

PLANNING AND HIGHWAYS REGULATORY COMMITTEE

CAMPING AND CARAVANNING AT GIBRALTAR FARM, SILVERDALE

6 January 2014

Report of the Chief Officer - Regeneration and Policy

PURPOSE OF REPORT

To inform Members of the conclusion of a legal agreement to resolve a planning dispute into camping and caravanning activities at Gibraltar Farm, Silverdale.

This report is public

RECOMMENDATION

1. Members are recommended to note the contents of this report, which includes details of the legal agreement concluded into the use of land at Gibraltar Farm, Silverdale, for camping and caravanning.

1.0 SUMMARY

- 1.1 This report describes the action taken by officers following resolutions made by this Committee in March 2013, to resolve a planning dispute concerning camping and caravanning at Gibraltar Farm, Silverdale. The report explains the details of the legal agreement that has been concluded between the City Council and the owners of the camping and caravan site.

2.0 INTRODUCTION

- 2.1 There has been a long running investigation into alleged unauthorised camping and caravanning activities at Gibraltar Farm, Silverdale. This has involved dialogue with the owners of the site, and their agents, and also with a group of local people who have petitioned the City Council to express concerns about the operation of the site.
- 2.2 Following an investigation by the Chief Officer (Planning and Regeneration), a report was brought before Planning and Highways Regulatory Committee on 4 March 2013 which resolved:
 - (1) That an enforcement notice be served against the construction of hard standings which result in the siting of caravans on a seasonal basis with a

- compliance requirement to remove the hard standings from the area to the north of the main access track.
- (2) That an enforcement notice be served against the use of the tent camping field as extended with a requirement to cease using the area extending into the fields beyond to the north of the access track.
 - (3) That an order be sought under paragraph 13 of the First Schedule of the Caravan Sites and Control of Development Act 1960 to remove camping and caravanning rights from Exempted Organisations in relation to all the land at Gibraltar Farm.
 - (4) That the Head of Health and Housing be asked to use the representations made in this case about noise and nuisance to consider as objections to any future applications for Temporary Events Licences at Gibraltar Farm.

3.0 FOLLOW UP TO THE COMMITTEE RESOLUTIONS

- 3.1 The negotiations following the Committee resolution revealed that the construction of hard standings and the extension of the tent camping area were proven to have been implemented before March 2009, over four years previously, and so were deemed to be beyond the Council's lawful powers of enforcement as set out in recommendations (1) and (2). Notwithstanding this and in line with the spirit of the Committee resolution, officers set about negotiating a legal agreement (under section 106 of the Town and Country Planning Act 1990) with the site owners to regulate and control camping and caravanning on the site.
- 3.2 The legal agreement has been completed in such a way that action under recommendation (3) will not be necessary because the site owners have agreed to restrictions in the use of the land by Exempted Organisations. This position represents a fair balance and avoids any need for the City Council to pay compensation for the complete removal of these rights. In the case of recommendation (4) the legal agreement makes it clear that the owners have given up their rights to run events which require temporary events licences.

4.0 DETAILS OF THE LEGAL AGREEMENT

- 4.1 The key aspects and benefits of the legal agreement are as follows:

	Planning matter	Benefits
1	Site owners and City Council have agreed clear identification of caravan and camping areas, with all land areas and features mapped. Caravan numbers limited to 60 (except for rallies, see (4) below): tent numbers limited to 60. These capacities tied to the City Council's Environmental Health site licences.	All parties know the permitted numbers and agree the specific areas to be used for tents and caravans. Any changes to the agreed numbers will require planning consent and amended Environmental Health site licences.
2	Site owners have agreed not to hold events which require an events licence.	This aspect of the agreement deals with one of the principal concerns of local residents, relating to noise generated by events held on the site.
3	Site owners have agreed that the caravan site will be used for holiday purposes only.	This ensures that the site will not be used for residential purposes.

	Planning matter	Benefits
4	Site owners and City Council have agreed to allow caravan rallies on land at Gibraltar Farm for 28 days a year by Exempted Organisations, up to a maximum of 50 caravans.	This regularises the times and numbers of caravans allowed on the land at levels lower than have used the site in the recent past. These are agreed to be restricted to the area which has been used in the past and not to spread over other parts of the site.
5	Site owners have also agreed to relinquish their permitted development rights on all other open land currently used for agriculture at Gibraltar Farm.	This distinguishes the boundaries of the caravan park from the farm land and makes clear the City Council's intent to prevent camping and caravan use spreading to the land in open agricultural use.
6	Site owners and City Council have agreed a number of detailed matters including the number of electrical hook-ups (60), hard standings (37), and the location of the main access tracks to service the site. It also ensures that no tents or caravans will be positioned within the woodland areas.	This clarifies some of the detailed matters, for the avoidance of doubt.
7	Site owners will allow the City Council to monitor the agreement, to check compliance.	This will be undertaken by occasional pre-arranged and un-announced visits.

5.0 COMMENTARY

- 5.1 Two aspects of the Committee's resolution have not been delivered during this investigation. Firstly, in the course of the most recent part of the investigation, the Council had to concede that no enforcement action can be taken against the extension to the tent camping area. Secondly, the positioning of some hard standings (especially five hard standings situated on "The Hill") cannot be challenged because the works were undertaken more than four years prior to the decision to take enforcement action. Taken overall however these were less important than the need to stop further spread of this usage across the larger farm site, and the need to control the intensity of use.
- 5.2 Given these circumstances, officers have continued to seek agreement with the owners on the future operation of the site, especially in respect of activities which were without planning consent or causing complaint from members of the public. The Council has also applied planning policies designed to support business and tourism initiatives, whilst also protecting open landscape significances within the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB).
- 5.3 The agreement is considered to be a good and fair outcome for the City Council in exercising its planning responsibilities, and is better than originally envisaged when negotiations began with the owners of Gibraltar Farm. Now it is in place, officers will continue to engage with the site owners and local residents, to ensure that all aspects of the agreement are understood and complied with.

6.0 CONCLUSION

- 6.1 The completion of the legal agreement at Gibraltar Farm is a fair outcome to this long running dispute. It controls and regulates camping and caravanning activities at Gibraltar Farm, and balances tourism uses with the protection of the landscape within the AONB.
- 6.2 This case has prompted the need to review the City Council's planning policies for camping and caravanning uses within the AONB, and this will be done as part of the preparation of the Arnside and Silverdale Development Planning Document (DPD).

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

No direct implications arising from the report.

LEGAL IMPLICATIONS

There are no Legal implications arising directly from the report. Should the Site Owners fail to comply with the Agreement then this may result in legal action being taken to enforce the terms of the Agreement.

FINANCIAL IMPLICATIONS

No direct implications arising from the report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

BACKGROUND PAPERS

- (1) Planning & Highways Regulatory Committee Report dated 4 March 2013 entitled "Petition Regarding Camping and Caravanning at Gibraltar Farm, Lindeth Road, Silverdale

Contact Officer: David Porter

Telephone: 01524 5823355

Email: dporter@lancaster.gov.uk

Ref: