

COMMITTEE REPORT

Date: 18 February 2016 **Ward:** Heworth Without
Team: Major and **Parish:** Heworth Without Parish
Commercial Team Council

Reference: 15/02073/FUL
Application at: York Caravan Park Stockton Lane York YO32 9UA
For: Use of land for siting 6no. camping pods on site of existing all weather tent pitches
By: Mr Richard Wilson
Application Type: Full Application
Target Date: 22 February 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This is an application for the replacement of six all weather surfaced camping pitches with six camping pods on land forming part of the York Caravan Park, Stockton Lane, York.

1.2 The site is located on the north side of, and accessed from, Stockton Lane. The existing caravan site has 55 pitches and covers an area of approximately 2 ha. The utility block, which is quite newly constructed, is located centrally within the site and is sufficient to serve the existing and proposed development. There is a small office/reception building at the front of the site. To the west are a number of residential properties, within the same ownership, and a large former agricultural building which is used for caravan storage; beyond these is the residential curtilage of Orchard House. To the east is landscaping associated with the approval of the original caravan site and open farmland. The north of the site is bounded by Old Foss Beck. Relatively new agricultural buildings are located to the south-east.

1.3 The proposal is to utilise six of the tent pitches for the siting of six camping pods which will be sited all year round although only open for use during the opening times of the caravan park. The camping pods are designed as curved wooden structures with a maximum height of 2.75 metres. The pods measure 2.85 metre by 4.1 metres.

1.4 From the planning history below the most relevant application is 14/00464/FUL which granted permission for the all weather surfacing of the ten pitches. In addition permission has recently been granted to extend the times of operation of the whole of the caravan and camp site to between 15th March to 6th January (thus the site is closed between 6th January and 14th March in each year).

PLANNING HISTORY

1.5 The site has the following relevant planning history:

- 03/03529/OUT - Touring Caravan site for 135 pitches on 3.9ha of land withdrawn following concerns over the effect of the development on the Green Belt and on drainage/flood risk issues
- 04/03206/OUT - Touring caravan site and ancillary outbuilding and 04/012888/FUL. Conversion of agricultural building to caravan storage and rebuilding a former dwelling as a security/reception building. These two applications were WITHDRAWN following concerns over the effect of the development on the Green Belt, the amount of landscaping required to screen the development, lack of information on foul drainage.
- 05/01395/FUL - Touring caravan site for 20 pitches and the use of existing buildings for the storage of caravans was granted in 2005
- 07/02755/FUL - Provision of 20 hardstandings for the 20 pitches approved in 2005 was granted in January 2008
- 08/02729/FUL - Extension to existing caravan park to provide an additional 20 touring caravan pitches was withdrawn by the applicant in January 2009
- 09/01271/FUL - Extension to existing caravan park to provide an additional 20 touring caravan pitches refused in 2009 and subsequently allowed on appeal February 2010
- 10/02848/FUL - Replacement toilet and shower block and alterations to vehicular entrance granted in March 2011
- 12/03524/FUL - Additional 10 camping pitches granted in January 2013
- 14/00464/FUL - Increase in the number of pitches from 50 to 55 and the provision of all weather surfacing was granted in April 2014.

2.0 POLICY CONTEXT

2.1 Policies:

Please refer to paragraphs 4.2 to 4.13 of this report.

3.0 CONSULTATIONS

INTERNAL

3.1 No internal consultations undertaken.

EXTERNAL

3.2 Clifton Without Parish Council - Comments awaited

3.3 One letter of objection has been received covering the following points:-

- The area is Green Belt land and should be kept free of permanent structures.
- Pods would be a further encroachment to the pastoral nature and openness of the site
- The pods would be clearly visible from the next door property from Stockton Lane and from Malton Road
- Boundary hedge to adjacent property is the only screening along the boundary and this is bare between October and April. Pods would be clearly visible during the winter months.
- Development unsightly in a sensitive, rural, Green Belt location

4.0 APPRAISAL

4.1 Key Issues

- Planning policy
- Green Belt
- Sustainability
- Residential amenity
- Access and parking arrangements
- Ecology and landscape

PLANNING POLICY

4.2 The site is located within the general extent of the Green belt on the north side of York.

National Policy

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific

policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations).

4.4 One of the twelve core planning principles set out in the National Planning Policy Framework (NPPF) is to protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities (Paragraph 17).

4.5 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.6 Section 9 of the NPPF says that the essential characteristics of Green Belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81).

4.7 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation.

Development Plan

4.8 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt . These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.9 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are

considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.10 The relevant policies applicable to this application include: GP1: 'Design' which requires that development among other things respects or enhances the local environment; policy V1 'visitor related development' encourages appropriate visitor related development and V5 'caravan and camping sites'.

