

**13 DCNW2005/1888/F - REMOVAL OF CONDITION 9 ATTACHED TO APPEAL DECISION (PLANNING REF 94/0672/C AND 95/0053/C) SITING OF CARAVANS, ARROW BANK CARAVAN PARK, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BG**

**For: West Country Park Homes Ltd, Charles F Jones & Son Limited, 16 Grosvenor Court, Foregate Street, Chester, CH1 1HN**

**Date Received: 9th June, 2005**

**Ward: Golden Cross  
with Weobley**

**Grid Ref: 41721, 58941**

**Expiry Date: 4th August, 2005**

Local Member: Councillor J.H.R. Goodwin

**1. Site Description and Proposal**

- 1.1 Arrowbank Caravan Park is an established caravan park which lies to the North of the defined village settlement of Eardisland. The caravan park lies between the former farm house (Nun House Farm) and the River Arrow on its north bank, access to the site was originally from Lyme Lane, but is now served by an access further to the east of the bridge over the river onto the C1035. The site is well screened and relatively unobtrusive in the local landscape although glimpses of the site can be seen from Haybridge Lane.
- 1.2 In the mid 1990's the caravan park, then known as 'Riverside' made applications to extend the site. A public inquiry in 1995 led to the decision to allow the appeals with conditions attached. In essence the decision allowed the extension of the site from the agreed number of 60 static caravans to a maximum of 105 static vans. It also allows for the siting of 34 touring caravans. Throughout the application and subsequent appeal a plan showing the siting of the vans was provided. This siting plan showed explicitly where the static vans and touring vans/pitches were site. Separate landscape plans were provided.
- 1.3 This application seeks the removal of condition 9 of this appeal decision which reads: "No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme which show the area where static caravans and the areas where caravans on tour are to be sited. No caravan shall be sited other than in accordance with the approved scheme."
- 1.4 The plan that has been accepted as being the siting plan shows explicitly where each van is to be sited on the site. It is evident from recent site visits that the caravans are not sited in the exact position as shown and extend beyond the areas on the site that are intended to house the static caravans.
- 1.5 Removal of condition 9 would essentially allow for the siting of static or touring caravans anywhere within the site edged red on the application. The site, edged red is much wider than the existing areas previously approved for the siting of static and

touring vans and as such raised immediate concern. In response to this a plan detailing the areas to site static and touring caravans was requested and this plan now forms part of the application submission. This plan does not show the siting of each of the vans and shows the wider area only. In addition to this the applicant has provided an indicative plan only of the siting of the vans to the north of the site which forms the extended part of the site. A re-consultation on this additional plan was undertaken on the 26th July 2005. The application submission also includes a copy of the Caravan Sites Licence issued by Herefordshire Council on the 14th October, 2004.

- 1.6 Members are reminded that even though the application is to remove the condition, the Local Planning Authority retain the ability to vary the wording of condition 9 should they feel in necessary to ensure a satisfactory form of development.
- 1.7 Whilst not specifically applied for a new access track has also been provided to serve the extension of the static caravan area to the north.

## **2. Policies**

### **2.1 National Planning Guidance**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 7: Sustainable Development in Rural Areas  
Planning Policy Guidance 13: Transport  
Planning Policy Guidance 21 – Tourism

### **2.2 Leominster District Local Plan (Herefordshire)**

Policy A1 – Managing the District's Assets and Resources  
Policy A2(D) – Settlement Hierarchy  
Policy A9 – Safeguarding the Rural Landscape  
Policy A16 – Foul Drainage

### **2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

Policy S2 – Development Requirements  
Policy S4 – Employment  
Policy S7 – Natural and Historic Heritage  
Policy DR1 – Design  
Policy DR2 – Land Use and Activity  
Policy LA2 – Landscape Character

## **3. Planning History**

- 3.1 NW2000/2903/F - Variation of condition 3 of decision dated 25th January, 1996 - Approved 30th January, 2001. Condition now reads as follows:  
  
"No caravan on tour shall remain on the site between 7th January and 1st March in any one year."
- 3.2 95/0053/C - Provision of 30 no static van sites and 23 no tourer van sites, toilet/washing facilities and upgrading of internal service track - allowed on appeal.

