

Application No: 10/4254M

Location: THE CARAVAN SITE, ELM BEDS FARM, ELM BEDS ROAD, POYNTON, SK12 1TG

Proposal: VARIATION OF CONDITIONS 1 & 2 FROM APPROVAL 5/5/5116 TO ALLOW MAXIMUM OF 12 CARAVANS TO BE OCCUPIED BETWEEN 1ST MARCH AND 15TH JANUARY ANNUALLY

For MR VICTOR WHITTAKER

Registered 27-Oct-2010

Policy Item Yes

Grid Reference 394487 382724

Date Report Prepared: 13 December 2010

SUMMARY RECOMMENDATION: Refuse.

MAIN ISSUES: Impact on neighbours.

Impact on Green Belt and character of the area.

Impact on highway.

REASON FOR REPORT.

The site has particular local resident interest and is considered to be contentious. The proposal raises issues which are best considered in an open forum.

DESCRIPTION OF SITE AND CONTEXT.

The application site is occupied and used by Elm Beds Caravan Park, which is a recreational caravan park accessed off Elm Beds Road. Elms Bed Road is an unadopted road with a mixed uneven surface of stone setts and tarmac.

Planning permission was originally granted for the caravan park in June 1961 under planning application 5/5/5116. The conditions attached to this consent require the site to be closed seasonally, between 31 October to 1 March each year.

There is a total of 54 caravans on site which are located to the south of the site.

To the north of the application site lies Elm Beds Farmhouse, and an area designated for caravan storage and two areas designated for touring caravans and tents.

The application site is situated within the Green Belt and an Area of Special County Value as designated by the Macclesfield Borough Local Plan. Macclesfield Canal Conservation Area lies to the east of the site and has been extended to include a length of Elms Bed Road which extends for a short length within the red edge site plan.

DETAILS OF PROPOSAL.

Planning permission was granted on 20th June 1961 for the use of this site as a caravan park. This permission was conditional and conditions 1 and 2 read as follows;

Condition Nos. 1:

“This permission shall not authorise the use of the land as a site for caravans except during the period from 1st March to 31st October each year, and such use shall not supersede the normal use of the land for agricultural purposes.”

Condition Nos. 2:

“No caravans shall be occupied for human habitation except during the period 1st March to 31st October in each year.”

This planning application seeks consent to vary these conditions to allow a maximum of 12no. caravans to be occupied between 1st March and the 15th January annually. The remaining 42 static caravans would not be available for occupation between 31st October and 1st March in line with the original consent and site licence.

RELEVANT HISTORY.

07/2420P Removal of conditions one and two attached to application 5/5/5116 to enable caravans to be occupied between 1st March and 15th January annually
Withdrawn 01.11.2007

08/0802P Certificate of lawfulness for the existing use of land as caravan site and for caravan storage
Positive Certificate granted 04.08.08 for:
Use of area edged red for the stationing of 54 static caravans offering seasonal occupation between 1st March and 31st October each year, the area hatched orange (discluding the permanent residential caravan – hatched black) for the use of

the land for recreational pitches for tents and touring caravans and the area hatched green for the storage of 12 touring caravans, as indicated on the local planning authority's location plan.

- 08/0803P That one caravan has offered permanent residential occupation throughout the year
Positive Certificate granted 04.08.08 for:
The stationing of one residential static caravan (as indicated on the Local Planning Authorities location plan)
- 08/1447P Variation of conditions 1 & 2 from approval 5/5/5116 to allow a maximum of 12 caravans to be occupied between 1st March and 15th January annually
Approved 10.09.08
Temporary consent expired 10.09.10
- 09/0362M Retention of caravan for use as temporary dwelling (Elm Lodge)
Refused 01.06.09
Appeal dismissed 19.03.10.
- 10/3116M Removal/variation of conditions attached to application 5/5/5116 for caravans approved 20th June 1961 to extend opening period to 10.5 months each year.
Refused 13.10.10.

POLICIES.

Regional Spatial Strategy.

DP1 Spatial Principles
DP7 Promote Environmental Quality.

Local Plan Policy.

