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East Devon District Council
Blackdown House, Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Dear Sir/Madam,

Retrospective Planning Application for the Use of Land as a Caravan Site for the Siting of 8 Caravans for Short-Stay Worker's Overnight Accommodation ancillary to the operation of Crealy Theme Park & Resort; at Crealy Theme Park & Resort, Sidmouth Rd, Clyst St Mary, Exeter EX5 1DR

On behalf of the Applicant, Maximum Fun Devon, Ltd, we hereby submit a fresh planning application for the use of land as a caravan site for the siting of 8 caravans for short-stay worker's overnight accommodation ancillary to the operation of Crealy Theme Park & Resort. This accommodation is primarily for entertainers who are performing in shows during peak season (summer, Halloween and Christmas shows). This is a fundamentally different purpose to the proposal for staff accommodation to that which was previously refused by the Council on the 16 September 2019 (LPA Ref. 19/1170/FUL) and later dismissed on appeal, as these are informal overnight lodgings (or 'digs') and will not be used as permanent residential accommodation. Our application comprises the following documents:-

- Completed application form;
- Planning Statement (comprising this covering letter);
- Completed CIL form;
- Site Location Plan (Figure 1);
- Proposed Block Plan (Figure 2); and
- Application fee for £462, applicable to use of land.

(Please note for validation purposes that an Undertaking under Section 111 of the Local Government Act 1972, regarding contribution to habitat mitigation, has not been included with this application submission, since the proposal relates to bespoke event entertainers/staff accommodation as a place to 'stay' on a very short-term basis, rather than to new housing or tourist accommodation).

This submission seeks planning permission (retrospectively) for the use of land as a caravan site for the siting of 8 caravans for short-stay worker's accommodation ancillary to the operation of Crealy Theme Park & Resort. We describe and assess

the proposal below, in the context of relevant planning history, policies and other material considerations.

The application site is shown on the submitted Site Location Plan. The site is situated to the south of the A3052 and accessed via a service road from Greendale Lane to the south-west (that also provides access to the visitor attraction's car parking area). It originally comprised scrub/grazing land associated with the historic use of Crealy Theme Park & Resort and related agricultural use.

Planning History Context

There is extensive planning history applicable to both the adjacent theme park situated towards the south-west, and holiday park located towards the south. The former started to operate as a commercial visitor attraction in 1989; the latter was originally granted planning permission in August 2011. The use of the theme park and caravan park resort is long-established – activities that need to be supported by the short-stay worker's accommodation the subject of this application.

In May 2019, at the same site, retrospective planning permission was sought for use of the land for the installation of 12 no. caravans for staff accommodation on a seasonal basis, ancillary to the operation of the theme park and resort (Application Ref. 19/1170/FUL). As part of the submission, it was stated 4 units housed the permanent team, including a site warden and animal handler; the other 8 units provided accommodation for seasonal staff.

As part of the assessment contained in the Council's delegated report, Planning Officers considered that, whilst it was recognised that it was convenient for staff to be accommodated on site, no evidence to support a functional need had been provided in order to justify retention of the caravans. Officers noted that there were a number of existing properties within the boundary of the theme park that might be used to provide permanent residential accommodation for members of staff. Furthermore, details provided in respect of salaries, geographical origins of staff and accommodation schedules were not deemed to be exceptional. It was stated that there were other successful businesses operating nearby, without the need for staff accommodation.

As regards landscape character and appearance of the area, Officers stated that the site was not visually intrusive, and the caravans did not cause any significant visual harm to their surroundings.

Overall, Officers concluded that there were no special circumstances under which 12 caravans should be permitted to remain within the countryside, outside of any defined settlement. The application was thereby refused on the 16 September 2019 for the following reason:-

“The application site lies in open countryside outside of any designated Built up Area Boundary or Strategic allocation within the Adopted East Devon Local Plan or Villages Plan where residential development is restricted and where there are no other Local or Neighbourhood Plan policies that would support the development. The proposal would result in the creation of residential units situated in the open countryside which would be unsustainable and detrimental to the rural character of the area. Furthermore, insufficient evidence has been submitted to indicate that there is an essential need for the proposed residential units to support a rural business. Consequently, the

proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) and Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.”