- 3.3 94C0672 - Provision of 45 additional static caravan sites and 34 tourer van sites, toilet and washing facilities, and upgrading of internal service tracks - allowed on appeal.
- 3.4 75/C110 - 45 static caravans - approved

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 The Environment Agency response to the initial consultation is as follows:

The lower portion of the original application site lies within the Agency's Flood Zone 3.

The layout of caravans shown on the submitted plan, dated June 2005, is outside of the Agency's Flood Zone 3 and we would therefore raise no objection. We would recommend that you apply standing advice for 'camping and caravan sites within flood Zone 1'.

However, we would recommend that you do not remove Condition 9 as it enables reasonable control to ensure that caravans are located outside of Flood Zone 3 (the 1:100 year floodplain). It should be noted that the Agency would object to any proposals to site caravans within the 1 in 100 year floodplain.

##### Internal Council Advice

- 4.2 Traffic Manager raises no objection.
- 4.3 The Environmental Health Manager raises no objection.
- 4.4 The Public Rights of Way Manager comments that:

The proposed development would not appear to affect public footpaths ED5 and ED6. However the following points should be noted:

There is a footpath (ED5/6) running through the development area and although part of the path has eroded into the river, the parts that remain on the bank are still public rights of way and should remain free from any obstruction.

#### **5. Representations**

- 5.1 Eardisland Parish Council have responded as follows:

As a council we are unanimous in wishing to object in the very strongest of terms to the proposal to remove Condition 9 attached to the Appeal decision (planning reference 94/0672/C and 95/0053/C) relating to Arrow Bank Caravan Park.

The reasons for our objections are as follows:

- The report dated 25/01/06 and conducted by Paul Graham, solicitor, gives clearly argued reasons - which remain applicable - for the location of the agreed static holiday caravans and for the landscaping of the site.
- If condition 9 were to be removed, the owners of Arrow Bank Caravan Park would be able to site, at their will, static vans within the boundaries of the map which

accompanied the application. These boundaries include both the area currently used by touring caravans and the recreation area next to Lyme Lane. This would mean a considerably larger area for static vans and would not comply with the recommendations made in Paul Graham's report.

- If condition 9 were to be removed, the current landscaping requirements could be contravened. Indeed, on the large-scale plans submitted with the application, structures are already shown as being sited on the recommended landscaped area.
- Eardisland lies within a Conservation Area. The Council considers that there could be a serious detrimental effect on the beauty of the village if, as a result of the removal of Condition 9, large static vans were to be located on the current touring and recreation areas and if there were to be a reduction in landscaping on the site.
- Item 13 of the planning application indicates that the owners intend to dispose of storm water into the existing soakaways and foul water into the existing septic tank. The caravan park lies in the flood plain of the River Arrow and the water meadows regularly become water-logged. With the removal of condition 9, and a possible increase in the number of people using the site, the current soakaways and septic tank could be insufficient and lead to pollution of the River Arrow.
- For the reasons submitted on the form sent to you on the 5th July, and for the more detailed reasons given above, the clear view of the Parish Council is that the application for the removal of condition 9 should be refused.

However, it has come to light that part of the caravan park by the river Arrow is designated as an area of Special Scientific Interest. The members would like to draw your attention to this fact and duly ask the Planning Department to consider this factor in their deliberations regarding this particular application.

Eardisland Parish Council is writing this letter further to comments sent to your department on 5th July 2005.

As a council we are unanimous in wishing to object in the very strongest of terms to the proposal to remove Condition 9 attached to the Appeal decision (planning reference 94/0672/C and 95/0053/C) relating to Arrow Bank Caravan Park.

