

Appeal Decision

Site visit made on 30 August 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 29 September 2016

Appeal Ref: APP/W3520/W/16/3148952

Honeypot Farm Caravan Park, Bury Road, Wortham, Suffolk IP22 1PW

- 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 a previous planning permission was granted.
 - The appeal is made by Mr C Feeney against the decision of Mid Suffolk District Council.
 - The application Ref 4226/15, dated 20 November 2015, was refused by notice dated 17 March 2016.
 - The application sought planning permission for the use of the land for the stationing of up to 23 holiday lodges and 1 lodge for a site manager without complying with a condition attached to planning permission Ref 2689/15, dated 27 October 2015.
 - The condition in dispute is No 3 which states that: The holiday units hereby approved (except for the lodge allocated for the site manager) shall not be used as residential dwelling/s, including any use within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). No person/s shall occupy any of the unit/s for more than 28 consecutive days or re-occupy any unit on the site at any time during the first 28 days following their most recent stay. Details of the name, permanent home address, vehicle registration of guests shall be kept in a register on site, a copy of which shall be made available to the Local Planning Authority for inspection at any time.
 - The reason given for the condition is: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a unit for holiday purposes in the interests of contributing to tourism and the economy of the area.
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Decision

1. The appeal is allowed and planning permission is granted for the use of the land for the stationing of up to 23 holiday lodges and 1 lodge for a site manager at Honeypot Farm Caravan Park, Bury Road, Wortham, Suffolk IP22 1PW in accordance with the application Ref 4226/15, dated 20 November 2015, without compliance with condition No 3 previously imposed on planning permission Ref 2689/15, dated 27 October 2015 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 condition:
 - 1) The holiday lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence. The hereby approved holiday lodges shall not be occupied between 8 January and 8 February in any calendar year. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
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Application for costs

2. An application for costs was made by Mr C Feeney against Mid Suffolk District Council. This application is the subject of a separate Decision.

Background and Main Issue

3. The Council granted permission in October 2015 for the use of the land for the stationing of up to 23 holiday lodges and 1 managers lodge subject to a number of conditions including condition No 3 which restricted occupancy of the holiday lodges by the same person to no more than 28 consecutive days or re-occupation during the first 28 days following their most recent stay.
4. The reason given for imposing that condition was that site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as units for holiday purposes in the interests of contributing to tourism and the economy of the area.
5. An application was made to substitute condition No 3 with a condition which restricted occupation of the holiday lodges for 11 months of the year. The Council is concerned that the proposed condition would increase the risk that the lodges would not be used for holiday purposes and instead would be used for temporary or permanent residential use and would result in less occupants staying longer which it considers would be harmful to tourism and the local economy.
6. On this basis, I consider the main issues are firstly; whether the proposed varied condition would ensure the use of the lodges for holiday and tourism purposes and secondly the effect that varying the condition would have on tourism and the local economy.

Reasons

Holiday Accommodation

7. Honeypot Farm Caravan Park is a relatively small camping and caravan site on the edge of the village of Wortham accessed by a narrow track from the A143. The site comprises a number pitches and a permanent amenity block. At the time of my site visit, the development approved in October 2015 had not taken place.
8. The Council are concerned that substituting condition No 3 attached to the planning permission for the stationing of the holiday lodges, with the proposed condition would be unenforceable and therefore would mean the lodges could be occupied all year round as permanent residential accommodation.
9. However, the proposed condition would require a register of occupants to be kept which includes details of their main addresses. Therefore it could be clearly identified through inspection of this register, if the lodges were occupied for continuous periods by the same people without breaks. Although occupants of the lodges could take steps to falsify their home address, should there be any doubt as to whether the lodges were being occupied as a permanent main residence in breach of the condition, copies of documentation such as a passport or drivers licence could be requested as proof a permanent home address. Thus, in my view it would not be problematic or onerous for the Council to detect any breach in the proposed planning condition.

10. Furthermore, I find no substantive evidence to indicate the proposed condition would be more difficult to enforce than the condition No 3 imposed on the original permission. In my view, given that the lodges would need to be vacant between specified dates, the Council or people living nearby would clearly be able to note any comings and goings or vehicles parked on the appeal site, such that any breach in the proposed condition in this regard could be easily detected.
11. I have considered appeal decision APP/P1560/A/12/2176728 where planning conditions similar to that proposed were imposed. I note that the Inspector in reaching his decision considered conditions were necessary to ensure that the caravans under consideration were used as genuine holiday accommodation and not used for all year round residential accommodation. Thus, at that time the Inspector considered the conditions imposed would be an effective measure to ensure the development proposed was used as holiday accommodation. I find no reason to disagree with the Inspector in that decision.
12. Thus overall, I find the proposed condition in place of condition No 3 would be enforceable and would effectively ensure the use of the lodges as holiday accommodation and for tourism purposes. The proposal would therefore accord with the sustainable development aims of the Framework and the development plan. It would specifically accord with saved Policies H11, H7, RT19 of the Mid Suffolk Local Plan (1998) (LP) and Policy CS2 and CS6 of the Mid Suffolk District Core Strategy Development plan Document (2008) (CS) which taken together, seek to avoid isolated new homes and encourage appropriate accommodation for tourists.

Tourism and the local economy

13. The Visit Suffolk – Market Segmentation Report finds that the demand for holiday accommodation in the area is that which can facilitate short stays. Furthermore, I note the evidence which shows that visitor expenditure each day decreases over the length of any stay.
14. However, even though the appeal proposal would allow people visiting the area to be able to stay longer it would not restrict shorter stays. Furthermore, the existing planning condition requires a break in occupancy for 28 days before they are able to revisit. This effectively restricts longer stays and would also restrict repeat occupation of the lodges. For example the existing condition would mean the lodges could not be occupied for all of the summer months by the same occupants nor could they be occupied by the same occupants every weekend.
15. I acknowledge that people visiting more frequently and for longer stays would be less likely to revisit some tourist attractions. However, in my view, people which visit more frequently and stay for longer periods would visit other local facilities and would spend money as part of their day to day living expenses.
16. Thus, overall I find the condition No 3 when compared with the proposed condition increases the likelihood that the lodges would stand empty for periods throughout the year and potentially during the peak summer months. This could, in my view cancel out any benefit there may be arising from the greater spending by visitors which stay for shorter periods. Nevertheless, there is no substantive evidence before me to suggest that just because the

lodges could be occupied for longer periods that they would not be occupied by different people staying for shorter periods.

17. For these reasons, I find that the proposal would not harm tourism or the local economy and would accord with the sustainable development aims of the Framework and the development plan. It would specifically accord with saved Policy RT19 of the LP and Policy CS2 and CS6 of the CS which taken together, seek to encourage appropriate accommodation for tourists and support economic growth in the area.

Other Matters

18. In reaching these conclusions, I have attached little weight to the *Good Practice Guide on Planning for Tourism* as this has been cancelled.
19. I have also noted the comments about whether or not the holiday lodges would be for sale on the open market. However, the approved development is for holiday accommodation irrespective of whether or not it used by people who own or rent them.
20. I acknowledge that there was no financial viability information submitted in support of the planning application. However, there is nothing before me to indicate that it was requested and the relevant development plan policies referred to in the Council's decision notice do not explicitly require it.

Conclusion

21. For the reasons given above and with regard to all other matters raised, I conclude that the appeal should succeed. I will therefore grant a new planning permission substituting condition No 3 with the proposed condition.

L Fleming

INSPECTOR