

**BLAKENEY – PF/20/1347** - Variation of condition 5 (Caravan occupancy period restrictions) of planning permission ref: PF/19/0768 (Change of use of land (paddock) to enable the relocation of an existing static caravan business), to permit caravans to be occupied from 20 March to 02 January in any one year for holiday occupation at Grimes Caravan Site, Langham Road, Blakeney for Mr Bunn.

### **Minor Development**

**- Target Date: 07 July 2021**

Case Officer: Miss J Smith

Full Planning Permission

### RELEVANT CONSTRAINTS

- LDF Tourism Asset Zone
- Landscape Character Area
- EA Risk of Flooding from Surface Water 1 in 100
- Area of Outstanding Natural Beauty
- Countryside
- Undeveloped Coast
- B Road

### RELEVANT PLANNING HISTORY

PF/19/0768 PF

Caravan Site, Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

Change of use of land (paddock) to enable the relocation of an existing static caravan business

Approved 26/09/2019

PF/19/1908 HOU

Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

New access point onto Langham Road, Blakeney to serve land to the South of Galley Hill House

Withdrawn - Invalid 06/11/2019

PF/19/1992 PF

Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

Formation of new access to Langham Road to serve relocated caravans approved under planning permission ref. no. PF/19/0768

Withdrawn by Applicant 29/01/2020

CL/20/0292 CL

Caravan Site, Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

Certificate of Lawfulness for Existing Use of the site for the stationing of 6 no. static caravans

Was Not Lawful 10/04/2020

PF/20/0293 PF

Grimes Caravan Site, Langham Road, Blakeney, Holt, NR25 7PR

Variation of condition 3 of planning permission PF/19/0768 to remove the restriction that 2no. of the 6 no. caravans should be touring caravans

Refused 09/04/2020

Appeal Allowed 02.12.2020

CDA/19/0768 CD

Caravan Site, Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

Discharge of Condition 7 (Landscaping) and Condition 8 (Lighting) for Planning Permission PF 19 0768

Condition Discharge Reply 20/08/2020

#### THE APPLICATION

Proposes to vary of Condition 5 (Caravan occupancy period restrictions) of planning permission ref: PF/19/0768 for the change of use of land (paddock) to enable the relocation of an existing static caravan business).

Condition 5 states:

*No static or touring caravan placed on site shall be occupied outside the period of 20 March to 31 October in any one year.*

*Reason:*

*In order to ensure that caravans are restricted to holiday use only and not used as permanent residential accommodation in accordance with Policies SS 2, EC 9 and EC 10 of the adopted North Norfolk Core Strategy*

The proposal as amended seeks to allow the caravans to be occupied between 20 March to 02 January in any one year for holiday occupation. This would allow for an additional 8 weeks of opening, such that, the site would remain closed for 11 weeks of the year between 2 January and 20 March.

As originally submitted all year occupation of the caravans was sought.

#### REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Holliday due to the impact on the AONB and its dark skies (Policies EN 1, EN 2, NPPF para. 172 and Policy EC9) and the precedent which would be set for nearby caravan and camp sites.

#### PARISH/TOWN COUNCIL

Blakeney Parish Council (application as first submitted): Object - other caravan sites in the village, i.e. Friary Farm and Galley Hill for example are not permitted to have site occupancy out of season. The application is of no benefit to the AONB and detrimental to the protection and conservation of the setting as per EN 1 & EN 2 of the adopted Core Strategy.

Blakeney Parish Council (amended proposals) Object for the same reasons as stated previously. In addition, the PC consider that the potential additional income which this application may bring to the village as mentioned in the application, does not outweigh their concerns, i.e. it is not of significant value. Whilst landscape screening of this site is important, the intensification of this site is not appropriate and to allow this application would set a precedent that the PC not wish to see.

#### REPRESENTATIONS

One letter of objection to the amended proposal on the following grounds:

- Excessive lighting design submitted in an earlier application (CDA/19/0768) which contained some 22 external lights with high output which were not fully shielded.
- Any scheme which was previously considered acceptable needs to be reviewed in the light of the proposed operation of the site in the winter months.
- Also other landscaping should be reviewed in the light of winter operation.
- Supportive of operating this sort of site on a year-round basis due to its important contribution to the local economy.
- With a revised lighting scheme and landscaping, this could be good.

