

Escrick Parish Council

Planning Application Consultation Response

REPRESENTATION FORM TO BE RETURNED TO SELBY DISTRICT COUNCIL AND CITY OF YORK COUNCIL ON OR BEFORE: 25 September 2020

DATE :

Planning App. Ref	20/01546/FUL
Alt Ref:	
Proposal	Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year Previous approval for: Outline application for redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and glamping uses, static caravans and self contained lodges with associated facilities.
Address	North Selby Mine New Road Deighton York YO19 6EZ

PARISH COUNCIL RESPONSE BY THE CLERK

Signed :	Date :
Reviewed at Parish Council meetings held on	Date: 5 October 2020

COMMENTS ON PLANNING APPLICATION

Context for qualified support in principle to amend the imposed condition:

Escrick Parish Council notes the Outline planning consent now granted, which describes the permitted scheme as a '*leisure development comprising of a range of touring caravan and static caravans with associated facilities*'.

Condition 3 of the consent states: '*The number of static caravan pitches on site shall be restricted to no more than 231, to be sited in the area totalling 6.24ha that is marked as the Bowl and shown coloured lilac on the submitted Parameters Plan no.2356.02 Rev.03. The number of touring caravans and tent pitches shall be restricted to 92, to be sited in the area totalling 1.49ha that is marked as the Woodland and shown coloured rose pink on the submitted Parameters Plan no.2356.02 Rev.03.*

Reason: The condition is imposed to ensure that the number of caravans is not increased to a level which could harm the appearance or character of the area, openness of the Green Belt,

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nature conservation value of the wider site and in the interests of highway safety.’

We would comment that we welcomed the Planning Committee’s request for clarification on this matter at the meeting and the applicant’s agreement that this number of units (231 and 92, a total of 323 no.) was the **maximum** number of holiday accommodation pitches required and that there was no need for any flexibility on this. The extent of accommodation development has also been clearly delineated and limited for plentiful good reasons. Therefore, for the record, **we would strongly object if a further application to vary condition 3 was to be made in the future as the application was clearly made and agreed to be acceptable by the applicant on this basis prior to its determination.**

EPC supported the principle of this change of use to a leisure development only on the basis that enforceable conditions would be imposed to ensure no permanent occupation of the holiday accommodation granted. We previously submitted the following on this issue:

‘No Permanent Residency:

No ‘Site Management Plan’ is provided to state whether the site will operate the full 12 months a year and what occupancy restrictions will be imposed. Whilst the application is for the sui generis use as a leisure development, the determination of the application (as advised by the Officer Report) and any consent granted must ensure that the accommodation is not used as ‘Use Class C3 residential’ which would not be permitted here.

This is important as occupants living permanently on the site would have implications for education, health and social provision and other residential needs of these residents and on the Parish and wider area.

An enforceable condition must therefore be attached to restrict occupation to meet the ‘Newbury’ tests. Example restrictions from other developments include:

- *“The caravans shall be occupied for holiday purposes only and shall not be occupied as a person’s sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the LPA.”*
- *“The holiday village hereby approved shall be closed and shall not be occupied for holiday purposes for a continuous period of four weeks each calendar year, such period extending from the first Saturday of each February.”*
- *“The holiday lodges hereby approved shall be used for holiday purposes only and for no other purposes whatsoever including as permanent residential units.” ‘*

Current application to vary the condition:

Condition 4 of the Outline consent granted (19/00078/OUTM) states: *‘The static and mobile*

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caravans shall be occupied for holiday letting purposes only and not as a person's sole or main place of residence. For the purpose of this condition, "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 nights in any one calendar year. No individual caravan, motor home or tent (whether occupied or otherwise) shall be located on the site hereby permitted for a total of more than 28 nights in any one calendar year. The site owner/operator shall maintain an up-to-date register of the names and main home addresses of all occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority.

Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The site is not considered appropriate for full time residential use due to its position in the Green Belt.'

It is this condition 4 that the applicant is now seeking to vary, citing that the current condition 'is overly restrictive and makes the scheme unable to compete successfully with other businesses of a similar size in the surrounding area.'

