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| <b>Application No:</b>                  | <a href="#">3/32/18/037</a>   |
| <b>Parish</b>                           | Stogursey   |
| <b>Application Type</b>                 | Full Planning Permission  |
| <b>Case Officer:</b>                    | Alex Lawrey   |
| <b>Grid Ref</b>                         | Easting: 319569    Northing: 144056   |
| <b>Applicant</b>                        | Mr A Hilling  |
| <b>Proposal</b>                         | Change of use to caravan site for touring caravans, motor homes and tents (retention of works already undertaken) |
| <b>Location</b>                         | Lawson Farm, Shurton Lane, Burton, Stogursey, TA5 1QB   |
| <b>Reason for referral to Committee</b> | <b>The recommendation is contrary to the views of the Parish Council.</b>   |

## Recommendation

Recommended decision: Grant

### Recommended Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) LOCATION PLAN

(A4) SITE PLAN Rev A

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The caravans and pitches shall be occupied for tourism purposes only. The site shall be limited to a total of 25 pitches sited as detailed on the approved site plan.

The caravans and pitches shall not be occupied as a person's sole or main residence or for any form of residential occupation.

The site operator or owner shall maintain an up to date register of the names of all occupiers of individual caravans and tent pitches on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To prevent permanent occupation of the residential units within the

open countryside, in the interests of amenity including the character of the area and to ensure that the pitches are for tourism use only.

- 3 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

## **Informative notes to applicant**

### **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

## **Proposal**

The proposal is to change of the use of land for touring caravans, motor homes and tents together with the installation of 13 additional hook up points (8 with hardstanding) This is for the retention of works already undertaken.

The site plan shows 5 electric hook ups (approved under application 3/32/16/016) which are proposed to have hard standings, 8 proposed hook ups with hard standings, 4 proposed electric hook ups on grass pitches and 8 proposed grass pitches.

## Site Description

The site comprises the main dwelling and 3 fishing lakes, a stock pond, a camping/caravan area and includes existing buildings used for a reception and toilet block. The site is accessed via a private track that leads to a parking area adjacent to the caravan/camping area. The site is screened by hedgerow and tree planting along the boundary of the lakes and the wider site has hedgerows and trees along the road boundary. The site is fairly level and has no immediate residential neighbours as it is bordered by open fields. It is outside of the hamlet of Burton and in an open countryside location.

## Relevant Planning History

| Case Ref    | Proposal  | Decision | Decision Date     |
|-------------|---|----------|-------------------|
| 3/32/99/005 | Creation of two amenity lakes, fishing hut and fishing  | Grant    | 27 May 1999       |
| 3/32/98/016 | Certificate of lawfulness - existing  | Grant    | 10 September 1998 |
| 3/32/10/039 | Creation of new triangular stock pond, division of existing alder pool and enlargement of alder pool, enlargement of willow pool (spoil to be used to level areas around pools), replacement of fishing hut with log cabin, addition of 3 disabled parking spaces & spaces for motor cycles and cycles. | Grant    | 14 February 2011  |
| 3/32/16/016 | Erection of 7 No. movable fishing pods, ancillary shower block and 5 No electrical hook ups (retention of work already undertaken)  | Grant    | 21 December 2016  |

## Consultation Responses

*Stogursey Parish Council* - Consider the application to be excessive development within the countryside and as such would be opposed to such development taking place within the Parish

*Office of Nuclear Regulation* - I have consulted with the emergency planners within Somerset County Council, which is responsible for the preparation of the Hinkley Point off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPPIR) 2001. They have provided adequate

assurance that the proposed development can be accommodated within their off-site emergency planning arrangements. The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

*Tree Officer* - Regarding this application's effect on existing trees and hedges, I can see no reason to object. Could we gain a few new trees around the boundaries – native oak, small-leaf lime or field maple?

*Planning Enforcement* - no comments received

*Rights of Way Protection Officer* - no comments received

*Highways Development Control* - Standing Advice applies

*Hinkley Point C - planning* - I understand that you are the case officer for the above referenced application. As the Planning Manager for Hinkley Point C New Nuclear Build, I would be grateful if you could take the following comments into account.

The following constitutes my formal consultation response to the application and I am happy for it to go on-line as such. I am fully aware of this proposal because I helped Sarah Wilsher deal with the initial enquiry and when it became clear that the caravans were already in situ and being used (believed to be used by Hinkley workers) without planning authorisation, I passed the matter on to our planning enforcement team. It is their investigations which have led to the application. Best practice tells us that we should invite an application for due consideration first. It is clear to me that the permission we gave for the 'pods' for accommodation for those using the fishing facilities was specific and does not cover what the owner is now in fact doing (providing accommodation for Hinkley workers). On top of this, you will be aware of my opinion (from previous conversations) that we do not need any more Hinkley accommodation 'in the community'. The new accommodation campus at Hinkley Point main site is now open and being used but currently with only 75% occupancy rates. This does of course fluctuate, but my understanding is that it has never reached full occupancy since it opened in June. It is a 510 bed facility and so currently has approximately 130 spare bedrooms for Hinkley workers. It is also the case that the Bridgwater campus will be opened for use soon. I understand that the operators are hopeful of having some bedrooms available for use before Christmas (2018), with the rest coming on stream early in the New Year (2019). These two facilities between them will provide 1500 bedspaces for Hinkley workers, with approximately 1000 bedspaces actually being available for use. That is more than enough, at least until the peak demand for workers materialises, probably this time next year at the earliest.

