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Our Ref: GA3252

May 2021

**RE: RIVERSIDE CHALET PARK, OCCUPATION LANE, POULTON-LE-FYLDE, FY6 7LJ**

Dear Development Control

This letter has been prepared by GA Associates on behalf of Mr Saunders (the applicant) to support a resubmission of application Ref: 20/0542 which was recommended for approval by the Council's professional officers, subject to conditions. No objections to the application were raised by any statutory consultees, including both LCC Highways and Highways England. Despite the balanced assessment undertaken by professional officers, weighing the technical evidence provided, the application was refused by committee citing two reasons namely highways impact and also the potential for loss of community.

This letter offers further clarification to dispel any lingering concerns and reassure members that allowing the application will be to the benefit of both the Council, the applicant and existing residents. Since the application was refused the applicant has engaged with residents and issued a letter confirming that the residential status of the remaining dwellings onsite is not in question and they can continue to reside onsite harmoniously for an indefinite period of time.

The need for the application is simply to allow the site owner an opportunity regularise activities and continue to upgrade services and infrastructure. The grant of permission and the subsequent issue of a licence, will in tandem afford the Council powers to monitor and enforce standards alongside gains in environmental diversity and visual screening.

**THE DEVELOPMENT**

*'Phased redevelopment of site to a holiday caravan park including removal of existing units, construction of 35 bases, reconfiguration of internal access road and provision of parking spaces for each caravan'.*

The inclusion of phased within the description makes it abundantly clear that if the resubmitted application is successful, no resident will be forced to move or redevelop their chalet. If approved all existing residents can continue residing undisturbed, with the opportunity to pass on their chalet to family if they so wished or alternatively sell back to the park owners.

**DEVELOPMENT IN PRINCIPLE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the duties decision makers in the determination of planning applications and states: *'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.*

It is the position of the Council's professional officers that the proposal plainly complies with the Fylde Local Plan to 2032 when read as a whole and, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11(c) of the National Planning Policy Framework (The Framework), should be approved.

## HIGHWAYS IMPACTS

During the original application Highways England requested traffic surveys of the junction and an analysis of the accident record at that location for the last five years. The applicant subsequently appointed SCP Transport to undertake the assessments and produced a technical note reference MC/200717/TN01 dated 30 November 2020.

The analysis within the technical note established the existing number of vehicle movements generated by the site and then use an accepted, industry-standard tool, the Trip Rate Information Computer System (TRICS) database to predict the number of trips that 35 static holiday caravans could be expected to generate - TRICS is a database based on actual surveys of a variety of land uses in the UK and Republic of Ireland.

Highways England, the professional statutory consultee, concluded that *'from the information provided, there is no indication that the proposals would result in any material intensification of the site. We are therefore satisfied that the development would not have a severe traffic impact or have a material detrimental impact upon safety, which are the criteria set out in the governing DfT Policy Circular 02/2013 'The Strategic Road Network and the delivery of Sustainable Development'. Consequently, Highways England has no objection to this application'*.

No substantive evidence has been provided to challenge the advice provided.

### The Surveys

Concerns were raised at committee that surveys were undertaken during lockdown, thus were not representative of the extant onsite situation. However, the surveys undertaken considered the volume of existing movements to establish a benchmark, henceforth had more movements been recorded it would have only strengthened the applicant's case. As mentioned above, the holiday caravan movements were taken from the TRICS database with all the data used collated outside of lockdown restrictions.

### Holiday Accommodation

Another concern raised by committee was that traffic movements generated by the holiday caravans would be undertaken by individuals unfamiliar with the location and geometry of the junction. However, the applicant's business model is the sale of caravans to individuals for the purposes of holiday accommodation, not short-term rental stays. While it is accepted that some units could operate sporadically on this basis through subletting to friends and family, clearly residential homes would expect to have friends and relatives come to visit or stay and residential uses have the added impact of deliveries.

The holiday caravans will be owned units used by individuals who are familiar with the junction.

### Conclusion

It is both the opinion of Highways England, LCC Highways and that of professional officers in accordance with SCP's technical note, that given the scale and nature of the development no unacceptable impacts would be imposed on highways safety. Therefore, in the absence of any technical evidence to support a highways objection the development is considered acceptable in accordance with the Fylde Local Plan to 2032 and guidance in the Framework.

## THE COMMUNITY

Committee raised the concern regarding the potential for a loss of community. However, as confirmed above the development is to be phased with units only being purchased if and when they become available. The grant of permission won't change the lawful use of the units and the Council have confirmed that they will not be seeking to take enforcement action against residents on the site.