5.2 The application submission was received with a covering letter which can be summarised as follows:

- By way of background, this condition requires the provision of a plan to confirm the precise siting and layout of holiday caravans within the existing confines of the approved caravan park.
- Such a condition is, in fact, ultra vires as the siting and layout of caravan pitches within an approved caravan site boundary is strictly a matter for the Site Licence to control via the imposition of its own conditions and spacing standards and is not an issue for a Local Planning Authority to dictate.
- To this effect, I enclose herewith as part of this application a copy of the current Site Licence document (No. 106) that controls the siting of holiday caravans at

Arrow Bank Caravan Park, and therefrom, you will take note of the specific conditions which relate to the density and space between caravans.

- 5.3 At the time of writing at least 81 letters of objection have been received from local residents:

The concerns raised can be summarised as follows:

- a) Removal of the condition would allow the caravans to encroach into areas outside of the original remit
- b) The design of new chalets are out of keeping with surroundings
- c) The inspectors report of 25th January 1996 makes clear and unambiguous findings of the location of the agreed holiday static caravans
- d) The site has often breached its conditions - siting, external appearance of vans, creation of an access road, lack of landscaping
- e) Commercial interests should be balanced with community values
- f) Potential for increase in population of park which may lead to Eardisland being swamped
- g) Removal of condition 9 would be an unwelcome development, and not in the best interests of the village of Eardisland
- h) Increase in traffic lead to highway safety concerns
- i) Concern that this is development by the 'back door'
- j) Concern relating to flooding and environment agency responses
- k) The revised site plan extends into an area meant for landscaping
- l) Gross alteration in the ratio of caravan site residents to villagers to the detriment of the character and peculiarities of Eardisland
- m) Impact on the environment and wildlife in River Arrow

- 5.4 In addition to this a letter has been received from the Ramblers Association which makes reference to the following:

1. Lack of correct detail, as plan is not up to date OS map
2. Path no ED 5 & 6 cross the site - the path is subject to a modification order submitted by the Ramblers Association. Vans obstruct this Public Rights of Way
3. Removal of condition 9 would mean they could site vans anyway
4. Is the existing septic tank able to cope
5. Outlines proposal made by Herefordshire Council to move Public Rights of Way along which owners refused

- 5.5 1 letter of support have also been received which states:

I am writing in support for the caravan site which is an asset to the village and brings a great deal of pleasure to many people who want a quiet relaxing holiday. It is maintained in immaculate condition, which is a lot better than some other properties nearby. It is well screened and cannot be seen from the village.

- 5.6 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 Arrow Bank Caravan Park has received planning permission to extend its site into the adjoining field as outlined in the initially approved plan. The principle of doing this has been established and this application does not require us to revisit this matter. The main issue for consideration lies with the acceptability of removing condition 9 and the implications that this would have.
- 6.2 Earlier in the year the owners of Arrow Bank Caravan Park have begun to undertake works to progress with the enlargement of the site as per the approval received on appeal in 1996. As a result of this a new service track was partially laid and a number of new 'chalet' style static homes erected. A number of complaints were received in April 2005 that led to visits from the Councils Enforcement Team and subsequently Planning Officers. As a result of this it was noted that the approved siting plan did not accord with that previously submitted although the siting of the vans and routing of the service track did concur with that approved by Herefordshire Councils Licensing Officer in the granting of its site licence. It was duly noted that the siting of the vans did extend beyond the areas defined in the planning permission. It was also realised that the siting plan partially duplicated the work of the site licence granted by the Council.
- 6.3 After careful consideration it was requested that an application to remove or vary condition 9 be submitted to the Local Planning Authority. This would allow the siting of the vans and laying of the service tracks to be free from the restrictions of planning control and although still strictly controlled by the conditions of the Site License. Other conditions within the planning permission would restrict the numbers of static and touring vans allowed on site and the landscaping that should be planted.
- 6.4 However, on submission of the application, it was realised that the site edged red and showing the Caravan Park boundary was substantially larger than the areas previously shown to be acceptable for the siting of both the static vans and touring vans. If the condition were removed then there would be no restriction, except by numbers, on where the vans were sited within the red edged area. The decision notice for the approved scheme placed much emphasis on the impact of these vans and the importance of open areas to act as buffers and as such this was not deemed acceptable and as such a plan showing the extent of the area for the siting of Static and Touring vans was requested.
- 6.5 The receipt of this plan would allow the Local Planning Authority to vary the condition with the explicit intention of restricting the siting of the 105 static caravans to the area shown as being hatched on the submitted plan and the siting of the 34 touring caravans within the area marked yellow. This condition would be deemed reasonable and necessary, as it would provide absolute certainty that the vans would not be sited outside of these areas, but would allow the control of the precise location of each van to fall within the strict jurisdiction of the site licence. The variation of the condition would not allow and increase in the numbers of the vans. Nor would it remove any restrictions imposed by the other conditions.
- 6.6 The Site License, issued pursuant of the powers conferred to the District of Herefordshire County Council by sections 3 and 5 of the Caravan Sites and Control of Development Act 1960 controls matters relating to:
- The number of mobile homes and definition of site boundaries
  - Density and space between caravans