NE1	Areas of Special County Value
BE3	Conservation Areas
BE6	Macclesfield Canal Conservation Area
DC3	Amenity
DC6	Circulation and Access
RT13	Promotion of Tourism

Other Material Considerations.

PPS4 – Planning for Sustainable Economic Growth
PPS6 - Planning and the Historic Environment.
PPS7 – Sustainable Development in Rural Areas
Good Practice Guide on Planning for Tourism

CONSULTATIONS (External to Planning)

Highways:

The Highway Engineer notes there were a number of highway issues raised on the previous application for all caravans to have the occupation period extended and considers these issues are still relevant to this application despite the reduction in use of the number of caravans. The access is constrained to one way flow and is very poorly maintained and the junction does not provide the required level of visibility. I would not wish to see the use of the access intensified above that already consented through existing planning permissions. Therefore, it is not recommend that the conditions are removed.

Environmental Health:

Do not object to this application subject to the following comments

Understand that this application is in relation to the expired temporary permission 08/1447P. It is suggested that the caravans be nominated on a plan including pitch number and also owner occupier details confirmed and stipulated clearly to enable clarity and ease planning enforcement if so permitted.

VIEWS OF THE PARISH / TOWN COUNCIL

Poynton Town Council recommend refusal on the same grounds as the previous application for extended use of amenity, impact on Conservation Area and highway safety.

OTHER REPRESENTATIONS.

Seven neighbour letters of objection has been received summarised on the following grounds;

- previous temporary consent for 12 caravans caused great resentment from residents who bitterly opposed any erosion of the 4 month period of respite from the constant problems of noise, disturbance, road safety and potential property damage. Reasons to refuse previous application still relevant now.
- Local authority received many complaints during course of this ill-conceived experiment which was believed only an excuse to permit permanent residents to live and work from the site.
- Residential cul-de-sac of Elms Bed Road is a Conservation Area and is now in a parlous state of disintegration due to excessive and heavy use.

- When temporary permission was in force during severe weather, there were many incidents involving site traffic which had to be dealt with by residents.
- Elms Bed Road is not classed as a highway and should never have been. The existing caravan site does not have a legal right to use road. Example of court case provided where it was found access granted for agricultural use was excessive when dominant land was converted into a 200 placement caravan site. Court found claimant was not entitled to use the right of way to that extent since it exceeded that which was contemplated at the time. Grant entitled to use right of way for a small number of caravans that would be no more onerous than agriculture.
- Elms Bed Rd is substandard and does not comply with national design standards. Junction with Shrigley Rd is very narrow with poor visibility splay confirmed by the Highway Engineer.
- Increase damage to road and property caused by size and quantity of vehicular traffic.
- Power supply problems with increase demand leading to increase in possible more power losses.
- Only 17 houses on Elms Bed Rd, allowing 12 caravans extended season could easily double vehicular traffic.
- Site can resolve problem by organising its own access over land it possesses.
- Site is not sustainable but is badly situated, with poor access.
- Trusts authority will serve a Planning Contravention Notice to gauge activities being carried out on site. Believe site not satisfactorily policed over previous 2 years.
- Believe any further permission to extend use of the site for 12 caravans will only encourage further illegal residential use and applications to extend.
- Unresolved issues concerning previous applications need to be resolved. Cannot comprehend how further applications can be considered until original issues resolved.
- Caravans being used as primary residencies and 6 week closure makes substitute accommodation easy to obtain.
- Only benefit site owners not local tourism.
- Not a sustainable site as only limited public transport and Poynton village being 1.5 miles away. No benefit to local community of businesses.

One neighbour letter has been received whilst not having any objection to the presence of a caravan site at the end of the road although being quite flattered that people should want to holiday in the area where I am privileged to live, I do object to any further development that will effect the essential character of the area. Considers the extension of the permitted opening months will effectively change the nature of the site from one of recreation to a permanent residence, thus nibbling away at the rural nature of the area. I understand that some of the recreational caravan owners have expressed an understandable wish to spend Christmas/New year at the site, in order to accommodate this I suggest the creation of a two week window,

encompassing this holiday period, during which time the site might briefly reopen.

One letter received confirming not objecting to a limited number of caravans being given approval.

