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PARTNERS IN PLANNING

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Monmouth Caravan Park

Rockfield Road, Monmouth, NP25 5BA

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Appendix 1 - Site Location Plan

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1. Introduction

- 1.1. We hereby submit an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 5 of Planning Permission Ref. DM/2023/01274 dated 25 November 2023 which granted consent for: *“Siting of static caravan for holiday use.”* at Monmouth Caravan Park, NP25 5BA. Our application comprises the following documents:-
- 1.2. This planning statement should be read in conjunction with the following documentation which has been submitted with the application:
 - Site location plan
 - This Planning Statement
 - Completed application form
- 1.3. This application proposes to amend condition 5 so that the site can continue to operate as a caravan site for holiday purposes, but without the restriction to 28 day occupation in one calendar year.
- 1.4. Condition 5 currently reads:

'5. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.'
- 1.5. Our proposed amended wording is as follows:

'5. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.'
- 1.6. Section 2 summarises the characteristics of the site and surrounding area where applicable and summarises the planning history. Section 3 identifies the relevant policy context; section 4 provides our main analysis of the proposal; with our overall conclusions within Section 5.

2. Site Description, Planning History, and Context

Site Description and Constraints

- 2.1. Monmouth Caravan Park is an existing caravan park located at Southfield, Rockfield Road, Monmouth, NP25 5BA.
- 2.2. The caravan site had permission for 75 pitches, of which 54 can be used for the year-round stationing of caravans; and permission for one static holiday caravan. There is a central communal building adjacent to the entrance to the park with a bar, a small kitchen, and showers/toilets amenities, and there is a small reception building adjacent to the access road.
- 2.3. The site is flat, has an internal tarmac road around the site with access to the main road via Watery Lane, and is partly screened by boundary hedges.
- 2.4. The site is located within a Special Landscape Area, is within a conservation area, and is in a C2 Flood Risk Zone as per TAN 15.

Planning History

- 2.5. The site has limited Planning History, with the most recent applications varying conditions to allow the site to remain open for a longer period of time each year.
 - Application A26895 Permitted the original use of the site as a 'Caravan site'. (April 1987). Condition 1 prevented use between 31st October and 1st March each year, with all caravans to be removed. Condition 2 aimed to restrict to stays of 28 days or fewer and restricted to touring caravans.
 - DC/1994/01239 Proposed Conservatory and Bottle Store Extension (March 1995)
 - DC/1997/01151 Proposed Sub Lounge with Bottle Store (Cellar). (February 1998)
 - DC/2001/01135 for: "Variation of Conditions of Planning Permission A26895 to Enable Caravan Site to Stay Open from 1st March Until 5th January the Following Year and to Allow Unrestricted Period of Stay for Caravans During Opening Period (approved March 2002). This permission therefore replaced Conditions 1 and part of Condition 2 of the 1987 permission. A single new condition was Imposed preventing the site being used as a caravan park between 5th January and 1st March, with all caravans to be removed outside of this period.

- DC/2009/00581 for "Modification of Planning Condition to Enable Monmouth Caravan Park to Remain Open for Full 12 Month Period" (permitted December 2009). This would have been a variation of Condition 1 of DC/2001/01135. Condition 2 of this new permission prevented more than 54 caravans from being stationed at any one time. Condition 3 restricted its occupation to holiday use only. There was no new condition setting out any restrictions on the caravan site being open.
- DC/2010/00016 for: "To remove restriction of up to 54 caravans to be sited at any one time. A restriction of 54 caravans on site during November - December is acceptable" (permitted in April 2010). This permission would have replaced Condition 2 of the 2009 permission. Condition 2 of this new permission stated that no more than 54 caravans shall be stationed at the site during 1st November until 1st February. Condition 3 replicated the same condition on the 2009 permission.
- DM/2023/01274: 'Siting of static caravan for holiday use'. This permission permits one of the caravans so permitted on site to be a holiday use static caravan, as opposed to a holiday use touring caravan. However, condition 5 seeks to impose more restrictions on the use of the static caravan than previous permissions imposed on caravans on site, namely an occupation restriction of 28 days.

