

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - A 08 February 2017

AGENDA ITEM NO 1
APPLICATION NO 4656/16
PROPOSAL Use of land for stationing of 31 holiday homes and relocation of site office.
SITE LOCATION Four Oaks Park, Eye Road, Brome And Oakley
SITE AREA (Ha) 1.7
APPLICANT Mr B Gregory
RECEIVED November 16, 2016
EXPIRY DATE February 10, 2017

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- (1) The applicant's agent is currently employed by the Council on a consultancy basis.

PRE-APPLICATION ADVICE

1. The application has been subject to pre-application from your officer in respect of the most appropriate manner to submit the proposal for consideration.

SITE AND SURROUNDINGS

2. The site (1.7Ha) is located to the west of the B1077, within proximity to the junction with the A140 to the North West - known as the 'Brome Triangle'. The market towns of Eye and Diss are 2 miles to the south, and 4 miles to the west respectively.

The site is used as a holiday park for static caravans; permission being granted for the site land to be used for the stationing of 16 no. units, under those references below. The site is generally flat and is bounded by hedging, mature trees and close-board timber fencing.

Arable fields lie to the west, south and north of the site. To the east are several residential properties including Mill House, a GII Listed Building, and associated gardens.

HISTORY

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

3726/10	Proposed siting of 6no Static holiday homes including change of use from former builder's yard	Granted 01/03/2012
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0121/07	<p>The siting and stationing of 10 static homes for holiday use only together with the retention of 11 touring caravan pitches (holiday use only) incorporating the provision of an amenity area and children's separate play area, the static homes and touring caravans to be occupied for a maximum 42 days continuous at any one time, there being no entitlement to occupation of the static homes or touring caravans or pitches during the month of February of each year when Four Oaks Holiday Park will be closed, subject to the continuing right of the Owners to occupy the Manager's permanent home and the Site Office throughout the year.</p>	<p>Granted 15/11/2007</p>
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PROPOSAL

4. As noted above, planning permissions have been granted previously allowing for the site to be used for the stationing of 16 no. static homes total (in addition to a permanent manager's unit).

It is understood that the applicant is presently operating the site with allowances for units in excess of those numbers presently permitted, and contrary to previously imposed occupancy restrictions. The applicant is then seeking to regularise the situation where there is a statutory provision for such action, under Section 73a of the Town and Country Planning Act 1990.

Accordingly, the applicant is seeking planning permission for the use of land for the stationing of up to 31 no. holiday homes, as well as the relocation/erection of an office within the site. Where this would effectively represent the beginning of a new 'planning chapter' for the history of the site, those previous permissions affecting the same land would fall away.

Members should note that with the exception of the site office/cycle store, the permission is couched purely in terms of land-use where the homes to be stationed are caravans within the meaning of the law, and therefore do not require planning permission in themselves as they do not represent a building operation.

It should also be noted that the applicant has requested revised terms in respect of any occupancy condition that could be applied to any approval given; this would be in line with recent planning appeal decisions, which are a material planning consideration capable of being afforded significant weighting. This matter will be considered within the body of your officer's assessment.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. **Brome and Oakley Parish Council**
No objection; support this application unanimously.
- BMSDC Heritage**
No objection; no harm to designated assets.
- BMSDC Environmental Health (Other Issues)**
No objection.
- BMSDC Environmental Health (Land Contamination)**
No objection.
- SCC Highways**
No objection; however note lack of cycle storage provision.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. No representations received.

ASSESSMENT

8. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

Principle of Development

The development plan supports the presumption in favour of sustainable development and states *inter alia* that the rural and local economy should be supported through the encouragement of tourism and leisure-based businesses.

Policies CS2 and RT19 are positively-worded to the extent that they seek to encourage a number of uses that would benefit the rural economy including, amongst other things, tourism and leisure related businesses. Those policies are broadly consistent with the aims of Section 3 of the NPPF which seeks to support economic growth in rural areas. In particular, paragraph 28 of the NPPF states, *inter alia*, that local plans should support the provision and expansion of tourist and visitor facilities in appropriate locations.