British Waterways have confirmed after due consideration of the application details have no objections to the proposed variation of conditions.

APPLICANT'S SUPPORTING INFORMATION.

In a letter attached to the submitted application, the applicant confirms the number of caravans being applied for having the restriction being removed has been reduced and now requests only 12 caravans to be occupied for an extended period of 10.5 months. This follows on from a temporary permission being granted for a 2 year period under reference 08/1447P.

The applicant confirms the reason for the application is to extend the recreational use of the site and argues the proposal is supported by National Policy and Guidance contained in PPS7, PPS4 and The Good Practise Guide on Planning for Tourism. Briefly the applicant argues PPS7 supports tourism and leisure particularly when located close to service centres or villages and it is noted the proximity of Higher Poynton and Poynton.

PPS4 policy EC7 is most relevant and states LPA's should support sustainable rural tourism and leisure developments. This policy supports expansion of tourist facilities where the scale is appropriate to its location and where expansion may help to secure the future viability.

The Good Practise Guide on Planning for Tourism recognises sites close to settlements will generally be more sustainable. With better caravan standards and trend towards tourism as a year round activity, authorities should give sympathetic consideration to applications to extend the opening periods. Reference is made to Annex B of the guide. Occupancy conditions can be designed to ensure holiday accommodation is used for its intended purpose ensuring caravans do not become part of the housing stock.

The applicant considers the four reasons for refusal of the application to remove all restrictions, (10/3116M), have been addressed in reducing the number of caravans to 12. The recreational use of 12 caravans for the extended period will not lead to any material harm to the amenities of residents or detrimental to highway safety. Similarly the applicant believes it cannot be argued extending the use of 12 caravans would be harmful to the character or appearance of the Conservation Area.

The applicant contends in granting the temporary planning permission in 2008 it was agreed the extended period of 12 caravans was acceptable and there have been no changes in circumstances or policy that could lead to any different conclusion.

OFFICER APPRAISAL.

Principle of Development.

The main issue considered to be addressed in assessing this application is whether there has been any material changes in policy or circumstances following the temporary consent granted in allowing a maximum of 12 of the 54 caravans on site to be used without the restrictions on occupation provided by the original consent in 1961.

In this assessment regard has to be given to the two previous consents which are the temporary consent being granted in September 2008 for the relaxation now being applied for, and the refusal in October 2010 for the extension of the opening period of all the caravans on the caravan park to 10.5 months of the year.

The application 10/3116M was refused on four grounds summarised below;

- Noise and disturbance for nearby residents would result as a result of an increase in activity at the site contrary to Policy DC3.
- Contrary to interests of highway safety as it would result in additional traffic using junction of Shrigley Road and Elms Bed Road which is substandard.
- An increased hazard to other road users on Elm Beds Road and Shrigley Road.
- Elms Bed Road is in a Conservation Area and increased traffic movements will cause further damage to road surface contrary to Policies BE3 and BC6.

Whilst this decision was based on all 54 caravans being subject to the extended occupation dates, the limit of 12 caravans now proposed will have a significant reduction on the impact. It has to be assessed as to whether this incremental increase would have a significant impact to justify refusal of this application.

Consideration for this application includes assessing the potential benefits of providing additional tourist accommodation during the winter months, the impact the additional use of the site will have on the amenity of residents of Elm Beds Road, and the access to the site in Highway Safety terms, and the impact on the character of the Conservation Area.

Appraisal.

As there were local concerns about the caravans being permanently occupied, it was recommended that a temporary consent be granted for two years, with conditions attached requiring the applicant / site manager to

submit a plan before the 31 October each year clearly indicating which static caravans are to be occupied between 31 October and 15 January each year. This would enable the Local Authority to monitor the use of each of the static caravans on the site, in accordance with the site licence conditions.

Records have been received by the Planning Enforcement section detailing the caravans and occupants during the extended period which were all in order. Any permanent consent granted should also be subject to this condition. In order to fully assess the proposal consideration needs to be given, and the issues addressed, to the reasons for refusal on the previous application for all the caravans on site.

In order to assess this application regard has to be given to the reasons for refusal on the previous application and be mindful of the purpose of the application which is to extend the period of occupation of only 12 of the total number of caravans on site.

