

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

Approve subject to conditions

MAIN ISSUES

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

REASON FOR REPORT

This Application was deferred from the last Committee on 22 December to allow for extra time to assess the additional information that has been submitted relating to the financial and functional aspects of the proposal, and to provide all interested parties the opportunity to comment on the proposal in light of the neighbour notification inconsistency with previous applications on this site.

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 14th January and 1st 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.

Additional information has been received that further outlines the responsibilities of and requirements for a site manager, how the site will operate, the financial basis upon which the business is planned, and how income is generated after the sale of the lodges. The applicant has requested that this information is kept confidential due to its commercial sensitivity. They state that the information is for use by officers and professional representatives of the Council and should not be made available to the general public.

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.

Due to 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”*.

The additional information that has now been submitted expands on these details. The luxury experience offered on the site is one that includes 24 hour support for visitors, which includes a security presence and provides peace of

mind for visitors, due to the relatively isolated, woodland position of the site. CCTV will also be operated from the manager's accommodation to provide 24 hour surveillance. The applicant states that the site owners' house cannot be used for this purpose due to its distance from the site entrance, and they maintain that it would be unreasonable to expect the site owner to be available 24/7, when a manager has been appointed for this purpose. The site telephone system will enable all lodge visitors to contact the manager during weekends and evenings should there be illness, fire, breach of security, malfunction of lodge. An on site presence during the closed season will also provide suitable security for the site when the caravans are not occupied.

Lodge owners will be able to access the site and their accommodation unaccompanied, however, rental clients will not. Rental clients will also need to be shown how the facilities work, and they may need help at any time of the day. In terms of subletting, Members should be aware that the first half of the site, granted under application 06/2254P, is subject to a legal agreement that restricts occupation of the caravans to the caravan owner and members of their family. The other half of the site, granted under applications 09/1509M and 09/3544P is not subject to this restriction and the Inspector in these appeals agreed with the view that in planning terms there is no objection to the sub letting of the caravans.

The site will have its own minibus which will be available for the transportation of all visitors. This will be owned and run by the site, and a charge will be made for the service. In addition the site manager, a receptionist, cleaning staff, and maintenance / gardeners will be appointed as the site develops, and arrangements are in place for the internal and external cleaning of the lodges.

As noted above 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"*. Several sites across the Borough are known to have on site managers, and the acknowledgement of residential managerial presence in the Good Practice Guide is a sign that such a presence is not unusual. The site is currently in the stages of development, and the question may be asked whether the proposal for manager's accommodation is premature. However, it is understood that nine of the lodges have been sold and are due to be sited from March 2011. 24 hour support is offered on the site, whether there are nine or forty nine caravans on the site. Arguably, when the site is in its early stages of development, and not occupied as it would be when complete, the security risks may be greater, and 24 hour presence is even more necessary.

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. However, as the Managers accommodation is to be provided within one of the approved caravans that would otherwise be sold, consideration should be given to treating the proposal as a temporary dwelling, as it would be for a new farming activity, and granting approval on that basis.

Having regard to the above details, it is considered that a functional requirement for an on site manager has been demonstrated. The need is to some extent reinforced by the willingness of the site owner to forego any profits that could be achieved by the sale and occupation of unit 10 for holiday purposes, in favour of providing the caravan himself, and then paying a site manager to occupy it in the interests of the business. However, due to the proposal coming at the initial stages of the development of the site, it may be appropriate to consider a 3 year temporary permission, subject to the other tests being met. The applicant's agent has suggested this approach in the event that the Council have concerns regarding the long-term prospects of the business.

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

The applicants have now submitted information that they wish to keep confidential, but which provides evidence of the business upon which the business is planned. This information includes, a 5 year business plan (2008 – 2013), a letter from the applicant's bank confirming the offer of a development loan, and draft accounts for the period from 1 February 2008 to 31 July 2009.

The applicants have had their land independently valued and it is understood that the development loan is secured against the value of the land, and was agreed on the basis of the submitted business plan. Due to the luxury market that the development is aimed towards, the figures that are involved are considerable, and it is clear that thorough business planning has been carried out to satisfy the bank and the applicant, who has a considerable financial commitment in the land.

Concerns were previously raised regarding the income stream once all the units are sold. The applicant has confirmed that income will be derived from a variety of sources including an annual pitch fee, rental income, sales from Ladera shop, gas and electricity sales, telephone calls, mini bus travel, and the re-sale of lodges. Collectively, this is anticipated to be a significant sum, particularly once the site is full, and will easily cover site manager wages whilst still providing a considerable amount for reinvestment into the business.

Again, as noted above, should Members have any concerns regarding the financial basis upon which the business is planned, it should be noted that the application seeks to use a caravan for manager's accommodation, rather than a new permanent dwelling. As such, concerns about the prematurity of this

accommodation could be addressed by a temporary 3 year permission, after which the situation on the site can be reassessed.

It is considered that sufficient information has been submitted to demonstrate that the enterprise has been planned on a sound financial basis, to justify a managerial presence, particularly for an initial three year period.

(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.

The caravan is sited to provide ready access to the entrance and across the site as a whole. It is considered that the identified functional need is best met within one of the approved caravans on the site, thereby minimizing the number of structures on the site. No other suitable accommodation is considered to be available.

(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 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.

