

Application Number: P0835/14/FUL DF2277

Case officer: Mr Stephen Colegate

THE PROPOSAL

This application is for the variation of condition 4 (Holiday Use) of Planning Permission P0968/11/COU which granted a change of use from touring caravan park to land for the siting of lodge style chalets together with associated landscaping scheme on the 15th July 2011.

SITE DESCRIPTION

The site is currently laid out with 3 lodge style chalets (northeast corner) and a number of gravel/grassed pitches leading from the internal road that circularly traverses around the site. In addition, there is reception building to the north of the entrance which is of a traditional render walls and slate roof construction. Access is via the B4228 to the west of the site along a part tarmac (nearest public highway) and stoned road that enters the site in the north-western corner. While internally the site is open, it is well screened from the surrounding environment due to the existing boundary treatments and topography of the land. To the south of the application site is New Dunn Business Park and the nearest dwelling is 25 metres to the east.

PLANNING HISTORY

It is confirmed that pre-application advice was provided prior to the submission of this application and that the possible wording for the variation of condition 4 was discussed. The applicant was advised that a Section 73 planning application would be required to revise condition 4.

The site has an extensive planning history the most relevant to this application being:

P0015/12/DISCON - Discharge of condition (03) (Foul Drainage) and (06) (Landscape Flora) on Planning Permission P0968/11/COU – Granted 20.04.2012.

P0968/11/COU - Change of use from touring caravan park to land used for the siting of lodge style chalets together with associated landscaping scheme – Granted July 2011.

P8817/92/FUL - 11 mobile homes specifically designed for disabled people, creating low cost housing, plus 1 bungalow for management living accommodation. Refused – Aug 92. Allowed on appeal Dec 92.

P9082/88/FUL - Use of land for the placing of twelve two-bedroomed holiday chalets. Construction of sewage treatment plant. – Granted Sep 1988.

P8462/80/FUL - Use of land as touring caravan site. Erection of ancillary shop, office, laundry and toilet accommodation. – Granted April 1980.

P8132/77/FUL - Use of land as a touring caravan site for 20 caravans. Outline Application for the erection of shower and toilet facilities – Refused Feb 1977. Allowed on appeal Aug 1978.

APPLICANT'S REPRESENTATIONS

The applicant has submitted a completed application form and covering letter dated 20th May 2014 and legal opinion of the proposed variation of condition 4 of planning permission P0968/11/COU in support of the application.

The covering letter indicates that the four week cap imposed through condition 4 does not apply to the owners of the lodges, although it acknowledges that the lodges cannot be used as a person's sole or main dwelling. The covering letter also indicates that there is no planning reason to limit the length of a holiday to four weeks, nor prevent someone from returning within four weeks, particular as owners of the holiday lodges may wish to visit more regularly than that.

The applicant therefore proposes that condition 4 of planning permission PP0968/11/COU which reads as follows:

"The proposed holiday lodge accommodation shall be used for holiday purposes only and shall not be used as any individual's main or sole dwelling. It shall not be occupied for a period exceeding 4 weeks for any single letting, and there shall be no return within 4 weeks by the same household. A register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council.

Reason: The site is in an area where permission would not normally be granted for permanent residential accommodation and the Local Planning Authority wishes to retain control over the use, in the interests of amenity and in accordance with Policy (R)FTRL.2 of the District Local Plan Review."

Can be varied to read as follows to secure the holiday use restriction at the site:

"The proposed holiday lodge accommodation shall be used solely for holiday purposes only and shall not be used as any individual's main or sole dwelling. A register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owners and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council."

CONSULTATIONS AND NOTIFICATIONS

West Dean Parish Council

Has no objection to the application, indicating that the 4 week maximum for hirers be removed, but that the ban on permanent resident's remains and that regular monitoring of the site records occurs.

Environmental Health

No objection.

Commercial Officer - Tourism

No comment.

Neighbour Representations

At the time of writing this report no letters of representation had been received from near neighbours.

POLICIES

National Planning Policy Framework

Section 1 - Building a strong, competitive economy

Section 3 – Supporting a prosperous rural economy

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 11 - Conserving and enhancing the natural environment

National Planning Practice Guidance

Use of Planning Conditions – indicates that the under section 73 of the Town and Country Planning act 1990 conditions could be removed or changed and that the Local Planning Authority must only consider the disputed condition(s) that are subject of the application and not a complete re-consideration of the application. This guidance advises that the original permission will continue to exist whatever the outcome of the application under Section 73 and that for clarity decision notices granting planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In addition, this guidance is clear in that the Local Authority may also impose new conditions, provided that they do not alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

Department for Communities and Local Government – Good Practice on Planning for Tourism 2006.

This indicates that Tourism, in all its forms, is of crucial importance to the economic, social and environmental well-being of the whole country. The planning system has a vital role to play in terms of facilitating the development and improvement of tourism in appropriate locations.