## CONSULTATIONS

Landscape Officer (application as first submitted): consider that the proposal will have an adverse impact on the defined special qualities of the Norfolk Coast AONB. Dark night skies are a stated feature of one of the defined special qualities of the Norfolk Coast AONB which is 'a sense of remoteness, tranquillity and wildness.' In this part of the Norfolk Coast AONB, this quality is particularly relevant to the sparsely populated landscape between the coastal settlements. Allowing year round use of this site will introduce light, noise and vehicle movements into this rural landscape during the quiet winter months which will not conserve or enhance the sense of remoteness, tranquillity and wildness, as required by para 172 of the NPPF. The Landscape Officer does not consider that these adverse effects can be effectively mitigated through additional landscape planting. This proposal represents intensification of the use of the site which is not appropriate in this sensitive location. Furthermore, approval of the application may set a precedent for further similar applications within the AONB.

Landscape Officer (amended proposal): One of the reasons for imposition of condition 5 was Core Strategy Policy EC9: "*Holiday and Seasonal Occupancy Conditions*", which states that "*A seasonal occupancy condition will be attached where the accommodation is not suitable for year round occupation by nature of its location, design or proximity to a habitat that needs extra protection at certain times of year*". The application site lies within the nationally designated landscape of the Norfolk Coast AONB. Dark night skies are a stated feature of one of the defined special qualities of the Norfolk Coast AONB, namely 'a sense of remoteness, tranquillity and wildness.' In this part of the AONB, this quality is particularly relevant to the sparsely populated landscape between the coastal settlements.

This amended proposal is seeking to allow an increase in use of the site during the months of November and December, which is the period of the year with the shortest daylight hours and extended periods of darkness. Whilst limited external lighting and landscape mitigation was negotiated under PF/19/0768 to minimise landscape and visual impact, the extended use period proposed still raises concerns with regard to potential adverse impacts on the defined special qualities of the AONB from noise, traffic and lighting during the quiet dark winter months in this rural landscape setting, which is particularly tranquil and undisturbed outside of the main tourist season and hosts overwintering migratory birds roosting and foraging on the surrounding arable fields. This is a sensitive habitat and protected landscape, the conservation and enhancement of which must be afforded '*great weight*' in the planning balance (para 172 of the NPPF).

Incremental increases in disturbance and activity such as that proposed in this otherwise undeveloped, open, rural part of the AONB designation will result in erosion of the defining characteristics of this protected landscape and therefore it is considered that this proposal would not be compliant with Core Strategy policies EN 1, EN 2, EC 9 or para 172 of the NPPF. The

condition as it stands is considered to be reasonable and allows for an acceptable period of operation within this sensitive location.

Norfolk Coast Partnership (amended proposal): Whilst no significant objection was raised to the original application (PF/19/0768) subject to conditions there is concern regarding a precedent being set by the granting of all year round use.

Even with seasonal occupancy there will still be some visual disturbance, movement and light pollution etc. in the locality. The Landscape Officer has mentioned the impact on dark skies, a special feature of the AONB designation and therefore this will not serve to 'conserve and enhance' the AONB in line with NPPF.

Recently, there have been many applications in the AONB to intensify existing caravan and camping sites by increasing size and extending to an all year round offer. NCP take the stance that this will gradually cumulatively erode the special qualities of the AONB and therefore would prefer to see a more limited provision in order to lessen visual impact to the landscape and visitor impact to wildlife.

County Council (Highway) No objection.

Environmental Health: No objections

#### HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

#### CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

#### POLICIES

##### **National Planning Policy Framework (NPPF):**

Section 2: Achieving sustainable development

Section 5: Delivering sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 12: Achieving well designed places

Section 15: Conserving and enhancing the natural environment

##### Other material considerations

Ministerial Statement (14/07/2020) made by The Right Honourable Secretary of State for the Ministry of Housing, Communities and Local Government, Robert Jenrick.

