

Application No: 13/2143M

Location: FORMER HOLLANDS GARDEN CENTRE, CONGLETON ROAD,  
GAWSWORTH, CHESHIRE, SK11 9JB

Proposal: Variation of condition 3 (restriction of caravans for holiday occupation only) and 4 (restriction of occupation of caravans during any year) of approval 10/1711M to provide on-site staff accommodation.

Applicant: Tony Loverage

Expiry Date: 29-Aug-2013

**SUMMARY RECOMMENDATION:**

Approve subject to conditions

**MAIN ISSUES:**

Whether it has been demonstrated that there is an essential need for the site manager's accommodation.

**1. REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee as it is for the variation of conditions attached to a major application that was determined by that committee.

**1. DESCRIPTION OF SITE AND CONTEXT**

The application site is within the Countryside Beyond the Green Belt situated on the A536 (Congleton Road) to the south of Macclesfield. The site has been granted planning permission for the change of use of the site to a lodge park comprising 20 timber lodges. That permission has recently been implemented with some of the bases for the caravans being constructed. The site is approximately 1.3 Hectares with Congleton Road to the West, fields to the north and east and Maleypole Farm immediately adjacent to the site to the south.

**2. DETAILS OF PROPOSAL**

This application seeks to vary conditions 3 and 4 attached to permission 10/1711M approved 28<sup>th</sup> July 2010. This is the original consent for the caravan park. The purpose of varying the conditions is to allow permanent occupation of one of the caravans (unit 1) by a site manager.

The existing conditions that are sought to be varied read:

Condition 3: The caravans are to be occupied for holiday purposes only. The caravans shall not be occupied as a person's sole or main place of residence; the owner/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual 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.

Condition 4: No caravan on the site shall be occupied between 14 January and 1 March in any year.

To achieve the intended purpose the applicant has requested the conditions are varied to state:

Condition 3: **With the exception of unit 1,** the caravans are to be occupied for holiday purposes only. The caravans shall not be occupied as a person's sole or main place of residence; the owner/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual 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.

Condition 4: **With the exception of unit 1, the occupation of which shall be limited to a person solely or mainly working as a site manager within the holiday park, or any dependents of this person, throughout the year,** no caravan on the site shall be occupied between 14 January and 1 March in any year.

### 3. RELEVANT HISTORY

The site has a long planning history related to its previous use, however those applications relevant to the determination of this application are:

- |          |  |
|----------|--|
| 13/2170M | Erection of a single storey multipurpose building to be used in the management of the caravan park.<br>REFUSED 25 <sup>th</sup> July 2013. |
| 10/1711M | Development of Hollands Nursery to lodge park (20 timber lodges).<br>Resubmission of 10/0076M.<br>APPROVED 28 <sup>th</sup> July 2010.     |
| 10/0076M | Redevelopment of hollands nursery to a lodge park (23 timber lodges)<br>REFUSED 7 <sup>th</sup> April 2010                                 |

### 4. POLICIES

#### Local Plan Policy

- GC5 (Countryside Beyond the Green Belt)
- GC6 (Outside Green Belts and Areas of Special County Value)
- RT13 (Tourist Facilities)
- DC6 (Circulation and Access)

## **Other Material Considerations**

- National Planning Policy Framework
- Good Practice Guide on Planning for Tourism, *Department for Communities and Local Government*
- Tourism Matters – A Report on Tourism in Macclesfield Borough (2002)
- A Vision Strategy for Tourism to 2015 – Cheshire and Warrington Tourism Board (2004).
- DCLG Circular 11/95 – Use of Conditions in Planning Permission.

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

**Strategic Highways Manager:** No comments received at the time of writing the report. These will be provided as an update.

## **6. VIEWS OF THE PARISH COUNCIL:**

No comments have been received from the Parish Council.

## **7. OTHER REPRESENTATIONS:**

A representation has been received from the occupiers of Maleypole Farm. The comments can be summarised as:

- Support the application in principle but request the applicant enter into a Section 106 agreement to bind occupation to management of the site as a condition is not robust enough.

In addition to these comments a number of questions and/or concerns were raised that are not directly relevant to the determination of the application. In summary these are:

- Can it be confirmed Cheshire East Council will regularly check the register required by condition 3.
- The site owner has advised of some changes to the landscape proposals, what are these?
- Major concerns about the development already carried out as bases of the lodges have been constructed raising the height of the ground significantly. This has potential to impact on amenity at Maleypole Farm.