As previously mentioned, all residents have been issued with a letter from the site owner confirming that:

*'...All existing residents would be allowed to continue residing undisturbed, with the opportunity to pass on their chalet to family if they so wished or alternatively sell back to the park owners. Licensed sites have controlled standards which protect residents and owners alike.*

*Our intention is to resubmit the application after the implications of the permission have been clearly explained to residents, in an attempt to appease any concerns individuals may have and dismiss any lingering fears that*

*people would lose their homes. As you will have already witnessed, the owners have invested across the site for the benefit of all and the intention is to continue onsite investment looking forward.*

*We would just like to make it abundantly clear that if the resubmitted application is successful, no resident will be forced to move or redevelop their chalet’.*

It is accepted that the community will adapt over time, with units changing ownership and a gradual shift towards holiday use but the phased nature of the changes will allow an evolution of community. The holiday units will be owned holiday accommodation, so while the site will be quieter, with individuals having a main address, it will still retain a sense of community for residents with all the benefits of the applicant’s investment in infrastructure.

## **CONCLUSION**

It is accepted that there was considerable public unease regarding the original application, however it is hoped that through the further engagement undertaken by the applicant and the clarification afforded by this letter such concerns can be quelled. The grant of planning permission would not influence the legal rights of existing occupiers and the site owner, the council’s planning, legal, housing and environmental protection teams will continue to work in tandem to address any concerns.

Nevertheless, as was the advice provided by professional officers the decision on this application should be made on the planning merits of the proposed scheme. The policy position with the application is that the proposal accords with the policies of the Fylde Local Plan to 2032 relating to the countryside location of the site and all other aspects and so should be approved without delay.

# GA



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Graham Anthony Associates

# Planning Statement

Riverside Chalet & Caravan Park



**RTPI**

Chartered Town Planners

<b>CLIENT</b>	<b>Mr Saunders</b>
<b>PROJECT TITLE:</b>	<b>Riverside Chalet Park</b>
<b>REPORT REF:</b>	<b>GA3252</b>

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## 1.0 Introduction

- 1.1 This Planning Statement has been prepared by GA Associates on behalf of Mr Bernard Saunders (the Applicant) in support of a planning application for 35 caravan pitches for the all year round use of land for holiday purposes. The use is sought within the development boundary shown on Drawing Ref: GA3252-LP-01, hereafter referred to as '*the site*'. The objective of the proposal is to secure the grant of planning permission for the lawful land use and the subsequent grant of caravan site licence pursuant to Section 3 Sites and Control of Development Act 1960. The proposed caravans would comply with the dimension requirements of section 29 (1) of the 1960 Act as amended by section 13 Caravan Sites Act 1968.
- 1.2 The formal grant of a planning permission is a condition precedent to the issue of a site licence pursuant to section 3. The licensing authority has power to attach conditions to site licences. The site does not have and appears never to have had a site licence issued to it. The present site owners did not purchase the site until August 2018. On doing so they applied for the relevant site licence for the site. A licence was issued but with reference to movable dwellings pursuant to section 269 Public Health Act 1936. By reason of the Caravan Site Control of Development Act 1960) after August 1960 this can only be licence referenced to tents. It cannot be preferable to units described as chalets all caravans. It appears that the licensing authority of the Council appears unaware that section 30 of the 1960 Act repealed any references in the 1936 Act to caravans. The repeal of the reference to caravans and the introduction of the site licensing regime to caravans in 1960, some 60 years ago is apparently still applied by the Council.
- 1.3 The grant of planning permission sought in this application offers the opportunity to rectify that situation.
- 1.4 The Council on receipt the application but prior to validation of this planning application by letter dated 24 July 2020 requested pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2015, certain procedural matters to be augmented namely: a planning statement explaining the intended operation of the site and how it impacts on the existing chalets on site and the possible phasing of the development. It is also requested that it should also highlight how the scheme relates to planning policy. Further explanation is also requested in relation to the impact on the number of existing residential units.

