

Planning Statement

Non-Material Amendment application
under section 96A Town and Country Planning Act 1990

in relation to:

PA14/04703 (as amended by PA19/00686)

on land at:

Tregoad Holiday Park, St Martin, Looe, Cornwall PL13 1PB

Applicant:

Tregoad Holiday Park Ltd

Prepared by

Walter Wonnacott Planning
+44 (0) 1288 682116 - Office
+44 (0) 7958 582192 - Walter Wonnacott (Director)
Aaloka
Bude
Cornwall
EX23 0LS
walter@wmwplanning.com

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1 Introduction

- 1.1 Tregoad Holiday Park has recently come under new ownership. The Applicant is in the process of making a substantial investment into the holiday park taking into consideration the established planning consents.
- 1.2 The holiday park benefits from a great number of planning consents, with perhaps the first significant permission dating back to 1980, granting the siting of 150 caravans in part of the main site area. In 2005 consent was granted in the main site area for, *inter alia*, 190 caravans, 25 camping pitches, storage for 100 caravans and 12-month uses. These consents were implemented.
- 1.3 Consent was granted on 16th October 2014 (under PA14/04703) for 106 static caravans and associated works on the main site area. The pre-commencement and pre-use conditions have been discharged. This consent was commenced by the former owners but was at an early phase of development when the holiday park was acquired. It should be noted that permission PA19/00686 approved a non-material change to the external colour schemes for the approved development under PA14/04703.
- 1.4 Permission PA17/05024 was granted on 30th August 2017 for 80 static caravans and associated works on an extended area around the main park, part of which has been used for camping for a long period. The two pre-commencement conditions for that consent have been discharged. This adjoining development has commenced albeit it is also in a very early stage of development.
- 1.5 The Applicant's investment programme has already started, which will be of significant benefit to the local economy, not only in terms of the existing employees, but also with regard to the wider community, including local contractors and suppliers during the construction phases and related economic growth in the local area as the tourism offer at the holiday park is improved.
- 1.6 In order to continue this investment, the Applicant has carried out extensive investigations with regard to the works necessary to implement the approved development, referenced as associated development in the most recent consents. These infrastructure works include upgrading the electricity supply and connections to and throughout the holiday park, and improvements to drainage and water supply.
- 1.7 In the course of these investigations, it has become apparent that the approved layout does not optimise the accessibility of each plot, with quite a number being difficult to implement to a standard acceptable to the Applicant. In addition, some of the associated infrastructure works will require a modest variation of the approved layout plans.
- 1.8 The Applicant would like to regularise these changes accordingly.
- 1.9 It may be noted that a modest revision to part of the site area consented under PA17/05024 was approved under PA20/10866 in order to achieve similar aims:
 - 1.9.1 To ensure that the improvements to the clean water supply can be implemented. This NMA allowed for approximately five pitches from the east of that approved site area to be redistributed.
 - 1.9.2 In addition, while the 2017 permission includes a substantial number of 'twin' lodges it was necessary to reduce this proportion of the total consented number of units. The Applicant has significant experience in this field and the current and predicted market requirements do not support such a high proportion of twin lodges.
 - 1.9.3 Finally, three of the approved units under the 2017 consent were installed by the previous owner (approved pitches 53, 54 and 55) with a minor change in orientation

compared to the approved layout. While inconsequential, the NMA was a sensible opportunity to update the layout under the same application.

- 1.10 With respect to the site area under this application, the Applicant requires that all the new holiday lodges are accessible to the widest range of guests, which is difficult to achieve with the existing approved layout. Accordingly, the approved layout plan 28.9.21 and the associated section plan 104/11 have been revised to allow for each plot to be fully accessible, with many of the twin units replaced with smaller single units.
- 1.11 The general layout and access route through this section of the holiday park remains materially similar to the approved design. The revisions do not directly impact on the other approved plans or the details agreed under the two condition discharges. If any revisions to the discharged details are considered appropriate a separate condition discharge application may be prepared for subsequent approval.
- 1.12 This simple non-material change to the layout of the development is required to allow for each unit to be accessible to the widest range of guests and to reduce the size of a number of the consented twin lodges to single lodges, neither of which is not prejudicial to any third parties. This application seeks to authorise these amendments.
- 1.13 This application is for a specific, limited and discrete modification to the approved plans. If consultations with Western Power or any other party indicates that other revisions may prove to be necessary, any such matter may later be applied for under s96A or s73 of the TCPA 1990.