Amenity.

In order to address the objectors concerns about the potential for caravans to be permanent residence a condition can be attached to any approval granted ensuring the caravans are for holiday accommodation only as suggested within The Good Practice Guide on Planning and Tourism. Furthermore there would still be a seasonal break which would be sufficient in combination with the occupancy condition.

Complaints/objections have been received on the grounds of disturbance caused by vehicle movements to and from the site at unsociable hours. There are no planning restrictions on vehicle movements to and from the site only restrictions on occupation. This would not prevent owners of the caravans arriving on site for routine maintenance or repair.

Whilst it is recognised that there is a consent in place to allow access to the site between 1st March and 31st October per year, the key consideration is whether an extended opening season would exacerbate the problems that are already experienced by local residents, in particular, a loss of amenity by virtue of noise and disturbance caused by the traffic along Elm Beds Road.

At present, the only respite the residents have is during the 16 week closed period. Residents are already aggrieved by the traffic to the site and it is considered that reducing the closed period to just 6 weeks per year even for just 12 caravans will have a significant adverse impact on residential amenity, by virtue of increased traffic movements, noise and disturbance, contrary to policy DC3 of the Local Plan.

Highway Issues.

Access to the site is the key issue in respect of this application.

Access to the site is off Ringley Road via Elms Bed Road and the Highways Department have raised an objection to the application. They consider that the site is served from a single private track which is in a very poor state of repair and cannot accommodate a two-way flow of traffic. In addition, the junction with Elm Beds Road has restricted visibility in the southerly direction.

As the access serves both the caravan site and residential units the access to these properties is well below the standard that should be provided. Although there is already a consented development that generates traffic for a number of months in the year, this should not be further intensified by removing the conditions.

Impact on the Conservation Area.

With reference to the damage to Elms Bed Road, the caravan park has a total of 54 caravans all using this road. This would result in a potential maximum number of vehicle movements of 108 assuming one vehicle per caravan over the occupation time of the site between 1st March to 31st October. This eight month period is proposed to be extended by 2.5 months for only 12 caravans. Assuming 12 caravans are occupied during the proposed extended time, this would result in a maximum number of vehicle movements of 24 over the additional 2.5 month period.

A number of concerns have also been raised in respect of increased traffic movements and damage to Elm Beds Road as a result of proposal.

The access to the land which this application applies is via the historic Elm Beds road (contained within the Macclesfield Canal Conservation Area) and has for some time been in a poor state of repair exacerbated by poor utility company reinstatement and heavy vehicle movements. In the c19 this farm track gave access to Elm Beds farm and was very much associated with agricultural activity, its new found use as an access not only for domestic dwellings but also for additional vehicle movements associated with serving a caravan site has stretched the traditional construction of the road to a point that is beyond its design capability. There is concern that if any additional strain were to be put on this road it would be compromised and no longer be an asset to the conservation area.

PPS5 Policy HE6 requires applicants to assess the significance of any heritage asset within a conservation area, this has not been done; the road makes a positive contribution to the conservation area and should be considered as a heritage asset, therefore any potential for damage (policy HE6.2) to an asset that any application makes should be taken under consideration. Again PPS5 policy HE7.2 assessment on the impact of

heritage asset should be considered; the fact that a heavier traffic load would be generated with an increase in opening times is a significant contributing factor to any potential damage to this asset. Policy HE7.3 suggests that this asset has significance within the local community as such community views should be of high value. Policy HE7.4 highlights the positive role the asset has within place shaping and the positive contribution the asset has within that community. Deterioration of this asset would undermine its value, policy HE9.2 amplifies the need to not harm the heritage asset and the public benefit would not outweigh the harm to this asset.

The Conservation Officer objects to the proposal due to the impact additional traffic will have on Elms Bed Road and recommends refusal of the application.

National Planning Policy.

National planning policies seek to promote rural tourism, in appropriate, sustainable locations.

The relevant guidance to consider when assessing this application are Planning Policy Statement 4: Sustainable Development in Rural Areas and the Good Practice Guide on Planning for Tourism.