4.11 Policy V5 says that planning permission for new caravan/camping sites outside settlement limits will only be granted provided:

- a) The number of pitches does not exceed 20; and
- b) There will be no pitches for static caravans; and
- c) The proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) The site is associated with an existing settlement and of a compatible scale to the settlement; and
- e) The site is readily accessible by public transport; and
- f) There is no adverse effect on the openness of the Green Belt; and
- g) It provides a direct benefit to the local residential workforce; and
- h) The approach roads are suitable for caravans; and
- i) There is no adverse effect on the provision of local services; and
- j) The proposal is complimentary to recreational opportunities in the vicinity; and
- k) It provides a direct benefit to the local residential rural community.

Emerging Local Plan

4.12 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. The most relevant of the document's policies is policy EC6 which says that York's rural economy will be sustained and diversified through, among other things, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and would not generate significant volumes of traffic. Seasonal occupancy should be conditioned on visitor accommodation.

4.13 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

ASSESSMENT OF HARM TO THE GREEN BELT

4.14 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP and retained within the Green Belt in the emerging Local Plan.

4.15 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

4.16 Camping pods fall within the statutory definition of a caravan - that is a structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer). The camping pods are fabricated elsewhere and then delivered to the site where they are placed in position on the land without the need for foundations and without being connected to any services. The current planning permissions for the caravan and camping site allows the site to operate between the 15th March and 6th January. When the site is open a particular tent/caravan can only be on site for a maximum period of 28 days and clearly during the time the site is closed there are no tents or caravans on the pitches. The proposed pods whilst being designed to be non-permanent structures in the sense that they are not attached to the ground by a foundation and are not attached to services are a permanent feature of the landscape as they are not removed between seasons thus they will have more visual significance than tents or caravans.

4.17 Paragraph 89 and 90 of the NPPF set out those developments that may be considered exceptions to inappropriate development in the Green Belt. All other development is inappropriate and by definition, harmful to the Green Belt and should not be approved except in very special circumstances

4.18 The proposal, which is considered to be an intensification of an existing use of land, does not fall within any of the exceptions to inappropriate development in paragraphs 89 and 90. It therefore constitutes inappropriate development within Green Belt. Paragraph 87 says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says that substantial weight should be given to harm and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Whether there are such other considerations which amount to very special circumstances is assessed below at paragraph 4.27 to 4.32.

Openness

4.19 Paragraph 79 establishes that openness is an essential characteristic of Green Belt. The proposed camping pods are to be sited on existing tent pitches which are designed with all weather surfaces and surrounded by hedging that has been in place for two seasons and is quite mature. The back of the pitches is defined by the extensive landscaping introduced following the original grant of planning permission for a caravan and camp site in 2005. The landscaping between pitches and the hard surface mean that even when not open the layout of the camp site can be readily discerned. Nevertheless the permanent siting of the pods will introduce further built form that will reduce openness because more of the site will be occupied all year round. Given the existing site characteristics harm to openness will be limited.

Purposes of Green Belt

4.20 The purposes of Green Belt set out in paragraph 80 of the NPPF are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the use of derelict or other urban land. The camping site already exists with clear defined boundaries, the landscaping adjacent to the pitches is significant and the location of the pods would not encroach beyond what can be readily recognised as the extent of the existing caravan and camping site. Officers consider that there will be no impact on the purposes of the Green Belt attributable to the siting of the camping pods.

SUSTAINABILITY

4.21 The previous applications on this site have established that the site is sustainably located, with good access by bus to the city centre, close to park and ride facilities and a relatively short cycle and walk to the city centre.

Residential Amenity

4.22 A letter of objection has been received from the occupiers of the adjacent house to the south west of the site. Part of the concern is that the pods will be visible from the adjacent property. The adjacent property is a detached house set in substantial grounds which extend to open fields adjoining the caravan site on its western/south western side. An existing deciduous hedge separates the caravan site from the land. The proposed pods are located on the eastern side of the site and are divided from the objectors land by a large area of the camp site the toilet block, lake and significant landscaping. It is considered that the siting of the pods will not cause a loss of amenity to the adjacent property even when considering the permanent siting of the structures and the reduced cover of the landscaping in the winter months.

DRAINAGE

4.23 The application site (that is the area where the pods are to be placed) is located, according to the Environment Agency flood risk maps, within flood zone 2. Other parts of the site are located within flood zone 3. However the previous applications have been supported by a flood risk assessment that concluded, on the basis of an appraisal of channel capacity of the adjacent Old Foss Beck, that the site lies in flood zone 1 or 2. The Environment Agency has not objected to previous proposals. An evacuation condition has been sought and applied to all previous permissions. The evacuation plan requirement is proposed on this application.

