DELEGATED DECISION REPORT

SMD/2023/0462 **Valid 13/09/2023**	**THE CROSS INN CARAVAN PARK ASH TREE ROAD HOFTENS CROSS CAULDON LOW**	**APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED STATIONING OF 44 STATIC CARAVANS FOR HOLIDAY PURPOSES WITHIN THE EXISTING CARAVAN SITE** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

- whether the proposed use (‘stationing of 44 static caravans within the existing 'caravan site’) would amount to ‘development’ for which planning permission would be required

DESCRIPTION OF SITE

The caravan site measures roughly 1.1ha and comprises a static and touring caravan park, set out over a single field, located to the west of Cross Inn, a public house, with which is shares its access.

The site has planning permission granted 95/00968 for a Caravan Site and Associated Engineering Works. The approved plan refers to 25 touring caravans and 6 static caravans. A toilet block is also shown to the west.

PROPOSAL

A lawful development certificate for proposed stationing of 44 static caravans for holiday purposes within the site.

The proposals do not include any operational development that may be required to support the caravan site use. Operational development is normally permitted development under Town and Country Planning (General Permitted Development) Order 2015 (GPDO, as amended), Schedule 2, Part 5, Class B, if it is required by a site licence.

The question of this application is strictly confined to whether an increase of 17 static caravans for holiday purposes would be lawful.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SM95-0968- Caravan Site and Associated Engineering Works.- approved
9600540-Security Lights- Approved

CONSULTATIONS

Publicity

Site Notice expiry date: N/A
Neighbour consultation period ends:N/A
Press Advert: N/A

Public Comments

One letter of representation has been received objecting to the development with the following comments

- 44 caravans seems incredibly excessive on the size of this plot of land.
- There will be noise and light impact.
- Iimpact to the nature and also attractiveness of the countryside

OFFICER COMMENTS

The planning merits of the proposal are not under consideration.

To enable a Lawful Development Certificate to be granted, the only relevant consideration is whether or not the proposal would be lawful.

The application seeks the Council's view as to whether the stationing of an additional 17 static caravans on the site would require planning permission.

Firstly, considering the fact that the original planning permission dates back to 1995 it is first considered appropriate to assess whether the use of the site as a caravan site still exists or if the use has been abandoned.

The site is still capable of being a caravan site and there hasn't been any intervening use, and in any event it appears to have been used as such up to 2020 (albeit we were then in lockdown) and the owner intends to use it as such again. Even though the site is vacant the use has not been considered to be abandoned.

Compliance with approved plan.

Compliance with the plan is not a condition (as it would be now) and so there is nothing to say that the site has to be laid out in a particular way or that numbers be limited.

The application has been accompanied by a supporting statement which considered that the case I'm Your Man Ltd v Secretary of State for the Environment (1999), is relevant as the Court considered the grant of conditional planning permission for the "…additional use of warehouse/factory for sales, exhibitions and leisure activities for a temporary period of seven years…". This case established that when planning permission was granted for a particular use, any limitation on the way in which that use was to be exercised had to be imposed by condition.

The approved plans indicates the number of touring caravan suitable for each pitch these total 25 and in addition to the static caravans the site provides 31.

As there is no restriction on numbers or layout imposed by condition, the I'm Your Man line of cases is clear that the number of units and the layout cannot be controlled in any other way.

The 1996 Permission granted caravan site and there is no reference to the type of caravan or the number of caravans in the description of development. There are no conditions controlling the layout going forward in implementation or after implementation. As such

there is no cap on the type or number of units that can be stationed within the existing caravan site, nor on how they are laid out.

As such the LPA is satisfied that in those circumstances provided there was not intensification, the use of the site as a caravan site permitted by consent ref SM95-0968 would be lawful. It will also be bound by the conditions of that consent and it will be important to make sure the CLOPUD makes reference to those conditions (to the extent they are still relevant).

Change of use

The existing site has an approved use as a caravan site and this site has existed for a number of years. Considering the above the planning permission did not limit the number of units or the layout of the site. The proposal would introduce an additional 17 units to the site. In terms of visual impact, it Is not considered that there would be a definable change in the character of the use. Nor would the additional number of trips associated with the site be materially different to how the site could currently operate. Considering caravans would individual be sited for a maximum of 28 days at any one time, meaning caravans would come and go at any time throughout the year.

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CONCLUSION/ OFFICER RECOMMENDATION.

That the Certificate of Lawfulness is approved. In this case the council consider that a material change of use would not occur and therefore the lawful development certificate is approved

Case Officer: Rebecca Bowers
Recommendation Date: 09.02.2023

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council