

Date: 3 December 2021

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Dear Sir/Madam

Town and Country Planning Act 1990.

**Heron Cottage Camping & Caravanning, Frostley Gate, Holbeach, Spalding, PE12 8SR
Change of use of land for an extension to existing caravan site.**

I hereby submit an application under Section 73 of the Town and Country Planning Act 1990 remove condition 11 of H05-0694-21.

The application comprises:

- Application form and Certificate of Ownership duly signed and dated;
- Site Location Plan 1470-0002-01;
- This letter.

RPS Experience

RPS is one of the UK's leading providers of planning and environmental consultancy services to operators and developers of holiday accommodation providers, including hotels, self-catering apartments, lodges, caravans, glamping and camping. We are members of the trade body for Camping & Caravannings, the BH&HPA. From our work in this sector for 25 years, we have developed a good understanding of how councils and inspectors deal with occupancy issues and we also have a good understanding of the needs of operators and the need to be able to offer a flexible range of holiday options.

Planning History

Planning permission was granted for the use of land at Heron Cottage for a campsite for a maximum of nine caravans/tents for recreational purposes only in 1992 under H05/0546/92. Condition 4 limited the development to 9 caravans/tents on site at any one time.

In 1996, permission was granted for alterations/extension to the existing touring caravan/camping site and erection of an amenity block (H05/1107/96). Condition 4 limited the development to 28 caravans on site at any one time.

Permission was granted in 2008 for a further extension to the site and the creation of an additional 18 pitches (H05//0397/08). Condition 2 limited the development to 63 touring caravans/tents on site at any one time. Condition 3 states that the touring caravans on site shall be used for holiday purposes only, and shall not be used as a person's sole or main residence. Condition 4 required the owner/operator to maintain an up to date register of the names of all owners/occupiers of individual caravans on site, together with their

main home address and length of stay at any one time. No resections were placed on the period for which caravans could be occupied.

In 2010, permission was granted to replace aa caravans on site with 9 static caravans (H05/0612/10). This related to the caravans currently towards the northern tip of the Park. Condition 3 limited the development to no more than 9 static caravans on site at any one time. Condition 4 restricted the period of use to 1 April and 30 April in any one year and to holiday use only. Condition 5 required the keeping of a register of visitors, as previously.

Permission was then granted in 2013 of the proposed replacement of 19 touring/camping pitches to 16 static caravan pitches (H05/0862/13). This related to the caravans currently located towards the southern edge of the site. This was a full application which covered the whole of the caravan site. Condition 4 limited the development to 25 static caravans on site at any one time. Condition 5 restricted the use as holiday accommodation only not be occupied during the period 1 February to 28 February in any one year. Again, condition 6 required the owner/operator to keep a register of names and addresses of occupiers.

In 2015, permission was granted under Section 73 of the 1990 Act to vary condition 2 and 5 of H05-0862-13 (H05/0612/15) to allow a further 16 static caravan pitches, and was subject to the same conditions relating to holiday use only and period of occupancy.

A further application for static caravans along the north eastern boundary was approved in 2018 (H05-0852-18) and a Section 73 application to allow additional statics further to the north west along that boundary was approved in June 2020 (H05-0097-20).

An application to vary conditions of the recent permissions to allow all-year round occupation of the caravans on site was approved on 21 February 2020 (H05-1200-19). Along with H05-0397-08, the site currently operates under this permission. As such the site has permission for 25 static caravans and 33 touring caravans which are restricted to holiday use only. At present, all the caravans (touring and static) can be occupied all year round.

Full planning permission was granted for a further extension of the site on 23 November 2021 (H05-0694-21 refers)('the original application'). This increased the overall number of static caravans on the site to 35 (and a total including the tourers of 68). Condition 4 limits the use of the caravans to holiday only. Condition 11 states:

"No static caravans on the site as outlined in red on dwg. no. 1470-0004-02 shall be occupied between 1 November (or the following Sunday, if half terms extends into November) in any one year and 14 March in the succeeding year.

Reason: To reduce the impact of flooding. This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and advice within Section 14 of the National Planning Policy Framework, 2021."

Application Proposal

As noted above, permission under Section 73 of the 1990 is sought to remove condition 11 of H05-0694-21.

Planning Policy Context

Development Plan

The South East Lincolnshire Joint Strategic Planning Committee adopted the South East Lincolnshire Local Plan 2011-2036 (SELLP) on 8th March 2019

Policy 4 is central to the consideration of this application. This states:

"Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding. Caravan, chalet, log cabin, camping and touring sites at risk of fluvial flooding where there is a 'danger for most' and 'danger for all' will not be permitted. Occupancy of caravan, chalet, log cabin, camping and touring sites at risk of tidal flooding will not be permitted to open between 1st November in any one year and the 14th March in the succeeding year."

