

Agenda Item A9	Committee Date 28 September 2009	Application Number 09/00759/VCN
Application Site Redwell Fish Farm, Kirkby Lonsdale Road, Over Kellet		Proposal Variation of conditions 4, 5 and 7 on application 08/01219/CU relating to occupancy
Name of Applicant Mr K Hall		Name of Agent Anthony Atkinson, Lincoln House, Lincoln Way, Sherburn-in-Elmet, Leeds LS25 6PJ
Decision Target Date 29 September 2009		Reason For Delay Not applicable
Case Officer		Peter Rivet
Departure		No
Summary of Recommendation		Refusal

1.0 The Site and its Surroundings

- 1.1 This proposal is a resubmission, in amended form, of application 09/00262/VCN which was considered at the Planning Committee's 11 May 2009 meeting. Permission was refused.
- 1.2 Redwell Fish Farm occupies land on the south side of the road from Carnforth to Kirkby Lonsdale Road, a short distance west of the Redwell Inn. At present the site contains a fishing lake, some associated buildings, and a touring caravan site.
- 1.3 The caravans are subject to a restriction which requires that they should only be on the site from the beginning of March and the end of October. This is because the deciduous planting screening the site is only fully effective when there are leaves on the trees.

2.0 The Proposal

- 2.1 When permission was granted in December last year for 13 timber holiday chalets in place of the 17 touring caravan pitches currently on the site, the conditions attached to the consent included the following:
4. 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 & County 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.
 5. 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.
 6. 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.

7. 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 principal occupier together with the dates of occupation.
Reason: To ensure that the accommodation is properly used as short-term holiday accommodation.

2.2 The applicants' agents argued in support of their previous application, 09/00262/VCN, that these conditions were unduly restrictive, that they put the business at a commercial disadvantage and that they had been unfairly applied. They provided details of two recent appeal decisions in support of this position, one in Co Durham and the other within the North York Moors National Park. They also referred to a decision by Teesdale District Council to relax the conditions attached to a chalet site at Evenwood Gate, near Bishop Auckland, which falls within their area.

2.3 The present application seeks the removal of conditions 4, 5 and 7 and suggest that they should be replaced by a new condition, as follows:

"The chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence. The operators of the holiday park shall maintain an up to date register of the names of all owners of the chalets on the site and of their home addresses and shall make this information available at all reasonable times to the local planning authority."

2.4 The effect of this would be to allow people to occupy the chalets as second homes, rather than as short term holiday lets. There would be a relatively short "close season" in February.

3.0 Site History

3.1 The last application was refused on the following grounds:

"The development was approved because of the benefits it would offer the tourism related economy of the area. Allowing year round use of the chalet accommodation would be contrary to "saved" policy TO8 of the Lancaster District Local Plan in that it would be difficult to ensure that it was used for holiday purposes only. The site is in the countryside where dwellings for permanent occupation would not be appropriate, as they would conflict with the principles set out in central government advice as set out in PPS7 and policy SC3 of the Core Strategy."

3.2 Recent applications involving the site are as follows:

Application Number	Proposal	Decision
97/01250/CU	Change of use of land for 17 touring caravans and alterations to toilet block	Approved
06/01410/FUL	Retrospective application to retain land remodelling and proposed raising of existing ground levels at south west corner of site	Refused
07/00048/TPO	Removal of trees specified on plan	Approved
07/01014/FUL	Retrospective application to retain land remodelling and proposed raising of existing ground levels at south west corner of site	Approved
08/01219/CU	Change of use to replace 17 touring pitches with 13 timber holiday chalets	Approved
09/00262/VCN	Variation of conditions 4,5,6 and 7 on application 08/01219/CU relating to occupancy	Refused

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Over Kellet Parish Council	This project was initially for 17 touring caravan pitches for visiting fishermen and their families. It subsequently changed to 13 timber holiday chalets for general holiday occupation. The removal of these conditions would mean that the chalets would become permanent residential with people able to live there 11 months of the year. The chalets are designed for short term holiday use and are not suitable for permanent residential occupation.
County Council Highways	No highway observations on this proposal.
Environmental Health	No objections, subject to advice regarding caravan licensing.

5.0 Neighbour Representations

5.1 None received at the time this report was prepared.

6.0 Principal Development Plan Policies

6.1 Policy **ER6** of the Core Strategy addresses tourism related issues. It specifically refers to the need to monitor the availability and quality of the District's stock of visitor accommodation and provide new accommodation where necessary.

6.2 Of the "saved" policies in the Lancaster District Local Plan, the following are relevant:

- **TO8**, which allows extended seasons for caravan sites (and by implication chalet sites as well) where the proposal would have no significant impact on its surroundings or on nature conservation interests, and a programme of on-site improvements is agreed and implemented. It also requires that caravans should remain in holiday use and are not used for permanent occupation, and that the site should remain closed for a period of six weeks between 1 January and 31 March each year.
- **E4**, which requires that development within the countryside should be in scale and keeping with its character, is appropriate to its surroundings, would not have an adverse effect on nature conservation or geological interests, and makes satisfactory arrangements for access, servicing and cycle parking.

7.0 Comment and Analysis

7.1 The difference between the previous application and the present one is that it asks for conditions 4, 5 and 7 (but not 6) to be set aside and be replaced by a less restrictive one, which would allow the use of the units as second homes, rather than just as short term holiday lets.

7.2 This would offer advantages to the site owner in that he would be able to sell the chalets to owner-occupiers rather than have to market short term lets over the whole year. It also could be expected to result in a significantly less intensive use of the site. There are cases where this could be an advantage from a traffic point of view, but if the site is largely empty except at weekends and during the main holiday season, there will be fewer benefits to the local economy.

7.3 It would also make the site significantly more difficult to police, in that it would not be immediately apparent if somebody were to use one of the chalets as their sole or main residence. It is of course possible to see if anyone is present during the February closing period, but it is not unknown for people to live in holiday accommodation of this type and use the holiday "close season" as an occasion to take a trip abroad.

7.4 There is an argument for treating the Redwell site as a special case in so far as it is associated with a fishing lake. It is possible that there is a niche market for fishermen looking for a holiday home, and Members will wish to consider it in determining the application. However this is not an argument put forward by the applicants, nor, in our opinion, is it an argument that has valid planning merits or is based upon the principles of sustainable development.

8.0 Conclusions

- 8.1 On balance, the arguments put forward by the applicant do not justify a change in the terms of the present planning consent.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. The development was approved because of the benefits it would offer the tourism related economy of the area. Allowing year round use of the chalet accommodation would be contrary to "saved" policy TO8 of the Lancaster District Local Plan in that it would be difficult to ensure that it was used for holiday purposes only. The site is in the countryside where dwellings for permanent occupation would not be appropriate - would conflict with the principles set out in central government advice as set out in PPS7 and policy SC3 of the Core Strategy.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.