The Council subsequently issued an Enforcement Notice on the 21 February 2020, requiring removal of the 12 ‘mobile homes’ that were deemed to be used for residential purposes. The Applicant then lodged an appeal against this notice (PINS Ref. APP/U1105/C/20/3249830).

The appeal was dismissed on the 7 September 2020. In relation to that part of the appeal on Ground (a) and the deemed planning application, concerning the siting of 12 mobile homes for employees of the theme park and resort, the Inspector stated that there were two main issues.

The first main issue was, having regard to planning policies which limited circumstances when accommodation could be provided in the countryside as well as the accessibility of the site, whether there was an essential need for the mobile homes to accommodate staff who worked at the adventure park. The second was the effect of the development on the character and appearance of the surrounding area.

Dealing with the first issue, it is worth highlighted the following points raised by the Inspector:-

- This part of the countryside was deemed to be isolated in planning policy terms, where homes should be avoided unless a number of circumstances apply, such as (under the NPPF and Local Plan Policy H4) where there is an essential need for a rural worker to live permanently at or near their place of work (Paras. 10 and 11);
- The Inspector considered that one of the units, required by animal handlers, involved permanent occupation, amounting to a permanent home (for which there appeared to be some justification relating to animal welfare, subject to a more robust appraisal of the availability of existing accommodation across the site for potential conversion) (Para. 13);
- Another of the mobile homes, occupied by a site warden, also appeared to be occupied all-year-round, amounting to a permanent place of residence. The justification for this was not considered convincing, and a more robust evaluation of the availability of existing accommodation and buildings was required; (Paras. 14 and 15);
- Of the remaining units, 4 were required by seasonal members of staff between March and November, another 4 for entertainers from abroad requiring accommodation for less than 15 weeks per year, 2 for fixed term members of staff who wished to avoid commuting during their time working at the park. The Inspector acknowledged (Paras. 16 and 17) that the occupation of these units was somewhat “fleeting in nature” and they would not be living here with any intention of establishing permanent homes, to which Policy H4 applied. It was recognised that the occupiers were people from outside of the area who could not reasonably be expected to purchase or rent housing locally due to problems with affordability of local housing, and that the units

were aimed at people who had a home-base elsewhere which was too far away to commute from.

- The Inspector stated that these 10 other units supported a high-quality tourism destination which seemed to be consistent with the aims of Local Plan Strategy 33, subject to the overall consideration of other matters addressed in that policy (Para. 17).
- With the 10 units, the Inspector concluded (Para. 19): ***“... if their occupancy could be satisfactorily restricted, short-term seasonal accommodation may not breach the terms of LP H4 Policy in my view. However, in the absence of further information to provide me with the confidence that the occupancy of these mobile homes can be satisfactorily restricted these mobile homes are currently homes in the countryside which do not comply with LP Policy H4 and the Framework”***. Here, the Inspector considered that the Appellant’s suggested seasonal restriction to between 10 February and 27 December appeared too long, and that little information was provided about how a condition could be suitably worded to allow only occupancy by those working at the adventure park.

As regards the second issue relating to character and appearance, it was considered (Para. 22) that the development had an acceptable effect on the character and appearance of the surrounding area, in compliance with Local Plan Strategy 7. However, this conclusion did not outweigh the harm identified in relation to the first issue (Para. 23).

The Inspector upheld the Enforcement Notice. Whilst the 12 units should have been removed by the 7 March 2021, the Council’s Enforcement Officer has advised that, in the current Covid situation, the Notice should be fully complied with by the end of May 2021.

Revised Proposal

Our current proposal seeks planning permission, retrospectively, for the use of the land in question as a caravan site for the siting of 8 caravans for short-stay worker’s accommodation, ancillary to the operation of Crealy Theme Park & Resort.

