



Appeal Decision

Site visit made on 12 September 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/Y2620/W/23/3319248

Cable Gap Holiday Park, Coast Road, Bacton, Norfolk, NR12 0EW

- 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 C Crickmore against the decision of North Norfolk District Council.
 - The application Ref RV/22/1661, dated 7 July 2022, was refused by notice dated 10 October 2022.
 - The application sought planning permission for 17 additional static caravans in lieu of 27 approved touring caravans without complying with a condition attached to planning permission Ref PF/95/0713, dated 10 November 1995.
 - The condition in dispute is No.2 which states that: The caravans shall not be used for habitation purposes during the period 4 January to 15 February in any year. During this period they shall only be used for storage of household effects.
 - The reason given for the condition is: To enable the Local Planning Authority to retain control over the use of the site which is not considered a suitable location for permanent residential development and to accord with the policy of the North Norfolk Local Plan.
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Decision

1. The appeal is allowed, and planning permission is granted for 17 additional static caravans, in lieu of 27 approved touring caravans, without complying with condition 2, of planning permission ref PF/95/0713, at Cable Gap Holiday Park, Coast Road, Bacton, Norfolk, NR12 0EW, in accordance with the terms of the application, Ref RV/22/1661, dated 7 July 2022, subject to the following condition:
 - 1) The occupation of the static caravans shall be for holiday purposes only.

Preliminary Matters

2. The application form, the appeal form, and the decision notice, all refer to the removal of condition 2 of planning permission reference PF/95/0713, to allow the occupation of the caravan holiday park on a year-round basis. However, as this does not describe an act of development, I have amended the description of development in the banner heading and the decision to match that of the original planning permission, reference 01 940711 PF.

Background and Main Issues

3. The information before me suggests that Cable Gap Holiday Park comprises approximately 76 holiday caravans. This appeal relates to only 17 of those caravans, and specifically to the siting of 17 static caravans in lieu of 27 approved touring caravans. Despite requests, the Council has not provided me with the relevant planning history for the 27 approved touring caravans. As

such, it is unclear whether these were subject to any planning conditions restricting the period within which they could be occupied, or why planning permission was required to substitute touring caravans for static caravans, given that this would not result in a change of use of the land as a caravan site. I have also not been advised whether any other caravans on the same holiday park are subject to any occupancy restrictions.

4. Planning permission ref 01 940711 PF, for 17 additional static caravans in lieu of 27 approved touring caravans was granted, subject to conditions, on 10 November 1994. Condition 3 of that planning permission stated that no caravan shall be occupied during the period between 1 November and 19 March inclusive. The reason for that condition was to ensure that the use of the site was restricted (primarily) to the summer months for which period the caravans are designed, and the site is planned.
5. A subsequent planning permission ref 01 950713 PF (also referenced as PF/95/0713) was granted on 10 November 1995, with a varied condition stating that the caravans shall not be used for habitation purposes during the period 4 January to 15 February in any year. During this period they shall only be used for storage of household effects. The reason was to enable the Local Planning Authority to retain control over the use of the site which is not considered a suitable location for permanent residential development and to accord with the policy of the North Norfolk Local Plan.
6. The main issue is the effect of granting a new planning permission for 17 static caravans in lieu of the approved 27 touring caravans, without condition 2, on i) the safety of the occupiers of the 17 static caravans, having regard to the proximity of the site to Bacton Gas Terminal, and ii) designated habitat sites.

Reasons

Health and Safety

7. Cable Gap Holiday Park is located close to Bacton Gas Terminal, a long-established major development site, which would have existed prior to the 1994 planning permission being granted for the 17 static caravans in lieu of 27 approved touring caravans, and the 1995 planning permission being granted for the same, with a varied condition increasing the occupancy period of those static caravans.
8. I acknowledge that the granting of a fresh planning permission, without the previously imposed condition 2, would enable the 17 static caravans in question to be occupied for holiday purposes for an additional 42 days per year. However, these 17 static caravans were granted in lieu of 27 touring caravans. I have not been advised or provided with any evidence to suggest that the 27 touring caravans were subject to any occupancy period restrictions, and as such I cannot be certain that their substitution with 17 static caravans (a 37% reduction in caravans), would result in increased occupancy levels or intensification of the use of the site as a whole over each year.
9. The general demand for winter breaks in caravans in January and February will remain low due to the weather at that time of year. Data submitted by the appellant demonstrates that average occupancy rates for holiday parks in January and February is less than 15%. It is highly unlikely that removing the occupancy restriction would result in all 17 of the static caravans in question

being occupied for an additional 42 days per year. This is particularly the case for privately owned caravans on the site, which are not sub-let, and which cannot be occupied as dwellings. However, removing the condition would provide caravan owners and visitors with greater flexibility / freedom of choice as to what dates they do stay. Moreover, there is currently nothing to prevent caravan owners visiting the site or their caravans at this time of year, the existing condition only prevents visitors from staying overnight.

