

PLANNING APPLICATION: 09/02063/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- The application is to amend condition 4 of permission 00/02000/FUL which reads as follows "No static caravan, tent or tourer pitch shall be occupied by the same person(s) for more than 3 months in any calendar year, and such period shall not run consecutively to such a period in any successive or previous year" to allow the use of static caravans at the site for holiday purposes only (as defined elsewhere in this permission) during the period of 1st January to 15th January and 15th February to 31st December in any year.

The Site

- Lossiemouth Caravan Park, Seatown, Lossiemouth designated as T1 in the Moray Local Plan 2008.

Policy / Objections-Representations / Consultations - See Appendix

History

- 00/02000/FUL** - Reposition existing static caravans and provide a total of 157 static serviced pitches 20 touring hook-up pitches and 12 tent pitches at Caravan Site Seatown Lossiemouth Moray IV31 6JJ - Permitted
- 09/00702/FUL** - Amend condition 4 of permission 00/02000/FUL to allow the use of static caravans at the site for holiday purposes only (as defined elsewhere in this permission) during the periods of 1st January to 15th January and 15th February to 31st December in any year Lossiemouth Caravan Park Seatown Lossiemouth Moray IV31 6NW- Permitted subject to a maximum occupancy period of 3 months in any calendar year and a register of occupants being kept.
- 08/02675/FUL** - Amend condition 4 of permission 00/02000/FUL to allow the use of the site only for the periods 1st January to 15th January and 15th February to 31st December in any year Lossiemouth Caravan Park Seatown Lossiemouth Moray IV31 6NW - Permitted subject to a maximum occupancy period of 3 months in any calendar year and a register of occupants being kept.
- 08/00618/FUL** - Proposed conversion of site facilities building to owners dwellinghouse at Lossiemouth Bay Caravan Park East Beach Lossiemouth Moray IV31 6NW - Permitted

- 98/00309/FUL** - Change of use caravan/camping site for 1 Oct to 31 Mar yearly (permission exists for 1 Apr to 30 Sept). Use 1 pitch for warden/caretaker all year at East Beach Lossiemouth Moray - Permitted subject to a maximum occupancy period of 3 months in any calendar year and a register of occupants being kept.
- 97/01125/LAW** - Application for Certificate of Lawfulness for an existing use at Caravan Site Seatown Lossiemouth Moray IV31 6JJ - Permitted

Advertisement

Advertised for Neighbour Notification purposes.

Observations

Background

In the district there are many consents for holiday caravans, many dating back decades. A number of these consents, particularly those from earlier times, are relatively open ended in relation to the restrictions placed on holiday use. In more recent years there has been increasing concern to apply conditions that can reasonably ensure holiday caravans are retained for that use only and are not used on a more permanent residential basis.

Policy Basis

Retention of holiday caravans for holiday use is seen as important firstly to help ensure the availability of short stay holiday accommodation in the area, and secondly to avoid residential type uses that can have a marked impact on the character of the area and also result in substandard accommodation. Reflecting this policy H11 only allows new residential caravans on the basis of temporary necessity; and Policy ED9 states "Developments built as holiday accommodation (e.g. caravans or chalets) should be retained for that purpose and not become permanent residences. Conditions will be applied to planning consents to control this aspect" and in the Lossiemouth settlement statement, designation for Seatown Caravan Park (T1) requires that holiday only use of the site is protected.

Analysis

Each caravan site has its own particular history and in each case the conditions to be applied in relation to holiday use have to take reasonable account of what has already been given consent. The conditions applying to "holiday" consents (policy ED9 above) have, over the years, generally required that caravan sites be closed for one month in the year, in order to prevent permanent residential use. In 2005, following an Appeal relating to a single caravan (ref. 05/00705/FUL) the Reporter attached a further condition limiting any individual stay in a holiday caravan, to 3 months in a year, further restricting the likelihood of permanent occupancy. This condition has since been applied elsewhere, and was originally applied to this consent. The applicant is seeking its removal, and a reversion to the "one-month-closed" condition.

The issue at stake here is how conditions of consent can ensure that these caravans, consented for holiday use, do not become "residential" by default. A widely used measure to ensure compliance with holiday occupancy is that the site owner/applicant is required to maintain a register of occupants which, on inspection, will be able to evidence the normal permanent address of the occupant establishing a "bona fide" holiday use. However, this has, to an extent, been thwarted by owners/applicants selling on individual units on a site.

Even the 3 month occupancy restriction can be all too easily circumvented by moving an occupier to a neighbouring caravan. However, there is anecdotal evidence that the 3 month restriction does deter the sale of individual units burdened by this occupancy condition. Increasingly, caravan site operators are offering to sell on units, which then can become more like second-home holiday units for the purchaser, for whom a 3 month restriction is unreasonable.

At least with the one-month closure, all caravans on the site are closed at the same time.

Enforcement against non-compliance with occupancy conditions is difficult and time-consuming. While the 3-month occupancy condition may have a deterrence effect, it is difficult to operate because it requires to enforce against a named individual, as detailed in a register; it may be untenable.

Conversely, the 11 month occupancy can be "virtually residential", so long as the occupant is absent during the nominated month. In these cases, enforcement inspections can be carried out during that month, and of course at any time during the 11 months, if there are complaints, or allegations of owners letting out caravans for non-holiday use, these can be investigated on a specific and individual basis as a breach of the "holiday" status of the caravan(s).

On balance, following an internal Departmental review of the policy, it is concluded that the one-month closure is adequate for the purposes of enforcing compliance with holiday use when in conjunction with a register as is the case in this application. It is a lesser burden on the enforcement staff workload.

The decision on this application will dictate practice for future applications for holiday caravans.

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A handwritten signature in black ink that reads "Donald J. Lunan". The signature is written in a cursive style with a large initial 'D'.

DONALD LUNAN
PLANNING & DEVELOPMENT MANAGER

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

H11: Residential Caravans and Sites

The Council will not permit residential caravans, except

- a. in emergency situations requiring urgent re-housing for a temporary period, or
- b. where a temporary consent is required in relation to the construction of a house for which planning consent has been granted

Proposals to redevelop residential caravan sites at Kinloss and Ashgrove to provide new housing will be acceptable. Proposals to redevelop Mundole residential caravan site should be the subject of a masterplan and retain holiday accommodation as the primary use in accordance with the rural community statement.

ED9: Tourism Facilities and Accommodation

The Council will generally support, proposals which contribute towards Moray's role and image as a tourist area. Proposals will require to: -

- a. be compatible with policies to safeguard and enhance the built and natural environment,
- b. provide adequate infrastructure arrangements (e.g. roads, parking, water, drainage), and
- c. demonstrate a locational need for a specific site.

Developments built as holiday accommodation (e.g. caravans or chalets) should be retained for that purpose and not become permanent residences. Conditions will be applied to planning consents to control this aspect.

For caravan and chalet parks in countryside areas, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be taken to assist integrate the site into its rural setting, in addition to providing on-site amenity. Rigid formal arrangements should be avoided with stances/units separated to provide discrete locations/surroundings

T1 Caravan Park

The caravan park will be protected from development due to its importance as a tourist facility. It should remain as a holiday caravan site, and change of use to an alternative activity will not be permitted. The Council will promote the upgrading of this facility to achieve a better quality of provision. Access to allow cleaning and maintenance of the canal must be maintained along the western boundary of site T1.

OBJECTIONS-REPRESENTATIONS

No objections/representations have been received.

CONSULTATIONS

Contaminated Land, Development Services - No objection

Environmental Health Manager, Development Services - No objection

Transportation Manager, Direct Services - No objection