Escrick Parish Council has some sympathy with this comment and the applicant, but our overriding objective, which we know matches that of City of York Council when granting the Outline consent, is to ensure that the holiday use granted is **not allowed to be misused as permanent accommodation, ie. as 'Use Class C3 residential', which would not be permitted here.**

The applicant's comment of wanting parity with other holiday parks in the surrounding area is difficult to reconcile as we are not aware of any other holiday parks of this large scale in the local area. However, we appreciate the applicant's need for the site to be attractive to the market and saleable, but would strongly contend that **any replacement condition must be 'fit for purpose' and ensure that the holiday accommodation that is eventually provided does not become permanent residential accommodation.**

We do not agree with the applicant's assertion that it is only isolated small sites where misuse of conditions takes place by occupants. Individual Parish Councillors have personal knowledge of local examples where children living in caravans and holiday lodges at holiday parks on a full time basis as their only home have attended local schools, attended higher education (university, hospital training etc) / worked locally as cheaper alternatives to renting or buying a local home, with no Council Tax etc to pay but with implications for local services. We are also aware of many people who have 'retired' to a local holiday park in a lodge or caravan (as they are well designed and of a high thermal standard too, in a well maintained rural environment) and give a family address elsewhere as their main home, but live here full time. It is appreciated that giving 'incorrect' information on the register of occupants is difficult for the operator to police and enforce, but that explains why improved conditions to prohibit misuse of the holiday accommodation (ie all types of accommodation on the site) as permanent Class C3 homes on this large site is required and is justifiable. For context, currently on Rightmove, of the 14 no dwellings for sale in Escrick, 5 no of them are

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for holiday lodges at Hollicars, with some emphasising the ability to reside there 12 months a year.

It is totally appropriate and common practice to restrict a time limit on how long a particular family may stay at the holiday park, and for the park as a whole to close for a short period each year to ensure that such a misuse will not take place. The example below of holiday accommodation at the popular Cotswolds Water Park in Cotswolds District Council's area shows that 2 conditions together help control occupancy in a tried and tested extremely marketable location. Many other sites nationally also control the length of occupation by one particular family and no return by the same household, in order to prevent such misuse.

We have examined the condition on the planning consent granted by City of York Council to find a compromise that would potentially be acceptable to all and meets good practice elsewhere. The variation on the current condition 4 we propose is based on the applicant's own planning submission, when their consultant's Tourism Planning Report Statement provided evidence to support their Planning Statement, which stated On Visitor Expenditure, the application states that in Cumbria '*annual caravan and camping pitch occupancy of around 40% is normal. For the purposes of this study a slightly lower 37% has been used*'. For rented static caravans, '*annual static caravan occupancy of around 82% is normal. For the purposes of this study an industry norm for self-catering accommodation of 50% has been used. For the holiday lodges, a Scottish occupancy level of 52% is used.*' They cited this data to assess the amenity and environmental impacts and in particular their traffic calculations and the implications of the proposals on the local and wider road network. Consequently they cannot now contest that any proposal to close the holiday park for a short period each year in a low demand season would be detrimental and make the site uncompetitive, when they themselves use relatively low occupancy figures which they say makes the site viable.

It should be noted that, if any of the plots are sold in due course, they will be on a leasehold basis. This is confirmed in the Rightmove sales details of the 5 no holiday lodges currently for sale at Hollicars holiday park. This gives the ability for the lease to provide an extra level of protection against the abuse of accommodation as permanent residential accommodation. One of the sales details states: '*With regards to the nature of the Leasehold, the lodge, decking and shed are owned outright with a licence agreement to station the lodge at the holiday park*'. As the applicant says that this is their intention, there is no reason why this should not be acceptable, particularly as again this is common good practice elsewhere, and so is included in the proposed condition below.

EPC proposes the following amended condition 4 (or as more than one condition):

'Notwithstanding Classes C2, C3 and C4 of the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the accommodation shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence.

