

Title: Committee Site Plan

Reference: 4226/15

Site: Honeypot Farm, Bury Road, Wortham; IP22 1PW



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SCALE 1:1250

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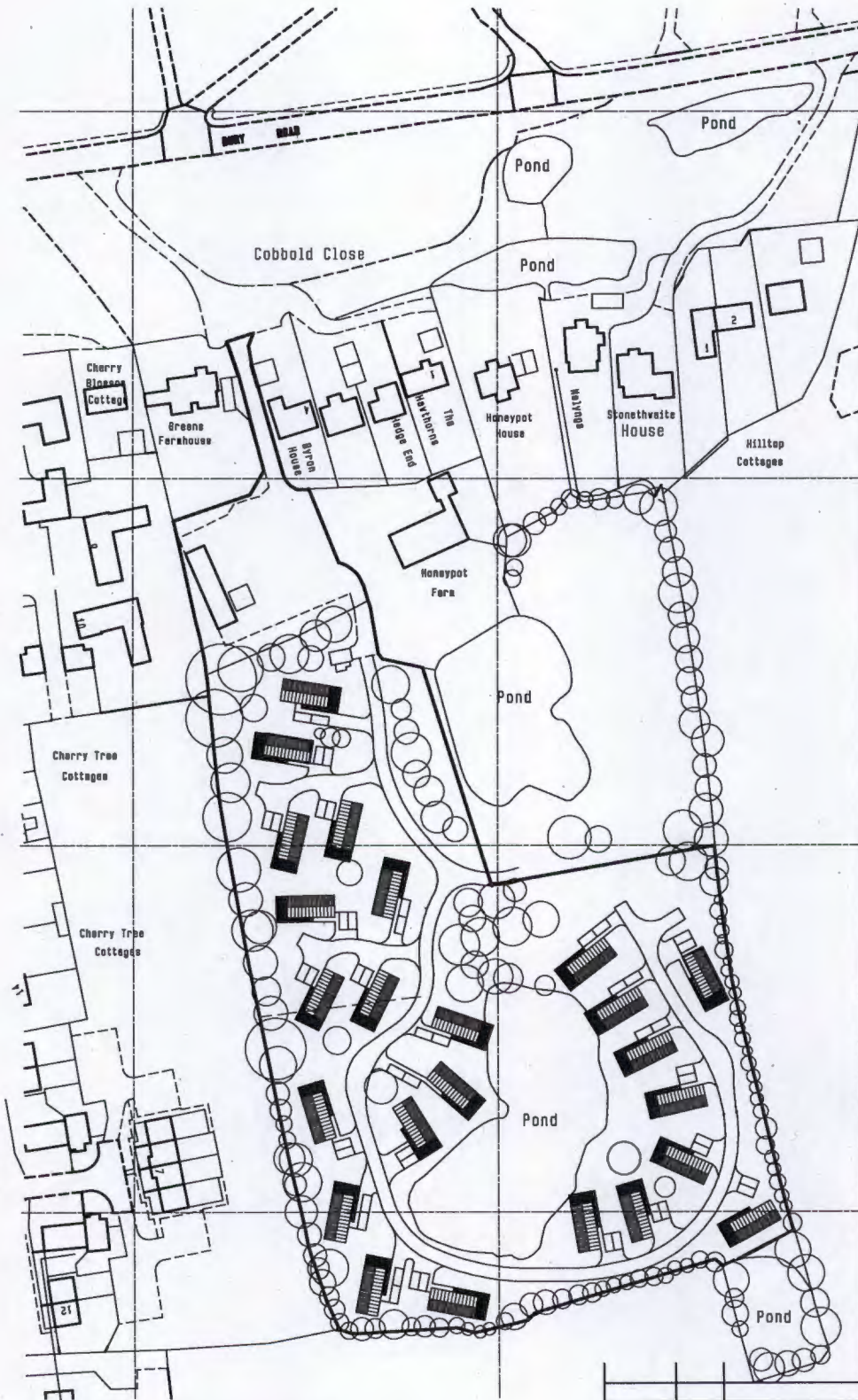
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**USE OF LAND FOR STATIONING OF HOLIDAY LODGES
 HONEYPOT FARM, WORTHAM SUFFOLK IP22 1PW
 Site Location Plan Scale 1:2500**



Phil Cobbold BA PGDip MRTPI - Member of the Royal Town Planning Institute - Chartered Town Planner



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DATE	REV.	DESCRIPTION	DRAWN

PROPOSED LOG CABINS
Honeypot Farm Campsite, Wortham. IP22 1PW
Scale 1:1250 (A3)
3577-02C

PatrickAllen&Associates
Architects

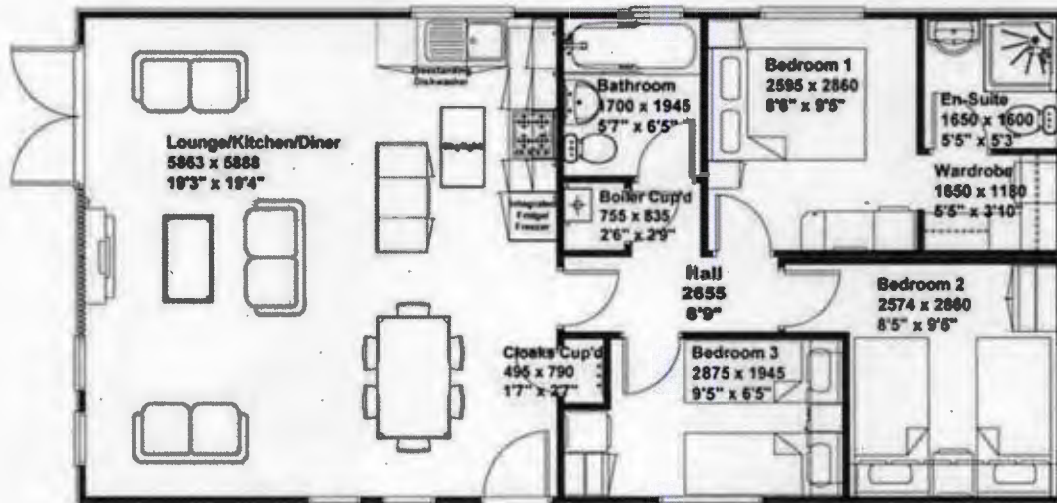
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USE OF LAND FOR THE STATIONING OF HOLIDAY LODGES
 HONEYPOT FARM CAMPSITE
 WORTHAM IP22 1PW



Indicative illustration of proposed holiday units



Indicative floor plan of proposed holiday units

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Variation of condition 3 of planning permission 2689/15 "use of land for the stationing of 23 holiday lodges" to permit extended occupation of lodges.