The application site is designated as countryside for planning purposes and is outside of the nearest settlement boundary. However, Paragraph 29 of the NPPF recognises that opportunities to maximise sustainable transport solutions will naturally vary from urban to rural areas. The location is also considered as being as acceptable in this instance as it is, in transport terms, nonetheless related to surrounding settlements and within a 'honey pot' of the district.

Notwithstanding this, the NPPF is also clear that the roles that comprise sustainability (being environmental, economic, and social) should not be taken in

isolation. It is considered that the economic benefits of this proposal should be afforded 'significant' (in-line with the NPPF) weighting, where holiday units can provide support for the wider economy as supported by the development plan and the Council's Tourism team.

That the planning use of the proposed units would be within the same Class (C3) as a dwellinghouse is noted. However, while the proposal is a form of residential permission, it is specifically for 'holiday accommodation', which could be controlled through the addition of a suitably worded condition.

While the development is therefore a form of residential development, it is materially different in nature to a purely residential proposal. It is considered then that the benefits to the local economy and tourist industry through using the unit for holiday let accommodation outweigh the fact that the units would be located in the countryside - or an otherwise 'unsustainable' location.

Essentially the development plan effectively pulls in two directions, seeking to restrict residential development in the open countryside, whilst also supporting rural enterprise. On balance it is therefore considered that the proposal should be acceptable when framed against the development plan/NPPF where the social and, crucially, *economic* benefits of the proposal outweigh any environmental impacts, subject to an appropriate assessment against other key material considerations.

Some weight must also be attributed to the fact that there are implemented and extant permissions in respect of the siting of 16 no. units. This proposal seeks permission for an additional 15 no.

Control over Use/Occupancy

Given the benefits to the rural economy, the occupation of the units need to be considered so as to ensure (as much as is possible) that the use of the site does indeed benefit the economy; the element which adds weight to the acceptability of the proposal. Furthermore, and most importantly, if the occupation of the units to be stationed on the site are not controlled it could become an unrestricted and separate residential use which would be undesirable in this location.

The most reasonable and conventional way of controlling the use of a holiday let is to control the occupation rather than the ownership, as occupation can be enforced. Controlling the occupation can ensure that the holiday accommodation does not become permanent and can make it more likely that it will be used for rented holiday accommodation only. It is also considered useful to control, via the imposition of a planning condition, the length of any visitor stay within any calendar year; again this would make it more likely that the unit is used as holiday accommodation only, rather than a holiday home.

Previously the Council has approached this by imposing a '28 day' rule; 'flexibility' (as now being advocated by the applicant) being weighed carefully against a means to adequately control the use of the site and in order to secure maximum economic benefit; an unrestricted 'second home' arrangement would be unlikely to yield the economic benefits necessary to render the proposal as acceptable.

However, your officer is aware of two recent planning appeals where the

respective Inspectors considered this very issue; one of which affects the Mid Suffolk district (Wortham - Ref 3148952).

In the instance regarding Mid Suffolk, the Inspector acknowledged that long-term rentals or 11-month-type conditions might negatively impact on tourism-spend, where time stayed is inversely proportionate to expenditure. This was supported by the 'Visit Suffolk - Market Segmentation Report'.

Nevertheless, the Inspector noted that such a condition would not unduly restrict shorter stays from occurring. A 'break' period as previously imposed would also remove the opportunity for repeat stays over the summer months or consecutive weekends.

The Inspector also opined that long-term occupants, whilst less likely to frequent tourist attractions repeatedly, could nonetheless visit other local facilities and would spend money as part of their day to day living expenses.

The Inspector then concludes:

"Thus, overall I find the [previous] condition when compared with the proposed condition increases the likelihood that the lodges would stand empty for periods throughout the year and potentially during the peak summer months. This could, in my view cancel out any benefit there may be arising from the greater spending by visitors which stay for shorter periods."