## **8. APPLICANT'S SUPPORTING INFORMATION:**

A supporting statement has been submitted on behalf of the applicant outlining the policy background, site circumstances, planning history and justification for the development.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The proposed variation of conditions would have the effect of providing permanent residential accommodation for a site manager and any dependents.

The National Planning Policy Framework (NPPF) places a strong emphasis on supporting sustainable economic growth. Paragraph 28 of the NPPF advises that, to support a strong rural economy Local Planning Authorities should:

*'support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.'*

Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances such as, *inter alia*:

*'the essential need for a rural worker to live permanently at or near their place of work in the countryside.'*

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'*. It goes on to state that:

*'As far as possible, suitably located existing dwellings should be used to meet these accommodation needs. But where this is not a feasible option, and particularly in locations where suitable housing is not available, or is unaffordable, it may be necessary to provide new, on-site accommodation for managerial and/or other staff. In such cases the conversion of any suitable available existing buildings should be considered first in preference to the construction of new and potentially intrusive housing development in the countryside'*.

Local Plan Policy GC6 states that in the Open Countryside new dwellings will normally be allowed if *'they are required for a person engaged full time 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'*.

It is clear from the above that there is support for allowing manager's accommodation on caravan sites. However there is a requirement to demonstrate that there is an essential need for the accommodation. To this end, the applicant has submitted a Planning Statement that seeks to demonstrate the essential need for the manager's accommodation. Further information has also been emailed to the case officer during discussions with the agent.

The thrust of the case submitted is that there is no reasonable opportunity for the applicant to rent or purchase off-site accommodation and therefore on-site provision is the only option. The applicant is seeking to utilise one of the caravans approved and not construct a new dwelling. It is argued that there is a functional need for a permanent managerial presence demonstrated by outlining the duties the site manager would undertake and the necessity to provide year round security, delivery of health and safety obligations and reception duties.

PPS7: Sustainable Development in Rural Areas offered guidance on how new dwellings in the Countryside should be determined, however, this guidance was superseded by the NPPF

and is no longer a material consideration in the determination of planning applications. The NPPF does not define or offer further guidance as to what constitutes an *essential need*. Nonetheless, in the absence any such guidance PPS7 is still the best source of information on the sort of consideration that should be given to the question of essential need. PPS7 set out the functional and financial tests necessary to demonstrate an essential requirement.

The site is not yet operational and as such it is not considered the grant of permanent manager's accommodation would be acceptable. This is because the enterprise has not established itself and therefore it cannot be demonstrated that the business is financially sound and sustainable in the longer term. This can only be demonstrated once the caravan park has established itself.

However, PPS7 advised that where a dwelling is required to support a new rural enterprise it should be provided, for the first three years, in a caravan or other temporary accommodation. It also advised five criteria that should be met:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need;
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (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; and
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.

The submitted Planning Statement has sought to demonstrate these criteria are met by this proposal. With regard to the intention to develop the enterprise, this is demonstrated by the applicant's purchasing of the site, representing significant investment, as well as discharge of all planning conditions including the financial outlay associated with that process. At the time of writing the report the permission has been implemented with a number of the caravan bases being constructed.

As noted above The Good Practice Guide on Planning for Tourism recognises 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*'. The agent has confirmed that the site owner would retain ownership of the caravans and they would be rented out on a fortnightly basis as short term holiday lets. The Planning Statement outlines the duties the site manager would carry out and the requirement for a 24 hour presence to provide security due to its rural location, an on-site contact for emergencies and to ensure the customers get the quality of service that is expected now.

In terms of exploring alternative accommodation in the area, the proposal is for one of the permitted caravans on the site to be utilised as the manager's accommodation. As such it does not require the construction of a new building or the provision of another caravan over and above what has already been approved. This is the most desirable option in planning policy terms as advised in The Good Practice Guide on Planning for Tourism where there is not suitable existing accommodation available. Details of properties for sale/rent within a 2.5km radius has been submitted. The cost of such properties would appear prohibitive.

