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REFERENCE NO. 47/2015/0741/PS

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**WARD :** Tremeirchion

**WARD MEMBER:** Councillor Barbara Smith

**APPLICATION NO:** 47/2015/0741/PS

**PROPOSAL:** Removal of Condition No. 3 of planning permission Code No. 47/2011/0527 relating to seasonal use condition restricting the use of the site for touring caravans between 31st October and 1st March

**LOCATION:** White House Hotel Holywell Road Rhualt St. Asaph

**APPLICANT:** Mr Mervyn Parry-Jones Fifth Wheel Company Ltd

**PUBLICITY UNDERTAKEN:** Site Notice – No  
Press Notice – No  
Neighbour letters – Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Recommendation to grant – Community Council objection.

**CONSULTATION RESPONSES:**

COMMUNITY COUNCIL FOR TREMEIRCHION, CWM AND WAEN –  
"OBJECTION - There is NOT a proven need.

We add the following:

- a. WE WOULD APPRECIATE A KNOWLEDGE OF DCC POLICY ON TOURING CARAVANS: ESPECIALLY:
- b. We need to know for certain what the defining regulations that Denbighshire County Council adhere to between static and touring usage
- c. There appears to be no known standards in licensing
- d. We need to know what supervision takes place to monitor occupancy in a calendar year
- e. We need to know how often the above is actioned"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Environmental Health Officer –

Has reservations about:

- the car parking spaces, internal roadways and general infrastructure on site as at present the touring vans are sited on grass with no hard standings or roadway to the vans, hence has concerns about access during the "winter" months when the ground will be wet.
- current occupation of a number of the units on the static site
- potential impact on local residents, i.e. noise and light implications, also increased traffic.
- need for another year round site in Denbighshire

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

- (i) Emyr George, Gorwel, Cwm Road, Rhualt
- (ii) Peter Cook, Hendre Sian, Cwm Road, Rhualt

Summary of planning based representations in objection:

- (i) The land can be seen from many points on Cwm Road;
- (ii) The screening in place is not sufficient along the eastern boundary;
- (iii) Many touring caravans remain on site for much of the season and will do so in winter;
- (iv) Increased light pollution;

**EXPIRY DATE OF APPLICATION: 23/09/2015**

**REASONS FOR DELAY IN DECISION (where applicable):**

Need for committee decision due to Community Council objection.

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The application seeks to remove a condition which was attached to planning consent reference 47/2011/0527, granted on 16 November 2011. The permission was for extensions and alterations to the existing public house/hotel and use of 1.6 hectares of land to the north to form a 40 pitch touring caravan and 10 pitch chalet/static caravan park, with associated works including landscaping, access tracks, sanitation and washing building, and installation of package treatment plant.

1.1.2 Condition 3 relates to the touring caravan element of the 2011 development and reads as follows:

*"No touring caravans shall be permitted to remain on the site between 31st October in any one year and 1st March in the following year."*

*The reason for the Condition was –*

*"To ensure the use of the touring caravans is seasonal and to be consistent with the restrictions on touring caravans on the existing site adjacent to The White House."*

1.1.3 The application is accompanied by a Design and Access Statement which puts forward the case for the removal of the condition. It is contended that the reason for the condition is not a sound basis for the restriction imposed and that the removal of the condition will bring tourism and economic benefits by catering for visitors for an additional four months of the year. The suggestion is made that this is currently a significant loss of income for a third of the year, and that there are already occupancy restrictions imposed by other conditions of the 2011 consent which allow the Council to ensure that there is no permanent residential use.

1.2 Description of site and surroundings

1.2.1 The area of land involving the touring caravans lies immediately to the north of the main White House hotel building and the facilities building serving the caravan site, as can be seen from the site layout plan at the front of the report.

1.2.2 The area used by touring and static caravans is illustrated on the site plan. The western, northern, and eastern boundaries border onto open land.

1.2.3 There is a long established static caravan site within the grounds of the White House to the east of the main car park serving the Hotel. There are residential properties on the southern side of the B road serving the White House and Rhualt village, immediately opposite the aforementioned static caravan park. The properties of the objectors on Cwm Road are over 300 metres away to the east.

1.3 Relevant planning constraints/considerations

1.3.1 The site is outside of any development boundary in an area without any specific designation in the Local Development Plan.

#### 1.4 Relevant planning history

- 1.4.1 The site has an extensive history relating to tourism, hotel and caravan facilities. There are long established touring caravan and static caravan sites on the east and west sides of the Hotel / car park, which are not the subject of the current application. The main permission of relevance to the application is the one granted at Committee in 2011, for the touring and static caravan site to the north of the White House, detailed in section 2 of the report.

