APPLICATION REFERENCE NO: 15/01952/FL
TARGET DATE: 25 May 2016
GRID REF: 501152-483026

REPORT OF THE PLANNING SERVICES MANAGER – PSM/17/103

SUBJECT: Application to enable existing caravan park to be operated on a year round basis for Mr Neil Cherry Arosa Caravan And Camping Park Ratten Row Seamer Scarborough NORTH YORKSHIRE YO12 4QB

1.0 THE PROPOSAL

1.1 This application seeks planning permission to enable an existing holiday caravan park to be operated on a year round basis.

1.2 This site has a planning permission for 29 static caravan pitches and 88 touring caravan pitches.

1.3 This application proposes no physical alterations to the site.

1.4 The site is currently conditioned to close between 4th January and 1st March yearly. Occupation of the touring caravan pitches is also limited to a period of 56 days in each calendar year for each occupier with a further 20% allowed to be occupied on a seasonal basis in excess of 56 days. The reason for implementing this condition was "To prevent the use of the use of this site as a residential caravan site, in accordance with Policy E1 of the Scarborough Borough Local Plan."

1.5 The host site is located outside of the Development Limits of Seamer and within the open countryside.

2.0 SCREENING OPINION REQUIRED?

2.1 No.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None.
4.0 CONSULTATIONS AND COMMENTS

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council’s website.

4.1 Parish Council - No objections.

4.2 Highway Authority - No objections.

4.3 Environmental Health - No objections. Request a condition limiting the site to holiday use only.

4.4 Tourism (SBC) - Are in favour of the application as it supports the delivery of the Visitor Economy Strategy to grow year round tourism.

4.5 Publicity - Consultation period expired on 28 June 2016.

5.0 RELEVANT SITE HISTORY

5.1 1963 - Use of site for tent camping. Permitted with conditions.

5.2 1983 - Change of use of tent camping site to touring caravan and camping site. Permitted with conditions.

5.3 1989 - Erection of a leisure room for caravan park. Permitted with conditions.

5.4 1990 - Shower and toilet block. Permitted with conditions.

5.5 1991 - Change of use of part of caravan park for siting of 5 holiday chalets. Permitted with conditions.

5.6 1991 - Variation of Condition No.2 decision 4/9/52G/PA to allow winter storage of caravans up to a maximum of twenty Permitted with conditions.

5.7 1994 - Change of use of land to part extension of existing caravan site and farm animal display area. Permitted with conditions.

5.8 1997 - Siting of 5 static caravans. Permitted with conditions.

5.9 1998 - Re-siting of previously approved 5 static caravans and consequent re-siting of touring caravans. Refused due to the proposals giving rise to permanent siting of residential static caravans on the open western side of this caravan site to the detriment of its character and appearance. The proposals also conflict with the 1995 consent which restricts the siting of caravans on this area to a period of 14 days at any one time. The loss of touring caravan pitches on established sites would lead to pressure for the establishment of new touring sites. The proposals would establish a precedent.
5.10 2016 - Siting of 21 no. static caravans. Permitted with conditions.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

**Scarborough Borough Local Plan (Saved Policies)**

L7 - Development within Caravan Sites  
H10 - Protection of Residential Amenity  
E1 - Protection of Open Countryside

**Scarborough Borough Local Plan (Proposed Submission)**  
(The Inspector issued his report on the Plan and has confirmed it to be sound subject to modifications)

TOU 1 - New Tourism Facilities  
TOU 4 - Visitor Accommodation and Facilities in the Countryside

**National Planning Policy Framework**

NPPF3 - Supporting a prosperous rural economy

**Scarborough Borough Supplementary Planning Documents**

None relevant

**Local Planning Policy Guidance**

None relevant

7.0 ASSESMENT

7.1 The key issues in this case are whether year round operation and occupancy of the site would lead to permanent residential occupation of the caravans and have an unacceptable impact on the residential amenity of neighbours.

7.2 The current Scarborough Borough Local Plan does not specifically deal with opening periods for caravan sites. However Policy E1 seeks to protect the countryside outside of the Development Limits of the Borough’s settlements for its own sake and prevent unnecessary residential development in the countryside. Similarly, the core principles section of the NPPF recognises the 'intrinsic character and beauty of the countryside'.
The emerging Local Plan through Policy TOU1 supports new tourism facilities and seeks to develop a year round tourist economy. Policy L.7 of the current Local Plan and TOU4 of the emerging Local Plan both allow development within existing caravan sites.