4.24 Sites used for holiday or short-let caravans and camping subject to a specific warning and evacuation plan are classed as more vulnerable uses in table 2 'Flood Risk Vulnerability Classification' in the flood risk and coastal change section of the National Planning Policy Guidance (NPPG). Table 3 'Flood Risk Vulnerability and Flood Zone 'Compatibility'' identifies that in more vulnerable development in flood zone 2 is acceptable. With the evacuation plan condition proposed the development is considered to be acceptable from a drainage perspective.

4.25 The existing all weather surfaces are permeable allowing surface water to drain from the pitches.

4.26 In summary, the proposal would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a small loss of openness. No harm is associated with the sustainability, residential amenity and drainage of the site.

OTHER CONSIDERATIONS - Very Special Circumstances

4.27 The site although not in use year round has all the infrastructure, hard surfacing, landscaping, lighting and toilet facilities set out such that it is clear that the site is used primarily for caravan and camping. The introduction of the new pods will be seen in the context of this existing infrastructure and is compatible with it.

4.28 The applicant has provided a limited amount of additional information which sets out the reasons for the diversification into camping pods. The applicant describes the use of pods as 'glamping'.

4.29 The applicant says that the camping and caravanning club has seen a 15% rise in families holidaying in yurts and pods over the last 12 months. The introduction of pods on to the application site would mean that the applicant would no longer have to turn away guests looking for 'glamping' accommodation.

4.30 The pod accommodation, the applicant says, would not take long to generate a return on the investment of purchasing the pods and would provide the type of accommodation that is being sought within York.

4.31 The NPPF section 3 supports the diversification of agriculture and other rural businesses. York is a centre for tourism; tourism in this area is not restricted to the summer months the area provides year round tourist attractions. The provision of good quality facilities that are well related to York will support the York centre economy as well as the local rural businesses along Stockton Lane. The more efficient use of an existing site will also reduce the need for new facilities in rural locations and supports the Government aim of enhancing the beneficial use of the Green Belt (paragraph 81).

4.32 Overall it is considered that the site is already used as a camping and caravanning site. The infrastructure for the site is in place all year. The pods would allow the existing rural business to diversify in accordance with Government policy. The NPPF supports the beneficial use of Green Belt locations. Officers consider that even when attaching substantial weight to the harm to the Green Belt these benefits are considered to amount to very special circumstances in this case sufficient to outweigh the potential harm to the Green Belt and any other harm.

5.0 CONCLUSION

5.1 The application site is within the general extent of the Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed intensification of the use would result in some limited harm to the openness of the Green Belt but the use is not considered to conflict with the purposes of Green Belt set out at paragraph 80 to the NPPF.

5.2 It is considered that the other considerations put forward by the applicant, the benefits to tourism on this existing camping and caravan site and the more efficient use of an existing sites which reduces the need for new facilities in rural locations and supports the Government aim of enhancing the beneficial use of the Green Belt together with the mitigation of other harm through the imposition of planning conditions clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount to very special circumstances to justify the inappropriate development in the York Green Belt even when substantial weight is given to any harm to the Green Belt.

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans:-

To be confirmed at Committee

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3. There shall be no more than six Camping pods sited within the site.

Reason: In the interests of the openness of the Green Belt.

4 The six camping pods hereby approved shall not be occupied between 10th January and the 15th March in any year.

Reason: To avoid any pods becoming a permanent residence in the interests of the openness of the Green Belt.

5 None of the six camping pods hereby permitted shall be connected to a water supply or be provided with drainage.

Reason: To prevent any pods becoming a permanent residence and in the interests of the openness of the Green Belt.

6 None of the six camping pods hereby permitted shall be connected to mains electricity supply otherwise than by means of a single campsite electrical hook-up cable. The hook-up shall only be installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent any pods becoming a permanent residence in the interests of the openness of the Green Belt.

7 The six camping pods hereby permitted shall not be occupied otherwise than for short term holiday letting purposes and in any case each let shall not be for more than 28 days. The owner/operator shall maintain an up to date register of the names and addresses of the occupiers of the pods and shall make the register available at all reasonable times to the Local Planning Authority upon request.

Reason: To avoid any pods becoming a permanent residence and in the interests of the openness of the Green Belt.

8 None of the six camping pods hereby permitted shall be replaced by any other structure(s) differing from the approved details. There shall be no alterations or additions to the six Camping Pods

Reason: In the interests of the openness of the Green Belt.

9 The flood warning and evacuation plan approved under discharge of condition application AOD/14/00239 shall be implemented in accordance with the approved details before the pods are first brought into use and thereafter maintained to the satisfaction of the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure safe access and egress to and from the site at times of flood.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

-A business plan sought to inform whether very special circumstances exist for the development in the Green Belt.

Contact details:

Author: Diane Cragg Development Management Officer (Mon/Tues/Wed)

Tel No: 01904 551351