

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-0097-20 **Applicant:** H & B J Management Ltd

Proposal: Proposed replacement of 18 touring/camping pitches approved under H05-0397-08 with 10 static caravan pitches.

Location: Heron Cottage Caravan Park Frostley Gate Holbeach

Terminal Date: 17th July 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
09	Promoting a Stronger Visitor Economy
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 8, 9, 12, 14, 15, 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted for an extension to the existing caravan site to allow the siting of 18 additional touring/camping pitches in July 2008 (ref: H05-0397-08). This application is to replace the existing 18 touring/camping pitches on this part of Heron Cottage Caravan Park with 10 static caravans, resulting in a total of 35 Statics and 25 tourers on the whole of the premises.

Description

The site is part of an existing holiday caravan park located on the eastern side of Frostley Gate. It is served by an existing access off Frostley Gate. The Little South Holland Drain is located immediately to the south.

The nearest residential properties include Frostley Gate Nursery to the north, a semi-detached cottage to the south-west and dwellings on the opposite side of the B1165. Bloodfold House (grade II listed) is located further to the south-west. Heron Orchard Caravan Park is situated opposite (west).

Recent Planning History

H05-0397-08 - Full - Change of use of land to allow for an extension to existing caravan site, to allow siting of 18 additional pitches - Granted 2 July 2008.

H05-0612-10 - Full - Replacement of 11 touring caravans with 9 static caravans - Granted 22 September 2010.

H05-0862-13 - Full - proposed replacement of 19 touring/camping pitches to 16 static caravan pitches - Granted 22 January 2014.

H05-0612-15 - S73 - proposed replacement of 19 touring/camping pitches to 16 static caravan pitches - approved under H05-0862-13. Modification of condition 2 (approved layout) and wording to condition 5 (occupancy) - Granted 12 October 2015.

H05-0852-18 - Full - Proposed addition of 5 static caravans with the removal of 4 tourers - Granted 18 October 2018.

H05-1200-19 - S73A - Variation of condition 4 of H05-0612-10, condition 5 of H05-0862-13 and condition 5 of H05-0612-15 to allow all year-round occupation of caravans - Granted 21 February 2020.

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Material Considerations

The main issues in this case are:

- Whether the proposal would be a sustainable form of development taking into consideration economic, social and environmental factors, including the development's effect upon the character and appearance of the locality and the setting of nearby listed buildings;
- Residential amenity;
- Highway safety;
- Other material planning considerations such as flood risk and drainage.

Policy

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed development is outside a defined settlement limit within the South East Lincolnshire

Local Plan, 2019. It is therefore within an area regarded as countryside.

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that in the countryside development will be permitted that is necessary to such a location and/or it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 9 of the SELLP indicates that outside settlement boundaries, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:

1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise.

The above policy is in accordance with advice within the Framework. Para 83 stresses that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside. Para 11 of the Framework goes on to stress that there should be a presumption in favour of sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Addressing the above, the proposal would meet rural tourism and economic objectives within the Local Plan and Framework. Although the site is relatively isolated the proposal is essentially a modification of an existing holiday caravan park. It is also well related to fishing facilities - a tourist attraction - within the district. No objections are raised in principle to the modification, subject to appropriate conditions to ensure that they are used as holiday accommodation only (not permanent residential).

Static caravans can be visually intrusive and have a harmful effect on the open nature of the fenland landscape. However, the site is fairly well screened in this case and landscaping is still maturing along the north-eastern boundary. It is considered that the proposal would not materially harm the character/appearance of the countryside or affect the setting of Bloodfold House (grade II listed) further to the south-west.

Amenity

The nearest residential properties include Frostley Gate Nursery to the north, a semi-detached cottage to the south-west and dwellings on the opposite side of the B1165. Bloodfold House (grade II listed) is located further to the south-west. Heron Orchard Caravan Park is situated opposite (west).

The proposal involves the replacement of 18 touring/camping pitches with 10 statics, an overall reduction. The overall character and nature of the caravan park would not alter significantly. It is considered that nearby residents would not be materially affected by the modification in terms of overlooking, privacy, noise and disturbance, etc.

Issues such as spacing standards, fire safety and adequate water supply fall within the remit of separate legislation. Matters such as blockage of view and property de-valuation are not material planning considerations and therefore carry no weight.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highways

Concerns have previously been raised on grounds that Frostley Gate is unsuitable for a caravan park of this nature. The proposal would lead to a reduction in the total number of caravans entering and leaving the site. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

Drainage

Issues have previously been raised concerning the capacity of the existing package treatment plant and its capacity to cope with additional flows. This matter was taken up with the applicant, who

indicated that the existing private treatment plant would be upgraded to a Kingspan Klargestar BioDisc BG with Recycle to cater for the increase in number of static caravans. Building Control has previously indicated that it would cater for a caravan park of this scale. If problems were to subsequently occur they could be addressed under separate environmental legislation

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps. However, the statics are already in situ on an established caravan site and Central Government advice promotes rural tourism/leisure. Moreover, the site itself is designated as no hazard within the South East Lincolnshire Strategic Flood Risk Assessment, with only a section of the caravan park close to the Little South Holland Drain being low risk. The proposal therefore satisfies the sequential test.

In any case, it is considered that the sustainable benefits of the scheme outweigh flood risk. In terms of part 2 of the exceptions test, and in particular making the development safe, it is recommended that the caravans be secured to the ground using adequate mechanism such as chains and ground anchors and the finished floor level be 500mm above existing ground level, as recommended previously.

The proposal satisfactorily complies with Policy 4 of the Local Plan and advice within Section 14 of the Framework in terms of flood risk.

Conclusion

The proposal is an acceptable modification and meets rural tourism and economic objectives within the South East Lincolnshire Local Plan and National Planning Policy Framework.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary

to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.