Members should be aware that the applicant has expressed concern that a temporary permission would inhibit the ability to attract a site manager where there is a lack of certainty over whether they could continue to reside there after the three year period. It has been suggested that a five or ten year period would be more appropriate. Whilst there is some merit to this argument it is considered that a three year period is sufficient to allow the applicant to demonstrate the business is economically viable and there is a continuing essential need. In planning terms therefore a five year period is not necessary. Furthermore, if after the three year period there is essential need is no longer demonstrable and the business is not economically viable, the manager's accommodation would no longer be required or acceptable in planning terms. Therefore allowing a longer period would be counter to the aims of planning policy.

The occupiers of Maleypole Farm have requested the applicant enter into a Section 106 Legal Agreement to bind the occupation of the unit to the site manager. Circular 11/95 advises that planning conditions should not be duplicated by planning obligations.

### **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.

## **10. CONCLUSIONS**

As noted above the advise in PPS7 is no longer a material planning consideration, but it does remain the best source of guidance as to what constitutes an essential need. The tests are logical and reasonable considerations that assist in making a judgement as to whether there is an essential need. Based on the information provided it is considered the applicant has demonstrated a functional needs and an intention to develop the enterprise. However, the fact that the business is not yet been established raises questions about whether the business is likely to be financially sound and secure in the longer term. It is therefore desirable to grant the manager's accommodation for a temporary period of three years. After that period the applicant could apply to vary the conditions again to allow permanent occupation provided they can demonstrate a sound functional need and that the enterprise economically viable. It is proposed that the following conditions are imposed to achieve the purposes of the existing conditions 3 and 4 whilst allowing the site manager's accommodation for a temporary 3 year period.

- With the exception of Unit 1 (as shown on approved plan numbered M1759.02D) for a period of three years from the date of this decision, the caravans (or cabins/chalets) shall be occupied for holiday purposes only.
- With the exception of Unit 1 (as shown on approved plan numbered M1759.02D) for a period of three years from the date of this decision, the caravans (or cabins/chalets) shall not be occupied as a person's sole or main place of residence at any time.
- The owners/operators shall maintain an up-to-date register for the caravan site to include the following details:
  - (a) the names of all owners/occupiers of individual caravans (or cabins/chalets) on the site and of their main home addresses;

(a) the start date and end date of their stay.

This information shall be made available at all reasonable times to the local planning authority.

- For a period of three years from the date of this decision the occupation of Unit 1 (as shown on approved plan numbered M1759.02D) shall be strictly limited to a person solely or mainly employed as a site manager by the holiday park occupying the plot edged red on the attached plan, or any resident dependants. After the prescribed period the occupation of Unit 1 shall be controlled by the other conditions attached to this permission.
- With the exception of Unit 1 (as shown on approved plan numbered M1759.02D) for a period of three years from the date of this decision, no caravan on the site shall be occupied between 14 January and 1 March in any year.

#### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A04AP - Development in accord with approved plans (numbered)
2. A04EX - Submission of materials for hard surfaces
3. A01LS - Landscaping - Details as approved under 12/4747D
4. A01TR - Tree retention
5. A02TR - Tree protection as approved under 12/4747D
6. A06TR - Levels survey as approved under 12/4747D
7. A08MC - Lighting details to be approved
8. A02NC - Implementation of ecological report
9. A06NC - Protection for breeding birds
10. A01HP - Provision of car parking
11. A12HA - Closure of access
12. A08HA - Gates set back from footway/carriageway
13. A11EX - Refuse recycling scheme to be submitted prior to occupation
14. A11EX\_1 - Details of any gates to be approved prior to erection
15. The caravans shall be occupied for holiday purposes only - except unit 1 for 3 year period
16. The caravans shall not be occupied as a person's sole or main place of residence - except unit 1 for 3 year period
17. The owners/operators shall maintain an up-to-date register for the caravan site
18. Occupation of unit 1 by site manager for 3 year period
19. No caravan on the site shall be occupied between 14th January and 1 March in any year - except unit 1 for three year period

20. Works to be carried out in accordance with phase II report approved under 12/4747D and completion report to be submitted and approved prior to first occupation
21. Scheme to limit the surface water run-off as approved under 12/4747D
22. Details of foul and surface water drainage as approved under 12/4747D.
23. Details of measure to reduce electromagnetic interference as approved under 12/4747D
24. Removal of PD rights in relation to Caravan site licence

Pastures

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