

**Application No: 10/4083M**

**Location: RODE HEATH WOOD, BACK LANE, EATON**

**Proposal: VARIATION OF CONDITIONS 9, 10, 12 RELATING TO 06/2254P (APPEAL DECISION APP/C0630/A/07/2033939). THE PURPOSE OF THIS APPLICATION IS TO ENSURE ONE OF THE UNITS CAN BE OCCUPIED FULL TIME BY A MANAGER INCLUDING DURING THE CLOSED SEASON.**

**For MR & MRS NOAD**

**Registered 15-Oct-2010**

**Policy Item No**

**Grid Reference 387269 366585**

### **SUMMARY RECOMMENDATION**

Refuse

### **MAIN ISSUES**

- Whether there is a functional need for a residential managerial presence to justify an isolated dwelling in the countryside.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a caravan site that is currently under construction within existing woodland. The site is located within Countryside Beyond the Green Belt as identified in the MBLP.

### **DETAILS OF PROPOSAL**

This application seeks to vary conditions 9, 10 and 12 from appeal reference APP/C0630/A/07/20339390 to allow one of the units (plot 10 on the approved layout plan) to be occupied all year round by a full time site manager.

Condition 9 states, *"The caravans shall be occupied for holiday purposes only."*

Condition 10 states, *"The caravans shall not be occupied as a person's sole or main place of residence."*

Condition 12 states, *"No caravan shall be occupied between 14<sup>th</sup> January and 1<sup>st</sup> March in any year."*

## **RELEVANT HISTORY**

09/3544M - Change of use of land to allow the siting of 23 timber clad twin unit caravans – Not determined, Appeal allowed 12.07.2010 (Costs awarded against the Council)

09/1509M – Change of use of land to allow the siting of 23 timber clad twin unit caravans - Refused 14.08.2009, Appeal allowed 12.07.2010 (Costs awarded against the Council)

08/2729P - Creation of temporary access (in location of existing field access) to allow delivery of static caravans, and erection of boundary fence and gates - Approved with conditions 26/03/09

08/2291P - Variation of conditions 5 (lighting), 7 (ecology) and 21 (drainage) on application 06/2254P (pre-commencement conditions) to allow works to commence on the internal road only, in accordance with the badger licence granted by Natural England - Withdrawn 18.11.2008

06/2254P - Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping - Refused 06.11.2006, Appeal allowed 03.12.2007 (Costs awarded against the Council)

## **POLICIES**

### **Regional Spatial Strategy**

DP1 - Spatial Principles

DP4 - Make the Best Use of Existing Resources and Infrastructure

DP5 - Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP8 - Mainstream Rural Issues

RDF2 - Rural Areas

W7 - Principles for Tourism Development

### **Local Plan Policy**

RT13 - New Tourist Attractions

GC5 - Countryside Beyond the Green Belt

GC6 – Countryside Beyond the Green Belt

### **Other material considerations**

- Good Practice Guide for Tourism
- PPS7 (Sustainable Development in Rural Areas)
- PPG13 (Transport)
- Tourism Matters – A report on Tourism in Macclesfield Borough (2002)
- A Vision and Strategy for tourism to 2015 - Cheshire and Warrington Tourism Board (2004)
- PPS4 (Planning for Sustainable Economic Growth)
- Circular 11/95 Use of Conditions in Planning Permission

## **CONSULTATIONS (External to Planning)**

North Rode Parish Council – Object on the grounds that the application is premature as there are no units at Rode Heath Wood being occupied. Similar sites have permanent barriers in the closed season.

## **OTHER REPRESENTATIONS**

None received

## **APPLICANT'S SUPPORTING INFORMATION**

A supporting letter has been submitted on behalf of the applicant suggesting that in addition to the variation of conditions outlined above, a new condition is imposed to read:

*“The occupation of the caravan to be sited on plot 10 shall be limited to a person solely or mainly employed as an on site manager for the holiday park (including any dependents of such a person residing with them)”*

The supporting letter also makes reference to paragraph 24 of the Good Practice Guide where it acknowledges that for many types of holiday parks a residential managerial presence is essential. The responsibilities of the site manager are also listed. In this case the high quality service that the site is seeking to provide requires an on site presence. The policy tests in Annexe A to PPS7 for occupational dwellings in the countryside are also addressed.

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposed variation of conditions will have the effect of providing a unit of permanent residential accommodation for a site manager. Paragraph 24 of The Good Practice Guide on Planning for Tourism states that, *“a residential managerial presence is often essential, to achieve quality service to the customer, security for the property, and to meet the obligations of health and safety regulations”*.

Policy GC6 of the Macclesfield Borough Local Plan states that in the open countryside new dwelling will normally be allowed if *“they are required for a person engaged in agriculture, forestry, or other rural enterprise appropriately located in the countryside, and a location in the countryside is essential for the efficient working of the enterprise”*. PPS7 identifies that isolated new houses in the countryside require special justification for planning permission to be granted. In this case it is considered that as an occupational dwelling, paragraph 15 of Annex A to PPS7 is relevant where it advises Local Authorities to *“apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers’ dwellings”*. The following tests should

therefore be applied to the extent that they are relevant to the nature of the enterprise concerned.