Ministerial Statement (14/07/2020) made by Minister of State for Building Safety and Communities, Lord Greenhalgh

## **North Norfolk Core Strategy adopted 2008:**

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy SS 4: Environment

Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads

Policy EN 2: Protection and enhancement of landscape and settlement character

Policy EN 3: Undeveloped Coast

Policy EN 4: Design

Policy EN 13: Pollution and hazard prevention and minimisation

Policy EC 9: Holiday and seasonal occupancy conditions

Policy EC 10: Static and touring caravans and camping sites

Policy CT 5: The transport impact on new development

Policy CT 6: Parking Provision

## APPRAISAL

### Background

Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. A local planning authority may decide whether to grant permission subject to different conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. In considering such an application however, a Local Planning Authority may only consider the question of the conditions and not revisit the principle of the development.

Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current application. However, in terms of decision making, a section 73 application should be treated just like any other application, with due regard paid to the Development Plan and other material considerations.

The application was originally submitted to vary Condition 5 to permit all year round use of the caravans for holiday occupancy. Officers raised concern with regards to the use of the site within the AONB on an all year round basis and its wider impacts on landscape and sustainability. It was considered that the site, which is currently devoid of light and other human activity during the winter months, would acquire a year-round domestic presence and would introduce a steady level of activity throughout the year such as lights, noise, and domestic activity and paraphilia which would have a significant adverse impact on the landscape and therefore conflict with policies seeking to protect the special qualities of the AONB.

Additionally, removal of the condition would effectively enable the caravans to be used as a second homes which could encourage the loss of holiday accommodation in the district and could lead to pressure for similar occupation conditions relating to other caravan parks within the North Norfolk district to be removed or varied which would be difficult to resist. It is considered this would potentially undermine the established tourist strategy and the contribution of caravan parks make to the local economy.

The planning application has subsequently been amended to vary the condition to permit caravans to be occupied from 20 March to 02 January in any one year for holiday occupation. In summary, this would allow for an additional 8 weeks when the caravans could be occupied, with the site remaining closed for 11 weeks during early January to late March.

In terms of operational development, there would be no physical change on site, with changes merely to the habitation period of the caravans. However, consideration must be given as to whether the change in habitation period proposed in this current application would result in any additional harm and conflict with Local and National policy.

## **Main Issues**

### Whether the proposed variation is acceptable in principle

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless;

- *application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The NPPF recognises that planning policies should not just support but 'enable' economic growth in rural areas, in order to create jobs and prosperity, by taking a positive approach to sustainable new development (paragraph 83 and 84). This includes support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Such support includes supporting tourist and visitor facilities in appropriate locations.

In support of the application the applicant has referred to changes in modern holiday use which has established that historic closed season occupancy conditions are being replaced with less restrictive occupancy conditions, extended holiday seasons and planning conditions which, if appropriately worded, still limit the use of caravans which are a sufficient means of control. Additionally, there is an economic benefit from extending the tourist season.

To provide further clarification it is noted that there is little current formal guidance on holiday occupancy conditions, however the following provides a helpful basis in understanding how applications have been determined previously.

- Circular 11/95 The use of conditions in planning permissions (repealed) - indicated that in cases where holiday use would be acceptable, but permanent residential use would not, holiday occupancy conditions alone would be more appropriate unless there were exceptional reasons why the holiday occupancy should be more limited e.g. to certain months of the year (for instance where the character or design of the construction means that the structure is unsuitable for continuous occupation, particularly in the winter months).
- Good Practice Guide on Planning for Tourism (repealed) - states that the imposition of holiday occupancy conditions would be appropriate (a) in order to ensure that policies for the protection of the countryside are not compromised, (b) to avoid occupation by permanent households which would put undue pressure on local services or (c) to strengthen tourism in an area by ensuring that there is a wide range of properties available to tourists.

