



© Crown copyright and database rights 2020 Ordnance Survey 100023408

47/2020/0420

Scale: 1:2500

Printed on: 10/8/2020 at 15:57 PM



© Denbighshire County Council

WARD : Tremeirchion

WARD MEMBER(S): Cllr Christine Marston (c)

APPLICATION NO: 47/2020/0420/ PS

PROPOSAL: Deletion of Condition 8 of Planning Permission 47/2003/0132 and deletion of Condition 7 on Appeal Decision APP/A/03/1117348 to allow for an extended 12 month all year round holiday season.

LOCATION: Penisa'r Mynydd Caravan Park Caerwys Road Rhualt St. Asaph

APPLICANT: Mr Graham Dobbs

CONSTRAINTS: None.

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - No
Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received

REASON FOR DELEGATED DECISION
Scheme of Delegation Part 1, Section 1.1

CONSULTATION RESPONSES:

RHUALLT COMMUNITY COUNCIL-

No objection subject to the following conditional issues:

'Whilst there may be some benefit to the local economy there is no confidence that it would be sufficient to offset the possible increased cost to the local authority and public services which could be generated by caravan owners who do not adhere to the restrictions and remain upon the site during the twelve month period without paying Council Tax. Unless there is a robust system implemented by the Local Authority to make regular checks upon the occupation of the site, with enforcement of any breaches of the conditions, there is some concern that the conditions may be abused and go unnoticed.

The access route from the A55 to Penisa'r Mynydd Caravan Park is in a poor state of repair, with pot holes and the tarmac surface at the edge of the road is constantly being damaged and worn away, with only one passing place. An increase in the number of vehicles travelling to and from the site will only have a detrimental effect on the already poor condition of the road.'

NATURAL RESOURCES WALES-

No objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer-
No objection

- Public Protection Officer-
A separate license will be required should this application be granted.

- Strategic Planning & Housing Policy Officer- Support the proposal providing a replacement occupancy condition is attached as described in the Caravans, Chalets and Camping SPG (2018). Policy PSE12 of the LDP restricts occupation of caravan sites to holiday use only. The Caravans, Chalets and Camping SPG recognises that extending the tourist season beyond the traditional holiday times of the year has advantages to the local economy but holiday occupancy conditions should be attached to restrict any residential occupation.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Ms Wilson, Hendre Fawr, Rhualt Frederick Thomas, 72 Victoria Drive, Bognor Regis, West Sussex Mr and Mrs Algie, Ty'n Y Caeau, Holywell Road, Rhualt Mrs E A Morris, Penisa'r Waen, Rhualt Jane Pauline Jones, Rhedyn Coch, Rhualt, St. Asaph

Summary of planning based representations in objection:

Justification

Lack of justification for the proposal.

A touring caravan on a fixed site is more or less a static which is against policy.

Access

Road access off A55 is unsuitable for increased traffic

The condition of the access road needs attention and will get worse over winter with more vehicle use.

Residential amenity including noise issues

Noise from dogs barking at the site, music playing, people shouting

Noise already an issue which will be exacerbated with year round occupancy

Impacts to nearby farms by dogs causing stress and injury to farm animals and straying of PROW's, damaging fences etc.

Residential occupancy

Concerns this would allow residential use arriving day or night 52 weeks per year.

Landscaping and visual amenity

Previous permissions included that the boundary hedge was kept to a minimum of 6ft to ensure screening but this has not been implemented.

Visual amenity impacts due to lack of screening.

Litter from holiday makers into nearby fields impacting the visual amenity

EXPIRY DATE OF APPLICATION: 28/07/2020

REASONS FOR DELAY IN DECISION:

- Awaiting consideration at Planning Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the deletion of Condition 8 of Planning Permission ref. 47/2003/0132 which approved the additional use of land for winter storage of caravans to allow 17 touring caravans to form an extension to the existing touring caravan site, revised layout of 6 existing touring caravan pitches and extension to touring caravan site to form open amenity space/recreation area and landscaping.