Wortham & Burgate Parish Council oppose the variation as we consider that the existing 28 days consecutive occupancy restriction, is reasonable during the holiday period April to October.

We are of the opinion that simply by observing a requirement to vacate for say, one month in each year, is not sufficient to demonstrate holiday use if a person is using the holiday accommodation as their main or sole place of residence.

While we support and encourage tourism, we need assurances that approved holiday accommodation is not used as a person's sole or main place of residence. Otherwise, residential development can occur in places that are contrary to important planning policies.

There are significant benefits in providing holiday accommodation in our area, but our concern is to ensure that our countryside is protected from inappropriate development and that holiday accommodation is not occupied in breach of the holiday occupancy conditions. We consider that these conditions should be that the accommodation must only be used for holiday purposes and we refer to the standard dictionary definition which is applied also by Government Planning Inspectors and in the Courts, that a holiday is an extended period of recreation, away from a person's home; a day of festivity or recreation when no work is done.

The test should be that the owner/occupier cannot use the accommodation as a sole or main place of residence, which must be in place elsewhere and being used as such.

There are various factors which have been agreed in other councils in the UK, that may indicate that holiday accommodation is being occupied in breach of the occupancy conditions. These factors include:-

- 1) An occupier spending the majority of their time in the holiday accommodation
- 2) An occupier being asked by the site operators to provide a relative's address or an overseas holiday address as their sole or main place of residence;
- 3) An occupier(s) receiving their mail at the holiday accommodation;
- 4) An occupier using the holiday accommodation as a place to register to vote;

- 5) An occupier's child attending a local school;
- 6) An occupier or members of their family being registered permanently with a local GP or dentist;
- 7) An occupier (or spouse/partner or other family member) carrying on their business or employment based at the holiday accommodation. For example, as a base to commute to and/or from a place of work as if being used as a sole or main place of residence.
- 8) Ceasing employment for example through retirement does not mean that a person is on holiday. They must still be required to have a sole or main residence.

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From: Tracey Brinkley
Sent: 28 January 2016 13:32
To: Stephen Burgess
Cc: Planning Emails; David Benham
Subject: Planning Application 4226/15 Honeypot Farm, Wortham

Location: Honeypot Farm, Bury Road, Wortham, IP22 1PW

Proposal: Variation of condition 3 of planning permission 2689/15 "use of land for the stationing of 23 holiday lodges" to permit extended occupation of lodges.

I would like to confirm support for the above application.

The current visitor destination plan (amongst many recommendations) emphasises the need to encourage more overnight stays, and families to visit, and for visitors to come all year round. This development has the potential to help address these areas. The VDP and other supporting documents can be found on our website.

<http://www.midsuffolk.gov.uk/business/economic-development/tourism-development-in-babergh-and-mid-suffolk/>

The current condition which is in place would be difficult to monitor and enforce effectively, and, as well as appearing to have an impact on the viability of the project, it conflicts with the aim of encouraging visitors to come all year round, and is therefore counter-productive. I would recommend a flexible condition is used as detailed below which restricts the use and occupancy to holiday accommodation which is the essential element, without imposing rigid timescales when it can be occupied.

'The accommodation shall be occupied for holiday purposes only. The accommodation shall not be occupied as a person's sole or main place of residence. The site owners/ operators shall maintain an up-to-date register of the names of all occupants of the accommodation and of their main home addresses; the site owners/ operators shall make this information available at all reasonable times to the local planning authority.'

Kind Regards

Tracey Brinkley

Tourism Development Officer

<http://heartofsuffolk.co.uk/>

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Head of Planning
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Needham Market
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20th November 2015

My Ref: 761

Dear Sir/Madam

Variation of condition 3 of planning permission 2689/15

**Use of land for the stationing of up to 23 holiday lodges and 1 lodge for site manager
Honeypot Farm Caravan Park, Bury Road, Wortham IP22 1PW**

I am instructed by Mr C Feeney to submit an application as described above. The main basis for this application is that condition 3 of planning permission 2689/15 is unreasonable and therefore fails the relevant tests set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

On 30th July 2015 the applicant submitted an application to the Council proposing the use of land for the stationing of up to 23 holiday lodges and 1 lodge for site manager at Honeypot Farm Caravan Park, Bury Road, Wortham.

The Planning Statement submitted with the planning application made it clear that the application sought permission to provide holiday accommodation at the site for 11 months of the year and that the site manager will be on site all year round to undertake maintenance during the month the site is closed and would therefore require 12 month occupation.

Although the Council approved the planning application, condition 3 prevents the 11



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months holiday occupation applied for. Condition 3 of the planning permission states:

"The holiday units hereby approved (except for the lodge allocated for the site manager) shall not be occupied other than for holiday purposes and shall not be used as residential dwelling/s, including any use within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). No person/s shall occupy any of the unit/s 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. Details of the name, permanent home address, vehicle registration of guests shall be kept in a register on site, a copy of which shall be made available to the Local Planning Authority for inspection at any time".

There are a number of reasons why the condition which has been imposed by the Council is unreasonable and fails the relevant tests.

Firstly, and importantly, it prevents the application from being carried out in the manner applied for.

Secondly, the condition does not comply with the Government's advice on conditions for holiday accommodation. The Government's policy for tourism is set out in the *Good Practice Guide on Planning for Tourism*. This document is still current, it was not withdrawn after the publication of the NPPG or the PPG. Annexe B of the document contains the following conditions to control occupancy of holiday homes if they are located in an area where permanent dwellings would not be acceptable.

