
Appeal Decision

Hearing Held on 11 September 2019

Site visit made on 11 September 2019

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/C2708/W/19/3224437

Tarn House Holiday Park, Stirton, Skipton BD23 3LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Partingtons Holiday Centres Ltd against the decision of Craven District Council.
 - The application Ref 2018/19508/FUL, dated 29 June 2018, was refused by notice dated 20 December 2018.
 - The development proposed is siting of 38 static caravans, 10 camping pods and a multiuse sports court.
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Decision

1. The appeal is allowed and planning permission is granted for extension of existing caravan site for a further 38 static caravans, 10 camping pods and a multiuse sports court area, formation of new road layout and associated works at Tarn House Holiday Park, Stirton, Skipton BD23 3LQ in accordance with the terms of the application, Ref 2018/19508/FUL, dated 29 June 2018, and the plans submitted with it, subject to conditions in the attached schedule.

Applications for costs

2. Applications for costs have been made by Partingtons Holiday Centres Ltd against Craven District Council and by Craven District Council against Partingtons Holiday Centres Ltd. These applications are the subject of separate Decisions.

Procedural Matters

3. The appellant's description of the proposals on the application form is as set out above. The Council altered it to 'Extension of existing caravan site for a further 38 static caravans, 10 camping pods and a multiuse sports court area, formation of new road layout and associated works'. This is as described on the appeal form and more accurately describes the proposals therefore I have determined the appeal on this basis.
4. A draft legal agreement in the form of a Deed of Release was submitted by the appellant prior to the Hearing, in relation to an agreement dated 8th October 1973 made under Section 52 of the Town and Country Planning Act 1971. The Council agreed to the aims of the draft agreement at the Hearing. A completed version signed by both parties has been received within the agreed timescales therefore I have accepted it as part of the evidence before me.

5. Stirton with Thorlby Parish Council submitted a range of documents at the Hearing relating to highway matters. The appellants submitted annotated site plans at the hearing to show the caravan parking spaces and open space areas, together with a summary table. I have accepted the documents as evidence, as the main parties and interested parties were given the opportunity to comment upon them during the Hearing, and they do not alter the proposals before me.

Main Issue

6. The main issue is the effect of the proposed development on the living conditions of existing users of the caravan park with particular reference to loss of open recreational land and overdevelopment.

Reasons

Background

7. The appeal site is situated within an existing caravan park in the countryside near to the town of Skipton. The landscaped boundaries distinctly separate the caravan park from the more open and rural character of the open countryside beyond and the nearby settlements including Thorlby and Stirton. The town of Skipton is a short distance away beyond the A59, and here there are a range of shops, services, leisure facilities and a railway station.
8. The site comprises a grassed area located broadly central to the wider caravan park, and it includes a children's play area. The Council describes the area as 'open recreational land'.
9. It is proposed to site 38 static caravans within the largest area of open recreational land. A looped access drive would link the individual parking spaces to the existing main access drive which connects the site to White Hills Lane. Ten camping pods are proposed to be sited adjacent to vegetation which separates the open recreational land from the front of Tarn House. A multi-use sports court is proposed near to the static caravans. The remaining area of land would be retained as open recreational land, including a wild meadow to the centre of the static caravan area.
10. The planning history of the caravan park dates back to the mid 1960's. Incremental additions to the original caravan park have taken place since, with the most recent development of 12 lodges approved in the mid 2000's on the edge of the open recreational land.
11. The legal agreement dated October 1973, in relation to an application for additional caravans, refers to 'the land edged blue' and specifies that such land shall only be used for agriculture or recreational purposes in connection with the caravan site and no caravans shall be placed upon it. The aforementioned 12 lodges have been sited within this 'blue' land and the Council confirmed that a deed of variation to the 1973 agreement was completed to allow that part of the open recreational land to be developed. The submitted Deed of Release has the effect of amending the previous agreement so that a smaller part of the 'blue' land would be retained for recreational purposes.

Policy Context

12. The reason for refusal does not contain any development plan policies. At the Hearing the main parties agreed a range of relevant saved policies in relation

to the adopted development plan; the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (CDLP). The Council clarified the status of the emerging Craven District Council Local Plan which were examined in 2018. Proposed Main Modifications and Further Main Modifications have since been submitted since the decision was issued, however both parties agreed that weight given to the relevant policies has not altered. I have no reason to disagree with this.

13. The site is located outside the designated development limits of Skipton and for the purposes of planning policy is within the open countryside. Policy ENV1 of the CDLP relates to development in the open countryside, and allows for small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development where it meets a number of criteria including benefits to the rural economy and maintaining or enhancing landscape character. Large scale development is only permitted by the policy where an overriding need is demonstrated for the requirements of utility services, transport, minerals supply and national security.
14. Policies EMP16 to EMP19 inclusive are directly relevant to caravan park developments. Notwithstanding the restriction on development in the countryside set out in Policy ENV1, Policy EMP16 indicates that static caravan developments will be supported in the countryside (outside of the AONB and SSSI's) subject to a number of criteria. These include appropriate screening, scale, design, location with local opportunities for informal countryside recreation, impacts on local amenity, traffic, nature conservation and heritage considerations.
15. The CDLP 1999 pre-dates the publication of the previous National Planning Policy Framework 2012 (the Framework). Due weight is therefore given to the aforementioned policies according to their degree of consistency with the current version of the Framework 2019. I give limited weight to Policy ENV1 by reason of its restrictive wording which conflicts with paragraph 83a of the Framework in relation to supporting rural businesses. I give greater weight to Policies EMP16 to EMP18 which are supportive of tourism developments and broadly consistent with paragraph 83c of the Framework.
16. The proposals would conflict with Policy ENV1 given that they could not be considered 'small scale development' and would not meet any of the specified large scale development types. However the site is wholly within the boundaries of the existing caravan park. The development would not encroach any further into the undeveloped open countryside, and would be consistent with Policy EMP16. The proposals would support the sustainable growth of a rural business in compliance with paragraph 83 of the Framework.

Loss of open recreational land and overdevelopment

17. The open recreational land is used for activities such as dog walking and recreation, and there is an informal children's play area here. There was no evidence of any other recreational equipment on the site on my site visit. I acknowledge that it is a private facility, and the appellants confirmed at the hearing that it is not open for use by the wider community. The effect of the loss of part of this land is therefore restricted to users of the caravan park.
18. The appellant gave evidence at the Hearing that the majority of the existing caravans at the holiday park are privately owned, and are not sub-let. It was

stated that many of the occupiers may be there for long periods of time, effectively using the units as second homes. On the other hand, many occupiers only stay for short breaks spread over the year. No matter how long the occupiers are staying at the park, they could expect a reasonable standard of living conditions which would include provision of amenity and recreational space.

19. The basic aspects of living conditions such as overlooking, overshadowing, noise and so on are not in dispute. The park has the appropriate site licence which restricts use of the site for residential purposes and requires compliances with the relevant Model Standards¹.
20. Nonetheless, as a result of the non-permanent nature of the caravan units and the holiday occupancy restrictions, the standard of living conditions to be expected is not likely to be as high as it would be for a permanent dwelling. It was suggested at the Hearing that short term holiday makers are more likely to spend time away from the unit and the park, and travel around the local area. On the other hand they are also more likely to have more free time to spend on sport and recreational activities, which could be within the site.
21. Little evidence was provided about the current use of the open recreational land at the Hearing. Interested parties indicate that the space is highly valued in terms of the leisure experience for holiday makers, and that occupiers have the right to retain the space that they had signed up for when purchasing their caravans. I acknowledge that the number of units and corresponding number of occupiers would increase, and subsequently the potential use of the area would be in more demand.
22. I do not have any doubt that open recreational areas are of value to holiday makers and provide an important facility for dog walking, play and recreation as well as providing visual and ecological benefits. However in this case, a good sized recreational area would remain within the caravan park, and would continue to be protected by legal agreement.
23. The Parish Council refer to the Model Standards² which recommend that where children stay on the site, space equivalent to about one-tenth of the total area should be allocated for children's games and/or other recreational purposes. However the model standards are a matter for the caravan site licencing authority to determine whether to impose, under separate legislation. There is no planning policy before me which sets out any such standards, unlike residential developments, and each caravan park will have its own locational merits and circumstances which warrant a case by case consideration. I am mindful that the Model Standards note that this one-tenth provision may be omitted where there are suitable alternative publicly provided recreational facilities which are readily accessible. In this case there are such facilities nearby.
24. Evidence has been supplied relating to the provision of alternative recreational facilities in the area, and I note the proximity of the site to numerous sports and recreation facilities both in and around Skipton. I accept that is unlikely that users of the caravan site would walk to and from most of these facilities

¹ 1989 Model Standards (Holiday Caravan Sites) and 1983 Model Standards (Touring Caravan Sites) (Caravan Sites and Control of Development Act 1960 Section 5).

² Paragraph 28 of the 1989 Model Standards (Holiday Caravan Sites).

given the lack of footways and gradient of the site, however they are within a short drive or cycle ride. Sufficient open recreational space would remain within the caravan park for informal play and dog walking, the children's play area would be relocated, and enhanced sports facilities would be provided by the proposed multiuse sports area.

25. Whilst the meadow area is unlikely to be used for sports or play it would add to the more diverse range of recreational spaces as part of the overall proposals. I note that the area would be managed and overlooked by caravan units therefore it is unlikely to be a fire hazard.
26. In terms of overdevelopment, in relation to the extent of site coverage, the proposed additional static caravan units and camping pods would increase the overall number of units on the caravan park by some 14%. I have already concluded that sufficient open recreational land would remain within the site for users of the caravan park. The spacing of the units as shown on the site plan would be sufficient to allow adequate living conditions for the occupiers of the units, which would also need to comply with the any requirements of the site licence. The siting of the units would not result in an overly developed or dense site, and I find no significant harm would arise to either to area character or the living conditions of caravan users.
27. I acknowledge the concerns from interested parties that the number of caravans would exceed the numbers of houses in the nearby villages, however as a tourism facility (and not a residential development) there is no evidence before me that the additional number of units would harm the locality in terms of overdevelopment or strain on local services.
28. I am satisfied that there would be sufficient open recreational land remaining within the caravan park, and the proposals would not result in overdevelopment of the site. The living conditions of the existing users of the caravan park would not be unduly harmed by the loss of part of the existing open recreational land for the siting of additional units. Whilst contrary to Policy ENV1 given its open countryside location, the proposed development would accord with Policy EMP16 of the CDLP, particularly part 6 which requires the site to not have an unacceptable impact on the amenity of local residents. In turn, the proposals are also consistent with paragraph 127(f) in creating a place which promotes health and well-being, with a high standard of amenity for existing and future users.

Other Matters

29. I acknowledge that no objections have been received from existing caravan users. However the appellant's suggestion that the occupiers support the multiuse sports area, and the interested parties' suggestion that there has been a lack of consultation and that some occupiers do not support the proposals, is not in the evidence before me therefore I can give these comments little weight.
30. The planning history of the site includes some previous refusals of permission for additional caravans. However these applications were determined some years ago and the full details of the cases were not put in evidence before me, therefore I am unable to establish if the circumstances are directly comparable. Likewise, any procedural or administration issues that the interested parties

may wish to take up with Council are not directly relevant to the determination of this appeal.

31. Concerns have been raised by interested parties with respect to the visual impact of the proposals in relation to the additional caravans. I noted on my visit to the site and surrounding area that the caravan park is well screened, and a landscaping condition can require extra planting to assist in further softening the appearance of the development, which could include evergreen species.
32. The size and internal layout of the pods has been disputed by the Parish Council. A condition can ensure that full details of the pods are provided prior to their siting. The external appearance of the caravan units can also be agreed by condition so that appropriate materials/colour can be agreed by the Council in advance of their siting. Due to the intervening vegetation and distance between the site and Tarn House, there would be no harm to the integrity or setting of this older building.
33. During the hours of darkness some lighting is visible from outside of the caravan site, however this is an existing feature of the site, and not in the proposals before me. A condition can require a scheme of lighting for the proposals to control the effects of any additional light spillage from the appeal site.
34. I am satisfied that there is sufficient space for each static caravan unit to have its own parking space, and the use of the existing overspill parking area for the 10 proposed camping pods would not result in any detrimental impact on highway safety due to the distance away from the public highway. Parking arrangements for existing users of the wider caravan park and any associated servicing of the park are not within the application site and not in the evidence before me.
35. Concerns have been raised about the adequacy of visibility splays at the entrance onto White Hills Lane. It has been put to me that the condition previously recommended and subsequently withdrawn by the Highway Authority should be imposed and that improvements should be made to the access to improve visibility. The access arrangements already serve the existing caravan park, as well as a small number of private dwellings. Whilst the number of vehicles using the access is likely to slightly increase, there is little evidence that highway safety would be compromised. I note that the access is not in the appellants ownership, and that no objection has been submitted by the Highway Authority. Other powers³ exist to ensure the highway is not obstructed by overhanging vegetation.
36. I have sympathy for the concerns of the occupants of Thorlby House Lodge which lies directly adjacent to the access onto White Hills Lane. Large caravan delivery vehicles will occasionally need to negotiate the access which is partly constricted by existing gate piers. However the access is not owned by the appellant. Any arrangements with the owners to carry out potential upgrades are private matters which are not before me as part of this appeal.
37. Other matters raised include headlights shining into their windows, potential blocking of the access at busy times and pollution relating to noise and fumes

³ Section 154 of the Highways Act 1980.

from idling vehicles. This is an existing access which large delivery vehicles have legitimately used for a number of years, and there is little evidence before me to demonstrate that the proposed additional caravan units would result in any significant additional impact on highway safety or living conditions over and above the existing situation. Any damage to property would be a private matter between the parties involved.

38. A public right of way crosses the access drive to the site. This is an existing situation and there is no evidence before me to suggest that a financial contribution to improve the public right of way or extend the footway from Higher Raikes would be required mitigate any potential increased impact arising from the additional units.
39. The development would include additional hard surfaces from caravan bases and roads/paths. However the site lies in an area of low flood risk and there is no evidence before me to suggest that surface water drainage arrangements would result in flooding to the site or surroundings.
40. There is no evidence to suggest the development would have any significant adverse effects on ecology. The existing site is grassland and existing vegetation would be unaffected, and the proposed meadow area and additional planting would bring some biodiversity benefits.
41. The economic benefits quoted by the appellant have been questioned by the interested parties. Regardless of how the data was obtained and the type of jobs that will arise within the caravan park, the proposals would result in some additional employment and spending in the locality and I give this moderate weight in the planning balance.

Legal Agreement and Conditions

42. It is necessary that I consider the amendments to the 1973 obligation against the three tests set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. An agreed and signed Deed of Release is in the evidence before me. I have concluded that the proposals for additional caravan units would be acceptable. Those units would be located within the 'blue land' previously restricted by the 1973 obligation to agriculture or recreational uses. The Deed is therefore necessary so that the previous agreement is not breached. It is directly related, and fairly and reasonably related in scale and kind, to the development proposed. The obligation therefore meets the relevant tests.
43. I have considered the conditions put forward by the Council and the amendments discussed at the Hearing against the tests set out in the Framework and Planning Practice Guidance. I have carried out some minor editing and amalgamation of the suggested conditions for precision and clarity.
44. I have attached a condition specifying the relevant plans to provide certainty. The details provided of the camping pods and static caravans are indicative and may vary slightly. In the interests of area character, I have imposed a condition requiring details of the scale and design of the units and colour of facing materials to be agreed by the Council prior to their siting.
45. A holiday occupancy condition is necessary to prevent permanent residential occupation of the units, and to enable necessary monitoring.

46. The details of proposed lighting were not provided with the appeal submission therefore I have amended the Council's condition to require such details to be agreed, in the interests of the character of area and to prevent light pollution.
47. Further to discussion at the Hearing I have added a landscaping condition and included appropriate triggers and implementation clauses to ensure it meets the tests. Such a condition is required to assist in providing additional screening to the site both within the existing caravan park and when viewed from the surrounding area.

Conclusions

48. For the reasons given above and having regard to all other matters raised, I conclude the appeal should be allowed.

S Hunt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan	G3124-LP-01-C
Proposed Site Plan	G3124-PSP-01-A
Site Access Plan	GA3124-SA-01
Proposed Sports Court	GA3124-SC-01
- 3) The caravans hereby approved shall be used for holiday accommodation purposes only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants. The owners/operators shall maintain an up-to-date register of the names of all owners and occupiers of individual properties and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
- 4) Prior to the siting of any of the camping pods or static caravans, full details of their scale, internal layout and external appearance including surface materials and colour shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained as approved. Only the approved camping pods and static caravans shall be used on the site, and no replacement, or variation of size, siting or appearance shall be undertaken.
- 5) Prior to the first occupation of any of the camping pods or static caravans details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed in accordance with the approved details.

- 6) Prior to the first occupation of any of the camping pods or static caravans details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the camping pods and static caravans, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

End of Schedule.

APPEARANCES

FOR THE APPELLANT:

Neil Jones
Jake Salisbury
Graham Salisbury

Rapleys
Rapleys
Graham Anthony Associates

FOR THE LOCAL PLANNING AUTHORITY:

David Coates
Andrea Muscroft

Craven District Council
Craven District Council

INTERESTED PERSONS:

Karen Darvell
Jean Ledwon
Jenny Andrews

Stirton with Thorlby Parish Council
Stirton with Thorlby Parish Council
Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Correspondence between North Yorkshire County Council and Karen Darvell 3 September 2019.
2. Sight lines Plan 1 02-09-19.
3. Annotated site plans to show caravan parking spaces and open space areas.
4. Table : Amenity Space Provision - Proposed