PPS4 Policy EC7 (Planning for tourism in rural areas) advises authorities support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors. Such proposals however should not harm the character of the area. Through the LDF process support should be provided for expansion of tourist and visitors facilities balancing need against impact. Tourist/visitor facilities where possible should be located in existing buildings and extensions to existing tourist accommodation should be supported where the scale is appropriate.

The policy covers extensions of the built form but also can be regarded as covering expansion of existing facilities by removing restrictions on use. Whilst visual intrusion is a major factor in assessment with compliance with this policy, the main impact is one of amenity as whilst buildings on site will not increase, impact on amenity would become an issue with potential increase in traffic and physical impact on the highway.

The site is situated within a rural location with no amenities within reasonable walking distance of the site. Poynton Town Centre is located approximately 2 km from the application site. The main means of transport to the site is by private car. Access to the site by bus is possible, however the bus service along Shrigley Road is not a regular service.

The Good Practice Guide on Planning for Tourism published in May 2006 (replacing Planning Policy Guidance Note 21) offers specific guidance in relation to holiday, touring caravan and chalet parks. This guidance is supportive of seasonal accommodation whilst acknowledging the need to protect landscape and environmentally sensitive areas. Support is given subject to the imposition of conditions ensuring the site is closed for 6 weeks of a year.

The current application proposes that the site would close between 15 January and 1 March each year in accordance with Government Guidance.

The Good Practice Guide on Planning for Tourism advises that planners will need to weigh up the other benefits of a tourism proposal against any disadvantages arising from its location. Paragraph 5.4 of the guide, advises that for small-scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments.

It is recognised that access to the site is one of the key issues in respect of this application. Whilst it is acknowledged that there is a consent in place to allow access to the site between 1st March and 31st October per year, the key consideration is whether an extended opening season would exacerbate the problems that are already experienced by local residents, in particular, a loss of amenity by virtue of noise and disturbance caused by the traffic along Elm Beds Road. The site would be open for a further 6 weeks per year, 46 weeks per year in total although the additional period would only relate to 12 caravans. At present, the only respite the residents have is during the 16 week closed period. Local residents are already aggrieved by the traffic to the site; it is considered that reducing the closed period to just 6 weeks per year will have a significant adverse impact on residential amenity, by virtue of increased traffic movements, noise and disturbance, contrary to policy DC3 of the Local Plan.

Local Planning Policy

RT13 of the Macclesfield Borough Local Plan encourages improvements to services and facilities associated with existing tourist attractions. Whilst there is no specific guidance available within the Local Plan with regards to static caravans, these are valuable assets to the provision of tourism/leisure facilities and it is considered general support for the expanded occupation of 12 caravans would be provided under this policy.

Objections received.

The court case referred to by an objector appears to make reference to a decision being made on what is 'excessive' where it was found agreement to use the right of way for agricultural use then changed to access for a 200 unit caravan park was excessive and not covered by the grant of right to use the

access. Whilst there are similarities with this particular case, the site is for only 54 caravans and the number of units will not change as a result of this proposal. Using Elm Beds Road has always been the access to the site.

The legal right for Elm Beds Road to be used as the sole vehicular access to the caravan park is not an issue the Council can confirm. This is a matter the site owner and residents of Elm Beds Road need to address. Granting planning permission will not provide rights on the applicant to use Elm Beds Road.

With reference to existing planning issues, the Planning Enforcement Officers are currently investigating allegations of permanent residencies and will be taking appropriate action following their investigations.

If further expansion of either the site generally or the season of occupation of the caravans is proposed, then this would be subject to further applications which will be considered on their merits.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst it is accepted in policy the addition of tourist accommodation can be beneficial, the accommodation must be provided in appropriate, sustainable locations. The application site is not considered to be appropriate or sustainable.