The Crealy Resort operates a number of shows throughout the main season, most notably a circus. These involve performers from around the world, many not resident in the United Kingdom. For example, the high-divers for last year’s event were booked from the USA. It is necessary for Crealy to provide accommodation for these entertainers as they often have no accommodation at all, or if resident in the UK, are from a different part of the country. Entertainers cannot be recruited locally, and Crealy has tried to achieve this but has not been able to do it.

These short-stay entertainers cannot reasonably be expected to purchase or rent housing or other accommodation locally due to problems with affordability and/or availability during the peak seasons. Of course, the peak weeks when Crealy needs to accommodate the entertainers, is also the peak time for letting of holiday apartments or hotel rooms, when rooms are not available. All housing lets and hotel rooms are generally fully booked during these periods. Based on previous attempts to secure accommodation, Crealy has also found that operators are unwilling to rent

a house for 6 or 8 weeks to Crealy during the peak holiday season when they can achieve higher rates for short-stay holidays.

In addition, given that they are often required to perform or partake in two or three separate shifts per day (to coincide with shows), it is necessary for them to stay in accommodation in very close proximity to the main theme park and resort, as it is not possible for them to travel back to Exeter between shows. (The Inspector previously acknowledged and accepted these factors as part of the rationale for the previous scheme).

The units will only be occupied during, and immediately either side of as necessary, the periods of May half-term, the summer season, Halloween and Christmas. By way of example, based on evidence provided by the Applicant, these 8 units were occupied on this basis as follows during the year 2019:-

- May half-term: 8 x Entertainment team members (over 2 weeks);
- Summer Season: 6 x Entertainment team members; 8 x High Dive team (International performers) (over 8 weeks);
- Halloween: 6 x Entertainment team members; 8 x Halloween scare actors (over 2 weeks);
- Christmas: 8 x Entertainment team members; 6 x International Ice Skaters (over 4 weeks).

The actual temporary live shows and events that take place within the adjacent theme park and resort (providing a variety of performances across the year, with new ones hosted each year), that complement the use of other rides, facilities and attractions, are crucial to the business, operational and reputational success of the visitor attraction, and indeed is one of the main reasons why some paying guests choose to visit. In the present economic climate, these performances are needed to secure the level of income necessary for the business to build its way out of the Covid situation. It is quite literally make or break for the business. Without suitable accommodation, Crealy will not be able to offer this entertainment.

It differs to the previous proposal, as dismissed at appeal on the 7 September 2020 (and subject to the current Enforcement Notice), in the following way:-

- It comprises 8 caravan units, rather than 12.
- Permission is sought for event entertainers/staff to 'stay' in the units for up to 16 weeks per year, to coincide with the peak event tourism seasons; rather than for people to 'live' in the units for mostly longer periods of the year in a manner of occupation more akin to permanent homes (or second homes). It is therefore no longer for general staff and, importantly in relation to the Inspector's decision, nobody will be living in these units. The stays would be 'fleeting' to use the Inspector's wording, and as long as the need for this accommodation can be justified, the Inspector had no issue in principle.

To ensure that we address the Inspector's concerns with the previous proposal, and to ensure there is clear differentiation between the proposals, we suggest that the following planning conditions could be imposed to satisfactorily restrict the occupation of the units, as envisaged:-

- The caravans shall only be occupied during Devon County Council school holiday periods, including the period two weeks before and after such holiday period.

- No person shall occupy a caravan for more than 8 consecutive weeks, with no return within 2 weeks of the end of that period of occupation.
- Each caravan unit shall only be occupied by entertainers working at Crealy Theme Park & Resort. No unit shall be occupied as a sole or main place of residence.

Planning Policy Assessment

Our current proposal can be assessed against the two main issues addressed by the Planning Inspector in the context of relevant planning policies, as well as other material considerations. In this instance, the Development Plan comprises the East Devon Local Plan 2013-2031 (Adopted 2016).