1. The caravans (or cabins/chalets) are occupied for holiday purposes only;
2. The caravans (or cabins/chalets) shall not be occupied as a person's sole, or main place of residence;
3. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log 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.

These conditions would provide the Council with the level of control necessary to prevent permanent habitation and would also provide the operators with sufficient flexibility for potential owner occupiers.

This same approach was used by an Inspector (see attached decision) on an appeal for a caravan site in Weeley last year (Ref: APP/P1560/A/12/2176728). That appeal was determined by way of a Public Inquiry and, in allowing the appeal, the Inspector prevented permanent occupation by imposing a condition which prevented occupation of the holiday units for a set period rather than a 28 day restriction. The same approach would be acceptable to the applicant.

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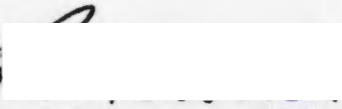
The third reason that the wording of condition 3 is unreasonable is that it will put off prospective purchasers of the site. The Council has imposed the same condition on a planning permission for holiday lodges at Stonham Magpie (2137/11 and 1054/15). Despite those holiday lodges being marketed for a period in excess of 3 years, they remain unsold and the advice from the selling agent is that potential purchasers are put off by the occupancy restriction imposed by the condition. The reason for this is that most if not all holiday lodge developments contain a mix of rental units and owner occupied units. No one is going to buy a holiday lodge if they can't use it because they have to take a break of 28 days before they can occupy it again. In fact, the wording of the condition would even prevent an owner occupier using a lodge every weekend during the summer which would clearly be unreasonable.

Consequently, this application seeks to vary condition 3 of planning permission 2689/15 by replacing the current text with the following wording:

The holiday lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence. The hereby approved holiday lodges shall not be occupied between 8 January and 8 February in any calendar year. The owners/operators shall maintain an up-to-date register of the names 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.

Please let me know if you require any further information.

Yours sincerely



Phil Cobbold BA PGDip MRTPI



Appeal Decision

Inquiry opened on 30 July 2013

Site visits made on 1 and 2 August 2013

by Clive Hughes BA (Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 January 2014

Appeal Ref: APP/P1560/A/12/2176728

Starena Lodge, Clacton Road, Weeley, Essex CO16 9DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Doran against the decision of Tendring District Council.
 - The application Ref 11/00897/FUL, dated 29 July 2011, was refused by notice dated 12 March 2012.
 - The development proposed is 20 pitch static holiday caravan park together with peripheral and supplemental landscape planting.
 - The inquiry sat for 3 days on 30 and 31 July and 1 August 2013.
-

Decision

1. The appeal is allowed and planning permission is granted for 20 pitch static holiday caravan park together with peripheral and supplemental landscape planting at Starena Lodge, Clacton Road, Weeley, Essex CO16 9DH in accordance with the terms of the application, Ref 11/00897/FUL, dated 29 July 2011, subject to the 16 conditions set out in the Annex to this Decision.

Application for costs

2. At the Inquiry an application for costs was made by Mr T Doran against Tendring District Council. This application is the subject of a separate Decision.

Procedural matters

3. A Hearing into this appeal was opened on 23 October 2012. It was adjourned due to the high volume of public interest and the limitations of the venue. During the adjournment it was agreed with the principal parties that the appeal should proceed by way of a Public Inquiry.
4. The *National Planning Policy Framework* (the Framework) was published on 27 March 2012, after the planning application the subject of this appeal had been determined. The reasons for refusal refer to *Planning Policy Statements 1 and 4*, both of which have now been replaced by the Framework. The Framework was referred to extensively in the written evidence and at the Inquiry. I have determined this appeal in the context of current national planning policy.
5. As the Inquiry was held during school holidays, I made further unaccompanied visits to the site on 9 and 10 September 2013 at the request of the main parties in order to observe traffic conditions in the slip road and around the Clacton Road/ Gutteridge Hall Lane junction. The first visit was in the afternoon to observe school collection time; the second was at the start of the school day. On both occasions the weather was poor with light rain falling.

6. Paragraph 2.09 of the signed Statement of Common Ground (SoCG) says that the appeal site can be considered as being in a sustainable location. This is clearly an error as it contradicts the reasons for refusal and the Council's case. By email dated 7 March 2013, concerning amendments to the (then) draft SoCG, the Council notified the appellant that it did not agree that the site was in a sustainable location. Based upon the reasons for refusal, the proofs of evidence of the Council's witnesses and the email dated 7 March 2017, I am satisfied that the appellant could not reasonably have regarded this paragraph in the SoCG as accurately reflecting the Council's position.

Main Issues

7. The main issues arising from the Council's reasons for refusal are :
- Whether the proposed development accords with national and local policies concerning the provision of holiday accommodation;
 - The effect of the proposed development on the character and the appearance of the area;
 - The effect of the proposed development on highway safety in the vicinity of the site;
 - The effect of the proposed development on the living conditions of nearby residents and on the amenity of the nearby school and other community facilities, with particular regard to noise and disturbance arising from traffic movements;
 - Whether the proposed development would accord with policies in the development plan and Government advice concerning sustainable forms of development;
 - Whether satisfactory provision can be made for the disposal of surface water;
 - Whether access to the site would be made available to all potential visitors and users; and
 - Whether any tourism benefits arising from the proposals would be sufficient to outweigh any identified harm.
8. At the Inquiry the Council raised further issues concerning foul water drainage and the internal layout of the site. These factors are also considered below.

Reasons

Background

9. The appeal site is located outside the built confines of Weeley and is a little less than 1km from the village centre. It lies adjacent to the Clacton-Colchester railway line and is accessed down a long private access drive lined by tall evergreen trees. The access served Starena Lodge, a substantial dwelling immediately to the west of the appeal site, which has now been demolished. There is an extant planning permission for its replacement. The access also serves 4 caravans/ mobile homes, which have the benefit of a Certificate of Lawful Development (CLD) that lie between the site of Starena Lodge and the appeal site (although it appears that they may well be sited a little too far to the west).

10. This access drive is off the end of a slip road that, for the first part, runs parallel with Clacton Road (B1441; the Weeley by-pass). The slip road also serves the village hall, which is used by the Rainbow Pre-School, and the village recreation ground which includes a children's play area, a scout hut and the former British Legion Hall. The Weeley St Andrew's Primary School is also served by this slip road; it lies immediately to the west of the junction of this slip road with Gutteridge Hall Lane, very close to its junction with Clacton Road.
11. Gutteridge Hall Lane has a cluster of dwellings around its junctions with the slip road and Clacton Road. It is a narrow, single track road that heads west in a straight line into the flat countryside, running parallel to the railway. For much of its length there are mature hedges either side; beyond the cluster of dwellings and the school the road only serves a couple of dwellings, school playing fields, a 3-pitch traveller site, stables and fields. As the road heads west, its character changes as it becomes a track with vegetation down the centre. It is a cul-de-sac.
12. The site itself has an area of about 0.9ha, is flat, and is disused. It is mainly overgrown with scrub and grass with a large area of overgrown hardstanding and an open fronted building. There is some open storage of rubble and building materials and a low mound along the northern boundary adjacent to the railway. There is a recently constructed close boarded fence to the south separating the site from a traveller site and an open field. Generally the land to the south and west is agricultural. Previous uses of the site include use in connection with a cattery, kennels and as a plant nursery. It has also been used for car boot sales.
13. It is proposed to redevelop the appeal site as a holiday park providing 20 static caravans arranged either side of a central access drive and around a vehicle turning circle, the centre of which would provide an open amenity area. The access would run beside a re-built Starena Lodge and enter the site from the east. It would not provide access to any other land. The submitted plan shows that the existing boundary planting to the north and south would be retained and supplemented; new hedgerows would be provided to the western and eastern boundaries. No detailed landscaping scheme has been submitted, but the layout plan shows additional planting between the caravans. It is intended that the site would be private with the caravans sold to owner/ occupiers for holiday use. The purchasers of the caravans would take 30-year licenses on the pitches.
14. Also of relevance to this appeal is a recent refusal of planning permission for an extension to the nearby traveller site to increase the number of pitches from 3 to 8 (ref 12/00692/FUL; refused on 16 November 2012 and now the subject of an appeal). This site is located immediately to the south of Starena Lodge and is accessed from Gutteridge Hall Lane. The reasons for refusal included harm to residential amenity due to noise, disturbance and traffic movements; the inadequacy of Gutteridge Hall Lane to cater for the existing and additional traffic; and the increase in slowing and turning vehicular traffic movements at the Gutteridge Hall Lane/ slip road/ Clacton Road junctions.

Policy considerations – holiday accommodation

15. The development plan for the area is the *Tendring Local Plan 2007*. The site lies in the countryside outside the built confines of Weeley where policies that seek to protect the countryside apply. The impact on the character and the

appearance of the countryside is considered in greater detail in the second issue.

16. The key policy for tourism and leisure uses is Local Plan Policy ER16. This is a "permissive" policy insofar as it says that proposals for tourism and leisure uses will be permitted provided that five criteria are all met. These criteria relate to its accessibility to all potential visitors and users; there being suitable vehicular and public transport access; the use not causing disturbance by reason of noise; there being no adverse effect on agricultural holdings; and that appropriate opportunities are taken to improve damaged and despoiled landscapes. The first three criteria are considered in greater detail below where I conclude on each of these issues that there would be no unacceptable harm arising from these proposals. Concerning criterion (d) the development would not have any adverse effect on agricultural holdings or result in the loss of any high quality agricultural land. Indeed, the land is in poor condition with a substantial amount of hard surfacing that has become rather overgrown. Subject to satisfactory landscaping, the current proposals would improve its appearance. I conclude that the proposals would accord with the development plan policy concerning tourism and leisure uses.
17. Concerning the *National Planning Policy Framework* (the Framework), Chapter 3 relates to "Supporting a prosperous rural economy". It says that to promote a strong rural economy, plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas. It supports the provision of tourist facilities in appropriate locations. As argued below, this is an appropriate location as it is close to the settlement of Weeley and is in a highly sustainable location.
18. I have had regard to the emerging *Draft Tendring Local Plan* and in particular to Policy PR09. This policy takes a very different approach to adopted Policy ER16. Indeed, the starting point concerning static caravans is that such proposals will be refused other than those that are being created for the relocation of an existing site away from flood risk areas. The justification for this approach is set out in paragraph 3.41 of the Plan and refers to the high number of static caravans in the District and the desire to promote a diverse range of visitor accommodation. This plan, however, is at an early stage. While the policy indicates the desired direction of travel by the Council, there are objections to the proposed policy and it may well be subject to change as the plan proceeds towards adoption. It carries only very limited weight.
19. The Council commissioned the *Tendring: Holiday Park Sector Review* (HPSR) from Hotel Solutions. Their Final Report (October 2009) is still used by the Council and has not been superseded by more recent research. The HPSR says that there is a strong future for the holiday park sector in Tendring and that demand for holiday home ownership and rental is increasing and generally exceeds supply. While this document is not Council policy, it does identify a strong demand for such facilities. It suggests that the Council will need to have in place policies for, amongst other things, the expansion of existing parks and the development of new holiday parks.

Character and appearance

20. The appeal site is well screened from most public viewpoints. The boundary trees can be seen through a mature hedge and across fields from Gutteridge Hall Lane, but this is some distance away. There are views of the site from the

railway line, but again the views are significantly filtered by the evergreen trees along this boundary. There is a reasonably clear view of parts of the site from an elevated section of the A133 but this is some distance away to the west. From this road the caravans at the rear of Starena Lodge are visible although mature trees to the west of the site restrict views. In any case, this is a fast road with no footway so views are likely to be fleeting. The site is also seen in the context of the railway line and Weeley Station and, most noticeably, against the backdrop of high rows of evergreen trees.