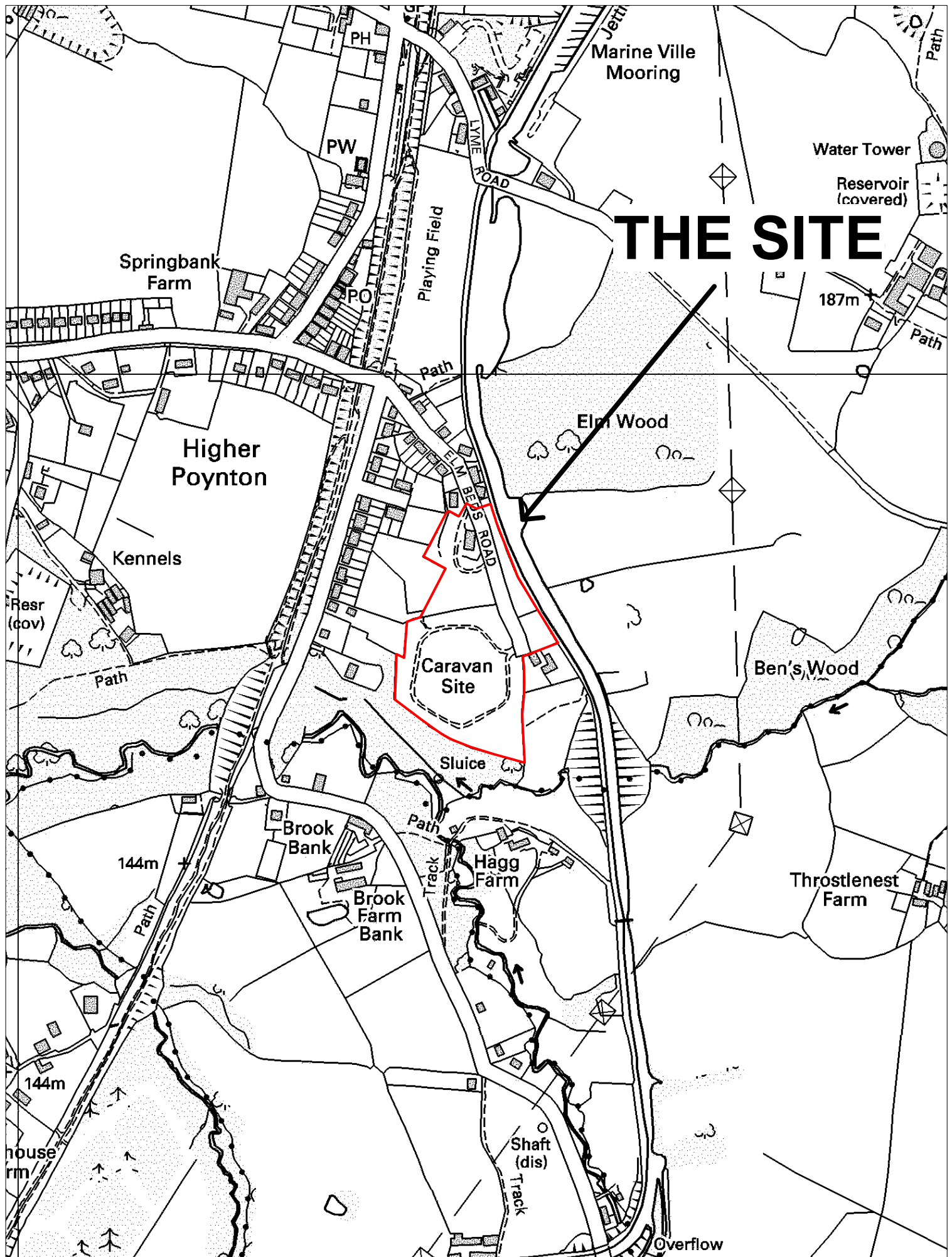
Access to the site is poor, and gives rise to significant residential amenity and highways safety issues and vehicle movements to and from the site are damaging Elms Bed Road which is regarded as a Conservation Asset.

In this instance it is considered that the provision of additional tourist facilities do not outweigh the harm caused by loss of residential amenity, highway safety and adverse impact on the character of the Conservation Area and on the basis of the above information, a recommendation of refusal is made.

Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R07MS - Unneighbourly use
2. R01CA - Adverse effect on Conservation Area
3. R07HW - Unacceptable increase in traffic at the junction of Shrigley Road and Elm Beds Road



10/4254M THE CARAVAN SITE, ELM BEDS FARM, ELM BEDS ROAD, POYNTON, SK12 1TG
 NGR- 394,470:382,720

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045.

 Scale 1:5000