

Application Number: 11/16/0127

Full Major Application: Full Use of Land for holiday occupation of caravans

Address: Harwood Bar Holiday Park, Mill Lane, Great Harwood.

Determination by: 31st May 2016

Applicant: Mr D Fozard

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

Site and Proposal

The application site is a caravan park situated within the Green Belt in Great Harwood. The site currently has consent for a number of caravans, some of which are subject to conditions restricting the time of year they can be occupied and the people who can occupy them.

The applicant is seeking to use the land for the holiday occupation of caravans.

Although a planning permission already exists for the use of the site for this purpose, in discussions with officers the applicant has asked that, if granted, the permission allow a 12 month occupancy of the caravans. At the moment the permission does not allow the occupation of caravans between 31st December and 1st February in any year as a means of preventing the site being used for permanent residential occupation. This condition does not apply to a number of residents who have been present on the site for more than 10 years.

Consultations

Neighbours: Two site notices have been posted, 4 letters of representation have been received that raise the following points:

- Concern about the effect of the planning permission changes on an elderly resident.

Three “pro-forma” letters have also been received that raise concerns about more caravans on the site, in particular:

- The park is already overcrowded with over 100 vans of which some are already close together;
- The owners reluctance to invest any revenue into the improvements on any parts of the site and its basic facilities are a concern to residents before considering more caravans;
- The surface water drainage is extremely poor and inadequate;
- The electricity supply is to say the least just about adequate judging by the black outs so far this year;
- The sites roads are in parts a disgrace and the rest is just about adequate;
- The sites lighting is very poor and in areas dangerously under lit;
- Car parking is extremely difficult with residents already having at times under stress and friction enduring having to car plate their plot to secure a slot – no car parking on the entire site is marked out in any shape, way or form;
- The site is poorly set out for waste and recycling with half the site (the bottom end) already cut off from any green recycling bins, 90% of the site are having to drag their waste / recycling to the site entrance. Many people are elderly / struggle with mobility / live on their own its nothing short of a disgrace. We pay Council tax and get nothing down here off the Council, Nothing;
- Some residents also fear for the wildlife down here with what little open space being touted for more caravans;
- The granting of this permission would impact on all residents who already feel let down by the Council and the site owners mainly due to getting nothing for the sites fees and Council tax. Some residents feel the council’s evaluation officer has quite clearly “deemed” this a residential park (when it legally is not) to provide an extra revenue stream to the council coffers without having to provide nothing for the residents.
- That’s 100 plots x average £900 council tax (some are single occupancy) you already take from us, that’s £90,000 for this site for what?

LCC Highways:

The site is accessed via Mill Lane an unadopted / private road which forms part of Public Footpath 11-14-FP 101. As vehicular access to the greater highway network will be via the public footpath I have forwarded your consultation letter to the County Council's Public Rights of Way Team to provide direct comment as necessary.

I have reviewed the collision data for the area and can confirm that there is no recent record of personal injury accidents taking place in the vicinity of the site. The County Councils Public Enquiry Message (PEM) system has been interrogated and I have found no record of complaint regarding the operation of the site over the last ten years. Although no specific speed data is available the narrow nature of Mill Lane means vehicular traffic speeds are likely to be low and conflict between vehicular traffic and pedestrian traffic is unlikely to be a significant issue.

It is my understanding that this application seeks to formalise an ongoing usage. As a result the level of traffic generated by the development is unlikely to significantly alter. There is no evidence to suggest the usage (which has been in operation for some time) is detrimental to highway safety or access. As a consequence I am happy to offer no objection to the proposal.

Relevant Planning History

- 11/77/0070 Extension and rationalisation of caravan site, approved April 1978.
- 11/89/0401 Modification of occupancy condition, granted .
- 11/96/0338: Certificate of lawful use of site for up to 26 long stay and 4 short stay touring caravans for occupation for holiday purposes between 1/2 and 31/12 each year – Approved 04/02/1998.
- 11/96/0371 Amendment to Condition 1 of 11/89/0401 to allow permanent residential occupation of caravans, granted subject to conditions (including no occupation between 31st December and 1st February) August 1998.
- 11/03/0473: Change of use of land from use for touring caravans to use for 16 static caravans – Refused 08/10/2003.
- 11/15/0125 Variation of Condition No 3 of 11/96/0371 (Revised List of occupiers), approved, May 2015.

Relevant Policies

Hyndburn Borough Local Plan Saved Policies

Policy E10 - Development criteria

Hyndburn Core Strategy Policies

- Policy BD1 – Balanced Development Strategy
- Policy H1 – Housing Provision

National Planning Policy Framework

Section 9 – Protecting Green Belt Land.

Observations

Planning permission is sought for the use of land for the residential occupation of caravans at Harwood bar Caravan Park in Great Harwood. It is evident that the site has been used for this purpose for many years, however, the site is in the Green Belt and as a means of trying to prevent the caravans being used as permanent residential accommodation (rather than for holiday use) a condition has been used to allow occupation for only 11 months of

the year. National Green belt policy would not support the use of the land for the permanent occupation of caravans.

The applicant is seeking a new planning permission for the park, but has asked that this is not subject to a condition that limits occupation to 11 months of the year. The applicant advises that this change would help make the park more attractive to those seeking to use caravans for holiday purposes. The owner has stated that when caravans become vacant they would only be let on a holiday basis, although this should already be the case.

