

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

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**PROPOSAL**

This application was deferred by Members at the meeting of 28th February, 2007.

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.

Whilst the applicant has declined to submit a business plan as requested by Members they have provided the following additional information:-

"Our request reflects the spirit of the Good Practice Guide on Planning for Tourism and its aim of helping to facilitate a more flexible holiday and leisure industry to meet the changing needs of the holiday and leisure market. We would draw attention in particular to the following parts of the GPGPT:- 1.2 - Status - The GPGPT status is established here. 1.4 & 1.5 - Definition of Tourism - Annex B - We are of the opinion that the revised wording sought will bring the required flexibility to suit the changing market and therefore contribute to and enhance the commercial viability of the development. We cannot reconcile the appropriateness of a request for a "Business Plan" at this stage in the planning process given that the viability of the development was established at the time of the original applications. We consider that the Committee should now have sufficient information to determine the three applications on 28th March 2007. We do not consider that the deferment was at all justified given that all of this information was with the Council prior to the

consideration of the applications and are disappointed to see that the Committee chose to apparently go against the recommendations of officers and TDBC Legal department. In the event that the applications are refused it would be our intention to appeal and assuming we were successful we would also seek costs including any consequential commercial loss. However we trust that this will not be necessary”

## **CONSULTATIONS AND REPRESENTATIONS**

FORWARD PLAN further comments. First, the example from East Riding of Yorkshire Council quoted in the Good Practice Guide is not a ‘one size fits all’ solution. It is given as an example, but is preceded by the comment (Annex B, para 3) that ‘planning authorities will frame these conditions according to local circumstances’. The East Riding Council area contains a significant stretch of coastline, including the resort of Bridlington and other coastal villages, where tourism is described in the Local Plan as being the mainstay of the local economy. It is clear that in the coastal areas there are substantial amounts of tourist accommodation in caravan and chalet parks. The situation in Taunton Deane is very different, with tourism being small scale, and forming a limited part of the local economy. The majority of accommodation is located within the Borough’s towns and villages and, in 2003, only just over a half of visits (54%) were for holidays. There are no significant visitor attractions. Where accommodation is permitted in the countryside it is done so as an exception to the overarching strict control of development, which applies particularly to new housing. The primary reason for allowing such exceptions is to benefit the rural economy, especially farms through diversification. There are two reasons for applying occupancy conditions to such permissions. The first is to prevent the accommodation permitted from being occupied permanently, in breach of the normal control and sustainable development objectives. The second is to ensure that use of the accommodation delivers a level of economic benefit to the farm and wider area that justifies its presence in the countryside. To do so it is important that there is a regular turnover and range of occupants. Long term or repeated or regular occupation by one individual, family or group would be unlikely to secure the same level of local expenditure on local goods, services and facilities, thus limiting the economic benefit. Also, the characteristic type of holiday in Taunton Deane is for short breaks rather than longer ‘main’ holidays, reflecting the relative lack of destinations and attractions in the area. In the context of the above the inclusion of the four week limit on occupation in the current condition is important, and the absence of this from the proposed condition (thus allowing extended periods of occupation) is unacceptable. TOURISM OFFICER in general terms I cannot see anything within the proposed set of conditions that is counter to this Council’s aims and objectives for Tourism development. There is a wider set of issues surrounding holiday let and purpose-built tourist accommodation, and I would summarise our views:- The issues as they stand from the Economic Development perspective are:-

1. There is clear evidence that occupancy levels for self catering cottages in Somerset are declining, and have done so for a number of years. This is partly due to a couple of things: (a) The amount of residential property and purpose built housing for ‘tourism’ uses has effectively over-supplied the market, and (b) The trend in the market for ‘short break lettings’ as against full week or two-week long single lettings is beginning to affect the viability of many of these properties, as it results in a lower overall occupancy rate (currently less than 40% in low season and less than

80% in high season in 2006). 2. As a result, there has to be a mechanism that we can employ to, firstly challenge the assumption that all holiday let buildings and conversions will trade successfully, and secondly address the potential for previous holiday conversions to be the subject of a full residential change of use application some (short) period after completion. 3. I would welcome the establishment by this authority of a condition relating to length of individual let, together with the need for applicants to provide either a business plan or reputable agents market assessment for the proposed holiday let property. This would enable us to consider the wider impact on the market that individual (and seemingly ad-hoc) applications will have. It will also encourage applicants to consider these issues. 4. I would also support any attempts through adding conditions to planning consents that address the issue of holiday conversion change of uses to full residential. Perhaps this could be achieved through the placing of a minimum time limit of 5-years before which there will be a presumption that application for change of use will be considered?

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 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.

However, in light of the concerns raised by both the Tourism and Forward Plan Officers it is felt that the local circumstances are such that the proposed wording would reduce the economic benefits which were a fundamental reason to grant permission for these chalets.

## **RECOMMENDATION**

Permission be REFUSED for the revised wording.

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

**CONTACT OFFICER: 356586 MR A PICK**