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Lancaster City Council
Planning Services - Development Control Team
PO Box 4
Town Hall
Dalton Square
LANCASTER
LA1 1QR

For the attention of Mr P Rivet

8016-L14-PL
18 March 2009

Dear Sirs

**RE: PLANNING APPROVAL NOTICE 08/01219/CU
TO REPLACE 17 No CARAVAN TOURING PITCHES WITH 13 No TIMBER
HOLIDAY CHALETS, REDWELL FISHERIES, KIRKBY LONSDALE ROAD,
ARKHOLME, CARNFORTH, LANCS. LA6 1BQ**

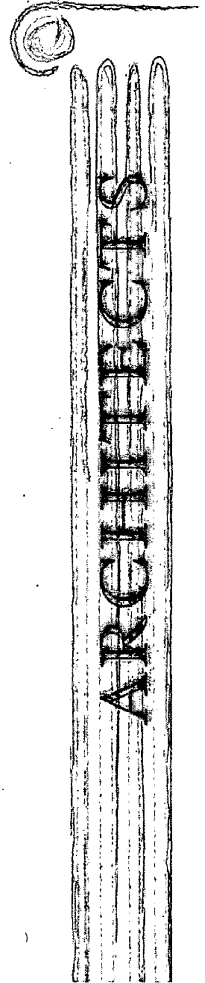
We are writing further to receipt of the planning permission notice, reference 08/01219/CU dated 8 December 2008, applicable to the above application and our letter to you of 29 December 2008.

Please find enclosed an 'Application for removal or variation of a condition following grant of planning permission'.

The following are enclosed for your attention:

1. the original and three copies of a completed, dated and signed appropriate application form
2. the original and three copies of a completed, dated and signed Article 7 Certificate
3. the original and three copies of a completed, dated and signed Ownership Certificate A
4. four copies of a site location plan at scale 1:2500, drawing numbered 8016(0)05
5. the applicant's cheque in the sum of £170.00 as the prescribed application fee, made payable to Lancaster City Council
6. four copies of the decision and appeal notices, for your reference and information, in respect of two similar developments that have been recently approved in respect of unrestricted occupancy periods for holiday use.

This application refers to Conditions 4, 5, 6 and 7 of the grant of planning permission notice, dated 8 December 2008.



Managing Director:
Alan D. Varley MRICS MCIAT FCIQB

Director:
Stuart Chambers BA DipArch. RIBA

Administration Manager:
Maria R Varley CeMaP

Consultant:
Derek J G Hicks RIBA

Co. Reg. No. 04558559
Vat No. 804 6549 26

Condition 4 states, "The property shall be used for holiday-let accommodation only and for no other purpose, including any other purpose in Class C of the Town and Country Planning (Use Classes Order) 2005, or in any provision equivalent to that Class in any subsequent Statutory instrument revoking or re-enacting that Order." Reason: "To ensure that inappropriate uses do not occur in this locality."

Condition 5 states, "The chalets shall not be let to any person or connected group of persons for a period exceeding eight weeks in any one calendar year." Reason: "To ensure that the accommodation is properly used as short-term holiday accommodation."

Condition 6 states, "The caravans hereby approved shall be used for holiday accommodation only and shall only be occupied between 1 March and 31 January of the following year." Reason: "To properly limit the use of the caravans to holiday accommodation."

Condition 7 states, "The development shall not be brought into use until a bound register relating to all of the accommodation hereby approved has been provided. The register shall be maintained at all times and shall be made available for inspection by the local planning authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and address of the principle occupier together with the dates of occupation." Reason: "To ensure that the accommodation is properly used as short-term holiday accommodation."

Conditions 4, 5 and 6 are considered unduly restrictive, commercially disadvantage the applicant's business and to have been unfairly applied, as there is no legislation that requires such severe restrictions. During the consultation process there was no mention of restricting use of a chalet for holiday-let purposes only (Condition 4), to a maximum of eight week period by any one individual or group of persons (Condition 5), or for limiting the operating period to 48 weeks annually (Condition 6), which has meant that there has been no opportunity to object to these restrictions. The application contained a specimen agreement with relation to the holiday centre regulations, which is a national planning policy.

The said Conditions appear unduly onerous in the context of the trends in the holiday market for vacations during all months of the year, longer time on holiday and ownership of purpose built holiday accommodation. All year round holiday accommodation is considered to benefit the local economy. The licence for the existing touring caravan business (for 17no touring caravans) does not restrict occupation of a caravan for anything less than the season of 1 March to 31 October annually, therefore the 8 week restriction is far more severe than the current situation. The applicant sought planning permission, to develop the land in connection with his business in line with other established holiday lodge sites in the Lancaster City Council area, such as Waters Edge at Carnforth.

There is evidence that holiday chalet sites that gained planning permission during 2008 in other local authority areas have unrestricted use of the chalets in respect of annual occupation duration, seasonal occupation and of course the owners shall use the accommodation for holiday purposes only.

We urge Lancaster City Council to reconsider these severe restrictions and grant revised wording that is contained in Circular 11/95, 'The use of Conditions in Planning Permissions', and replaced by the alternative condition stating: "*The chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the chalet park shall maintain an up-to-date register of the names of all owners of all 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.*" As a consequence of varying Conditions 4, 5 and 6, Condition 7 could be combined with this wording. This would then be in line with planning permission conditions for other planning approved holiday chalet and caravan sites.

Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS 7) is considered an important material consideration. Annex A, paragraph 23 of the Guide acknowledges the trend towards tourism as a year round activity.

There is ample case evidence for chalet and caravan developments being granted planning permission which allow unrestricted occupancy for 52 weeks per calendar year:

1. Teesdale District Council, application for variation of condition No 2, reference 6/2008/0481/DM, was granted on 10 February 2009 in relation to the approved chalet development (reference 6/2007/0129/DM granted on appeal) for 40no chalets at Fairview Farm, Hummerbeck Lane, Evenwood Gate, Co Durham. DL14 9NT. The wording on the Variation of Condition planning permission notice is as stated in the above paragraph highlighted in italics (except substitute 'caravans' where we have stated 'chalets')
2. Planning appeal reference APP/W1335/A/07/2034354 was allowed on 28 November 2007, in relation to an application for variation of conditions (reference 6/2006/0168/DM) for a development at the Craggwood Caravan Park, Gordon Lane, Ramshaw, Bishop Auckland, Co Durham. DL14 0NS.
3. Planning appeal reference APP/W9500/A/08/2065773 was allowed on 2 September 2008, in relation to a refusal to grant planning permission (reference NYM/2007/0338/FL) for a development of six holiday lodges in woodland at Studford Farm, High Street, Sproxtun, North Yorkshire. YO62 5EL

This enclosed application is for the same wording as the aforementioned approved planning applications and we attach copies of these decision notices for your perusal.

If the planning committee is mindful to refuse this application there is no doubt the applicant will appeal and claim costs.

We trust that you have all that is necessary to register the application, and so we look forward to hearing from you, however, should you require any further information then please do not hesitate to contact us.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Stuart Chambers', written in black ink.

Stuart Chambers
Director
For and on behalf of Derek Hicks & Thew (Kendal) Ltd

Cc Mr K Hall – Redwell Fisheries