

**Our ref: 794-PLN-NPI-00026**

Date: 11 February 2025

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South Holland District Council  
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Dear Sir/Madam,

### **Town and Country Planning Act 1990.**

### **Heron Cottage Camping & Caravanning, Frostley Gate, Holbeach, Spalding, PE12 8SR Variation of condition 3 of H05-0980-23 to enable the siting of static caravans.**

I hereby submit an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 3 of H05-0980-23. Condition 3 states:

*“The touring caravans hereby permitted shall be available for year-round holiday occupation until 31 December 2049. From 1 January 2050 onwards, no caravan shall be occupied between 1 November in any year and 14 March in the succeeding year. They shall not be occupied as a person's sole or main place of residence.”*

It is proposed to vary condition 3 to remove the word touring, so that it reads:

*“The caravans hereby permitted shall be available for year-round holiday occupation....”*

This application comprises:

- This covering letter;
- Application form, duly signed and dated;
- Flood Risk Assessment;
- Flood Risk Evacuation Plan.

### **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. 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.

### **Background to the Application**

Planning permission was granted for the change of use of Heron Orchard Holiday Park from touring, camping and caravan park to a static holiday caravan park and touring caravan rally area on 31 March 2004

(H05-1126-03 refers)(the area outlined in blue on the accompanying Site Location Plan). The site presently operate under H05-0412-19 which allows all year round occupation of static holiday homes.

Permission was allowed on appeal (APP/A2525/W/21/3281764) for the change of use of land for an extension to existing caravan site (H05-0027-21 refers). Conditions 5, 7 and 8 were discharged by notice dated 14 June 2023 (H05-0181-23).

Permission was allowed on appeal for the use of the site for 12 months of the year in September 2024 (H05-0980-23 / APP/A2525/W/24/3343051 refers). As noted above, condition restricted the use of the site for all year round occupation up to 31 December 2049.

## **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. Policies 1 and 9 are relevant to the consideration of this application. Policy 1 is the spatial strategy of the plan and states that in the countryside (where Heron Cottage is located) development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 9 states:

*“Proposals for tourism and visitor development which utilise and enrich the natural and built environment and existing attractions of South East Lincolnshire to the benefit of the local economy, visitors and local communities will be supported within the boundaries of settlements identified in Policy 1. Outside these settlements, 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.*

*Larger developments will only be supported outside settlement boundaries in exceptional circumstances, for instance to proportionally support or enhance the enjoyment of an established visitor attraction where this cannot reasonably be achieved from a town or village location.”*

It should be noted therefore that none of these policies (or any other development plans policies) require a condition controlling the type of mobile homes/caravans in order to meet the overall aims of these policies.

## **Other Material Considerations**

### **National Planning Policy Framework (NPPF)**

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless: i the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 88 states that planning policies and decisions should enable, among other things, sustainable rural tourism and leisure developments which respect the character of the countryside.

## **Assessment**

As noted above, it is proposed to delete the word touring from condition 3 of H05-0980-23. The purpose of the application is to remove any ambiguity in so far as all types of caravans, including static caravans could be stationed on the site. The clarity would render the condition in closer conformity with requirement for precision (paragraph 56 of the NPPF).

As the Council will be aware, case law such as *Cotswold Grange County Park llp v Secretary of State for Communities and Local Government* [2014] JPL 981, holds that with any given planning permission, the grant (or operative part of the permission) identifies what can be done (what is permitted) so far as use of land is concerned, whereas conditions identify what cannot be done (what is forbidden).

In this case, going back to the original planning consent H05-0027-21, permission was granted for the change of use of land for an extension to the existing caravan site (the existing caravan site being to the north comprising static caravans in residential use). The operative part of the permission permits a caravan site. In allowing the appeal, the Inspector did not impose any conditions which restrict the use of the site to touring caravans only. While condition 3 of H05-0027-21, and subsequently condition 3 of H05-0980-23, reference touring caravans, they do not expressly restrict the siting of any other type of caravan, or limit the use of the site to the siting of touring caravans only. The siting of static caravans would be lawful under H05-0980-23, but it is proposed to remove the wording 'touring' from the condition to avoid any such ambiguity.

In the absence of any other condition requiring touring caravans to be removed from the site when not in use, it is not considered the proposal will have an adverse impact on the character and appearance of the countryside or on the amenities currently enjoyed by local residents. If anything, the siting of static caravans will be less impactful as they will be fewer in number. The site will remain in holiday use by virtue of the wording of the remainder of condition 3.

The site's location within Flood Zone 3 is acknowledged, and the application is supported by an updated Flood Risk Assessment in accordance with Policy 4 of the SELLP. This notes that notwithstanding the location of the site in Flood Zone 3, the site is protected by defences and is not predicted to flood in a 0.1% AEP event in a present-day scenario. Therefore, the flood risk will be low until 2050 when year-round occupancy will cease. Environment Agency surface water flood modelling indicates that the site has a 'Very Low' and 'Low' surface water flood risk. Surface water arising from the development is proposed to be sustainably managed such that it does not pose a flood risk, either to proposed or existing development, to the 1:100 +20% climate change storm event. The site is not considered to be at significant risk of flooding from any other sources.

Overall, the report concludes that the flood risks to the development can be managed, without increasing flood risk elsewhere, and will not result in an increase in flood risk off-site. As such, the proposal does not conflict with Policy 4 of the SELLP.

The application is also accompanied by an updated Flood Warning and Evacuation Plan. As before, it is accepted adherence to this plan will be a condition of approval being granted.

## **Summary and Conclusion**

In overall conclusion, permission is ought to vary condition 3 H05-0980-23 which would enable static caravans to be sited on the extension to Heron Orchard Caravan Park. There would be no conflict with the development plan in varying the condition in this manner, and the revised condition would be more consistent with the aims of the NPPF insofar as the precision of planning conditions is concerned. The revised condition would not give rise to an increase in the risk of flooding at the site. The proposal is reasonable in all other respects, and in accordance with the principles of sustainable development set out in paragraph 11 of the NPPF, permission should be granted without delay.

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Yours sincerely,  
for RPS Consulting Services Ltd

A handwritten signature in black ink, appearing to read 'R Boother', with a small dot at the end.

**Richard Boother**  
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cc: John Connors