- 1.5 It is recognised that the status of the existing units onsite and thus the lawful use of the land may be an ongoing matter of contention. However, we retain the use of the word 'units', as it is not the aim of this planning statement to establish the legal rights of ownership or status, which is a matter of law to be considered on an individual basis. Notwithstanding the specific legal status, the site's previously developed nature and historic use are evidently material to the planning balance and as such is considered later in this Planning Statement.
- 1.6 However, before doing so we consider it important to refer to a principle of law relating to how the Council should approach the issue of implementation, any legal disputes about the status of the units on the land particularly those that are purportedly not occupied for the purposes of a holiday.
- 1.7 We refer you to the case law authority of British Railways Board v Secretary of State for the Environment [1994] JPL 32 which relates to the issue of whether a planning permission can be implemented and thereafter completed in accordance with the planning permission. The House of Lords made clear that the function of the planning authority was to decide whether the proposed development was desirable in the public interest. The answer to that question was not to be affected by the consideration that an owner or occupier of the land or particular property was determined not to allow the development so that the permission for it, if granted, would not have reasonable prospects of being implemented. There is no absolute rule that the existence of difficulties, even if apparently insuperable, lead to refusal of planning permission for a desirable development would be developer might be faced with difficulties of many different kinds, in the way of site assembly or securing the discharge of restrictive covenants. If the developer considered that it was in his interest to secure planning permission notwithstanding the existence of such difficulties, it was not for the planning authority to refuse it simply on their view of how serious the difficulties may be.
- 1.8 The above principle has been confirmed by the recent case of Satnam Millennium Ltd v Secretary of State for Housing, Communities and Local Government [2019] EWHC 2631 (Admin). The court concluded that on the question of whether a proposed development could be implemented was irrelevant to the decision whether to grant planning permission and the British Railways Board case was followed. Even if the claimant's proposed development was

not deliverable, that was not a material consideration which should have weighed in the balance against the grant of permission.

1.9 GA Associates consider that all material planning considerations are addressed within this document and all additional information required to determine the application has been provided within the accompanying drawings.

2.0 The Site Location & Background

2.1 The site, known as Riverside Chalet Park, is located off Mains Lane within the settlement of Little Singleton, albeit not defined. The site entrance is approximately 90 metres from Singleton Junction, as such affording excellent vehicular access and also significant levels of public transport provision.

2.2 While no planning permission exists for the site, 35 units currently occupy the land establishing its previously developed nature. Of these 35 units, 15 are used as holiday units owned by the applicant. In addition, the occupiers of six other plots have recently signed agreements to use their pitches as all year round holiday accommodation. So far as the remaining 20 pitches are concerned some may claim residential occupation but there is no certainty at this stage, and this will be clarified as the proposed grant of planning permission is implemented. The historic use of the land and the physical infrastructure in situ, renders the site's 'developed status' immune from enforcement given the passage of a period in excess of 10 years.

2.3 In a Survey Inspection Report commissioned by the Council in February 2020 the overall condition of the units is said to vary significantly, ranging from almost brand-new, to some that appear close to uninhabitable. There were many cases of a DIY type approach to building works.

2.4 A further complication has arisen in relation to the ownership of any units on the site of which residential occupation is claimed. The Council has taken the advice of a barrister and Counsel has advised on the status of the units. The Council's Head of Governance has written to occupiers stating that it is housing legislation and not mobile home legislation that applies to the site. He specifically advises occupiers by letter dated 1 May 2020 that whether or not the units were originally caravans, all of the chalets now deemed to be attached to the ground



legally form part of the land. This means that the assumption that the chalet owner owns the chalets and pays the site owner for the right to keep it on his land is incorrect. He further goes on to say that this means that the chalet owners only have a periodic lease to assign rather than a physical chalet to sell. They are unlikely to obtain a premium equivalent to the original purchase price. It then goes on to say on the other hand, the site owner (as landlord) will be under an obligation to keep the structure and exterior of each chalet in repair, including the installations for gas, water and electricity, sanitation and heating.

2.5 Clearly, this will considerably affect the value of the units and if there is an attempt to sell the units there of course must be full disclosure of this issue by the seller.

2.6 Needless to say if this is the position in law and effectively the premises are let consideration will have to be given to the Energy Efficiency (Private Rented Property) (England and Wales) Regulations also referred to as Minimum Energy Efficiency Standards (MEES). Bearing in mind the absence of energy performance certificates and the absence of bricks and mortar properties, after 1 April 2018 it is unlawful to grant a new lease for F and G ratings. Bearing in mind the somewhat ad hoc way in which the properties of been constructed (although there may be one or two exceptions) there may be difficulties ahead for the occupiers.

2.7 Historic documentation made available by the applicant suggests that the original use was for a holiday caravan and tenting facility. Overtime, the use and physical appearance of the site has changed, with various planning applications being submitted and other works being carried out without express consent. Thus, the site appears to have development in a piecemeal way. This ad hoc development of the various units is acknowledged in a letter dated 14 February 1995, which affirmed that some of the units are permanently occupied and that the Council '*accepts this situation*'. Looking at the site's transformation overtime, the extant lawful use can be taken to be a mixed Chalet and Caravan Park. The number of units on site which may or may not fall within the statutory definition of a caravan is difficult to determine. The Applicant has replaced some units with caravans falling within the statutory definition. Other units may be capable of alteration to ensure that they fall within the statutory definition.

