



Appeal Decision

Site visit made on 29 September 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/U1105/W/25/3369422

Salcombe Regis Camping and Caravan Park, Salcombe Regis, Sidmouth EX10 0JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mr Gary Burns, Salcombe Regis Park Ltd against the decision of East Devon District Council.
- The application Ref 24/2174/VAR was approved on 7 April 2025 and planning permission was granted subject to conditions.
- The development permitted is retention of caravans during 4 winter months on existing bases.
- The condition in dispute is No 2 which states that: The units of accommodation hereby approved:(i) shall be occupied for holiday purposes only; (ii) shall not be occupied as a person's sole, or main place of residence and no individual shall stay/reside within the site for more than 25 weeks in any 12 month period; (iii) the owners/operators of Salcombe Regis Camping and Caravan Park shall maintain an up-to-date register of the names of all owners/occupiers of individual static 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.
- The reason given for the condition is: to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and in order to comply with Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan 2013-2031.

Decision

1. The appeal is allowed and the planning permission Ref 24/2174/VAR for retention of caravans during 4 winter months on existing bases at Salcombe Regis Camping and Caravan Park, Salcombe Regis, Sidmouth EX10 0JH granted on 7 April 2025 by East Devon District Council, is varied by deleting condition 2 and substituting for it the following condition:
 - 2) The units of accommodation hereby approved:
 - i. Shall be occupied for holiday purposes only;
 - ii. Shall not be occupied as a person's sole, or main place of residence; and
 - iii. The owners/operators of Salcombe Regis Camping and Caravan Park shall maintain an up-to-date register of the names of all owners/occupiers of individual static 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.

Applications for costs

2. An application for costs was made by Salcombe Regis Park Ltd against East Devon District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal has been made pursuant to Section 78 of the Town and Country Planning Act 1990 (the Act) which provides the right to appeal where an application for planning permission is granted subject to conditions. Section 79 of the Act provides that I may allow or dismiss such an appeal, or reverse or vary any part of the decision of the Local Planning Authority, and I have considered the appeal on that basis.
4. The description of development was revised by the Council during the application process. However, the phrase 'Variation of condition no.2 of planning permission ref. 88/P1063...' does not refer to acts of development. I have therefore utilised the description provided in the application form in the banner heading above, which is consistent with planning permission 88/P1063.
5. The operative part of planning permission 88/P1063 related to retention of caravans on site, and occupation was controlled by condition. As such, the proposal the subject of this appeal would not be inconsistent with the operative part of the planning permission.

Background and Main Issue

6. Planning permission 24/2174/VAR was granted under Section 73 of the act in relation to a variation of a planning condition imposed on planning permission 88/P1063 in order to allow all year round holiday use of caravans. This planning permission included a new condition (2). The wording and reason for this condition are set out in the banner heading above.
7. The appellant contends that condition (2), and in particular part of Condition 2(ii), fails to meet the tests for planning conditions set out in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) in that it is not necessary, relevant to the development to be permitted, precise, reasonable nor enforceable. The appellant therefore seeks removal of part of part (ii) of the condition.
8. In light of the above and taking into account the reasons provided for the imposition of the disputed condition, the main issue is whether the condition is necessary, relevant to the development to be permitted, precise, reasonable and enforceable having regard to the appeal site location.

Reasons

9. The appeal site is part of an established camping and caravan park which the appellant states has been used for the siting of static caravans for over 30 years. The site is located outside of Salcombe Regis in a rural area and is therefore in the open countryside for planning policy purposes, as well as being within the East Devon National Landscape(NL) and a Coastal Protection Area(CPA).
10. Strategy 7 of the East Devon Local Plan 2013-2031 (LP) sets out that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development. It is clear from the evidence before me that the purpose and intention of imposing condition 2 was to ensure that the caravan accommodation would be used for holiday purposes only, and not to be used for permanent residential occupation.

