

20/2006/038

MILLFIELD NURSERIES LIMITED

AMENDMENT TO WORDING OF CONDITION 6 OF PERMISSION 20/2005/022 AT MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON

322202/129034

FULL

PROPOSAL

Permission is sought for an amendment to the wording of the holiday accommodation condition, attached to permission 20/2005/022, relating to the erection of thirteen log cabins for holiday accommodation at the former horticultural nursery, which has now closed. The application was approved by the Planning Committee at the November 2005 meeting. The proposed amendment to the holiday condition wording is as follows: - (a) The chalets shall be occupied for holiday purposes only; (b) The chalets shall not be occupied as a person's sole or main residence; (c) The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority; (d) For the purposes of this condition, holiday purposes shall mean that each chalet shall be available for rent by various groups or individuals (other than and in addition to the owner) for leisure and recreation purposes.

The revised wording would replace the existing holiday occupancy condition, which is reiterated as follows:- The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN the revised wording seems to follow the proposed wording of the Best Practice Guide and recognises that they must be reasonable, fair and enforceable. Whilst I support the aim to prevent the accommodation being used as a main residence I am not sure that I fully support the proposed wording. I am concerned that as worded, they could perhaps operate or become a second home for family members and thus are restricted occupancy for holiday purposes. This would be contrary to the aim of allowing such development – to help diversify the rural economy – in an area where development would not otherwise have been permitted for residential use. Whilst supporting the proposed wording I would strongly request that a time limit is added to any one rental period. This would assist in ensuring a wide range of properties are available to encourage visitors to holiday in area (as set out in bullet 3, Annex 3 of the Tourism Best Practice). I don't think that

would be unreasonable as people would not be looking to stay on holiday for more than say one month at a time.

PARISH COUNCIL objects to this application for the following reasons:- 1. Permission has been granted for a total of 18 log cabins to let for tourism/ education purposes. This was granted with the following important condition:- "The occupation of the holiday accommodation shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holiday makers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times". Amendment of this condition would seriously undermine the rationale of the Planning Authority in its deliberations to grant permission for the defined purpose of this development of log cabins for letting to "bona fide holiday makers". 2. Approval of this application would facilitate the sale of these log cabins as 2nd homes, and allow the owner to occupy them for a period of 6 months a year on a permanent basis. This would be against the spirit of the original consent and be unacceptable to the local community, environment, and amenities. 3. Removal of this condition would not allow TDBC sufficient control to ensure that these buildings do not become permanent residential properties contrary to local and national planning policy. The Parish Council urges you to refuse this application.

3 LETTERS OF OBJECTION have been received raising the following issues: - the proposed wording would be open to far wider implications than was intended in the original wording approved by TDBC; proposed wording will by removing set time periods, reduce the motivation of owners to rent accommodation and accordingly diminish the increase in tourism in the area desired by the Council; create ambiguity into the terms of the planning consent, e.g. does 'available for rent' mean that the property is vacant, and if so for how long, or that it is advertised as being available – it does not appear to place a responsibility on the site/owner to collect information about the periods for which the chalets have been rented and to whom; another step on the way to establishing homes for permanent residents on site; if this were so it would be better to build properties more appropriate for this use and in keeping with their surroundings; applications only allowed to bring 'tourism' benefits to the area; chalets to be sold on; considerable objections from residents and now conditions are being diluted; is this really what the planning committee had in mind with the original applications; applicant has sought through a small tourist development, and further applications, establish a residential development outside any settlement limits contrary to policy.

ONE LETTER OF SUPPORT has been received.

POLICY CONTEXT

RPG10 (Regional Planning Guidance for the South West), 2001.

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, Good Practice Guide on Planning for Tourism.

Taunton Deane Local Plan Policy EC24 (Caravans and Holiday Chalets)

ASSESSMENT

The pertinent issue in the assessment of the application is whether the revised wording would ensure the development would comply with provisions and aims of Local Plan Policy EC24 and in light of recent national guidance contained within the 'Good Practice Guide on Planning for Tourism'.

The main issues raised by residents and the Parish Council is considered to centre primarily on the omission of a specified time period to any one rental which, it is argued, could result in the chalets being let for longer periods, albeit this would still need to be for holiday purposes to comply with the revised wording. The time period for an individual length of stay for holiday purposes would be a matter of fact and degree. However, the additional stipulations of the condition would ensure that the use is for holiday use; the owners/occupiers would need to produce documentary evidence of their primary residence; and the holiday accommodation shall be made available for rent by various groups or individuals for leisure and recreational purposes. In addressing concerns relating to the register this should include the names of all owners and the occupiers of individual chalets who will use the chalet for holiday purposes. The Council's enforcement team is satisfied that the revised wording would be acceptable and are satisfied that measures would be in place to ensure the condition is enforced.

The recent 'Good Practice Guide on Planning for Tourism' guidance (May, 2006) is a material consideration to the application. The guidance stresses the importance of framing conditions so they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants. The revised wording draws upon the example condition contained within Annex B of the guidance. The example identified that if planning conditions are to be stronger, they should require documentary evidence of occupiers maintaining a primary residence elsewhere to be provided.

To conclude, it is considered for the reasons outlined in the report the revised wording is considered acceptable and would be compatible with current national guidance on holiday occupancy conditions.

RECOMMENDATION

Permission be GRANTED for the revised wording.

REASON FOR RECOMMENDATION:- The amended wording is considered acceptable in light of recent government guidance contained within 'Good Practice Guide on Planning for Tourism' and as such does not conflict with the provisions of Taunton Deane Local Plan Local Plan Policy EC24. Moreover, the condition would ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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