As existing this site has been restricted by condition to a limited opening period. In this case the site is currently conditioned to close between 4th January and 1st March yearly.

Notwithstanding this Policy position, during consideration of previous planning decisions involving caravan sites it has been the accepted position and norm for this Council to restrict the occupancy of caravan sites to certain periods with a defined closed period. This serves to dissuade occupancy during the winter months and prevent holiday caravan sites becoming residential caravan sites which would be contrary to Policy E.1. Enforcing caravan site use can be difficult and in the experience of Officers, the requirement to close for a certain period in each year is a useful enforcement tool to ensure that caravans are not occupied outside of holiday use.

Permanent residential use of a caravan site is harmful to both the character of the open countryside and also detracts from the tourist economy through the loss of visitor accommodation within the open countryside. Unauthorised residential caravan sites also fail to provide essential allied infrastructure such as affordable housing and education and puts a strain on other community infrastructure such as health.

The accepted position of this Council and its Officers on this matter has recently been subject to test at appeal. During consideration of that appeal an Inspector found against the Council on this issue. In allowing the appeal at the Muston Grange Caravan Site, the Inspector found that "Although a requirement for a period of vacancy during the year may make unauthorised occurrences of permanent residential occupation more readily apparent, I have not been provided with evidence to demonstrate that it would not be practically possible to enforce the proposed holiday occupancy condition." The Inspector went on to state that the "a holiday occupancy condition such as that proposed would be sufficient to ensure that the caravans were not occupied on a permanent basis." This condition allowed essentially the same as the one recommended in this case.

This appeal decision also reflects appeal decisions elsewhere where Inspectors have relied largely on the owners of the site to keep a register of the home addresses of owners/occupiers of caravans occupying pitches within the site to avoid and dissuade permanent residential occupancy. A number of such decisions have been submitted in support of this application and show a considerable degree of consistency. This recent appeal decision and its consistency with other similar appeals decisions weigh heavily in favour of approving this application.

Therefore, given the Policy aspirations for year round tourism along with the recent appeal decision, the year round occupation of this caravan site is considered to be acceptable and in accordance with the relevant Policies of the emerging Local Plan and the National Planning Policy Framework.

Impact upon residential amenity.
7.10 Policy H10 does not allow development that would have a serious effect on residential amenity.

7.11 The host site in this case is located in an open countryside location. This development does not involve any physical alterations to the site or the creation of additional pitches. The proposals simply seek to allow the use of this existing site during its current closed season. Whilst there are nearby homes located on Ratten Row, these are some distance from the majority of the campsite. It is considered that the additional use of the site during the colder winter months will be considerably less intense than the summer months and therefore an adverse impact upon residential amenity is not envisaged.

POSITIVE AND PROACTIVE STATEMENT

The proposed development as submitted is acceptable and the application was therefore approved without the need for further proactive action from the Local Planning Authority.

RECOMMENDATION

PERMISSION BE GRANTED, subject to the following condition(s)

1 The development hereby granted shall be carried out in strict accordance with the submitted plans reference:

   001 Site location plan. Received by the Local Planning Authority on 30 March 2015.

   Reason: To avoid doubt.

2 The site shall be restricted to the siting of not more than 29 static caravans and 88 touring caravans in accordance with the approved layout plan. No additional caravans shall be located on the site. All caravans utilising the site shall be used for holiday purposes only and not occupied as a sole or main residence. The operators of the caravan site 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: In the interests of visual amenity and to prevent the use of the use of this holiday caravan site as a residential caravan site in accordance with the requirements of Policies E.1 of the Scarborough Borough Local Plan.

3 Any touring caravan utilising the site shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence and shall not be utilised by any person or persons for a period exceeding 56 days in any calendar year and 21 consecutive days. Notwithstanding the above, 20 Percent of the touring pitches on the site may be used for seasonal lets and used for a period exceeding 56 days in any calendar year. Except for the seasonal caravan units all other touring caravan units shall be removed from the site when not occupied. Within 3 months of the grant of planning permission a plan shall be submitted to and approved in writing by the Local Planning Authority which identifies the plots to be used for seasonal pitches. This should not exceed 20% of the total touring pitches.
Reason: To prevent the use of the use of this holiday caravan site as a residential caravan site, in accordance with Policy E1 of the Scarborough Borough Local Plan

David Walker

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR ROB HARRISON ON 01723 383536 email rob.harrison@scarborough.gov.uk