#### 1.5 Developments/changes since the original submission

- 1.5.1 None.

#### 1.6 Other relevant background information

- 1.6.1 As background, one of the considerations relevant to the seasonal condition being attached to the 2011 consent was to ensure consistency with the restriction on the existing touring caravan site adjacent to the White House. It is relevant to note that the reason for Condition 3 makes no reference to any perceived detriment to visual amenity or residential amenity from the presence of caravans on the site outside the permitted season of use.

### 2. **DETAILS OF PLANNING HISTORY:**

- 2.1 47/2011/0527 - Extensions and alterations to existing public house/hotel and use of 1.6 hectares of land to rear to form a 40 pitch touring caravan and 10 pitch chalet/static caravan park, with associated works including landscaping, access tracks, sanitation and washing building, and installation of package treatment plant : Granted 16/11/2011.
- 2.2 47/2012/0147 - Erection of extensions and alterations to existing public house/hotel: Granted 03/04/2012
- 2.3 Series of approval of conditions applications relating to 47/2011/0527 and 47/2012/0147 approved during 2012 and 2013 – including :
- 47/2012/1130 - Details of landscaping submitted in accordance with condition no. 6 of planning permission code no. 47/2011/0527: Granted 20/03/2013.
- 47/2012/1131 - Details of landscape maintenance submitted in accordance with condition no. 8 of planning permission code no. 47/2011/0527: Grated 27/03/2013.
- 47/2012/1132 - Details of landscaping submitted in accordance with condition no. 2 of planning permission code no. 47/2012/0147: Granted 27/03/2013.

### 3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
**Policy PSE5** - Rural economy  
**Policy PSE12** - Chalet, static and touring caravan and camping sites

#### 3.1 Supplementary Planning Guidance

SPG 25 - Static caravan and chalet development

#### 3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014  
Technical Advice Note 13 Tourism

### 4. **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning

applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Controls over year round caravan use
- 4.1.6 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

There are no Local Development Plan Policies of specific relevance to applications which seek to extend the season of occupation of existing touring caravans. There is general reference in policy PSE 12 which covers Chalet, Static and touring caravan and camping sites to occupancy restrictions and ensuring holiday uses on new or improved sites.

Policy PSE 5 Rural Economy recognises the importance of the tourist industry to the local economy subject to tests of detailed impacts. Planning Policy Wales offers similar 'in principle' encouragement for suitable tourist developments, subject to appropriate environmental safeguards.

TAN 13 Tourism (1997) predates Planning Policy Wales but suggests as broad principles that the planning system can respond to changes in tourism without compromising policies to safeguard the countryside, through the use of holiday occupancy conditions to reconcile these two objectives. There is general support in national policy for all year tourism subject to safeguarding the environment.

This is an established caravan site. The planning permission was granted in 2011 and recognised the Council's acceptance that the site was suitable for the use having regard to principle, and following assessment of detailed impacts such as landscape, amenity, highway, ecology and drainage.

Officers consider therefore that the key issues to address here are whether there would be any 'additional' localised impacts from the potential use of the site by touring caravans between 31<sup>st</sup> October and 1<sup>st</sup> March, and whether there are adequate controls to ensure the 12 months use is for holiday purposes and would not in effect allow potential to create a residential site. The latter 'problem' is one Members have recognised as significant when considering similar applications in the County, and is referred to in section 4.2.6 following.

4.2.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in



Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

There are concerns expressed over the impact of 12 month use by touring caravans on visual amenity. To be considered in respect of this concern is the fact that static caravans can remain on the site year round. Touring caravans can currently be sited in the approved locations for eight months of the year, from 1 March to 31 October. The period touring caravans can use the site presently is during the spring, summer and autumn months where units may be visible at distance from higher ground to the east and are likely to be present for longer periods as these months have the most daylight. Planting along the eastern and northern sides of the site is establishing and will provide an improved level of screening as it matures, helping to limit the visibility of caravans from properties to the east and north. With respect, the use of the site for the additional four months as proposed is not considered likely to give rise to additional detrimental adverse visual impact to a degree that would justify a recommendation of refusal.

#### 4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

It is recognised that the use of caravan sites in close proximity to residential properties can have an adverse impact on residential amenity. The Council has recently successfully defended a decision at the New Pines caravan park in Rhyl which proposed to use a parcel of land immediately adjacent to dwellings for additional caravans, where it was considered the impact of static caravans / lodges in close proximity would be unacceptable on the level of residential amenity of occupiers.

However, it is to be noted that the subject site is some distance from the nearest residential properties, with the objectors dwellings being in excess of 300 metres from the eastern boundary of the caravan site. As referred to previously, landscaping has been undertaken to improve the screening of the site especially along the eastern boundary, and will become more effective with the passage of time. It is not adjudged that the removal of the condition would lead to any unacceptable additional adverse impact on the amenities of nearby occupiers, which could now justify refusing the application.

#### 4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The access to the site and the location / detailing of the parking bays adjacent to each plot was approved as part of the 2011 permission. The access is used to service the

Hotel / restaurant facility. In noting comments on access and parking matters, it is not considered that the additional use by touring caravans over four months of the year, as sought, would give rise to any significant issues in respect of access to the highway or on site parking, having regard to the previous approval for these arrangements.

#### 4.2.5 Controls over holiday use

The application does not propose any variation to Condition 5 of the 2011 permission which governs the occupation of the static and touring caravans on the White House site irrespective of the determination on the application to allow year round presence of touring caravans. The condition is worded as follows:

*5. The caravan units shall be occupied for holiday purposes only and not as a person's sole or main place of residence. The site operator shall maintain an up-to-date register of the names of the owners and occupier of each caravan on the site, their main home addresses, the dates each caravan has been occupied, and by whom. The information shall be made available for inspection at all reasonable times on written request from the Local Planning Authority.*

Officers suggest the comfort offered by Condition 5 is adequate to address the concerns of the consultees over residential use of caravans, including a mechanism for investigating any suspected breaches, where complaints may be made or there may be concerns over uses. Such investigations would be undertaken by the Development Management and / or Public Protection Sections as appropriate, but this is respectfully not material to the consideration of the merits of the current application to allow touring vans to use the site throughout the year.

#### 4.2.6 Other matters

There is no planning policy test requiring an applicant to establish the need for all year round use of a touring caravan site.

The Community Council's comments seek clarification of Local Development Plan policies in relation to touring caravans. The Officer report refers to policies and guidance in the Development Plan and Welsh Government documents which appear of relevance to the consideration of an application to remove a condition relating to seasonal use of a touring caravan site. There is limited policy and guidance specific to this type of application, obliging reference to general principles to assist the determination.

With regards to the Community Council reference to Site Licencing matters, these are separate controls administered by the Public Protection section dealing with specific detailing of facilities within sites, geared at ensuring suitable standards are met in the interests of public health. Licencing controls apply irrespective of planning controls and are of limited relevance to the land use planning considerations to be applied to the acceptability of the application for the removal of Condition 3.

It is recognised that the issue of caravans on sites within the County being used as people's main homes is under increasing scrutiny due to alleged breaches of planning control which precludes such use. However, it is important to appreciate that the application before the Council is solely in relation to Condition 3 of the 2011 permission concerning the length of the season touring vans can use the site, and does not relate to the occupation of the caravans, as this is controlled by Condition 5, which remains applicable to the whole caravan site.

## **5. SUMMARY AND CONCLUSION:**

5.1 In relation to the principle of year round use of sites by touring caravans, and with respect to the comments of the Community Council, Officers consider it would be reasonable to consent to the removal of the seasonal condition. The Council has accepted the principle of 12 month

holiday use in granting permission elsewhere, including in February 2010 for a new 10 unit static caravan park at The Thatched Cottage at Trefnant; and has had an appeal allowed by the Planning Inspectorate for 12 month occupancy at the static caravan park at Llwyn Afon, Llanrhaeadr. In these cases it was accepted that the use of the same type of condition as applied in Condition 5 of the 2011 permission at the White House (obliging site operators to keep documentary evidence, available for inspection, of length of stays and places of primary residence) is sufficient to allay fears over residential use as it offers a clear and enforceable means of control over the occupation of holiday caravans.

5.2 The touring caravan site at the White House is well established with an 8 month occupancy season relating to the presence of touring caravans. The proposal to allow touring caravans to use the site throughout the year is not considered likely to have additional adverse effects on the immediate locality in terms of landscape, residential amenity, or highways impacts.

5.3 Officers believe there is general policy encouragement for year round tourism use in appropriate locations, and the existence of condition no. 5 of the 2011 permission prohibiting residential use provides the Council with relevant control to ensure there are no conflicts with rural restraints policies.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Location Plan received 30 July 2015.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.

**NOTES TO APPLICANT:**

None