Although as noted, both sets of guidance have been repealed, they provide useful background in determining what would be considered 'reasonable' in approaching this type of case. Further to this, the Housing Secretary Robert Jenrick issued a written ministerial statement (dated 14.7.2020) outlining how councils should handle moves by holiday park operators to extend their working season. The statement advises that the operation of caravan and holiday parks in England beyond the usual summer season will be invaluable to parks as the sector begins to recover from the Covid 19 pandemic. The statement says that authorities should consider the benefits to the local economy of temporary relaxation to allow longer opening season times, as it recovers from the impact of Covid-19.

Ministerial statements such as this can be material considerations in the determination of planning applications, as they give an indication of the Government's future policy direction and are often given weight by Planning Inspectors on appeal.

The reason why condition 5 was attached to planning permission PF/ PF/19/0768 was to ensure that the caravans were not occupied as permanent residential properties but remained for holiday use only and also to ensure protection of the sensitive landscape, in accordance with Policy EC 9 of the adopted Core Strategy which states that '*A seasonal occupancy condition will be attached where the accommodation is not suitable for year round occupation by nature of its location, design or proximity to a habitat that needs extra protection at certain times of year*'.

Given the increasing trend for people to holiday away from home during what was traditionally the 'off-season', it is considered that there is scope for this proposal to allow further economic development of the area. Accordingly, it is considered the variation of the condition as proposed would not be contrary to the aims of the NPPF. The variation of the existing condition would still allow for a closed season of the site in the winter months for 11 weeks where appropriate planning conditions would be imposed to retain the seasonal occupancy of the site and ensure that the caravans remain for holiday purpose only.

On balance, subject to the imposition of appropriate planning conditions, the proposal as amended would be in line with current trends and the Government's objective of encouraging tourism and local planning policy. The proposed variation is not considered to be in conflict with Policies SS 1, SS 2 and EC 9 of the adopted Core Strategy.

#### The effect of the proposed variation on the landscape and the Norfolk Coast Area of Outstanding Natural Beauty (AONB)

The site is located within the AONB. Policy EN 1 seeks to ensure that the development does not detract from the special qualities of the AONB. The impact of the proposal in the landscape and the AONB is one of a number of concerns which have been raised within the objections and consultee responses received. The application does not propose any changes to the physical layout of the site or, in terms of any operational development. Therefore, the proposed change is solely to allow for an additional 8 weeks of occupation of the caravans over that already permitted.

The caravan site is well screened by the existing hedgerow and trees to the west of the site. The landscape impact was referred to in the recent appeal decision (APP/Y2620/W/20/32552/61) at the same site, in respect of the proposal to increase the number of static caravans from 4 to 6.as follows: The Planning Inspector stated:

*“PF/19/0768 in effect extended the area of the existing caravan site to the south. The Council considered that the relocation of caravans from the north to the southern part of the site on a ‘like for like basis’ with appropriate screening, layout and landscaping would not result in overdevelopment or have an adverse effect on the surrounding landscape. It would also improve the setting of the main house. From my own observations of the site and the surrounding area I agree with that assessment.*

*However, contrary to the Council’s position, I consider that the substitution of 2 touring caravans for 2 static caravans, resulting in the same total of 6 caravans, would make very little difference to the presence and visibility of development within the site and the wider landscape overall. While the 2 static caravans would be larger than the tourers, the 6 caravans together would still be capable of adequate mitigation in terms of existing tree screening and hedgerow boundary treatment. As such, the proposal would not result in any significant intensification or overdevelopment of the site, or have any discernible adverse effect on the character and appearance of the surrounding landscape. Consequently, there would also be no conflict with the statutory purpose of AONBs which is to conserve and enhance the natural beauty of the area. For these reasons there would be no conflict with the requirements of Policies EC 10, EN 1, and EN 2 of the North Norfolk Core Strategy (2008)”.*

The sensitivity of the site’s location within the AONB and potential impacts have been considered along with the comments raised in consultation responses and the representation. It is however considered that whilst the use of the site for an additional 8 weeks for up to 6 caravans would result in increased activity in the winter months of November and December, this would not result in an adverse impact to a degree that would warrant a recommendation of refusal on landscape grounds alone.