In 2015, the condition limiting occupation of caravans to 11 months was varied (application ref 11/15/0125) to allow a number of occupants to remain in their caravans year for 12 months¹. This was done on the basis that these residents had resided on the site for a period in excess of 10 years and it would not be able to enforce this condition. There are approximately 118 caravans on the site, of which 37 are occupied on a 12 month basis.

Although some concerns have been raised about the planning application from tenants, this application is not seeking to increase the number of caravans on site. The concerns raised are not planning matters but management issues that should be addressed with the owner.

The key issue in this case is whether it is appropriate to allow year round occupancy, given the sites location in the Green Belt. The reason for imposing the restriction was as follows:

'The Harwood Bar caravan site was established pursuant to Planning Permission 11/77/0070 dated 9 April 1978. Its use as a holiday caravan site therefore pre dates the adoption of the Hyndburn Borough Local Plan which identifies the site as being within the defined Green Belt. Policy S3 of this Local Plan provides that static residential and holiday caravans will not be permitted in the Green Belt. The condition relating to periods of occupancy and type of use has therefore been imposed in accordance with the policy advice contained in paragraphs 115 and 116 of Department of the Environment Circular 11/95 and Annex C to PPG21 in order to promote this policy. As the caravans listed in the schedule have been occupied by the named individuals as their sole and permanent residence, it was determined as a material consideration after reference to the policy guidance contained at paragraph 93 of DOE Circular 11/95 that the named individuals would suffer considerable personal hardship if they were required to vacate their respective caravans for one month every year and comply with the holiday use requirement. The particular circumstances of this case therefore justify the relaxation of the condition in relation to the caravans listed in the schedule'.

Whilst the policies mentioned in the above reason are no longer relevant, the permanent residential use of caravans in the Green Belt remains contrary to current planning policy, specifically Part 9 of the NPPF.

Although the occupants of the caravan park pay Council Tax and the owner believes that the majority of caravan tenants remain in their caravans on a 12 month basis. The fact that

¹ A similar approach was taken in 1996 under planning permission 11.96.371 when a list of permanent occupiers was submitted.

residents pay Council Tax does not provide any evidence in relation to the period of occupation. However, it is important that the caravans are let for holiday occupation and not permanent residential occupation and a condition is therefore recommended that requires details of the means by which the owner will notify tenants of the means by which they will be informed of the occupancy limitations. This should be done on an annual basis.

The permanent residential occupation of caravans on the site would be contrary to Green Belt policy and the approach taken to date would allow a group of residents to remain on site without enforcement action being taken against them which would make them homeless.

Conclusion

The site is a large caravan park in the Green Belt. The planning permission restricts occupancy of the site to 11 months of the year as a means of seeking to prevent permanent occupation, although this requirement has been relaxed for a group of residents who are elderly and who have lived on the site for many years. Caravans should be let for holiday use and not for permanent occupation. Although it is recognised that there have been breaches of the occupancy condition, the reasons for the limitation remain and there is a concern that a relaxation of this condition would result in the permanent occupation of more caravans.

For these reasons it is recommended that planning permission be granted subject to conditions that maintain the occupancy restriction except in relation to those occupiers that were accepted as exempt in 2015.

Recommendation

That planning permission be granted subject to the following conditions:

1. Within two months of the date of this permission a plan shall be submitted to the Local Planning Authority that identifies the location of all caravans / caravan pitches and mobile home pitches existing on the site. No additional caravans shall be brought onto the site.

Reason: To maintain the openness of the Green Belt in accordance with Policy BD1 of the Hyndburn Core Strategy and the National Planning Policy Framework.

2. No caravan on the site shall be occupied between the 31st December in any one year and the 1st February in the succeeding year except during weekends. During the remainder of the year, any caravan on the site shall only be used for the purposes of holiday occupation and shall not be used for any other purpose whatsoever. The restrictions on the use of caravans imposed by this condition shall not apply to a caravan listed in column A of the attached schedule, received by Hyndburn Borough Council on 23/03/2015 in support of planning application ref 11/15/0125 whilst and

for so long as that caravan is occupied by the person or persons whose name or names appear against it in column B of the attached schedule.

Reason: The Harwood Bar caravan site was established pursuant to Planning Permission 11/77/0070 dated 9 April 1978. Its use as a holiday caravan site therefore pre-dates the adoption of the Hyndburn Borough Local Plan which identifies the site as being within the defined Green Belt. The use of such land for the purposes of siting static residential and holiday caravans would fail to comply with the NPPF. The condition relating to periods of occupancy and type of use has therefore been imposed in accordance with the NPPF. As the caravans listed in the schedule have been occupied by the named individuals as their sole and permanent residence, it was determined as a material consideration that the named individuals would suffer considerable personal hardship if they were required to vacate their respective caravans for one month every year and comply with the holiday use requirement. The particular circumstances of this case therefore justify the relaxation of the condition in relation to the caravans listed in the schedule.

3. Within two months of the date of this permission, details of the measures to be taken by the owner to notify new caravan owners, and tenants that are not exempt from the occupancy limitations, of the occupancy limitations that apply to the site and their caravan shall be submitted to, and agreed in writing by the Local Planning Authority. The measures shall make provision for tenants to be advised of the occupancy conditions set out by this planning permission on an annual basis.

Reason: To ensure that caravans are let and / or occupied for holiday use in line with the requirements of this planning permission and the development complies with national Green Belt policy as set out in the National Planning Policy Framework.

Informatives