



# Appeal Decision

Site visit made on 8 March 2010

by **Graham Edward Snowdon BA BPhil**  
Dip Mgmt MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
19 March 2010

**Appeal Ref: APP/C9499/A/09/2117805**

**Hawswick Cote Caravan Park, Hawswick, Skipton, North Yorkshire BD23 5PX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by North Dales LLP against the decision of the Yorkshire Dales National Park Authority.
- The application Ref C/39/10N, dated 13 May 2009, was refused by notice dated 16 October 2009.
- The application sought planning permission for the use of land for the stationing of holiday caravans (35 static and 12 touring) without complying with a condition attached to planning permission Ref C/39/10M, dated 4 February 1998.
- The condition in dispute is No 3 which states that: the site shall only be occupied from 1st March to 14<sup>th</sup> November each year.
- The reason given for the condition is: to ensure that the occupancy of the site is restricted in order to prevent permanent residential accommodation.

## Decision

1. I allow the appeal and grant planning permission for the use of land for the stationing of holiday caravans (35 static and 12 touring) at Hawswick Cote Caravan Park, Hawswick, Skipton, North Yorkshire BD23 5PX in accordance with the application Ref C/39/10N dated 13 May 2009, without compliance with condition number 3 previously imposed on planning permission Ref C/39/10M dated 4 February 1998 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:
  - 1) The caravans 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 caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available, at all reasonable times, to the local planning authority.
  - 2) The development hereby permitted shall not commence until there has been submitted to, and approved in writing by, the local planning authority, a scheme of landscaping for the site. This scheme shall provide details of the following:

- all existing trees, hedgerows and other plants, walls, fences and other features, which it is proposed to retain on site and on adjoining land in the ownership of the applicant;
- the area(s), whether within or adjacent to the site to which this permission relates, in which new planting of trees and/or shrubs will take place, the species of plant(s) to be used, their size, number, spacing and the means to be used to support and protect them;
- other landscaping treatments to be carried out or features to be created, including remodelling of existing landforms, surface treatments and means of enclosure.

The approved landscaping scheme shall be carried out and completed in the first planting season following the commencement of the development. Any trees/shrubs planted in accordance with the approved landscaping scheme, which, within a period of five years from the planting taking place, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority give written consent to a variation of the scheme.

- 3) The development hereby permitted shall not commence until the light bulbs in the existing 16 low level lights installed within the caravan park have been replaced with 40 watt bulbs. Such illumination levels shall be retained in perpetuity and no further public lights shall be installed without the prior written approval of the local planning authority.

#### **Preliminary Matters**

2. I am advised that the appeal site is currently subject to a section 106 Agreement, the terms of which would have a similar effect in terms of occupancy restriction as the condition in dispute at this appeal. I understand that an application to modify the terms of this Agreement has recently been refused by the Council. This, however, is not a matter, which is before me, and has not influenced my decision at this appeal.
3. In addition, the appellant company (developer/owner) has now submitted, with this appeal, a draft planning obligation in the form of a section 106 Agreement with the National Park Authority (NPA). Under the terms of this document, the developer covenants with the Authority to perform the obligations set out in the Third Schedule. These include the replacement of bulbs in the external lights on the site, maintenance of a register of individual caravan owners and submission of details of a landscaping scheme and its subsequent implementation and maintenance. Although there are some errors in the wording of the document (for example the details of the application are set out in the Third rather than Second Schedule), I consider that it would achieve its intended purpose and be enforceable.
4. However, the obligation remains unsigned and undated and I can, therefore, give it very little weight at this appeal. Furthermore, it covers matters, which could also, in my view, be covered by the imposition of conditions. Having regard to the advice in paragraphs 12 of Circular 11/95 and B51 of Circular 05/2005, which indicate that conditions, where appropriate, are always

preferable to obligations I consider that these matters should be addressed through the imposition of conditions, as set out below.

### **Main issues**

5. The main issues are, firstly, the effect of all year round occupancy of the caravan park on the living conditions of nearby residents particularly in terms of noise and disturbance and light pollution and, secondly, whether permanent residential, occupancy could be satisfactorily controlled in other ways.