**(i) Clear evidence of a firm intention and ability to develop the enterprise concerned.**

It is acknowledged that significant investment has been made in the site by providing some infrastructure, hard and soft landscaping and some of the caravans. The site has also been marketed with a website, promotional literature and with advertisements in the press, and it is understood that a number of the units have been sold. Collectively, these factors are considered to indicate a firm intention and ability to develop the caravan park.

**(ii) Functional need.**

The supporting information submitted on behalf of the applicant outlines the responsibilities of the site manager, which they consider demonstrate a functional need for an on site manager. These are:

- To provide high quality support and 24 hour service to visitors.
- On site security during open and closed periods.
- To deal with late/early arrivals/departures.
- To manage the travel plan including picking up / dropping off at stations, local restaurants and attractions (including out of hours).
- Emergency repairs during the open and closed season.
- To manage deliveries / waste collections etc.
- To manage cleaning and other staff who will often work outside normal working hours.

The above information does indicate that there is a role for a manager on the site. However, the functional test in PPS7 is whether, *“it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times”*.

Having regard to the identified responsibilities of the manager, it is not clear what the “high quality support and 24hr service to visitors” actually involves. As the site is not yet up and running it is not known how it operates, nor what services are offered to owners, and what demand there is for these services. It is also unclear if these responsibilities would extend to a requirement for a full time worker.

On site security could be provided by the simple presence of occupants of other caravans, or perhaps by CCTV. As the units are to be individually owned, it is assumed that they would be permitted to arrive at / depart from their own caravan without supervision. Therefore, is it essential for somebody to be there to greet them immediately upon arrival?

Similarly, is it essential for the driver of a minibus to be permanently present on site, when travel arrangements could be organised by telephone? As the site is not currently operational, the uptake of the minibus service by the caravan owners is unknown. Any costs associated with this service may influence its popularity, and again these details are unknown. This service could even be contracted out until its popularity is gauged.

No details have been provided regarding the division of responsibilities for maintenance on the site. It is considered that most emergency repairs could be dealt with as you would with your own home, by calling tradesmen as and when required. Also, the management of deliveries is not considered to be a particularly onerous task and one which would be expected to take place during normal working hours.

Finally, in terms of the management of staff, it is not known who the other staff would be. There is a reference to cleaning staff, but again as the site is not operational there are no details of what would be cleaned, management arrangements with caravan owners, etc. or why this would take place outside of normal working hours. It is considered that all these responsibilities could be undertaken during normal working hours, together with an out of hours telephone number for emergencies.

Paragraph 15 of Annex A to PPS7 which relates specifically to occupational dwellings in the countryside states that Local Authorities should apply the criteria and principles included in paragraphs 3 -13 of the Annex, which refer to permanent and temporary agricultural dwellings. Paragraph 3 states that new permanent dwellings should only be allowed to support existing agricultural activities on well established agricultural units. Applying this to the current proposal, the caravan site, although approved, is not operational and therefore cannot be considered to be well established. Given that the responsibilities of the site manager will be dependent upon how the site operates, and the demands made upon the manager by owners, it is not considered to be possible to state at this time that it is essential for the successful operation of the business for a manager to be resident on site. The functional test is not considered to be met at this time.

**(iii) Clear evidence that the proposed enterprise has been planned on a sound financial basis.**

The applicant's supporting letter notes that the development was approved by an Inspector, the original proposal was accompanied by a detailed needs assessment and that it is clearly being planned on a sound financial basis.

The financial test as it relates to an agricultural workers dwelling seeks to ensure that the farming enterprise is economically viable, and to provide evidence of the size of dwelling the unit can sustain. In this case, the dwelling will be one of the 32 caravans approved on this site, and the marketing of the site indicates that the prices of the caravans will be between £159,000 and £425,000. It is not clear who will fund the cost of the caravan; the site manager or the site owner. The actual start up costs of the site are unknown, as are the number of units that need to be sold for the business to move into profit. Does the sale of one caravan fund the purchase of the next? If only a small number of the caravans are sold, would the site owner be able to afford to forego the profit on one of these caravans to accommodate a site manager? Additionally, and referring back to the functional need for a manager, if only some of the units are sold, then the need for a permanent on site presence would surely diminish. Finally, no details have been submitted

of how income will actually be generated on the site, having regard to the fact that all units are to be individually sold. Once they are sold, how would the manager, the staff, the maintenance, etc. be funded? In the absence of any reference to the above matters, the clear evidence that the proposed enterprise has been planned on a sound financial basis has not been demonstrated.

**(iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.**

As noted above, there is not considered to be a functional need at this time. Management responsibilities could be carried out during a normal working day, with out of hours contact details. In addition a wide range of accommodation is available in nearby Congleton, 4.5 kilometres to the south of the site.