21. In terms of the impact on the character of the area, the HPSR says that the District has 26 holiday parks providing 6,816 owner holiday homes; 744 holiday homes for hire; and 543 touring pitches. Indeed, the substantial Weeley Bridge Caravan Park, with 219 caravans, is sited immediately to the north of the appeal site on the opposite side of the railway line. It is clear, therefore, that mobile homes make a significant contribution to the character of the area.
22. There are also 4 caravans, not in holiday use, that have the benefit of a CLD immediately to the rear of Starena Lodge and a further 6 caravans, with the benefit of planning permission, on the adjoining 3-pitch traveller site. While the appeal site is in the countryside and also adjoins fields, the proposed mobile homes would undoubtedly reflect the prevailing character of development in both the immediate vicinity and the wider area.
23. Concerning the effect of the proposals on the appearance of the area, as the development would only be glimpsed from public viewpoints its visual impact would be very limited. The proposals involve a relatively low density of development and there is ample scope for the inclusion of additional landscaping to the boundaries and within the site. The indicative site layout shows further landscaping and this can be conditioned to ensure that appropriate native species are planted. The only visual impact arising from the development in the immediate area is likely to be the traffic using the slip road and Clacton Road. This is considered in greater detail below. However, once the mobile homes have been sited on the land they are unlikely to need replacing very frequently and the traffic generated by 20 mobile homes is likely to be relatively modest compared to that generated by the Weeley Bridge Caravan Park or the Primary School.
24. In these circumstances there would be no harmful impact on either the character or the appearance of the area or any unacceptable conflict with Policy QL9 of the Local Plan. The low density nature of the development and the proposed landscaping would enable the development to improve the damaged landscape and enhance this aspect of the character of the area in accordance with Policy ER16 (e) of the Local Plan.

Highway safety

25. There are two elements to this reason for refusal; the delivery of static holiday caravans and vehicular movements to and from the site. Concerning the delivery of new static caravans, and the collection of old ones, the appellant produced swept path analyses to demonstrate that delivery vehicles could negotiate the tight bends in the slip road access between the B1441 and the site. It would be difficult to enforce any conditions concerning the times of deliveries as it would be difficult to predict arrival times due to potential congestion and delay on main roads. Such a condition could have a perverse

outcome as vehicles waiting to deliver mobile homes would be entitled to wait on the slip road which could itself be a cause of congestion.

26. However, the appellant is prepared to accept a condition preventing the delivery or collection of static caravans to/ from the site on weekdays. This would ensure that there was no conflict with school arrival and departure times. While there might still be conflict with traffic accessing the other community facilities in the slip road, the potential for congestion or conflict with other road users would be limited. It must also be borne in mind that only 20 static caravans are proposed and that they have a lifetime of 25/ 30 years so, once the site was developed, deliveries and collections would be unlikely to be frequent occurrences.
27. Concerning vehicular movements to and from the site, the Council considers that the holiday caravans would each be likely to generate about 6-8 vehicle movements per day. It identified a worst case scenario of 12 trips per caravan per day resulting in 240 vehicle movements per day. This is, however, based upon the likely generation by a dwelling house and increased to allow for two families sharing a caravan and for all the caravans to be occupied. With a dwelling house it seems reasonable to expect that there would be deliveries, including post, groceries and couriers; visitors; and routine journeys such as driving to work and the school run. There is no evidence to suggest that holiday caravans would generate this volume of traffic. It also seems unlikely that they would all be occupied all the time and while they could potentially accommodate two families with two vehicles there is no evidence to demonstrate that this would be the norm.
28. Indeed, the British Holiday & Home Parks Association magazine (March – April 2012; Document 12) says that the average number of days that privately-owned static caravans are used is 108 days per year (about 30% of the time), with an average group size of 3 persons. This would give a likely traffic generation of around 50 vehicle movements per day. This is in line with the appeal Decisions submitted by the appellant concerning trip generation from holiday caravans. While the circumstances of the individual sites are likely to differ, the other Inspectors considered that a figure in the region of 2.5 trips per caravan per day to be appropriate. This would result in about 50 trips per day generated by the appeal site and seems reasonable.
29. The Inquiry was held during the school holidays and so I returned to the site to observe traffic conditions in the slip road and Gutteridge Hall Lane during term time. As is usual at primary schools, I saw that parking was more congested at school collection time than in the early morning as parents/ guardians arrived in good time before school closed for the day. The car park was filled beyond capacity and there was parking along much of the length of the slip road. This latter parking makes the slip road into a single lane carriageway which would be likely to make access/ egress to the appeal site more difficult. Traffic speeds in the slip road were inevitably slow and there is a footway along the western (school) side.
30. There would undoubtedly be times when a greater proportion of the caravans would be occupied but it seems fair to assume that these times would be more likely to coincide with school holidays when the school would not be generating traffic. It is also probable that, as the static caravans would be owner-occupied, the owners would quickly learn the times to avoid using the access. The traffic generation would be limited and would be less than the daily

variation in traffic flows to and from the school. In all these circumstances, it seems unlikely that the volume of traffic generated by the appeal site would be noticeable. There is no reason to suggest that there would be any unacceptable increase in hazards to road users or harm to highway safety.

31. There is no serious accident record on the slip road or at the junctions. The single accident in the slip road involved a youth running down the bank and into the path of a vehicle. The accidents on the B1441 were away from the junction. The development would not generate large traffic volumes so there would be no conflict with Local Plan Policy ER16 (b). It has not been argued by the Council that the access does not have sufficient capacity. Access is clearly practicable so there is no conflict with Local Plan Policy QL10 (i).