In the event that planning permission is granted, a further application will need to be made to vary the requirements of the unilateral undertaking (that covers this part of the site), which restricts the occupation of the caravans to owners and their families, and to the period between 1 March and 14 January in any year.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The Good Practice Guide on Planning for Tourism identifies that a residential managerial presence is often essential on holiday parks / sites. In this case, it is considered that the applicant has now demonstrated that the tests of Annex A to PPS7 relating to occupational dwellings have been met, to the extent that they are relevant to the development proposed. However, due to the early stages of the enterprise, and potential future uncertainties, it is considered that permission should be granted for a temporary period of three years, in line with the established approach for agricultural (and other occupational) dwellings outlined in PPS7. This will give the applicant the best chance of success by providing the 24 hour support that is essential to the operation of the business, whilst providing the Council with the safeguard of being able to reassess the situation in three years time. Accordingly, a recommendation of approval is made on that basis.

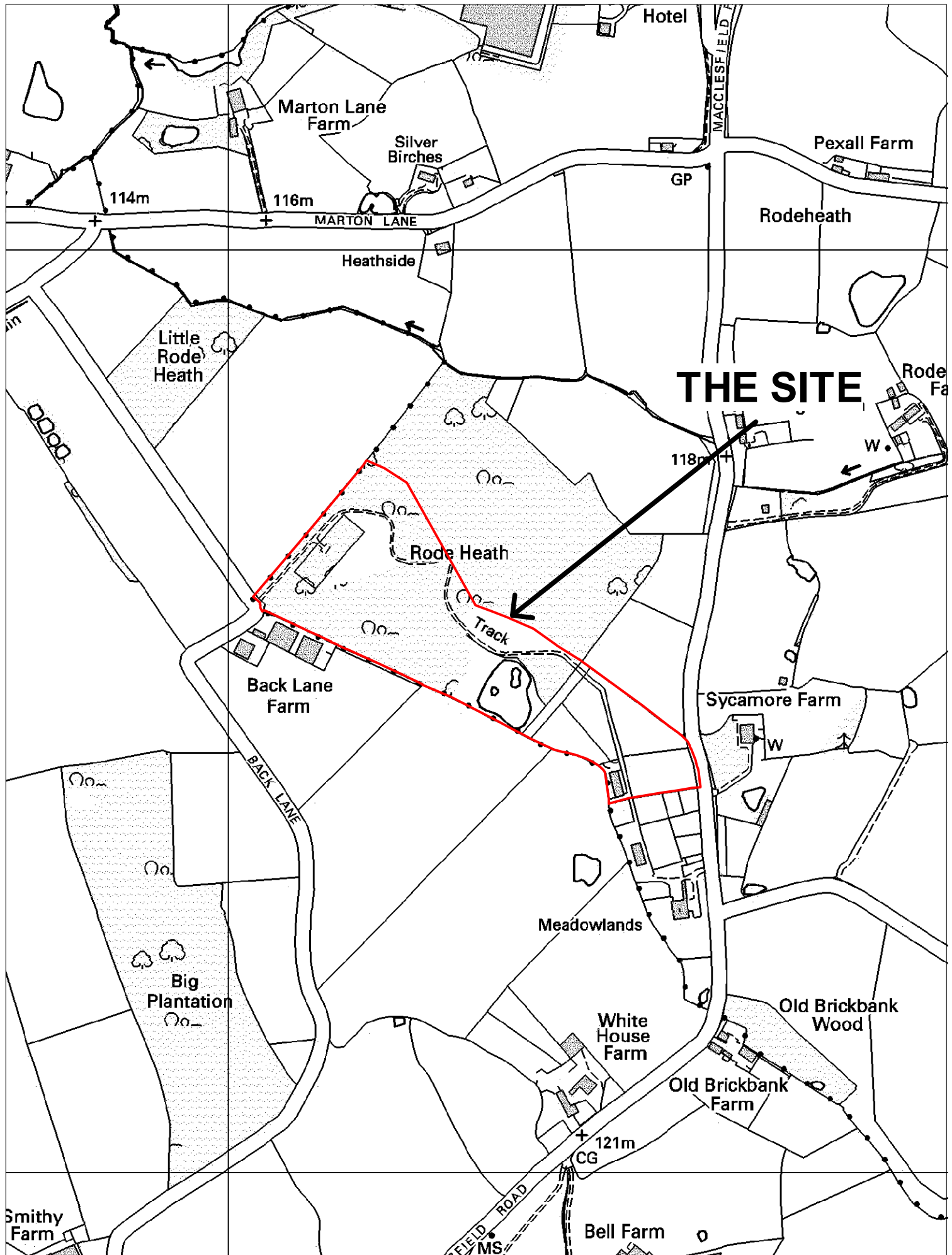
In the event that the application is approved, all the relevant conditions attached to the appeal decision on application 06/2254P will have to be re-imposed as this decision will be a stand alone new permission in its own right. These conditions will be listed in the update report. However, conditions 9, 10, and 12 will need to be amended by the insertion of the words *“other than the caravan on plot 10, for a period of three years from the date of this permission,”* and a new condition will need to be re-imposed restricting occupation to the site manager, as follows:

“For the first three years from the date of this permission, 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). After this time, the caravan shall then revert back to its holiday use, unless further planning permission is granted for its use as site manager’s accommodation.”

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. Occupation of unit 10 by site manager only



10/4083M - RODE HEATHWOOD BACK LANE EATON
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