**(v) Other normal planning requirements, e.g. siting and access, are satisfied.**

As the application seeks to utilise one of the caravans that was shown on the plans approved as a result of the 2007 appeal, it is considered that all other normal planning requirements are satisfied.

**Other material planning considerations**

The proposed variation of the of the conditions is not considered to have any significantly greater impact upon the character and appearance of the countryside, highway safety, residential amenity, trees, or any other matter of public interest compared to the previous permission.

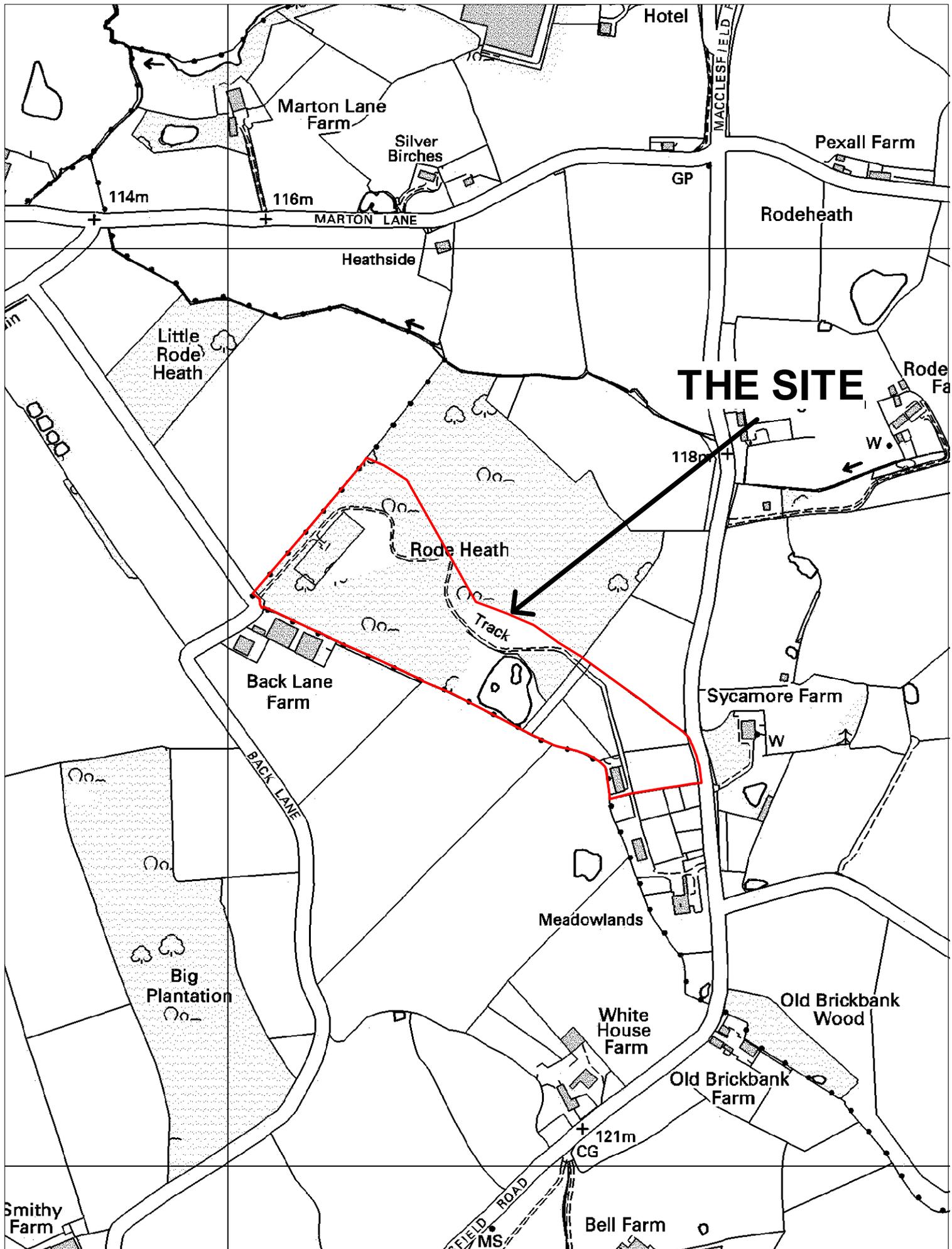
**CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposal raises many unanswered questions relating to the functional and financial aspects of the occupational dwelling tests of PPS7. As the site is not currently open, there is considered to be insufficient information with the application to understand how the business will operate functionally and financially, particularly with regard to justifying a permanent site manager's caravan. A permanent dwelling is not considered to be essential at this time, and is therefore contrary to policies GC5 and GC6 of the Macclesfield Borough Local Plan 2004. The proposal also does not meet the tests of Annexe A to PPS7 and is therefore contrary to this national policy. Accordingly, a recommendation of refusal is made.

Application for **Full Planning**

**RECOMMENDATION : Refuse for the following reasons**

R06LP - Inadequate justification



10/4083M - RODE HEATHWOOD BACK LANE EATON  
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