3.0 The Proposal

3.1 The proposed development is as follows:

*'Planning Application for 35 caravan pitches for all year round use of land for holiday purposes'*

3.2 The application will prevent any further unlicensed occupation at Riverside Chalet Park. Furthermore, it will allow the local authority to better regularise activities onsite and reaffirm control for the Council. It will also have the benefit of reorganising the site, removing nonconforming uses, and replacing them with conforming uses in accordance with the local plan.

4.0 Planning Policy

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the duties of decision makers in the determination of planning applications and states:

*'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

#### **Fylde Local Plan**

4.2 The Fylde Local Plan was recently adopted in October 2018 and is the relevant development plan for the purposes of this planning application. Those policies of relevance are considered in this statement.

#### **National Planning Policy Framework**

4.3 National Planning Guidance is set out within the NPPF (2019) which is supplemented by the National Planning Practice Guidance (NPPG).

4.4 The Framework under Paragraph 7 confirms that *'the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'*.

4.5 The Framework then breaks down suitable development under Paragraph 8 into *'three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives'*. These objectives have been considered below:

#### **Economic Sustainability**

- 4.6 In 2011 the British holiday and Home Parks Association and visit Wales, commissioned an independent report<sup>1</sup> to examine the economic impact of the caravan park industry on the Welsh Economy. This report is now acknowledge as being the most comprehensive study into caravan tourism that has been carried out to date. While not directly comparable to this proposal for touring caravans in Fylde the report is relevant to all parts of the UK as they examine caravan park tourism using Wales essentially as a case study. This study produces useful data to base predictions about the likely economic contribution and employment from holiday parks across the UK.
- 4.7 The methodology of the study involved face to face interviews with park owners covering 39 parks and a further 4 telephone interviews, making a total of 43 holiday parks in total. The visitor surveys were undertaken in three stages over May to August so as to cover the main holiday periods. In total 517 surveys were conducted with visitors staying over the range of holiday parks in Wales.
- 4.8 The 2011 study split the economic impact generated by each accommodation type, e.g. touring caravan, privately owned caravan holiday homes and rented caravan holiday homes. The report found that by accommodation type the total GVA per annum for owned static holiday units was £3,390.00. That is the actual economic benefit to local businesses and the wider economy. The report also confirmed that one direct FTE job is created for every 15 static units.
- 4.9 In addition, the local economy will also benefit from additional knock-on impacts as a result of Indirect expenditure and Induced expenditure. The most up-to-date multipliers for the tourism accommodation sector in the UK are derived from the UK Input-Output Analytical Tables (March 2018). This publication recommended that the 0.47 multiplier be used as a proxy for the combined indirect and induced multipliers associated with tourist accommodation. According to research by VisitBritain<sup>2</sup>, every £54,000 spent by tourists in a local economy sustains one full-time equivalent (FTE) job.

TABLE 1: ECONOMIC IMPACT OF DEVELOPMENT

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<sup>1</sup> BH&HPA UK Holiday Parks – Economic Impact

<sup>2</sup> Tourism: Jobs and Growth - The economic contribution of the tourism economy, 2013.

Number Of Units	GVA – Per Units	Multiplier Spending (0.47)	Total GVA
35 Static Pitches	£118,650.00	£55,765.00	£174,415.00

### Social Sustainability

4.10 The proposal will provide a number of social benefits for the local area. Firstly, through the regularisation of the site which will offer more control to the Local Authority to safeguard accommodation standards. The applicants also have an extensive knowledge of the Caravan Park industry and are seeking to provide significant investment to improve infrastructure. Social benefits also combine with the economic aspect of sustainability, with a greater awareness of local services facilitating spin off expenditure and linked trips, these factors in turn combine to create opportunities for local residents and businesses.

### Environmental

4.11 The application process will allow the implantation of planting to soften the sites visual impact and the local authority will be able to enforce that the units remain within the definition of a caravan. The applicant of the park, as part of the daily running of the business, will ensure management and maintenance of the land. Furthermore, the application is supported by a detailed ecological assessment & HRA that confirms the proposal will incur no harm to any ecological features onsite or in the surrounding area.

### Approve Without Delay

4.12 In accordance with the discussion above, it is clear that this proposal constitutes sustainable development in accordance with the Framework. In such circumstance national guidance indicates that in the absence of any material objections, development should be approved without delay.