10. The occupancy period condition was not imposed on either of the previous planning permissions due to any perceived health and safety risks from the adjacent Gas Terminal. There is no substantive evidence before me to suggest that persons occasionally occupying the 17 static caravans in question for holiday use, between 4 January and 15 February, would be at any greater risk than they would be when visiting the site at any other time of year, or that they would be at any greater risk than those visitors that would have occupied the 27 touring caravans that were substituted by the 17 static caravans, or than visitors staying in any other holiday caravan on the same site.
11. Whilst I have given serious consideration to the concerns raised by the Health and Safety Executive (HSE), the HSE response is based upon the intensification of a substantial development in the inner consultation zone of Bacton Gas terminal, whereas the development in question is the substitution of 27 touring caravans with 17 static caravans, which could be anywhere on the site, in either the inner or middle consultation zone. I am advised that approximately 40 of the 76 caravans on the site are within the inner zone. Following further consultation with the HSE, it was accepted that as the condition relates to 17 rather than 76 caravans on the site, any risk would be lower than that originally anticipated. However, the HSE continues to have concerns regarding the potential increased occupancy period of 11.4% (from 10.5 months to 12 months). The 11.4% occupancy increase assumes that all 17 caravans would be occupied for all of the additional 42 days per year allowed, which is highly unlikely for the reasons already given above. The increased occupancy period, when balanced against the reduced number of caravans, would not in my view result in intensification of the use of the site.
12. I therefore conclude that the granting of a new planning permission, without the previously imposed occupancy condition, for a reduced number of caravans on an existing caravan site, would not extend or intensify the use of the holiday park or result in increased risk to life or property, having regard to the nearby gas terminal. Accordingly, there would be no conflict with Policy EC 10 of the North Norfolk Core Strategy 2008 (the CS), which relates to proposals for new caravan and camping sites or the extension and intensification of existing ones. There would also be no conflict with Policy EN 13 of the CS, which states that development that increases the risk to life or property will not be permitted in major hazard zones.

Designated habitat sites

13. I am advised that the appeal site lies within the Zone of Influence (ZoI) of the following protected sites: the Broadland RAMSAR, Broadland Special Area of Conservation, Broadland Special Protection Area, Winterton-Horsey Dunes Special Area of Conservation, Breydon Water Special Protection Area, Great Yarmouth North Denes Special Protection Area, Norfolk Valley Fens Special Area of Conservation, North Norfolk Coast RAMSAR, North Norfolk Coast

Special Area of Conservation, North Norfolk Coast Special Protection Area, and The Wash and North Norfolk Coast Special Area of Conservation. I have not been provided with any information advising me what the qualifying features of these sites are. Nor have I been advised that any of these sites or their qualifying features would be more vulnerable to visitors within the currently restricted occupancy period of 4 January to 15 February.

14. The Council, in conjunction with other nearby Councils and Natural England, have produced and adopted the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (March 2021) (GIRAMS) to assist them in producing legally compliant local plans and ensuring that residential planning applications, which have the potential to impact on Habitat Sites are compliant with the Habitats Regulations. This document also recognises that new tourist accommodation, including holiday caravans and lodges, touring pitches and campsites, can result in increased recreational disturbance.
15. The Council's Habitat Regulation Assessment (HRA) stage 1 screening assessment concludes that the development would have a likely significant effect on European protected sites in terms of increased recreational disturbance. However, this assessment was based upon the proposal constituting new tourism accommodation, which is not the case.
16. Although allowing the appeal would grant a fresh planning permission for 17 static caravans in lieu of 27 approved touring caravans, it does not relate to the provision of new accommodation. The appeal site is, and was at the time of the previous permissions being granted, an existing caravan park providing existing tourist accommodation. Moreover, the application sought to reduce the number of caravans approved and there is no evidence before me that the 27 touring caravans being substituted with the 17 static caravans, were subject to any occupancy period restrictions. Consequently, the appeal falls outside the scope of the Norfolk GIRAMS and a contribution to strategic mitigation measures is not required.
17. Notwithstanding the fact that static caravans are generally larger and may be occupied more frequently or for longer periods than touring caravans, when balanced against the reduced number of caravans, the development would not in my view result in intensification of the use of the site. As such, the removal of the occupancy condition would not have any likely significant effect on European sites and an appropriate assessment is not necessary.
18. I therefore conclude that the granting of a new planning permission, without the previously imposed occupancy condition, for a reduced number of caravans on an existing caravan site, would not have an adverse effect on the integrity of any designated habitats sites and would accord with Policies SS 4 and EN 9 of the CS. These policies seek to protect the natural environment and habitats sites. The proposal would also accord with the Framework and the Habitats Regulations.

Conditions

19. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As this decision grants a new planning permission for 17 additional static caravans in lieu of 27 approved touring caravans, in a location where new residential development

continues to be unsupported, it is necessary to reimpose the condition to ensure that these caravans are occupied for holiday use only.

Conclusion

20. For the reasons given above, the appeal is allowed.

R Bartlett

INSPECTOR