Contrary to the representation received, application (CDA/19/0768) permitted 11 lights (not 22) which have a maximum 15w output which the Landscape Officer considered was acceptable for this rural location. Additionally, a landscaping scheme has been agreed, that, amongst other enhancements, retains the western hedgerow at a height of 2-3 metres and plants a mixed native hedge to the south west boundary and again was considered acceptable by the Landscape Officer. It is considered that these matters are important to the mitigation of the development and to prevent adverse impact occurring. However, the lighting scheme could be reviewed in order to consider a more hooded unit that directs the light downwards and consider movement sensors – so that the lighting is not on when not required. A condition is recommended to secure this

It is considered that subject to a new lighting scheme and the landscaping scheme already agreed, on balance, the special qualities and character of the AONB would not be unduly harmed by the additional 8 weeks of occupation of the caravans. The proposal is therefore considered to be acceptable in terms of Policies EN 1 and EN 2 of the adopted Core Strategy and Section 15 of the NPPF.

#### The effect of the proposed variation on Amenity

Given the distance of the site to the nearest dwelling, it is not considered the variation to the occupancy would give rise to significant increase in noise and disturbance that would otherwise be harmful to the amenity of its occupier. The proposed variation would therefore comply with Policies EN 4 of the adopted Core Strategy and Section 12 of the NPPF.



### The effect of the proposed variation on highway safety

The Highway Authority have no objection and consider that the proposed changes to the habitation period of the caravan site would not have an adverse impact on the safety of users of the highway or on the highway network. The proposal therefore remains compliant with Policies CT 5 and CT 6 of the Core Strategy and the principles of the NPPF.

### **Conclusion and planning balance**

It is considered that the benefits from the scheme would relate to economic benefit of an additional period of holiday accommodation at the site and enhancing the visitor economy especially with the recovery from the Covid 19 pandemic. With regard to the potential harm arising from the proposal, whilst it is acknowledged that there would be some impacts on the landscape due to the increased use in winter months, subject to the continued seasonal condition imposed including holiday occupancy restrictions and a new lighting scheme, the special qualities of the AONB would not be unduly harmed by the proposal for an additional 8 weeks opening for 6 caravans. On balance, the scheme is recommended for approval on this basis.

### **RECOMMENDATION - APPROVAL**

Approve subject to conditions relating to the following:

1. In accordance with approved plans (approved through PF/19/0768)
2. The maximum number of caravans on site shall not exceed 6 in total (allowed at Appeal APP/Y2620/W/20/32552/61)
3. Any static or touring caravan placed on site shall be used for holiday accommodation purposes only and for no other purpose.
4. No static or touring caravan placed on site shall be occupied outside the period of 20 March to 02 January in any one year.
5. Prior to the siting of any static caravan on site, full details of the design and external appearance of the caravan shall be submitted to and approved in writing by the Local Planning Authority. The caravans shall then be sited in accordance with the approved details.
6. Landscaping Plan (already approved through PF/19/0768)
7. There shall be no external lighting within the site other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.
8. Prior to the first occupation of the development hereby permitted the proposed on-site car parking, servicing, loading, unloading, turning, and waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
9. The existing hedgerow along the north western boundary of the site adjacent to Langham Road shall be retained and maintained, at a minimum height of 2 metres from ground level, for a period of not less than ten years from the date of this permission. Should the hedge die, or become seriously damaged or defective, a replacement hedge or other means of enclosure shall be provided in accordance with details and timescales which shall be submitted to and approved in writing by the Local Planning Authority.
10. Within 3 months of the first occupation of the proposed caravan site hereby permitted, the existing caravan site shall cease operation and all associated apparatus, structures, fences and hard surfaces shall be permanently removed from the land.

**APPROVAL:**

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

**Crime and Disorder**

The application raises no significant crime and disorder issues.

**Equality and Diversity Issues**

The application raises no significant equality and diversity issues.

**Local Finance Considerations**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

**STANDING DUTIES**

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - *Article 8 – Right to Respect for Private and Family Life*

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)