11. I have not been made aware of any development plan policy that would permit the permanent residential use of the caravan accommodation the subject of this appeal at this location. As such, a condition is necessary to ensure it is occupied as holiday accommodation. Moreover, although condition 2(ii) does result in a restrictive period of time for an individual, it does not go so far as result in a seasonal restriction, and therefore I find that the condition is relevant to the development to be permitted. Furthermore, its requirements are clear and precise, and I acknowledge the Council's desire to provide greater clarity on occupation.
12. However, no development plan policy has been highlighted to me that stipulates the requirement of a seasonal or 25-week restriction. Whilst it is the case that a planning condition does not necessarily require such policy wording, the requirements of condition 2(i) and first part of 2(ii) would nevertheless prevent permanent residential occupation.
13. Indeed, a later permission at the same caravan park granted under 24/2279/VAR does not include the restrictive 25-week period element, despite being imposed by the Council for a similar planning reason as the appeal condition. This means that under the terms of such permissions, other caravans could be occupied by the same individual for longer than 25 weeks in any 12-month period at the same camping and caravan park, subject to condition that the caravans shall be used as holiday accommodation only.
14. Furthermore, my attention has been drawn to a number of other permissions in the same district which feature holiday occupancy conditions without the restrictive 25-week period. Notwithstanding, an interested party has indicated that the majority of these other sites only operate seasonally. Even if this is the case, the permission before me allows for the site to be operational for 12 months of the year for holiday use and thus the Council has confirmed that it is acceptable for the development to be used all year round for holiday use.
15. In addition, I have not been provided with substantive evidence of any difference in the development's impact whether it is occupied for holiday purposes by the same person for up to, or more than 25 weeks having regard to the open countryside or indeed benefits to the local economy. As such, I find that whilst a condition is required to restrict occupancy to that for holiday use, the requirement for a 25-week restriction would not be necessary or reasonable.
16. Moreover, in terms of enforceability, condition 2(iii) requires a register to be kept of the names of all owners/occupiers of the caravans and of their main home addresses and for the information to be made available at all times upon request to the local planning authority. There is however no requirement for the register to record the dates on which the occupiers/owners occupy the caravan during the year. This means that it would be extremely difficult if not impossible for the Council to know if someone had occupied a caravan for more than 25 weeks in a calendar year in breach of condition 2(ii) to be able to enforce. I therefore find condition 2 to be unenforceable.
17. In conclusion, whilst Condition 2 is relevant to the development to be permitted and precise, I find that the 25-week restriction is not required to make the development acceptable, and therefore not necessary or reasonable. Furthermore, the condition as a whole is unenforceable and does not comply with the PPG and the Framework. However, given the location of the appeal site, a condition is

required to ensure that the caravan accommodation is used for holiday purposes only, and not permanent residential occupation. As such, condition 2 should be removed, and replaced with a new condition as set out in the formal decision. In coming to such findings, I have had regard to LP Strategy 7 which amongst other matters, relates to development in the countryside.

Other Matters

18. As well as matters covered in the main issue above, several other matters have been raised by interested parties. These include light pollution and effect on the character and appearance of the area (including the NL and CPA and nearby Salcombe Regis Conservation Area(CA)), water run-off and sewage, highway safety, effect on tourism industry, and lack of justification for all year-round use of caravans.
19. In addition to the statutory duty at section 85 of the Countryside and Rights of Way Act 2000, the Framework provides that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes.
20. Caravans at the appeal site can currently be retained under planning permission 88/P1063 and are able to be occupied for 12 months of the year for holiday purposes, albeit stays by differing individuals. Thus, in terms of the visual effects on the NL and CPA (including from light pollution), there would be no change in this regard via the removal of the 25-week restriction. Furthermore, given the proposal would retain holiday use of the appeal site, the character of the use of the appeal site, as well as its potential contribution to the local economy would not materially change. This would also be the case in terms of water run-off and sewage, and highway safety and as such the proposal would not result in any harm in these respects.
21. Furthermore, the appeal site is in close proximity to, but not within, the CA. The significance of the CA as a whole arises in part, from the built form and pattern of development of Salcombe Regis within a narrow steep vale sloping towards the sea. However given the reasoning above, the proposal would not result in any differing appearance to the appeal site or surrounding area or otherwise change the character of use of the appeal site. As such, it would have a neutral effect on the significance of the CA.

Conclusion

22. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition and substituting it with a new condition.

S Harrington

INSPECTOR