### **Reasons**

#### *Living conditions of nearby residents*

6. Hawkswick Cote Caravan Park is located in an isolated location within Littondale, which is accessed by a narrow road along the valley from the B6160. This is not a through route and, given the sparse population within the area, I would expect it to carry very little vehicle traffic, apart from that accessing the caravan park itself and the village of Arncliffe beyond. The nearest residential properties are at the converted Hawkswick Cote Farm, which lies to the north and is separated from the caravan park by a large field. Further north is Arncliffe Cote. All these properties are set back from the main roadway, from which they are accessed by narrow tracks. Vehicle access to the caravan park would not pass these residential properties. I do not consider, therefore, that extended use of the park into the winter months would be likely to result in increased noise and disturbance from vehicles for nearby residents, particularly as 75% of the caravans on the park are static, so the majority of additional vehicle movements would involve private cars.
7. I appreciate the value to local residents of the tranquil setting and their desire for some respite from the noise and disturbance from activity on the adjacent site, during the winter months. However, the nearest property is separated from the caravan park by a large field. Furthermore, I would expect activity to be limited during the winter months and to be less than that during the summer, particularly in the evenings when such activity might cause the most disturbance. This appears to be borne out by the limited level of activity I witnessed on the site during my site visit in early March. I, therefore, have to conclude that extending the usage of the park would be unlikely to lead to increased noise and disturbance to levels, which would adversely affect the living conditions of nearby residents.
8. In terms of light pollution, I am satisfied that, given the separation distances, light from the individual caravans is unlikely to be a significant source of nuisance. The public lighting within the park is low level and the appellants have offered to reduce the intensity of this, as part of a management plan. I consider that this could be secured through the imposition of a condition, as could any increased screening of the site, through landscaping. Whilst the tight relationship of most of the pitches to the northern boundary would clearly limit the scope for additional planting, I consider that some would be possible and the effect of this, taken together with control over the intensity of public lighting, would contain any potential light pollution within acceptable levels.
9. On this issue, therefore, I conclude that the effect of all year round occupancy would not have a detrimental effect on the living conditions of nearby residents

particularly in terms of noise and disturbance and light pollution and that the requirement of Policy GP2 in the Yorkshire Dales Local Plan (Local Plan) that proposals should not have an unacceptable impact on neighbouring amenity, would be satisfied.

*Control over permanent residential occupancy*

10. Given national, regional and local policy to protect the countryside and to ensure sustainable patterns of development, I accept that controls to prevent all year round occupancy are essential. The condition in dispute achieves that, by preventing occupancy between mid November and the beginning of March.
11. However, that condition, in my view, unduly restricts occupancy in an era of changed holiday trends towards short stay breaks outside the traditional holiday season – a trend, which is recognised in national policy guidance. In addition, at a regional level, the Yorkshire and Humber Plan (RSS) includes Policy E6, which seeks to promote, support and encourage tourism by, among other things, making best use of existing tourist infrastructure. The appeal proposal would do exactly that and, in my view, is, in principle, acceptable, provided that a mechanism exists to prevent permanent residential occupancy.
12. The appellants have drawn my attention to conditions set out in Annex B in the *Good Practice Guide on Planning and Tourism*, which can secure this. Having regard to the advice in Circular 11/95, I consider that such conditions would be appropriate in this instance and note that similar conditions have been used by Inspectors in appeal decisions, to which my attention has been drawn. I do not share the NPA's concern that such conditions would be difficult to monitor or enforce.
13. I, therefore, conclude that permanent residential occupancy could be satisfactorily controlled in ways, other than by the condition in dispute.

*Other considerations*

14. The appeal site is within the Littondale Barns and Walls Conservation Area. However, it is no part of the NPA's case that the proposal would be harmful to the character or appearance of the Conservation Area. I agree.
15. I have taken into account other objections submitted by local residents and the Parish Council. I accept that driving conditions in this area, in the winter months, may be more difficult, but the access from the B6160 is via a publicly maintained highway, which follows a reasonably flat gradient through most of its length. Whilst it is possible that increased traffic may cause some inconvenience, I am far from convinced that the level and nature of increased traffic during the winter months would be a danger to road users. I have also seen no real evidence that the increased usage of the caravan park would create undue pressure on local infrastructure.
16. One objector refers me to the criteria set out in Local Plan Policies VF4 and 5. These, however, relate to new sites for static and touring caravans. The Hawswick Cote site is already established and I consider these policies to be of limited relevance in the context of this appeal.

17. None of these issues, or any other matter raised (including issues of increased litter and dog fouling of public rights of way, which can be controlled under other legislation), affect my conclusion that the appeal should succeed.

*Graham E Snowdon*

INSPECTOR