I am sure you will want to take on board the planning policy position when you consider this application. The West Somerset Local Plan to 2032 was adopted in November 2016 and so is relevant and up to date. It should therefore be accorded significant weight in your considerations. Policy OC1 is quite clear in stating that development is not generally appropriate in the open countryside. This application

is open countryside. Bullet point three allows tourism uses where they are provided through the conversion of existing, traditionally constructed buildings, but this clearly does not apply here. Bullet point four allows for new-build where it would benefit existing employment activity that could not be easily accommodated within or adjoining a nearby settlement. However, I do not think that this applies either as the required accommodation for Hinkley workers is clearly provided for already on site and in Bridgwater. In my view, the proposal is totally contrary to the provisions of policy OC1 and so should be accordingly refused as such.

In addition to this, I trust you will note that there is not a single policy within the adopted Local Plan that actually states that we will look favourably upon new accommodation in the countryside where it is required for Hinkley workers. This Council is quite clear on how we should consider accommodation in open countryside. This proposal should be considered as any other application for residential accommodation in the countryside – i.e. a refusal on policy grounds. Although the proposal is for 12 additional hook up points (8 with hardstanding) for touring caravans, motorhomes and tents, I do not consider that the proposal is acceptable on the grounds of tourism either. The applicant has simply not made the case that West Somerset needs this amount of new tourism spaces or that there is a demand for such a facility. In any event, the proposal would still not meet the rigorous tests imposed by policy OC1. Besides which, the unauthorised caravans currently on site are clearly being used by Hinkley workers. This has been made clear to me by local residents. So the intended use is not for holiday purposes. I should just also add that the accommodation team at EDF are doing their utmost to ensure that all new workers at Hinkley are encouraged to stay at either the two accommodation campuses or in existing authorised premises elsewhere, This matter was raised at the Main Site Forum last Wednesday evening and I was assured that EDF did not and would not sanction or agree to any unauthorised accommodation. They want new workers to take up their bedspaces within the accommodation campuses first and are doing all they can to ensure this occurs.

There may also be highways reasons for refusal and so you would be well advised to seek an opinion from the Highway Authority. It is clear that Hinkley workers are using the unauthorised caravans because I am told by local residents that the Hinkley bus (operated by Somerset Passenger Services [SPS]) now stops at the entrance to the site. It has not been authorised to stop in this position and I am told by local residents that it causes unsafe conditions on the highway when it does and therefore interferes with the free flow of traffic causing conditions of danger to all road users. I will be taking this up with the Hinkley Point C Transport Review Group when it next meets on Monday 22nd October and I doubt that this 'new stop' will be authorised. I suspect that Hinkley workers would not be attracted to stay at this site without a nearby bus stop.

My strong advice to you is that there are no reasonable grounds for approving this current application. I can see no evidence to persuade me that this proposal is anything other than a refusal. Given that a refusal would be likely to result in enforcement action to get the existing caravans removed, I would expect that the Planning Enforcement Team would want to take the matter to the Planning Committee for authorisation of potential enforcement action. This could be done via

a dual recommendation on your officer report - recommendation to Committee that (1) planning permission be refused, and (2) enforcement action be authorised.

## **Representations Received**

Five letters of support have been received noting that the facilities are very good, the proposal is bringing in economic benefits to the local area and encourages tourists to visit the area and local facilities. In addition, the owners should be allowed to develop the site and the Parish Council should support the application.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

|      |  |
|------|--|
| EC9  | Tourism outside settlements                                  |
| NH13 | Securing high standards of design                            |
| NH10 | Development in proximity to Hinkley Point Nuclear Power Stat |
| OC1  | Open Countryside development                                 |

### **Retained saved polices of the West Somerset Local Plan (2006)**

|     |   |
|-----|---|
| T/7 | Non-Residential Development Car Parking |
|-----|---|

## **Determining issues and considerations**

### **Principle of development**

This application, which is partially retrospective, is for 13 additional electric hook-up points for touring caravans, motorhomes and tents for a site that has an existing use as a fishing centre (with lakes and ponds). The site is within the outer ring for consultation with nuclear authorities due to its proximity to Hinkley Point. There has

been some involvement from the planning enforcement team after allegations were made that the tourist accommodation at the site was being used by Hinkley Point workers.