2 Relevant Planning Policies

- 2.1 The National Planning Practice Guidance advises that new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:
 - 2.1.1 Making a non-material amendment
 - 2.1.2 Amending the conditions attached to the planning permission, including seeking to make minor material amendments
- 2.2 The judgement in *Finney v Welsh Ministers [2019] EWCA Civ 1868* confirms that the correct process under which to consider an amendment to the description of an approved development is under s96A TCPA 1990.
- 2.3 In this case, the revision sought is to modestly amend the approved layout to improve accessibility while retaining the approved mitigation measures, which will result in no material change from the permission already granted. The amendment is not fundamental or substantial, therefore a new planning application is not necessary.
- 2.4 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme. The local planning authority has to be satisfied the change is not material; and they must have regard to the effect of the change, together with any previous changes made, on the planning permission as originally granted.
- 2.5 Applications under section 96A are not applications for planning permission; a non-material amendment does not result in a new permission and does not require statutory consultation or publicity. Local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

- 2.6 As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations.
- 2.7 As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply.
- 2.8 Instead, before the application is made, the applicant must notify anyone who is an owner of the land which would be affected by the non-material amendment or, where the land comprises an agricultural holding, the tenant of that holding. The applicant must also record who has been notified on the application form. Anyone notified must be told where the application can be viewed, and that they have 14 days to make representations to the local planning authority. There is no prescribed form for this and no requirement for an ownership certificate or an agricultural holdings certificate to be provided.
- 2.9 It should be noted that in this case the land which would be affected by the non-material amendment is owned solely by the Applicant.

3 Requested Non-Material Amendment

- 3.1 The NMA required is to substitute only two of the approved plans referred to under Condition 2 ('Plans Referred to in Consideration of this Application'), as amended by PA19/00686:
 - 3.1.1 "Illustrative Purposes only 104/09 received 19/05/14" - **retain**
 - 3.1.2 "Existing 28.9.23 received 19/05/14" – **retain**
 - 3.1.3 "Proposed 28.9.22 B received 14/02/19" – **retain**
 - 3.1.4 "Proposed 29.9.21 received 25/02/19" – **substitute** with "360_06"
 - 3.1.5 "Site/location Plan 28.9.20 received 19/05/14" - **retain**
 - 3.1.6 "Illustrative Purposes only 104/01 received 15/04/14" – **retain**
 - 3.1.7 "Illustrative Purposes only 104/02 received 15/04/14" - **retain**
 - 3.1.8 "Illustrative Purposes only 104/03 received 15/04/14" – **retain**
 - 3.1.9 "Illustrative Purposes only 104/04 received 15/04/14" - **retain**
 - 3.1.10 "Illustrative Purposes only 104/05 received 15/04/14" - **retain**
 - 3.1.11 "Illustrative Purposes only 104/06 received 15/04/14" - **retain**
 - 3.1.12 "Illustrative Purposes only 104/07 received 15/04/14" - **retain**
 - 3.1.13 "Illustrative Purposes only 104/08 received 15/04/14" - **retain**
 - 3.1.14 "Proposed 104/10 received 15/04/14" – **retain**
 - 3.1.15 "Proposed 104/11 received 15/04/14" - **substitute** with "360_07"
- 3.2 An NMA is the appropriate application route for the following reasons:
 - 3.2.1 The proposed change would be inconsequential in terms of scale in relation to the original application.
 - 3.2.2 The proposed change would not result in a detrimental impact either visually or in terms of amenity. All the protections afforded by the original planning conditions will remain in place.
 - 3.2.3 The interests of any third party or body who participated in or were informed of the original decision would not be disadvantaged in any way.

- 3.2.4 The amendments would not be contrary to any planning policy.
- 3.3 It is considered that the amendment is of no material consequence and should therefore be acceptable under an NMA application.
- 4 The supporting documentation**
- 4.1 The application is supported by documentation relevant to the type and scale of the application, namely:
- 4.1.1 Application Form
 - 4.1.2 Substitute Plans
 - 4.1.3 Correct fee
 - 4.1.4 Planning Statement
- 5 Conclusion**
- 5.1 The Applicant has recently purchased the holiday park and is in the process of applying a significant investment substantially to the benefit of the local economy, which is a significant consideration in the current troubled times brought about by the global pandemic.
- 5.2 The requested amendment does not change the permitted use of the site, it does not change the number of units, it does not significantly change the approved locations of the units and it would result in a number of the units reducing in size. The amendment is wholly within the scope of the permission granted under PA14/04703 (as amended by PA19/00686) and does not materially alter the approved development.
- 5.3 The application should therefore receive support from Cornwall Council.