, the policy seeks to restrict 'winter' use only in appropriate cases.
10. Furthermore, the JSP explains that a wide range of accommodation open throughout the year enables people to take advantage of the Lake District's rich seasonal diversity. It goes on to say that this means more opportunities for year round employment and sustainable local services can be encouraged subject to appropriate environmental considerations. In this context the JSP explains that a minimum closure period for static caravan sites ensures that landscape and nature conservation interests can be safeguarded, for example where sites are inadequately screened by native trees or located close to winter wildfowl feeding areas.
11. The Government's *'Good Practice Guide on Planning and Tourism'*, a material consideration, points out that tourism is increasingly a year round activity that improves the use made of self catering style accommodation. The Guide advises that sympathetic consideration should be given to extend the opening period allowed under existing permissions. The Guide also explains that a 'seasonal occupancy' condition could be used to protect the local environment where, for example, use of the site might affect an important species of bird during its breeding season or when it is winter feeding.
12. In summary it seems that although traditionally a 'closed period' has been imposed on caravan parks current policies acknowledge that tourism is a year round activity with closed periods needed in appropriate circumstances.
13. Pound Farm is located in a relatively isolated position on the fringe of Crook and fronting the main road between Kendal and Windermere. The original farm buildings sit close to the road and these, together with belts of trees on all sides and the undulating land form, ensure that the park is not especially prominent or intrusive when seen from the road or in longer distance views from surrounding land. A detached house, Greystones, adjoins the park. It is set in well wooded grounds which together with the trees and an open area on that side of the park minimise intrusion from the park on residents there. The site access leads directly off the road. Served directly by a main road in the area any additional movement generated by the use of the caravans in the period between 6 January and 1 March would be relatively insignificant.
14. It is unlikely that the number of visitors at the park during the period in contention would equal those in the summer months, especially on the touring caravan and tent pitches. The relatively modest numbers of people involved would not be especially evident in the area around Crook and even less in the

Lake District as a whole. On the site itself activity would not be such as to threaten the peace and quiet of the immediate surroundings.

15. Overall, year round use of the park would not harm the local landscape around Crook whilst any effect on the ambience of the area, around Crook or the wider Lake District would be barely noticeable. There are no specific circumstances in the neighbourhood, relating to nature conservation interests that would be threatened by the absence of a closed period at the park.
16. I have noted that the two appeal decisions in North Yorkshire and Durham were based primarily on local circumstances, in the context of national and local policy, and I have sought to follow this approach. I also note that planning permission to replace the touring caravan and tent pitches at Pound Farm with caravans was refused in 2005. A subsequent appeal was dismissed (APP/Q9495/A/05/1192273). However, this decision turned on specific policies and is not especially relevant except that the Inspector considered the site is quite well screened by topography and trees and that the proposal would have had minimal visual impact on the landscape. This reinforces my conclusions on this issue.
17. The Authority submit that allowing a year round use in this case would set a precedent for other cases and Crook Parish Council feel there is already adequate provision for visitors and the season should not be for a full twelve months. However, I have considered the case on its own merits and in the context of policies that clearly allow for such use in appropriate circumstances.
18. I conclude that use of the park throughout the year would not have a significant effect on the character and environment of the locality or the living conditions of local residents and would consequently be compliant with LP Policy T9, JSP Policies E37 and EM16, PPS7 and the *'Good Practice Guide on Planning and Tourism'*.
19. In reaching this decision the stated purpose of Condition No 2 remains valid, namely to ensure that the caravans are used only for holiday purposes. The Council suggest that this be addressed by a new condition recommended in the *'Good Practice Guide on Planning and Tourism'*. I consider such a condition would be consistent with Circular 11/95 *'The Use of Conditions in Planning Permissions'* and note that a similar condition has been used by Inspectors in other appeal decisions that have been drawn to my attention. Although I have found that year round use of the caravans would not prejudice the natural beauty of the local landscape reinforcement of the park's landscaping would be advantageous and I have imposed a condition to achieve this.

*Jim Metcalf*

INSPECTOR