There are then two central issues in regard to the current application, with lesser and greater weight attached to them:

- Firstly an alleged breach of conditions in relation to the holiday occupancy condition imposed on the 2016 permission, for the unauthorised use as temporary (but regular) workers' housing for the nearby Hinkley Point development;
- Secondly the proposed development as set out in the description of development which does not directly or indirectly reference any proposed use as housing for Hinkley Point workers.

The first is a related but separate planning enforcement issue. This is a material consideration but it does not, and should not, determine the approach to assessing the planning merits and dis-benefits of the current application, which will be assessed solely on its own merits. More significant material considerations are the extant permissions (and certificate of lawfulness), which confirm that the site can be lawfully used for fishing and tourist accommodation. The application is therefore assessed as a proposed intensification in the use of an existing and lawful tourism facility.

For the proposed development to be acceptable in principle it should be in conformity with relevant (adopted or retained) Local Plan policies, the NPPF 2018, and any related NPPG. Relevant Local Plan policy EC9 'Tourism outside of settlements', supports the development of tourist facilities if the 'proposed location is essential to the business and ...it could not be located elsewhere' and the proposed developments do not generate 'new unsustainable transport patterns'. The policy encourages 'the consolidation of existing facilities' provided that proposals are viable and the environment is safeguarded. The proposal, as a tourist development, is therefore supported 'in principle' in terms of the Local Plan and is further supported by the NPPF (2018) paragraph 83 (c).

It is considered that whilst there may have been issues related to the use of the facilities by Hinkley Point workers this should be addressed through the planning enforcement process and should not indicate a recommendation to refuse the current application. The owner has shared the register of visitors (in redacted form) with officers from the Local Planning Authority and it is clear from this register that the overwhelming majority of visitors to the site are not Hinkley workers and are staying on a temporary, holiday-maker basis. However any permission granted for this current application would be subject to enforceable conditions related to holiday use of the accommodation facilities.

## **Design and landscape impacts**

The site is well screened from public views and has an existing lawful use as a fishing and tourism facility. The proposal affects an area located away from the road

and is already subject to a landscaping condition imposed on the 2016 permission, with new planting around the boundaries to the plot used for camping and caravanning. The submitted drawings include a small children's play area, which, given its scale, is not considered to have a detrimental landscape impact. It is therefore concluded that the proposal would not have any significant detrimental impacts on the landscape although a scheme to add further planting is considered to be appropriate and a condition is suggested to be imposed on any permission granted.

### **Highways, parking and pedestrian access**

The proposal would represent a minor increase in the use of the site, including that by cars towing caravans and by motorhomes. However the scale of the proposed increase is relatively minor and it is not considered to be significantly detrimental to highway safety or to create unacceptable highways impacts in terms of trip generation. The road outside of the site is within a 30mph speed limit and has reasonably good visibility splays. Somerset County Council's Highways officer has not objected to the proposal. Adequate parking exists within the site to cater for a small increase in visitors and motor vehicles.

### **Amenity**

The proposed development would be unlikely to create significant detrimental impacts on residential amenity given the distance (over 100m) to the nearest residential properties.

### **Proximity to nuclear facilities**

Policy NH10 requires that any new development within the consultation zones be referred to the Office for Nuclear Regulation (ONR). They have advised that they do not have in principle objections to the proposed development.

### **Other matters**

Three letters of support for the proposal have been received during the public consultation period (and further correspondence in support after this date).

The Parish Council has objected to the application on the grounds that it would be 'excessive development in the countryside'. Whilst their views are noted it is considered that the proposal is in compliance with policy EC9, and the NPPF paragraph 83 (c), and is within a site which is inevitably constrained by its size, meaning that it could not develop to the scale of caravan/camping facilities such as at Doniford, and, as such, is not considered to be 'excessive'. The comments from the (West Somerset Council) Planning Manager at Hinkley Point are duly noted, however as stated above these primarily relate to planning enforcement issues and do not provide for substantive reasons to garner a recommendation for refusal.



A planning condition to ensure that the development must be commenced within three years of the date of the permission is not proposed to be imposed as works have already commenced on site.

## **Conclusion**

The proposed development is acceptable in principle, and impacts on traffic, landscape and amenity are not considered to warrant grounds to refuse the application. The proposal is in accordance with local plan policies and the NPPF. It is therefore recommended that planning permission be granted subject to appropriate conditions restricting the use of the site for tourism purposes only.

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



Application No 3/32/18/037  
 Installation of 12 No. additional  
 hook up points for touring  
 caravans, motorhomes and tents  
 (retention of part works already  
 undertaken)  
 Lawson Farm, Burton Springs,  
 Burton  
 Planning Manager  
 West Somerset Council,  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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 Northing: 144014