To be clear, your Officer finds the Inspector's reasoning to be troubling. (And indeed that Inspector partly justified his position by referring to a previous decision that did not explicitly consider the issue at hand and was in a highly sustainable location.)

Firstly, it is a matter of reasonable planning judgement that the nature of holiday sites in unsustainable locations is such that '11 month on - one month off' conditions would likely preclude short-term stays, rather being owner-occupied or holding a dormitory second-home status.

Second, and where it is precisely the strong economic benefits that should otherwise tip the planning balance in favour of developments such as this in unsustainable locations, the Inspector was wrong to consider living expense spend; such a consideration is true of any residential use, which of course is generally held to hold little weighting - consider the example of a new dwelling in the countryside, for example.

However, your officer does concede that no substantive evidence is available to support this view such that the Council could reasonably expect to robustly defend its position in an appeal situation. Given that appeal decisions are in themselves material planning considerations, especially given the subject matter of the Wortham case, your Officer advises that, on balance, the condition requested by the applicant in this instance is acceptable. This is also in part due to the transient nature of the holiday units in question, where they are not held to be buildings in law.

Heritage

With reference to the overall treatment of the submitted application, the Council

embraces its statutory duties and responsibilities, notably; Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to have "*special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses*".

The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. Paragraphs 132-134 state *inter alia* that when considering the impact of works or development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse permission unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm.

In this instance there is a sufficient degree of separation (distance, landscaping, boundaries and caravan scale/form) between the application site, its associated proposed use and surrounding heritage assets for there to be no harm posed to the historic environment, within the meaning provided by the NPPF.

The proposal is therefore considered favourably and would not conflict with the development plan or national guidance/policy and a positive recommendation can be given having had regard for statutory duties and responsibilities.

Impact on the Character and Visual Amenity of the Site and Area

The development proposal(s) are of a scale, form and detailed design that are not considered to be inappropriate for its siting and would appear suitably subservient to surrounding development and sit within the wider landscape setting.

When considered against the development plan and national planning policy and guidance, the development is considered acceptable in terms of its impacts upon visual amenity and the character and appearance of the area.

Impact upon Residential Amenity

One of the core planning principles within paragraph 17 of the NPPF is that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and this is also required by saved policies of the Local Plan.

As such, consideration needs to be given as to whether the proposal would be likely to give rise to any material harm to the amenity of neighbours by reason of impacts including loss of light, privacy, or outlook, or other potential impacts associated with the proposed development.

In this instance, the increase in units would not pose any unacceptable detriment in this regard, especially given separation distances and boundary treatments.

The development is therefore considered to be acceptable as it would not unduly reduce the level of amenity enjoyed by occupants of neighbouring properties.

Highway Safety and Parking Provision

It is noted that SCC as Local Highway Authority have raised no objection to the proposal and it is considered that there is a sufficient quantum of on-site parking with adequate access for there to be no harmful impacts in respect of highway safety.

Planning Balance and Conclusion

At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

When taken as a whole, and as a matter of planning judgment, the proposal is considered to adhere to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities. The proposal is consequently considered to represent a sustainable form of development, where there exists a presumption in favour of such development.

In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and a positive recommendation is given below.

RECOMMENDATION

That Planning Permission be granted subject to conditions, including:

- Standard Time Limit;
- Development to be in Accordance with Approved Plans;
- That the Holiday Units shall meet the Definition of a 'Caravan';
- Control over Holiday Occupancy;
- Control over Occupancy of Manager Unit;
- Ongoing Maintenance of Boundary Hedging;
- Control of External Lighting;
- Retention of Parking/Turning Areas;
- Retention of Existing Bat Boxes;
- No Parking of HG Vehicles Permitted;
- Retention/Control of Emergency Access.

Philip Isbell
Professional Lead - Growth & Sustainable Planning

Steven Stroud
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
Cor11 - CS11 Supply of Employment Land

2. Mid Suffolk Local Plan

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT
HB1 - PROTECTION OF HISTORIC BUILDINGS
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 **0** interested party(ies).

The following people **objected** to the application

The following people **supported** the application:

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