Condition 8 required that no caravans shall remain on the site between the 31st October in any one year and the 1st March in the succeeding year other than those allowed under Condition 7 for winter storage which should only take place in the area indicated on the plan for the period of 1st November in any one year to 28th February in the following year.

The proposal is also for the deletion of Condition 7 on the allowed Appeal Decision APP/A/03/1117348 which was originally refused by the Council on 26/11/2002 (ref. 47/2002/0693) which was for the change of use of land to form extension to the existing touring caravan site, for the following reason:

1. *The proposed extension to the existing touring caravan site, would conflict with criteria i) of Policy TSM12 of the Denbighshire Unitary Development Plan. It would increase the obtrusiveness of the site within the open countryside to the detriment of the rural character and appearance of the area.*

Condition 7 requires that no caravans shall remain on the appeal site between 1st November in any one year and 28th February in the following year (both dates inclusive) other than those allowed for under Condition number 6 above for winter storage.

The reason for the deletion of the conditions is to allow for an extended 12 month all year round holiday season.

1.2 Description of site and surroundings

- 1.2.1 Penisa'r Mynydd is a touring caravan park sited approximately 3kms north east of Rhualt. Access is gained via a Class C highway with direct and recently improved access to the A55 (t) at Glan Llyn interchange. The site is centred on a dwelling and cluster of buildings used as amenity block. The site is bounded on all sides by established field hedgerows.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside of the Rhualt development boundary and is considered to be in the open countryside for planning purposes.

1.4 Relevant planning history

The original scheme approved the additional use of land for winter storage of caravans to allow 17 touring caravans to form an extension to the existing touring caravan site, revised layout of 6 existing touring caravan pitches and extension to touring caravan site to form open amenity space/recreation area and landscaping.

The other earlier scheme allowed at appeal was for the change of use of land to form extension to the existing touring caravan site.

1.5 Developments/changes since the original submission

None

1.6 Other relevant background information

None

2. DETAILS OF PLANNING HISTORY:

TRE/0322/87 – Use of field for touring caravan site – GRANTED 16 November 1987

TRE/247/93 – Extension to touring caravan site – Limited total number of touring caravans to 30 maximum – GRANTED 1st September 1993

47/2000/744/PF – Change of use of land to form extension to touring caravan site (Limited to 35 units maximum) – GRANTED 22nd September 2000

47/2001/502/PS – Variation of Condition No. 2 on 47/2000/744 to allow an additional caravan (maximum limit of 36 imposed) – GRANTED 2nd July 2001

47/2001/0723/PF – Change of use of land to form extension to touring caravan park by relocation of play areas and siting of 6 additional touring caravans (maximum number of touring caravans limited to 42) –GRANTED 5th December 2001

47/2001/0971 – Erection of replacement toilet and amenity building and continuation of use of land for winter storage of touring caravans (partly in retrospect), GRANTED 5/12/2001

47/2002/0693/PF – Change of use of land to form extension to touring caravan site. Total number of touring caravans proposed 75 - Refused following referral to Full Council on landscape impact grounds 26th November 2002

Reason:

1. *The proposed extension to the existing touring caravan site, would conflict with criteria i) of Policy TSM12 of the Denbighshire Unitary Development Plan. It would increase the obtrusiveness of the site within the open countryside to the detriment of the rural character and appearance of the area.*

The application was appealed under ref. APP/A/03/1117348 and allowed by the Inspector.

47/2003/0132 - Additional use of land for winter storage of caravans to allow 17 touring caravans to form an extension to the existing touring caravan site, revised layout of 6 existing touring caravan pitches and extension to touring caravan site to form open amenity space/recreation area and landscaping, GRANTED 26/03/2003

47/2005/0923 Formation of car parking bays, GRANTED 27/10/2005

3. RELEVANT POLICIES AND GUIDANCE:

3.1 Local Policy/Guidance

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy PSE12 – Chalet, static and touring caravan and camping sites

Policy PSE14 – Outdoor activity tourism

Supplementary Planning Guidance

Supplementary Planning Guidance Note: [Access For All](#)