Traffic noise and disturbance

32. Local Plan Policy QL11 relates to environmental impacts and compatibility of uses. Criterion (iv) includes reference to noise and to additional road traffic. No detailed evidence concerning noise was put forward by the Council. The relevant reason for refusal refers to the impact on various community facilities including the primary school and on residents in Gutteridge Hall Lane.
33. As set out above, the development would be likely to generate around 50 vehicle movements per day. Assuming some holiday makers go out for evening meals, the traffic would be likely to be spread over some 14 or 15 hours, making for an average of 3 or 4 vehicle movements per hour. The periods of peak use would be likely to coincide with school holidays. Even in term time the school would usually be closed from mid-afternoon and a good proportion of the anticipated traffic would be later in the day than that. The slip road runs parallel with the B1441; there are no sound barriers to protect the school from noise from this source. This road is much busier than the slip road and its traffic is generally travelling at a faster speed. It seemed to me at my site visits that noise levels from this traffic was considerably greater than from traffic on the slip road.
34. In these circumstances I am not convinced that any additional noise arising from traffic generated by the appeal proposals would be discernible. There would be some noise arising from vehicles delivering and collecting caravans from the site but such movements would be relatively rare and their timing could be controlled by condition to ensure that they did not take place on school days.
35. The same considerations broadly apply to the impact on the community facilities. The level of traffic generation from the appeal site would not be so great as to cause any unacceptable noise nuisance or undue disturbance to the users of those facilities.
36. Traffic generated by the appeal site would not pass any dwellings in the slip road apart from Starena Lodge itself, when it is rebuilt. Concerning the impact on the occupiers of dwellings fronting Gutteridge Hall Lane, traffic entering the slip road from the B1441 or exiting the site would only pass part of the frontage of one dwelling, Little Oaks. This dwelling is set back some 30m from the Lane behind substantial planting. It is much closer to the busier B1441, to which it has a side elevation. There is no evidence to show that noise from the limited amount of traffic generated by the appeal site would be noticeable in

this context. There would be no reason for exiting traffic to turn right from the slip road into Gutteridge Hall Lane as this is a cul-de-sac.

Sustainable development

37. The third reason for refusal says that the site is remote from the local facilities of Weeley. In any case these facilities are limited to a shop/ post office, bakery/ café; public house; and garage. These shop facilities are about 850m from the appeal site while the public house is about 1.1km away. In addition, there is a filling station, hotel and McDonald's restaurant at the junction of the A133 and Colchester Road, to the north of the appeal site. The railway station is about 500m and the bus stops are about 675m from the appeal site.
38. While the shops and public house are within walking distance, it is reasonable to assume that most trips from the site will be by car. The route to the shops has no footways or illumination within the appeal site or between the site and the slip road. The journey on foot involves the use of stairs from the slip road to the B1441; these can only be avoided by extending the length of the journey. Nonetheless, the site has good public transport connections with busses and trains within walking distance. Local Plan Policy ER16 (b) requires there to be public transport access to the site; Policy QL2 requires development to be accessible by a choice of means of transport. This site clearly meets both those policy requirements.
39. The Framework identifies three dimensions to sustainable development; economic, social and environmental. While the economic benefits of the development would be modest due to its small scale, it would bring holiday makers to the area. Not all their spending would be in the rural area, but there would be some limited economic benefits. The 2009 Study indicated a need for more facilities like that now proposed in the District. The social dimension would be likely to be neutral as the site would be separated from the rest of the community due to its location. For the reasons set out above, the development would have some, albeit limited, environmental benefits. These include the proposed landscaping and the fact that its location is close to a choice of transport modes.
40. I conclude on this issue that the proposals would accord with the Framework and the Local Plan and represent a sustainable form of development.

Surface water and foul water disposal

41. The site lies within Flood Zone 1 as defined in the *Technical Guidance to the National Planning Policy Framework* (the TG). The TG says that this zone comprises land assessed as having a less than 1 in 1000 annual probability of river flooding and that all uses of land are appropriate in the zone. Nonetheless it is clear from the evidence to the Inquiry and the site visit that the land immediately to the west of the appeal site is prone to surface water flooding. Although the site, and the land to the west, was dry at the time of my visit, the nature of the problem was clear from the presence of marsh plants. However, these were mostly on the adjoining land, close to the culvert under the railway line, rather than on the appeal site itself.
42. Evidence from the Council's witness, and not disputed, was that this flooding is due to the imperviousness of the subsoil such that surface water cannot drain away. The percolation tests in 2011, in respect of a site described as "land off Gutteridge Hall Lane, Weeley", (and which I understand to relate to the land to

the south of the appeal site) encountered standing water close to the surface. It was then concluded that soakaways would not be a viable means of surface water disposal due to the high water table. This report referred to the use of the ditch to the rear of the site as an alternative. There are drainage ditches to the appeal site and the land to the west but these are in urgent need of clearing. I saw that the culvert under the railway is almost completely blocked with debris.

43. The Officer's report says that there are ditches and streams close to the site to which surface water would drain or could be discharged, subject to appropriate consents. The report suggests the imposition of a suitable condition. The Council's witness agreed that a solution is achievable. The reason for refusal cites Local Plan Policy COM31a in respect of surface water drainage, but as this specifically relates to sewerage and sewage disposal it is not relevant.
44. Concerning foul sewage, this was not cited as a reason for refusal in the Council's decision notice. Nonetheless, it is accepted that the best solution is to connect to the mains drainage. The Officers' report refers to Anglian Water having confirmed that there is no issue with capacity and that the Highway Authority has confirmed that such a connection would be acceptable in the public highway. There is no doubt that this is achievable and can be the subject of a condition. The outstanding question in this regard is whether such a condition would be reasonable, given the potential cost of the necessary work. However, no detailed costing for the work has been submitted and the estimates were a long way apart (a range of £20/30,000 to £100,000). The cost would be able to be spread across the static caravans, the 4 caravans the subject of the LDC and the rebuilt Starena Lodge.
45. I have noted that the planning permission for the rebuilding of Starena Lodge included a condition concerning foul water drainage. This condition was discharged on 11 December 2012, the approved plan showing a self-contained sewage treatment plant. The cost of this could be saved by also connecting Starena Lodge to the mains drainage. In these circumstances the development would comply with Policy COM31a which requires that provision be made for the proper disposal of sewage waste and effluent. A condition requiring the submission and approval of details would not be unreasonable.

Public access to the site

46. Criterion (a) of Local Plan Policy ER16 requires that the development be accessible to all potential visitors and users. The Council has interpreted this development as being contrary to that policy as, according to the fourth reason for refusal, "the proposed site will be private with no access provided to the general public". There are, however, other dimensions to accessibility. It has already been established that satisfactory vehicular access to the site can be achieved. It has also been established that the site is accessible by a choice of transport modes.
47. I acknowledge that it would be a private site accessed from a private drive. In that sense it, along with many other private holiday caravan parks, would only be accessible by site residents, their visitors and potential site occupiers. The Council's concerns about potential purchasers of caravans on the site needing access do not seem reasonable. Caravans would be likely to be advertised for sale in the usual way and potential purchasers could make appointments to view. Caravan sites usually have telephone numbers prominently displayed at

their entrance; it would be in the interests of the site owners to ensure that potential purchasers had ready access.

48. It seems to be wholly reasonable for there to be no access to the general public as the site would not have any relevant on-site facilities. Any public access would harm security and be potentially dangerous for site residents. In this regard there would be no unacceptable conflict with the Policy ER16 (a).

Other material considerations

49. I have taken into account the Council's concerns regarding the internal layout of the site, particularly in terms of vehicle parking and access by emergency vehicles. The site layout as submitted is broadly acceptable and there is ample space on the site to provide any necessary additional parking; to widen the access road to accommodate parked vehicles and a fire tender; and to meet the Council's other requirements. These can all be covered in the terms of the site license which would be issued by the Council. The Officers' report did not indicate that this was a problem; it certainly does not imply that such requirements cannot be met. Indeed, the Highway Authority raised no objections to the proposals.
50. I have had regard to the fact that in the emerging local plan the Weeley Bridge Caravan Park would be included within the settlement boundary of Weeley. While this may confer some "hope" value on that land in terms of possible future housing development, notwithstanding its intended protected status, due to the early stage that the plan has reached it carries very limited weight.

Conditions

51. The list of conditions submitted by the Council at the time of the Hearing in October 2012 was discussed at the Inquiry. The number, type and size of the caravans need to be controlled in order to comply with the terms of the planning application and to ensure that the site is not too crowded. A site layout plan needs to be submitted and approved to ensure that the layout can accommodate the caravans together with adequate parking and sufficient landscaping. Conditions concerning the occupation of the caravans are necessary to ensure that they are used as genuine holiday accommodation and that they are not used for unauthorised all-year-round residential occupation. The conditions need to ensure that this occupation can be adequately monitored and so the conditions set out in the *Tourism Practical Guide Annex B* have been imposed. A management plan is necessary to control the tenure of the caravans in order to comply with the terms of the proposals as submitted at the appeal.
52. Conditions concerning landscaping, lighting and public address systems are necessary as the site is in a countryside location and in the interests of the amenities of the area. Foul water and surface water disposal needs to be the subject of conditions as no acceptable schemes have yet been submitted and due to the known high water table in the area and the distance from mains sewers. The approved plans need to be identified for the avoidance of doubt and in the interests of the proper planning of the area.
53. Vehicular access to and from the site needs to be controlled to prevent an access being formed across other land in the appellant's ownership to Gutteridge Hall Lane which, in the absence of evidence to the contrary, may be inadequate to accommodate the likely traffic generated by this development.

The days when the delivery and/ or the collection of caravans may take place need to be specified to avoid the potential for conflict between delivery vehicles and school traffic.

54. I have not imposed conditions concerning land contamination and there is no evidence or matters in the planning history of the site that demonstrate such conditions are necessary. Details of on-site cctv do not need to be approved by the local planning authority as the provision of such facilities would not result in any identified harm. The suggested conditions concerning construction traffic and wheel washing facilities are not necessary as very little construction is involved and the first 400m or so of the access is along a private drive.

Conclusions

55. I have taken into account all the other matters raised at the Inquiry and in the written representations. Concerning the recent importation of hardcore to the site, this material was not apparent at the site visit. The aggregate referred to may be the material that has been used for the long access drive linking the appeal site with the slip road. I have found nothing in the other matters that outweigh my conclusions on the main issues.
56. Overall, therefore, I conclude that the development would accord with adopted policy in the Local Plan and national advice in the Framework. There would be no harmful impact on the character or appearance of the area, on highway safety, on the living conditions of nearby residents or the amenity of the nearby primary school and other community facilities. Subject to the imposition of appropriate conditions I conclude that the appeal should succeed.

Clive Hughes

Inspector

APPEARANCES**FOR THE LOCAL PLANNING AUTHORITY:**

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Solicitor; Partner, Holmes & Hills LLP
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He called

Philip Cobbold BA(Hons) MRTPI
Keith Berriman I Eng FIET FIHE
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Michael Sarling HNCPlanning consultant
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Earth Moving Solutions Ltd

FOR THE APPELLANT:

Alan Masters

Of Counsel; instructed by the appellant

He called

David Middleton BSc (Hons)
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Partner, Charles F Jones & Son LLP

Managing Director, The Hurlstone
Partnership**INTERESTED PERSONS:**

Cllr Peter De Vaux Bilbirnie

District Councillor and local resident

Carol Bannister

Parish Councillor and local resident

Mike Brown

Chair of Parish Council and local resident

John Groom

Local resident

Peter Collins

Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Copy of application for costs on behalf of appellant prepared for Hearing
- 2 Email concerning highways details and Drawing No TR001 – swept path analysis – mobile home
- 3 Opening statement on behalf of Tendring DC
- 4 Plan showing potential number of caravans/ mobile homes in vicinity of site – John Groom
- 5 Statement of Common Ground relating to highways issues and attached emails
- 6 3 plans showing swept path analysis for large rigid truck entering/ leaving site and negotiating 90° bend in road
- 7 Plan showing "highway land"
- 8 Planning decision notice for replacement of Starena Lodge (12/00556/FUL)
- 9 Approval of details pursuant to Conditions 3, 4, 6 and 8 of permission 12/00556/FUL
- 10 Plan accompanying details pursuant to condition 8 of permission 12/00556/FUL
- 11 Statement by Carol Bannister, Weeley Parish Council
- 12 British Holiday & Home Parks Association magazine March-April 2012 pp 25/7
- 13 Extract from Planning Encyclopaedia – *Caravan Sites and Control of Development Act 1960* – pp 20237-20240

- 14 Emails dated 07.03.13 and 11.03.13 between David Middleton and Phil Cobbold
- 15 Closing submissions on behalf of Tendring DC
- 16 Closing submissions, incorporating application for costs, on behalf of Tom Doran
- 17 Costs rebuttal by Tendring DC

PLANS

- A Location plan scale 1:5000
- B Plan 1 – location plan scale 1:2500
- C Plan 2 – proposed layout plan
- D Drawing No 3738.01 rev A - Location plan & vehicle turning paths – access road
- E Drawing No 3738.02 - Location plan & vehicle turning paths – development site

Annex – Schedule of conditions (16 conditions)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No more than 20 static caravans shall be stationed on the site at any time. No more than 10 of the caravans on the site shall be twin units (maximum size 14m by 6m); the remainder shall be single units (maximum size (12m by 3.7m).
- 3) No touring caravans shall be sited or stored on the site at any time.
- 4) The caravans shall only be used for the provision of holiday accommodation and shall not be occupied between 14 January and 1 March in any calendar year.
- 5) The caravans shall be occupied for holiday purposes only. The caravans shall not be occupied as a person’s sole or main place of residence. The site owners/ operators shall maintain an up-to-date register of the names of all owners/ occupiers of individual caravans on the site and of their main home addresses; the site owners/ operators shall make this information available at all reasonable times to the local planning authority.
- 6) No development shall take place on the site until details of the proposed foul sewerage drainage have been submitted to and approved in writing by the local planning authority. None of the caravans shall be occupied until the approved drainage system is completed and available for use. The approved system shall be kept available for use for the duration of the development.

- 7) No development shall take place on the site until details of the proposed surface water drainage have been submitted to and approved in writing by the local planning authority. The submitted scheme should include the results of percolation tests. None of the caravans shall be occupied until the approved method of surface water drainage has been completed and is available for use. The approved method of surface water drainage shall be kept available for use for the duration of the development.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of development or in accordance with any other phased arrangements that have previously been agreed in writing by the local planning authority; any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 10) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Plan 1, Plan 2, Drawings No 3738.01 rev A and 3738.02.
- 11) There shall be no external illumination of the site except in accordance with details that have previously been submitted to and approved in writing by the local planning authority.
- 12) No public address system shall be installed at the site except in accordance with details that have previously been submitted to and approved in writing by the local planning authority.
- 13) The sole means of vehicular access to/ from the site shall be by way of the existing access to the site of Starena Lodge, parallel to the railway line and shown on Drawings No 3738.01 rev A and 3738.02.
- 14) Prior to the commencement of development, a site layout scheme shall be submitted to and approved in writing by the local planning authority. This scheme shall include details of the siting of the caravans; car parking; and pedestrian visibility splays. The approved scheme shall be implemented prior to the first occupation of any of the approved caravans and shall be retained thereafter. The approved visibility splays shall be kept clear of obstruction over 0.6m in height at all times.
- 15) Prior to the first occupation of any of the caravans hereby permitted, a site management scheme shall be submitted to and approved in writing by the local planning authority. The site shall thereafter be managed in accordance with the approved scheme.
- 16) Caravans shall only be delivered to or collected from the site on Saturdays or Sundays. There shall be no delivery or collection of caravans on Mondays to Fridays (inclusive).

*Good Practice Guide on Planning
for Tourism*

On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) were passed to the Department for Communities and Local Government (DCLG)

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ANNEX B

Seasonal and Holiday Occupancy Conditions

1. The nature of holidays in this country has become increasingly diverse, in location, in season and in duration. Many people go away several times a year, often for short breaks and not exclusively in the summer months. Much of this demand is for self-catering accommodation – whether in new or converted buildings or in caravan holiday homes. This spread of demand improves the use that is made of this accommodation and so is advantageous to the businesses which provide it and to those host communities which are supported by the spending that it generates. It can help to reduce the disadvantages of seasonal employment, including the difficulties of retaining trained and experienced staff.
2. Whilst extension of the season has these advantages, the demand for this accommodation may occur in areas in which the provision of permanent housing would be contrary to national or local policies which seek to restrict development, for example in order to safeguard the countryside. The planning system can reconcile these two objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose. Planning authorities commonly impose such conditions when granting permission for self-catering holiday accommodation. Chapter 6 above explains the general use of conditions with planning permissions.
3. One type of condition frequently used for holiday accommodation, particularly in holiday areas, is known generically as a 'holiday occupancy condition'. The aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock. There are three principal reasons why a planning authority might seek to do this:
 - in order that national or local policies on development of the countryside are not compromised. Often the conversion of redundant rural buildings to holiday accommodation provides a means to retain those buildings without introducing a level of activity that would occur with permanent households;
 - to avoid occupation by permanent households which would in turn put pressure upon local services. Permanent households may place demands for local schools and social and health services that would not normally arise from visitors. Moreover, in remote locations the cost of providing these services is greater. It may therefore be reasonable for the planning authority to place an occupancy condition when properties are being built or converted for residential use; and
 - to strengthen tourism in a particular area by ensuring that there is a wide range of properties available to encourage visitors to come there on holiday.

Planning authorities will frame these conditions according to local circumstances, and in accordance with general Government advice that conditions should be reasonable and fair. They will also need to frame them so that they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants.

Controlling use of holiday caravan and other holiday park accommodation

East Riding of Yorkshire Council established a joint working group to establish the best approach to secure holiday use of caravan parks. This group comprised councillors and council officers; representatives from the British Holiday and Homes Parks Association Ltd; the park operators and their agents; and the caravan manufacturers. It concluded that planning conditions needed to be stronger, requiring documentary evidence of occupiers maintaining a primary residency elsewhere to be provided.

As a result the planning committee agreed that future planning permissions for holiday caravan parks, holiday log cabins and holiday chalets shall normally be subject to the following conditions:

- (i) the caravans (or cabins/chalets) are occupied for holiday purposes only;
- (ii) the caravans (or 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 the names of all owners/occupiers of individual caravans/log 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.

The reason for these conditions is to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The register required in (iii) above shall normally be collected by the caravan site licence holder or his/her nominated person.

4. Another type of condition that may be appropriate for tourist areas is known as a 'seasonal occupancy' condition. This would seek to restrict use of holiday accommodation during particular times of year, perhaps to protect the local environment. This could be used if, for example, use of the premises or the site might affect an important species of bird during its breeding season or when it is winter feeding. Local planning authorities will need to balance the need to impose seasonal occupancy conditions with the wish to avoid exacerbating the seasonal nature of tourism in the locality and its possible adverse effects upon local businesses and jobs.