

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 28 September 2016

AGENDA ITEM NO	2
APPLICATION NO	2357/16
PROPOSAL	Use of land for the stationing of 16 holiday lodges without compliance with condition 2b of planning permission 1054/15 which restricts the duration of occupancy
SITE LOCATION	Magpie Inn, Norwich Road, Stonham Parva IP14 5JY
SITE AREA (Ha)	0.85
APPLICANT	Mr J Bahar
RECEIVED	May 24, 2016
EXPIRY DATE	September 3, 2016

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

- the Head of Economy considers the application to be of a controversial nature having regard to the nature of the application

PRE-APPLICATION ADVICE

1. No pre-application advice has been given on this proposal

SITE AND SURROUNDINGS

2. This application concerns an area of land immediately to the rear (west) of the Magpie Inn, a well known landmark on the A140 at Stonham Parva.

The site is level and extends to some 0.85 Ha. The part of the site closest to the public house has been partially cleared of significant vegetation. However, beyond this, the larger part of the site is rather overgrown and unkempt. All of the site is bounded by an established hedgerow with mature trees.

The Magpie and its associated road gantry are listed buildings. Public footpath no. 7 runs along and outside the northern boundary of the site.

HISTORY

3. The planning history relevant to the application site is:

1054/15	Use of land for the stationing of 16 holiday lodges.	Granted 30/07/2015
0825/13	Erection of a motel and construction of car park.	Granted 24/01/2014
2136/11	Erection of detached dwelling and a store for manager of motel and holiday lodges (OUTLINE)	Refused 11/01/2012
2138/11	Erection of 25 room motel. Construction of car park and footbridge link to pub	Refused 11/01/2012
0028/03/LB	REPLACE EXISTING GANTRY SIGN, RE-USING EXISTING CROSSBAR AND FIXED/SWINGING SIGNS.	Granted 11/06/2003
0003/03/A	REPLACE EXISTING GANTRY SIGN, RE-USING EXISTING CROSSBAR AND FIXED/SWINGING SIGNS.	11/06/2003
0059/98/LB	INSERTION OF FRENCH CASEMENT IN NEW OPENING ON REAR ELEVATION. RECREATE OPENINGS IN WALL ADJACENT TO CHIMNEY IN BAR AREA. OPEN UP CHIMNEY BREAST TO INSET DOUBLE BACK WOOD BURNER. ERECT NEW STUD PARTITION TO FORM LOBBY, FOLLOWING REMOVAL OF EXISTING LOBBY.	Granted 08/07/1998
0251/98/	ERECTION OF BOLLARDS	Granted 08/07/1998
0065/96/OL	ERECTION OF 12 NO. LOW COST DWELLINGS FOR RENT, WITH CONSTRUCTION OF NEW, AND ALTERATION TO, EXISTING VEHICULAR ACCESS.	Refused 22/08/1996
0064/93/LB	INTERNAL ALTERATIONS INCLUDING REMOVAL OF TWO NON-LOADBEARING WALLS.	Granted 18/06/1993
0037/90/LB	PLACING OF ADVERTISEMENT BOARD.	Refused 02/10/1990
0007/90/A	PLACING OF ADVERTISEMENT BOARD.	02/10/1990
0056/77/LB	Erection of kitchen extension to public house	Granted 25/11/1977
0678/77	Erection of kitchen extension to public house	Granted 25/11/1977
070675	Alterations and two single storey additions to form new toilets.	Granted 24/03/1976
LB003075	Alterations and two single storey additions to form new toilets	Granted 24/03/1976
0062/16	Use of land for stationing of 19 holiday units	23/03/2016

PROPOSAL

4. Permission is sought to occupy the holiday lodges approved under application no. 1054/15 without compliance with part b) of condition no. 2 of that permission. The condition is reproduced in full below with the relevant clause in bold italics:-

- ***TIME / OCCUPANCY RESTRICTIONS ON HOLIDAY CARAVANS***

The occupation of the holiday units shall, at all times, be not otherwise than in accordance with the following:

a) The units hereby approved shall not be occupied other than for holiday purposes and shall not be used as any person's principal domestic living accommodation or residential dwellings, including any use within Class C3 of the Town and Country Planning (Use Classes) 1987 as amended.

b) No person/s shall occupy any of the units for more than 28 consecutive days or re-occupy any unit on the site at any time during the first 28 days following their most recent stay.

c) Details of the name, permanent home address, vehicle registration and duration of stay of all persons occupying the accommodation, shall be kept in a register, a copy of which shall be made available to the Local Planning Authority for inspection at any time.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as units for short term holiday purposes in the interests of contributing to tourism and the economy of the area.