Accessibility and Essential Need

Strategy 7, 'Development in the Countryside', states that development in the countryside will only be permitted where it is in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. In this case, the short-stay worker's accommodation, which will provide a temporary place for entertainers associated with the operation of the adjacent Crealy Theme Park & Resort to stay, supports a high-quality tourism destination compatible with the aims of Local Plan Strategy 33. Here, Local Plan Strategy 33, 'Promotion of tourism in East Devon', states:-

"The Council will support and facilitate high quality tourism in East Devon that promotes a year-round industry that is responsive to changing visitor demands. Tourism growth should be sustainable and should not damage the natural assets of the District but aim to attract new tourism related businesses that can complement the high quality environment of East Devon."

Compliance with Strategy 33 on this basis was accepted by the Inspector associated with the previously proposed 10 caravans for temporary accommodation purposes.

Dealing with the latter environmental consideration under Strategy 7, above, no harm would be caused to the landscape, amenity and environmental qualities of the area. We come back to this under Policy D1 below.

Local Plan Policy H4, 'Dwellings for Persons Employed in Rural Businesses', relates to the provision of 'dwellings', or homes, in the countryside for people who are employed in rural business or activities subject to compliance with a set of criteria. As part of our description of the proposed development in the previous section, we have emphasised the short-term and temporary seasonal nature of the accommodation; people are 'staying' at the site out of pragmatism, rather than living with any intention of establishing permanent homes, or even second homes. The stays are now controlled by conditions to prevent any stays over 8 weeks and to prevent the use of the caravans outside of school holiday periods. We believe that these are the conditions that the Inspector was seeking in his report. As such, Policy H4 does not apply.

The Inspector concluded that if the occupancy of the 10 previous units could be satisfactorily restricted, then short-term seasonal accommodation may not breach the

terms of Policy H4 (noting that the Appellant's suggested seasonal restriction to between 10 February and 27 December was deemed to be too long).

Character and Appearance

Policy D1, 'Design and Local Distinctiveness', states that proposals will only be permitted where they respect the key characteristics of the area; ensure the scale, massing, density, height, fenestration and materials relate to their context. Proposals should not detract from the historic character of the area and its pattern of development or harm the amenity of adjoining residential properties.

Planning permission is currently sought for the siting of 8 caravan units on the site, rather than the 12 units covered through the previous application (Ref. 19/1170/FUL). As part of the Council's planning application assessment of that larger number of units, Officers confirmed that the site was not visually intrusive, and the caravans did not cause any significant visual harm to their surroundings. Similarly, as part of the subsequent appeal, the Inspector concluded that the development had an acceptable effect on the character and appearance of the surrounding area.

As such, we consider that the current proposal, for a reduced number of units, complies with both Policy D1 and Local Plan Strategy 7.

Other Considerations

The proposal is otherwise acceptable in highway safety and sustainability terms judged against relevant planning policies taking into account the location of the application site, accessibility and availability of bus services. Planning Officers reached a similar conclusion on this as part of their original assessment of Application Ref. 19/1170/FUL (for a larger number of caravan units).

As regards habitat mitigation, having regards to the Council's validation requirements, it is not necessary for the Applicant is happy to make a financial contribution towards the Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPA's), since the proposal relates to short-stay worker's accommodation, rather than to residential or tourism development (the latter more akin to usage as second homes).

Finally, the National Planning Policy Framework (NPPF) (2019) states (Para. 80):-

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

The short-stay worker's accommodation is crucial to the business requirements and ongoing success of the associated theme park and resort, for reasons previously given – a factor that should therefore be afforded significant weight in this national strategic policy context.

Overall, we trust that the Council will be able to support this latest proposal for short-stay worker's accommodation, that is essential to the operational requirements of Crealy Theme Park & Resort and is policy compliant, for the reasons set out in this letter. We have proposed a number of planning conditions that address issues raised by the Inspector as part of the previous appeal.

Should you have any further queries, please don't hesitate to contact me.

Yours sincerely
for Laister Planning Ltd



Nick Laister
Managing Director