National Planning Policy Framework

Section 14 of the National Planning Policy Statement (NPPF) relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere

Planning considerations

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The provisions of Policy 4 of the SELLP are duly noted. However, in this case there are a number of material considerations which indicate that planning permission should be granted in this instance. For the reasons outlined below the conditions is considered to fail the tests of necessity and reasonableness (paragraph 57 of the NPPF).

Paragraph 31 of the NPPF states that *"The preparation and review of all policies should be underpinned by relevant and up-to-date evidence."* Paragraph 35 states that local plans and appropriate strategies should be *"based on proportionate evidence"*. In this case, there does not appear to be any proportional evidence to justify the restriction of the occupation of caravans to mid-March and the end of October. There is no reference to the need for this restriction in the South East Lincolnshire Strategic Flood Risk Assessment, and the Policy is not given weight by any particular provision of the NPPF.

The relevant evidence that does exist is the Flood Risk Assessment (FRA) which accompanied the original application. The risk of flooding at the site is summarised at paragraph 5.1 as follows:

"The probability of this development flooding from localised drainage systems is low. Failure of Little Holland Pumping Station could lead to an increased level of risk at the site."

The probability of the site flooding from any Environment Agency system is less than 1% annual probability (1 in 100 chance each year) because of the standards of the existing flood defences. Over time there will be a gradual increase in risk to the site due to climate change. During the design life of the development, it is not anticipated that the site would flood."

The SFRA considers the residual risk associated with overtopping and a breach in the defences in 2116. During the 0.1% annual probability (1 in 1000 chance each year) plus climate change event the hazard maps show that the site is at risk with depths up to 0.25m.

The proposed arrangement increases the impermeable area and therefore there will be an increased volume of surface water that has the potential to increase flood risk."

Section 5.2 sets of the proposed mitigation measures to be incorporated into the operation of the site:

- the floor level of the caravans should be a minimum of 0.3m above general ground level;
- the caravans are secured using ground anchors; and,
- the risks are mitigated by the use of flood warning and a Flood Warning and Evacuation Plan.

These measures were captured in condition 10. The FRA was found to have satisfactorily addressed the Environment Agency's concerns. The Environment Agency's reason for requesting condition 11 is given simply as *"To reduce the impact of flooding"*. The Environment Agency has provided no empirical information or data to demonstrate how the condition how or why the condition will reduce the impact of flooding. The FRA, on the other hand, considers the risk from the 1:100 year event, which is not focused on or limited to a particular time of year. It is therefore the position that the evidence presented in the FRA, which has been found to be acceptable can satisfactorily mitigate the risk of flooding at all times of the year. With the mitigation measures required by condition in place, the site impact of an extreme flooding event will be no greater in the winter months as it would be at any other time of year. There is no evidence to justify the need for this condition. For these reasons, the condition fails the test of necessity.

As noted above, the site has evolved through a series of planning permission since 1992. While the occupation of caravans has in the past been restricted at certain times of year by condition (e.g. condition 4 of H05-0612-10), this has always been to prevent their use for permanent residential occupation. At present, no such restrictions are in place at the site (the restrictions relating to the static caravans having been removed under H05-1200-19). It is therefore nonsensical, and unreasonable to restrict the occupation of a minority of the total number of units at the site to 8 months of the year. Since the SELLP was adopted in March 2019, the Local Planning Authority has approved two applications at the site without imposing conditions bringing the requirements of Policy 4 into play (H05-1200-19 and H05-0097-20). The Council will also be aware that permission was granted to increase the number of static caravans and allow the all year round use of static caravans at the nearby Heron Orchard Holiday Park (H05-0943-18 and H05-0412-19 refer) since Policy 4 was adopted. This inconsistency of approach to the application of Policy 4 adds to the unreasonableness of the condition.

Conclusion

In overall conclusion, there is no justification for condition 11 of H05-0694-21. The extreme flood 1 in 100 year event is not modelled to take place at any one particular time of the year, and the measures provided in relation to the additional units at Heron Cottage Camping and Caravanning will mitigate the impact of such an event whenever it takes places. Policy 4 of the SELLP has been inconsistently applied to development on the site and elsewhere in the immediate vicinity rendering its imposition in this case unreasonable. I trust therefore the Local Planning Authority will be able to support this application.

Our Ref:



Yours sincerely,
for RPS Consulting Services Ltd

A handwritten signature in black ink, which appears to read 'R Boother'. The signature is fluid and cursive, with a small dot at the end.

Richard Boother
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