N.B No start has yet been made on the implementation of the permission granted

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. **Stonham Parva Parish Council** object to the proposal. They consider that non-compliance with the condition will diminish the lodge's contribution to the holiday trade as they may be sold as second homes. It would also make it more likely they would be occupied on a more permanent basis which they do not consider to be appropriate.

MSDC Tourism Development support the application, which they consider will better support the local tourist trade. They consider the condition should be replaced with one that allows more flexibility (see 'Assessment' below)

LOCAL AND THIRD PARTY REPRESENTATIONS

7. One letter of objection has been received from a local resident. This makes the point that most holidays are for 1 - 3 weeks duration and the existing condition is sound in that respect. It concludes that MSDC must ensure that permanent residential development is not achieved through the back door.

ASSESSMENT

8. **Introduction and Background:**

The existing condition has been Mid Suffolk's accepted method of restricting occupancy to holiday use for some time and in both wording and principle is very similar to that used by many other local planning authorities.

The condition as framed has two basic purposes; to prevent permanent occupation of the units and to seek to ensure their availability to a continuously changing series of visitors who will contribute to the local economy.

Members of this particular committee may recall a recent application in Wortham seeking a similar variation to the occupancy condition (4226/15) where officers recommended approval and which members refused. The decision has been appealed but no decision has yet been issued. Material to officer's recommendation in that case was a 2014 appeal decision in the Tendring District Council Area. A copy of that appeal decision is enclosed with the committee papers and reference to the conditions imposed by the Inspector is made at '*Planning Balance/Conclusion*' below.

The Current Proposal:

The applicant is not disputing the need for a condition restricting occupancy to holiday use. However, it is understood they are offering the site to developers or seeking a development partner and claim that the condition is deterring interest in the project. As an alternative, they suggest the condition framed and used by East Riding of Yorkshire Yorkshire Council which was included in the government's now withdrawn 2006 publication 'Good Practice Guide on Planning for Tourism'. **This condition is the alternative suggested by the MSDC Tourism Officer in supporting the proposal and reads:-**

i) the caravans/(cabins/chalets) shall be occupied for holiday purposes only.

ii) the caravans/(cabins/chalets) shall not be occupied as a person's sole, or main place of residence

iii) the owners/operators shall maintain an up-to-date register of all

owners/occupiers of individual caravans/(cabins/chalets) on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Variation of the condition as proposed would basically enable the lodges to be owned and occupied by persons//families who could then effectively use them as 'weekend cottages'

Included in the reasoning to grant permission for the lodges in 2015 was the perception that their presence would help sustain The Magpie, which has suffered from diminishing trade in recent years.. There is no evidence available as to whether the proposed form of occupation would make a significantly different contribution to the local economy than that secured by the existing condition. However, with regard to occupancy conditions, the aforementioned Good Practice Guide on Planning for Tourism also advises ...'Planning authorities will frame these conditions according to local circumstances...', and it is the clear view of your Tourism Development Officer that more flexibility is required.

The Good Practice Guide, which was withdrawn in March 2014, has not been replaced by further specific guidance. The National Planning Policy Framework, at para. 28 encourages local planning authorities in more general terms to ..'support sustainable rural tourism and leisure developments that benefit businesses in rural area, communities and visitors...'

Planning Balance/Conclusion:

Overall, it is considered that the amendment as proposed secures the occupation of the units for holiday purposes and contains sufficient safeguards to prevent permanent occupation.

However, it is noted that in the appeal decision referred to above, that the Inspector, whilst varying the local planning authority's decision in the manner proposed, reinforced the principle of holiday use by imposing a further condition (no. 4) precluding occupation for a brief period each year. Members may recall that, until recently, that was a feature of Mid Suffolk's existing condition. An additional clause precluding occupation during February is proposed in this recommended revised condition.

RECOMMENDATION

That Approval without compliance with part (b) of condition no. 2 be Granted subject to condition no. 2 of the permission granted under 1054/15 being replaced with the following new condition:-

2. i) the lodges shall be occupied for holiday purposes only.

ii) the lodges shall not be occupied as a person's sole, or main place of residence

iii) the owners/operators shall maintain an up-to-date register of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

iv) The lodges shall not be occupied during the month of February in any calendar year

Philip Isbell
Professional Lead - Growth & Sustainable Planning

Ian Ward
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

Cor2 - CS2 Development in the Countryside & Countryside Villages

Cor5 - CS5 Mid Suffolks Environment

CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

2. Mid Suffolk Local Plan

HB1 - PROTECTION OF HISTORIC BUILDINGS

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

RT12 - FOOTPATHS AND BRIDLEWAYS

RT17 - SERVICED TOURIST ACCOMMODATION

RT19 - STATIC CARAVANS AND HOLIDAY CHALETS

3. Planning Policy Statements, Circulars & Other policy

NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of 1 interested party(ies).

The following people **objected** to the application

The following people **supported** the application:

The following people **commented** on the application: