



Appeal Decision

Site visit made on 4 January 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/X3540/D/21/3275974

Pakefield Caravan Park, Arbor Lane, Lowestoft NR33 7BE

- 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 M Purdom of Park Holidays UK Ltd against the decision of East Suffolk Council.
 - The application Ref DC/21/0749/VOC, dated 15 February 2021, was refused by notice dated 12 April 2021.
 - The application sought planning permission for use of approx. 7.1 acres as static holiday caravan site and the construction of roads, drains and hardstanding for reorganised layout ("The Bushes site"), north of Arbor Lane, Pakefield without complying with a condition attached to planning permission Ref W.8089/7, dated 12 November 1982.
 - The condition in dispute is No 2 which states that: The caravans shall not be occupied at any time between 31 October and 31 March (or Easter, whichever is the earlier), and the site shall be used for holiday purposes only.
 - The reason given for the condition is: To prevent the occupation of holiday seasonal accommodation on an individual basis as permanent housing.
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Decision

1. The appeal is allowed and planning permission is granted for use of approx. 7.1 acres as static holiday caravan site and the construction of roads, drains and hardstanding for reorganised layout ("The Bushes site"), north of Arbor Lane, Pakefield at Pakefield Caravan Park, Arbor Lane, Lowestoft NR33 7BE in accordance with the application Ref DC/21/0749/VOC dated 15 February 2021, without compliance with condition number 2 previously imposed on planning permission Ref W.8089/7 dated 12 November 1982 and subject to the following conditions:

1. The static caravans hereby approved, shall only be occupied in accordance with the following:

- (i) the caravans are occupied for holiday purposes only;
- (ii) the caravans shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual 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.

Background & Main Issue

2. A caravan site is operating at the appeal site. The appellant wishes to extend the holiday occupancy period from that originally imposed to 12 month all year holiday occupation.
3. I understand that the appeal site has had a number of applications considered relating to the permitted occupancy period of the caravan site, and subsequently the closed period has been reduced from that originally approved. I understand that an application has been approved to allow the site to be occupied on an 11 month basis (closed February).
4. The main issue is the whether the extended length of holiday season would result in the loss of a self-catering tourist accommodation.

Reasons

5. Policy WLP8.15 of the East Suffolk Council, Waveney Local Plan (2019) (the Local Plan) seeks to restrict new self catering tourist accommodation to holiday use only and the period the accommodation can be occupied. The appellant argues that this policy explicitly refers to 'new accommodation' and is not relevant to the appeal site which was granted planning permission in 1982.
6. The Council argue that it would undermine the objective of the Local Plan to support the growth of the tourism industry to only apply policy WLP8.15 to new self-catering tourist accommodation as it would allow newly permitted accommodation a route to re-apply to alter conditions that may restrict its occupation. Notwithstanding this the policy wording refers plainly to 'new self catering tourist accommodation'. I also understand this approach was taken in another appeal¹ referenced by the appellant.
7. Notwithstanding this I am conscious that the policy pre-ambles suggests a period of at least six weeks for new self catering accommodation units to be vacated. The appeal site can operate for 11 months of the year with only four weeks unoccupied. The site also operates as part of a larger caravan site to the south which is unrestricted in terms of holiday occupation period and includes facilities such as reception, offices, restaurant, bar and amusement arcade.
8. Tourist accommodation can come under pressure to be occupied for full time residential use however restrictions can be put in place to ensure that accommodation is retained for holiday use. The Council consider the condition stipulating a closed period of non-occupation of the holiday units is efficient and effective to monitor, and in the event of non-compliance, enforce.
9. Whilst a break in occupation is a convenient way to monitor the accommodation, it would not identify if a caravan was being occupied for 11 months of the year by the same person as a primary residence with the occupant moving out for the stipulated period of four weeks when the site is closed.

¹ Appeal Ref: APP/X3540/W/19/3237328

10. I have not been provided with substantive evidence to persuade me the condition offers the only or most efficient and effective way to control non-residential use of the site.
11. I am satisfied that a condition could be attached capable of restricting the caravans to a holiday use without occupation as permanent residential accommodation without a period of non-occupation.
12. In view of the above, I conclude that removal of condition 2 of planning approval ref W8089/7, dated 12 November 1982 extending the length of holiday season would not result in the loss of self-catering tourist accommodation. There is no conflict with Policy WLP8.15 of the Local Plan which seeks to ensure, amongst other things, that tourism development is not used as permanent residential accommodation.

Other Matters

13. Third Party representation relating to processing and consideration of the planning application, I have no substantive evidence before me to suggest that the correct process was not followed. Concerns raised included coastal erosion, environmental, operational and management issues associated with the site.
14. I note that a Coastal Erosion Vulnerability Assessment was submitted with the proposed development the report concludes that the proposed development would have no impact on coastal change of the site area. The Council do not disagree with the report findings. I have no substantive evidence before me to suggest that extending the timescale for use would environmentally harm the area.
15. The operation and management issues raised are not land use planning consideration and are therefore matters that I cannot take into account.

Conditions and Conclusion

16. The national Planning Practice Guidance advises that where an application under section 73 of the Act is granted, the planning permission should also restate the relevant conditions from the original planning permission that continue to have effect.
17. As the development has commenced, there is no requirement to impose condition 1 from the original permission. The Council have confirmed that Conditions 3 - 6 were not carried forward onto the most recent approvals on the site and do not consider these conditions from the original permission necessary.
18. For the above reasons I conclude that this appeal should be allowed and condition 2 removed subject to a condition restricting the use of the accommodation in the interests of safeguarding the accommodation for holiday use.

C Pipe

INSPECTOR