- Roads, gateways and footpaths
  - Hard standings
  - Fire fighting appliances
  - Storage of Liquid Petroleum gas
  - Electrical installations
  - Water supply
  - Drainage sanitation and washing facilities
  - Refuse disposal
  - Parking
  - Recreation Space
  - Notices/Signage
- 6.7 The variation of condition 9 would allow the Holiday Park to react to the requirements of this site licence within the areas shown on the plan. Any development required to be carried out to comply with the site licence would constitute permitted development.
- 6.8 The plans do show a number of particular changes, namely the laying of an access track, which has been partially completed to the west of the eastern landscaped area (not undertaken) and the ability to site vans to the far north east corner of the site which was previously not shown to have any vans shown. This includes an area some 40m beyond the area where the vans are sited on the approved plan. This area had no explicit designation on any of the approved plans and is considered to be implicit in part of the application site. It would not have any significant harm on the landscape.
- 6.9 The indicative site plan shows a revised service/access track. The track approved was much more intrusive than the revised access that would follow the contour of the land adjacent to the proposed landscape orchard area and would. The removal of the condition would allow the laying of the new access track under the control of the site license.
- 6.10 The approved landscaping plan has been implemented and there are large areas of planting which remain outstanding. The Local Planning Authority Enforcement Team are actively pursuing that this planting is undertaken in the next planting season (October 2005 to March 2006). This was an integral part of the approval and is of importance.
- 6.11 Local residents have also raised concern relating to the installation of the new static caravans that have the appearance of a 'chalet'. These are double static vans, imported in no more than two pieces and then joined on site. They fall within the definition of a caravan and are therefore deemed acceptable.
- 6.12 To conclude, the removal of the condition restricting siting would allow for uncontrolled and potentially detrimental development. As such the variation of the condition is deemed to be the most appropriate course of action. This would restrict the siting of vans to defined areas within the red-edged site. The site license would control the exact siting of each caravan, including the draining, access and facilities. The implementation of the approved landscaping scheme is being pursued.

## **RECOMMENDATION**

**That Condition 9 of appeal decision planning permissions reference 94/0672/C and 95/0053/C be varied as follows:**

- 1 - At no time shall any static caravans be sited outside of the area shown as hatched on or any touring caravans be side outside of the area shown yellow on the approved plan.

**Reason:** To clarify the terms of this permission and to protect the quality of the landscape.

**Informatives:**

- 1 - It is brought to the attention of the applicant that the other remaining conditions continue to apply.
- 2 - It is brought to the attention of the applicant that the implementation of the approved landscaping scheme remains outstanding and should be implemented in the next available planting scheme.
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.