Supplementary Planning Guidance Note: [Caravans, Chalets & Camping](#)

Supplementary Planning Guidance Note: [Trees & Landscaping](#)

3.2 Government Policy / Guidance

Planning Policy Wales Edition 10 December 2018

Development Control Manual November 2016

Technical Advice Notes:

TAN 6- Sustainable Rural Communities (2010)

Circulars

Welsh Government Circular 016/2014 The Use of Planning Conditions for Development Management

3.3 Other Material Considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further states that material considerations 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

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:

- 1.1.1 Principle
- 1.1.1 Visual amenity
- 1.1.2 Residential amenity
- 1.1.3 Highways (including access and parking)

In relation to the main planning considerations:

1.1.4 Principle

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

Local Development Plan Policy PSE 12 relates to chalet, static and touring caravan and camping sites.

The policy states proposals for new static caravan sites will not be permitted.

It allows for the environmental improvement of existing static holiday caravan or chalet sites by remodelling, provision of new facilities and by landscaping subject to proposals being acceptable in terms of other plan policies and such a proposal;

- preserves the or enhances the character of the area
- demonstrates that any increase in the number of static caravan / chalet units would preserve or enhance the landscape setting of the overall site

PSE12 does not permit the change of use of a static caravan or chalet from tourist to residential use, or the conversion of touring caravan sites to statics. Policy PSE 12 encourages new touring and camping sites where all of four tests are met. These relate to the appropriateness of the scale and location; whether the scheme would result in an over concentration of sites in a locality; whether it would make a positive contribution to biodiversity, the natural and built environment; whether the development would appear obtrusive in the landscape, is of high quality layout etc, and has no adverse highway or community impacts.

Local Development Plan Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, subject to consideration against detailed criteria relating to the character and distinctive qualities of the local landscape.

Policy PSE 14 relates specifically to outdoor activity tourism. It supports proposals for development that expand or reinforce the tourism offer of the County in this sector, provided four criteria are met:

- the development is appropriate to its setting and within the capacity of the local environment and infrastructure, particularly within designated areas such as the AONB and World Heritage Site
- any suitable buildings are converted or re-used in preference to new build
- necessary mitigation measures are included and there would be no unacceptable impact on the local community
- chalet development in association with outdoor activity tourism will only be permitted if a significant need is demonstrated and there are no opportunities to use or convert existing buildings.

The Welsh Minister's Letter regarding Covid-19 Guidance dated 20th July, discussed caravan parks and self-catering accommodation which stated that, *"Caravan parks and self-catering accommodation are important to the Welsh economy but it has a pronounced seasonal peak in July and August, particularly for caravan parks. While there is a risk this spending may be lost to the industry, the latest consumer survey (29 June -3 July) shows that 25% of UK adults intend to go on a UK short break or holiday by September, while 35% plan on taking their next trip in October or later. The industry has identified a need to boost income and encourage recovery by supporting an extension of the season for caravan parks and self-catering accommodation which are prevented from opening all year."*

A streamlined approach to applications made under section 73 of the 1990 Act and for site licences was proposed during discussions with the industry, Welsh Local Government Association (WLGA) and the Planning Officers Society Wales (POSW). I would encourage Authorities through POSW and the WLGA to work with the industry to develop application procedures which minimise inconvenience and cost for applicants while providing authorities the information they need to make a decision within an efficient timescale.

I am clear that local planning authorities should support caravan sites and other self-catering accommodation through this crisis by amending conditions to refer to holiday occupancy restrictions rather than using a season occupancy basis, where a policy need is set out in the development plan. Pursuing a seasonal occupancy restriction to protect local features should be the exception, especially between the 2020 and 2021 seasons, and any time restriction should be kept to the minimum necessary to avoid significant harm."

