



Appeal Decision

Hearing held on 30 October 2007

by Mrs K.A. Ellison BA, MPhil, MRTPI

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

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Decision date:
28 November 2007

Appeal Ref: APP/W1335/A/07/2034354
Craggwood Caravan Park, Gordon Lane, Ramshaw, Bishop Auckland,
Co Durham DL14 0NS

- 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 conditions subject to which previous planning permissions were granted.
- The appeal is made by Craggwood Leisure Ltd against the decision of Teesdale District Council.
- The application Ref 6/2006/0168/DM, dated 21 April 2006, was refused by notice dated 2 August 2006.
- The application sought planning permission for development at Craggwood Caravan Park without complying with conditions subject to which three previous planning permissions were granted.
- The conditions in dispute concern the period of use of the caravans.
- The reasons given for the conditions relate to ensuring that the caravans are not used as permanent residences.

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Decision

1. I allow the appeal and grant planning permission for the establishment of a holiday caravan site at Craggwood Caravan Park, Gordon Lane, Ramshaw, Bishop Auckland in accordance with application Ref 6/2006/0168/DM dated 21 April 2006, without compliance with:- condition number 2 previously imposed on planning permission CA48777 dated 26 May 1971; condition 3 on permission 6/81/213/DM dated 8 July 1981; and condition 3 on permission 6/81/215/DM also dated 8 July 1981 but subject to the other conditions imposed on each of those permissions, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
 - 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.

Preliminary Matters

2. The appeal concerns the following permissions and conditions:-
 - (i) permission CA 48777 dated 26 May 1971 for the establishment of a holiday caravan site (Stage 1 site layout only) on fields Nos OS.500, part 546 and part 499 at Ramshaw, Evenwood, Co Durham. Condition

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- 2 states: *this consent shall not authorise the use of land as a site for the stationing of caravans except during the period of 1st March to 31st October in each year. During the remaining period of the year all caravans shall be removed from the site. The reason given was: to safeguard the amenities of the locality and to secure well-planned development;*
- (ii) permission 6/81/213/DM dated 8 July 1981 for the stationing of fifty holiday caravans at Cragg Wood Caravan Park. Condition 3 states: *the caravans hereby approved shall only be used for human habitation between 1st March and 31st October in any one year and the reason given was: to ensure that the caravans are not used for permanent residential use;*
- (iii) permission 6/81/215/DM dated 8 July 1981 for the stationing of 10 holiday caravans at Cragg Wood Caravan Park. Condition 3 states *the caravans hereby approved shall only be used for human habitation between 1st March and 31st October in any one year. Again, the reason given was: to ensure that the caravans are not used for permanent residential use.*
3. Copies of the site plans relating to the original permissions were not available but both the Appellant and the Council confirm that the site plan accompanying the appeal accurately identifies the area of land covered by the three permissions. That plan forms the basis of this decision.
4. On the application form, the description of development is given as *'the variation of planning conditions to provide for a ten and a half month operating season'*. The Appellant seeks to have the disputed conditions deleted and replaced by conditions concerning use of the caravans for holiday purposes only and associated monitoring arrangements.

Reasons

5. This part of Craggwood contains static, privately owned caravans. The site is located in the open countryside close to the village of Ramshaw.
6. Local Plan policy TR4 states that permission for static caravans will only be granted if occupation by any one person or groups of persons is limited to not more than six weeks in any one calendar year. At the Hearing the Council acknowledged that, whilst this is not directly concerned with extending the operating season of an existing caravan park, the policy expresses the Council's sentiment and underlying intention that holiday accommodation should be retained for its intended purpose, preventing permanent residential use. As my colleague noted with regard the 2002 appeal concerning an extension to the operating season, policy TR4 reflects the sound planning principle that holiday accommodation should not become permanent.
7. However, in the period since that appeal Planning Policy Statement 7 - *Sustainable Development in Rural Areas* (PPS 7) has been published as well as the *Good Practice Guide: Planning for Tourism* (the Guide). In addition, Planning Policy Guidance note 21: *Tourism* was cancelled in 2006. Thus, whilst policy TR4 provides a useful starting point for this appeal, I consider that PPS 7 is an important material consideration and that it is also necessary to have regard to the Guide.

8. In relation to caravan parks, PPS 7 states at paragraph 39(i) that authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes. Annex A, paragraph 23 of the Guide acknowledges the trend towards tourism as a year round activity and states that authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions. In relation to conditions, Annex B advises they should be framed according to local circumstances and should be readily enforced in a way that is not unduly intrusive for owners or occupants.
9. The Appellant contends that in the period since the original permissions were granted, demand has changed from a single, longer holiday to frequent, short breaks which now include early November and the Christmas and New Year period. The disputed conditions place his business in a less advantageous position compared with local and national competitors whose more flexible operating season means they are better placed to cater for this change in demand. Various examples of appeal decisions and planning conditions imposed on similar businesses were provided in support of this.
10. In my view, it stands to reason that a caravan park with a restricted operating season will be at a commercial disadvantage compared with one which operates without such a restriction. Moreover, these changing trends are acknowledged in the relevant national guidance. Thus, although the existing conditions undoubtedly fulfil their function of ensuring that the caravans are not used as permanent residential accommodation, they appear unduly onerous in the context of the current holiday market.
11. The Council points to the concerns expressed by some nearby residents regarding the effect on Ramshaw village when the caravan park is open. In this respect I appreciate that people living on Gordon Lane, where the properties front directly onto the pavement, may be more vulnerable to disturbance at night associated with noise on the street. Nevertheless, since the additional use would take place over the winter months when the generally less clement weather conditions would discourage people from lingering in the street at unsociable hours, it seems to me that an extended season would be unlikely to give rise to a material increase in current noise levels. As such, the likely effect on local living conditions does not, in my judgement, amount to sufficient reason to maintain the restricted operating season on the basis of local circumstances. Moreover, I am mindful that other residents and businesses have expressed support for the appeal proposal.
12. On balance therefore, I conclude that the conditions are unreasonable within the terms of Circular 11/95, *The Use of Conditions in Planning Permissions* and should be deleted.
13. I note the Council's suggestion that the caravan park could instead be subject to a condition framed in the light of the six week limit contained in Local Plan policy TR4. However, in my view it would be unacceptably intrusive to introduce such a requirement on this caravan park which has never been subject to such a restriction over the many years it has been in operation.
14. On the other hand, Craggwood is located in attractive open countryside, close to facilities in Ramshaw and Evenwood. In my opinion, there is potential for

the caravans to be used as permanent residences, so that controls as to their use are still necessary. At the hearing, it was agreed that any new conditions should require that the caravans should be for holiday purposes and not permanent residences and that there should be means of monitoring and enforcement. The condition I have imposed reflects these aims as well as the advice in Circular 11/95.

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

K.A. Ellison

Inspector