All accommodation within the site shall be occupied for holiday owned and/or letting

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purposes only and not as a person's sole or main place of residence. For the purpose of this condition, "holiday owned and/or letting" means occupation by the same person, group of persons or family for period(s) not exceeding a total of 6 months in any one calendar year. Any period of occupation shall be restricted to a period of twelve weeks for any single letting / occupation and no return within four weeks by the same household shall be permitted.

No individual permitted mobile accommodation (whether occupied or otherwise) shall be located on the site unless on the area permitted and for a total of no more than twelve weeks for any single letting / occupation and no return shall be permitted within four weeks by the same person, group of persons or family household, up to a maximum period of 6 months on the site in any one calendar year.

A Site Management Plan shall be submitted prior to any occupation on the site showing how the leisure development operator will ensure that the holiday accommodation shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. A copy of the proposed leasehold or other agreement including occupancy conditions shall be submitted and approved in writing by the Council's solicitor, such approval not to be unreasonably withheld. If at any time hereafter any holiday unit is resold / let out by the leisure development operator, or sub-let by a leaseholder, the lease or sub-lease shall contain a covenant on the part of the leaseholder to comply with the original leasehold condition, the wording of such a covenant having previously been submitted to and approved in writing by the Council's solicitor, such approval not to be unreasonably withheld.

The Site Management Plan will also confirm the continuous period of four weeks that the leisure development will be completely closed each calendar year, to help ensure that any of the accommodation cannot be used as permanent accommodation. All holiday units will not be occupied for a continuous period of four weeks from the first Saturday of each February inclusive in each year, or such alternative equivalent continuous dates that may be agreed in the Site Management Plan by the Council, such agreement not to be unreasonably withheld.

The site owner/operator shall also maintain an up-to-date register of the names and main home addresses of all occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority.

Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The site is not considered appropriate for full time residential use due to its position in the Green Belt.'

Escrick Parish Council notes that this application has been called in for Planning Committee determination, and this is welcomed. We request that this submission, and in particular the proposed alternative condition(s), be reproduced in full in the Officer Report, so that Members understand the context and extent of our qualified support to amend the condition already imposed to one more marketable but equally effective and

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that covers all types of holiday accommodation on the site – ie only to one that is equally ‘fit for purpose’ and ensures no misuse of any of the holiday accommodation in the future.

For background, extract of planning consent with conditions restricting accommodation use elsewhere:

Amendment to previously approved scheme of holiday lodges Plots 25-50 only at Lake 11 Cotswold Water Park South Cerney Cirencester

APPLICATION REF: 07/03605/FUL

DATE OF DECISION: 20th November 2008

FILE REF: CT.2648/4/B

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other statutory instrument amending or replacing it, no means of enclosure, structures, buildings or extensions, shall be erected, constructed or sited in the application site, other than those permitted by this Decision Notice.

Reason: To preserve the character and appearance of the application site in accordance with Cotswold District Local Plan Policies 19 and UT.1, and PPS1 and PPS7.

- 3 Notwithstanding Classes C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, the accommodation shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence.

Reason: The site is not suitable for permanent, unrestricted accommodation or as a primary place of residence because of its open countryside location. This condition is imposed in the light of PPS1, PPS7 and PPG21 and Policies 19, 26 and UT.1 of the Cotswold District Local Plan.

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- 4 The holiday units to be erected as part of the development will not be occupied from the Sixth January until the Fifth February inclusive in each year.

Reason: To control the occupancy of the holiday units in an area where unrestricted residential accommodation would not normally be permitted. This condition is imposed in the light of PPS1, PPS7 and PPG21 and Policies 19, 26 and UT.1 of the Cotswold District Local Plan.

- 5 If at any time hereafter any holiday unit is let out by the developer, or sub-let by a leaseholder, the lease or sub-lease shall contain a covenant on the part of the leaseholder to comply with conditions 15 and 16, the wording of such a covenant to have been previously submitted to and approved in writing by the Council's solicitor, such approval not to be unreasonably withheld.

Reason: To ensure the restriction on the occupancy of the unit is strictly controlled in an area where unrestricted accommodation would not normally be permitted. This condition is imposed in the light of PPS1, PPS7 and PPG21 and Policies 19, 26 and UT.1 of the Cotswold District Local Plan.