Core Strategy

The Forest of Dean District Council's Core Strategy, in particular:

CSP.1 - Design and Environmental Protection

CSP.2 – Climate Change

CSP.4 - Development at Settlements

CSP.7 – Economy

EVALUATION

The applicant is applying through a Section 73 planning application of the Planning Act 1990 to, make a variation of planning condition 4 imposed on planning permission P0968/11/COU to enable the 4 week period of occupation for any single letting no return within 4 weeks by the same household to be removed while maintaining the holiday purposes of the site by ensuring that the site is not used for any occupiers main or sole, residential dwellings.

It is acknowledged that following the original granting of planning permission P0968/11/COU that changes to National and Local Level guidance/policies has been undertaken following the adoption of the National Planning Policy Framework, the National Planning Policy Guidance and the Core Strategy. Having regard for these changes the principle aims and objectives to safeguard the open countryside from inappropriate development, while promoting rural businesses, are generally considered to have

remained the same. Taking into consideration the government guidance, particular that within the NPPG consideration is therefore given specifically to condition 4 and whether the proposed variation would adversely detract from the original intention of that condition only. Particularly as the existing permission (P0968/11/COU) continues to exist, and would be required in any event to be read in conjunction with this Section 73 application and any decision made.

The original application sought permission of change of use for touring caravan park to land used for the siting of holiday lodges and condition 4 was imposed to control the use of the site as it is in the open countryside (outside the settlement boundary) where strict controls are in place restricted residential use. The proposed variation does not seek to remove the holiday use and is considered to offer sufficient safeguard against the site becoming the permanent/sole residents of any occupiers staying there.

The original permission P0968/11/COU has 7 planning conditions imposed on the development, of which 2 were prior to commencement (nos 03 and 06) and 1 (no 07) required car parking to be implemented prior to the holiday lodges permitted being brought into use. While it is acknowledged that conditions 03 (Drainage) and 06 (Landscape Flora) of the original permission P0968/11/COU have been partially discharged subject to the details, as approved through P0015/12/DISCON being fully implemented, that parking provisions for the site have not been laid out as approved and that occupation is occurring at the site. Therefore having regard to the guidance within the NPPG, Condition 07 will be added to any variation granted through this Section 73 application and the matter be referred to enforcement for further action if required.

CONCLUSION

Having considered the national guidance and the original need for the condition it is not envisaged that the proposed variation would not detract from the purpose of the original intention of safeguarding the open countryside and providing the Local Planning Authority sufficient control over the use of the site or material alter the use of the site as a holiday facility from that previously approved. The recommendation is therefore that of approval subject to the following conditions:

RECOMMENDATION:Permission

Conditions

01. The development hereby permitted shall be carried out in accordance with the plans and details approved through the original planning permission and the subsequent unless alter by this permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

02. The drainage details approved through discharge of condition application P0015/12/DISCON of planning permission P0968/11/COU shall be fully implemented prior to the occupation of the holiday chalets as approved and be permanently maintained thereafter for the duration of the development permitted.

Reason: To ensure the satisfactory drainage of the development and to prevent pollution of adjoining land and the water environment in accordance with Policy CSP.2 of the Core Strategy.

03. The proposed holiday lodge accommodation shall be used solely for holiday purposes only and shall not be used as any individual's main or sole dwelling. A register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owners and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council.

Reason: The site is in an area where permission would not normally be granted for permanent residential accommodation and the Local Planning Authority wishes to retain control over the use, in the interests of amenity and in accordance with Policy CSP.1 and CSP.4 of the Core Strategy.

04. Notwithstanding condition 4, no more than one lodge shall be used at any time, to accommodate a warden/site manager for purposes ancillary to the operation of the main holiday accommodation business. The unit shall not at any time, be used as an independent residential unit of accommodation.

Reason: The site is in area where permission would not normally be granted for permanent residential accommodation and the Local Planning Authority wishes to maintain control over the use in the interests of amenity and in accordance with Policy CSP.1 and CSP.4 of the Core Strategy.

05. The scheme soft landscaping of the site (incorporating existing flora) approved through discharge of condition application P0015/12/DISCON of planning permission P0968/11/COU shall be fully implemented and if at any time during the subsequent five years any tree, shrub or hedge forming part of the approved scheme shall for any reason die, be removed or felled it shall be replaced with another tree, shrub or hedge of the same species during the next planting season to the satisfaction of the Local Planning Authority.

Reason: In the interests of character and appearance of the surrounding environment in accordance with Section 11 of the National Planning Policy Framework and Policy CSP.2 of the Core Strategy.

06. The car parking shown on the layout plan approved through planning permission P0968/11/COU shall be implemented in accordance with the approved details prior to the holiday lodges hereby permitted being brought into the use.

Reason: To ensure that sufficient parking is provided for within the site in the interests of highway safety in accordance with Section 4 of the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.

NOTE

1. Positive and Proactive Statement

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, made available detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

2. Permission Granted

For clarification the applicant is hereby advised that this Section 73 planning permission should be read in conjunction with planning permission P0968/11/COU, which will continue to exist, and the subsequent discharge of condition application that specifically relates to the partial compliance with conditions 03 and 06 of planning permission P0968/11/COU.