5.0 Material Considerations

- 5.1 The application site is not specifically designated for any use in the recently adopted Fylde Borough Local Plan, although it is sited within a designated countryside area where policy GD4 is applicable. Part of the site also falls within land identified for the A585(T) Skippool – Windy Harbour Improvements (policy T1). The river to the north of the site is shown on the Local Plan proposals map as a site of special scientific interest which is subject to policy ENV2, although it is also designated as an SPA/Ramsar site. A shadow HRA assessment has been prepared to satisfy environmental concerns relating to this designation.
- 5.2 Local Plan policies S1 and GD1 restrict development proposals outside settlement boundaries, albeit excluding exemptions listed under policy GD4. These identified exceptions include uses appropriate to a rural area, such as holiday caravan sites which help to diversify the rural economy. The insertion of the word ‘holiday’ before ‘caravan sites’ is significant, clearly distinguishing that the residential use of such sites is contrary to the Development Plan.
- 5.3 We also refer to Policy EC6 and EC7. The latter policy specifically addresses tourism accommodation and contains a note under the heading Holiday Caravans and Camping Pitches. Holiday caravan pitches will be retained for holiday use. Proposals to allow residential use of existing holiday caravan pitches and holiday park homes will be resisted. Conditions will be imposed on any permissions granted for additional holiday caravan pitches and holiday park homes to ensure that they are retained for holiday use.
- 5.4 In summary, the holiday use of caravans in Countryside Areas is an acceptable form of development in principle. Looking at other issues, the site is clearly previously developed land, located within a highly sustainable urban fringe setting, reflecting the surrounding land uses. Subsequently, any associated issues such as transport, landscape and ecology are negated by the existing use of land. Simply, the approval of this application will improve the ability of the local authority to protect the intrinsic quality of the countryside, through a lawful permission which grants enforceable powers. On this basis the proposal is acceptable form of development within the countryside under the terms of Local Plan policy.
- 5.5 Turning to the questions raised by the Council on 24 July 2020 as to the impact on the existing chalets on site. For reasons we have explained, there may be complex private law issues raised by the Applicant and by any occupier who wishes to challenge the conclusions of the Council's Head of Governance. As we have indicated by reliance on case law, these issues as

private law matters but it will be noted that we have not sought at this stage to apply for any prior approval or an application to demolish any of the units which may or may not claim residential occupation.

- 5.6 The planning permission if granted it can be implemented there may or may not be difficulties with regard to those who claim residential occupation. We would hope to be able to negotiate solutions to any potential difficulties. Accordingly, there is no immediate loss of accommodation.
- 5.7 We have explained the Policy position in this Planning Statement.
- 5.8 On the issue of the matter of a phasing condition or staging condition, these may be imposed to ensure development proceeds in a certain sequence or in a manner which secures provision of infrastructure. However, this is only the case where it is necessary.
- 5.9 We presume that the council is considering the phasing of works comprised in a specific part of the development not to be commence before works comprised in another specific part of the development are completed. However, the removal or stationing of a caravan falling within the statutory definition is not an engineering operation involving the requirement of planning permission and is not development within section 55 of the Act. In addition, the infrastructure is common for the whole site which comprises simply one part are not separate parts. That said, we are happy to discuss in advance any possible planning conditions including phasing/staging of the development that the Council considers not only desirable but necessary and in accordance with the six tests set out in relation to the imposition of conditions.
- 5.10 Equally, we do not know whether the reference bullet points in the Council's letter is meant with reference to loss of housing stock. However, the units on this site so far as we are aware, on not relied on as supporting a pressing need to retain housing stock of this type particularly when taking into consideration their somewhat ad hoc construction. Even taking into consideration the Council's surveyor's own report occupation by others specifically with regard to the deficiency of amenity is unlikely to support desirable occupation. The units have inherent deficiencies. The site has not been identified as providing some sort of social rented, affordable rented or intermediate housing provided to eligible households whose needs are not met by the market. In addition, if the Council is correct regarding the ownership of the structures then the Applicant does not qualify as a social rented or affordable rented housing

and is also not a local authority or a private registered provider. Accordingly, even if as a result of the site being developed in accordance with a planning permission there was some loss of housing, their quality and location in terms of local services means that in the planning balance little weight should be given to their loss.

## 6.0 Conclusions

6.1 It is judged that more than enough detail is provided to ensure that officers can formulate an informed decision regarding the principals of the development. It has been established that this proposal gains the support of national planning policy representing a sustainable form of development. Furthermore, GA Associates are unaware of any local policy considerations that could potentially preclude the proposal; therefore, we respectfully request that officers support this application and that planning permission is granted subject to appropriate planning conditions.

GRAHAM ANTHONY ASSOCIATES

August 2020