In addition to the latest guidance from Welsh Government, Officers are of the opinion that over recent years there has been a notable shift from 'seasonal occupancy' controls on caravan sites, to allowing all year round occupancy. The use of 'seasonal occupancy' conditions stems from a number of years ago when certain types of caravan accommodation were not considered suitable for year round use – especially not in the winter. However, as stated in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management', it is considered that most modern self-catering accommodation is capable of occupation all year round. Where such accommodation is located in areas within which the provision of permanent housing would be contrary to national and/or local policies, it may be reasonable to impose a condition specifying its use as holiday accommodation. The circular clearly states that "A holiday occupancy condition would be more appropriate than a seasonal occupancy condition."

On the basis of this, the deletion of seasonal occupancy conditions and replacement with a 'holiday only' condition is considered to be in accordance with national guidance and policy. With respect to the Community Councils concerns, it is also considered to go some way to mitigating those fears.

The proposal is therefore considered to be acceptable in principle.

1.1.5 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

It is considered the site is not intrusive in the landscape and the existing hedging and planting screens the site well which helps it blend into the landscape. The layout is considered to be well-planned and has good access off the A55.

The nearest public vantage point is a set-back field gate along the C road to the south. From here there is an oblique view of the present south eastern site boundary at a distance of about 350m or so, but only the roofs of the existing touring caravans can be seen. The planting and landscaping reduces the visual impact of the site and improves the character and appearance of the landscape. The site is hidden from public view by the existing buildings from points to the west and north of the site and by hedgerows and mature trees.

The proposal relates to the occupancy of the site and so does not have any direct bearing upon the visual amenity of the area. Having said that, it is noted that if granted, the site could be used for holiday purposes all year round, and therefore caravans maybe more visible in the winter months due to reduced vegetation and foliage. However, it is noted that there is consent in place on parts of the site to allow winter storage of caravans.

In officer's opinion, given that there is already the potential for caravans to be sited on the site all year round, and the site being generally well screened, the proposal now being considered is unlikely to have such a detrimental impact on the visual amenity of the area as to justify refusal.

1.1.6 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Representations have been received regarding residential amenity concerns such as noise from the site and dogs barking.

The use of the site all year round may increase the noise, disturbance from passing traffic but the site is unlikely to be at full capacity during this time over the winter and therefore is considered to have a less of an impact than during the summer months. It is further considered that the actual number of additional vehicular journeys associated with the additional usage would be that significant as to justify refusing the application. If the proposal is acceptable in terms of noise and activity between March and October, it would be hard to construct a case to say that the equivalent level of activity was not acceptable between November and February.

With respect to the concerns raised by the Community Council and local residents, given the existing permissions in place, the nature of what is being proposed and national guidance in relation to using 'holiday occupancy' conditions over 'seasonal occupancy' conditions, it is considered that the proposal is not unacceptable in terms of its impact on residential amenity.

1.1.7 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

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 (PPW) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Representations have been received regarding highways concerns including the road access off A55 being unsuitable for increased traffic and the condition of this road.

The Highway Officer has not objected to the proposal.

Whilst noting the concerns raised, Officers considered that the additional 4 months of use would not result in a significant change in vehicular flows from the existing situation. It is not considered that there is sufficient evidence to support refusing this application on highway safety grounds. The proposal is therefore considered acceptable in this regard.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

SUMMARY AND CONCLUSIONS:

The removal of Condition 8 and 7 to allow for a year round holiday occupancy is considered to be acceptable subject to the imposition of a replacement condition around occupancy to restrict the use of the site to holiday purposes only.

RECOMMENDATION: APPROVE

Condition 8 on planning permission ref 47/2002/0693 and condition 7 on appeal decision ref APP/A/03/1117348 shall be deleted and replaced with the following condition:

No caravans on the site shall be used other than for holiday purposes only, and none shall be occupied at any time as a person's sole or main place of residence. The site licence holder shall maintain an up to date register of the names and addresses of the occupiers of the touring caravans and motor homes, and the dates each caravan or motor home arrives on the site and leaves the site. The register shall be made available on request for inspection by officers of the Local Planning Authority. Responsibility for the maintenance of the register shall be that of the caravan site licence holder or his/her nominated person(s).

Reason: To enable the Local Planning Authority to effectively monitor the use of the holiday units to ensure that no unauthorised permanent residential occupation of the units takes place on site.