Background and Context

- 2.6. During the determination of the most recent application, DM/2023/01274, the Council came to the understanding with the applicant that, on an already well-established caravan park, the provision of a static caravan for holiday use was materially no different than a touring caravan for holiday use in terms of both the use and flood risk. Indeed, the applicant's view is that it is safer as static caravans can be tethered to the ground and do not normally get washed away. They are also higher above ground level so less affected by flooding. This was all set out in the Planning Statement accompanying application DM/2023/01274.
- 2.7. The site has 54 touring caravans for holiday use stationed all year round under the 2009 and 2010 permissions, with up to 75 caravans permitted on site. The application for a static caravan was simply to provide a different type of accommodation for visitors to the caravan park/Monmouth and generally add to the choice of accommodation in the area.
- 2.8. The applicants took every measure to ensure that the Council were satisfied with all elements of the proposal, and it was conceded that this did not constitute new development within a C2 flood zone as it was simply for the stationing of a static holiday caravan on a holiday caravan park in replacement for one or more touring caravans. It was not an additional caravan.
- 2.9. However, condition 5 as attached to the decision notice approving the static

caravan, seeks that it may not be occupied as a person's sole or main residence (which is acceptable to the applicant) or by any persons exceeding a period of 28 days in any calendar year. It is important to note that the reason given is solely that the provision of permanent residential accommodation would not be acceptable in the open countryside.

- 2.10. The applicant does not contest the first arm of the condition, as the applicant agrees with the Council's reason of limiting occupancy to a holiday use. However, the second arm of the condition seeks to go further than is necessary to achieve the stated reason and what is imposed on the other caravans on the site, causing detriment to the applicant's business by reducing flexibility from the existing site operations. This potentially causes a problem, because many of their guests return several times over the year, and some stay for an extended period in the main summer holiday. This seems to be an unreasonable change to the way the business operates, where there is no such restriction on occupation of the other caravans on the site, nor the caravan(s) that this static caravan will replace.

3. Policy Context

- 3.1. Any proposed development must be judged against the relevant Development Plan and other government planning policy and guidance. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 together require that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.
- 3.2. For the Purposes of this Planning Application, we understand that the Development Plan relevant to this site comprises the Adopted Monmouthshire County Council Local Development Plan (MCCLDP) 2011-2021 (adopted February 2014).

Monmouthshire County Council Local Development Plan (2014)

- 3.3. There are no policies in the MCCLDP which relate to the use of conditions limiting occupancy of existing caravan sites, as policy T1 only applied to new sites or expansions of sites.
- 3.4. The relevant guidance and policy are instead found in National Planning Policy documents.

National Planning Policy

- 3.5. Planning Policy Wales (PPW Edition 11: Adopted February 2021) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters; which together with the PPW form the national planning policy framework for Wales.
- 3.6. Paragraph 1.18 of the PPW confirms the legislative objective of a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.
- 3.7. Circular Ref: WGC 016/2014 'The use of planning conditions for development management', grants power to the local authority to impose conditions on permissions. Chapter 3.0 details the six tests that must be applied when drafting a planning condition. The chapter stresses that conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. Attention is particularly drawn to paragraphs 3.2 to 3.9 which advise that in considering whether a condition is necessary authorities should ask themselves whether planning permission would have to be refused if the requirements of that condition were not imposed. If it would not, then the condition needs special and precise justification.

3.8. Paragraph 3.40 addresses reasonableness:

'3.40 A condition can be ultra vires on grounds of unreasonableness, even if it is precisely worded and otherwise within the powers available. A condition might be unreasonable because it is unduly restrictive. For instance a condition may impose a continuing restriction on the use of land (provided that there are good planning reasons for that restriction), but that restriction should not nullify the benefit of the permission. For example, it would normally be reasonable to restrict the hours during which an industrial use may be carried out if the use of the premises outside these hours would affect the living conditions of local residents. However, it would be unreasonable to do so to such an extent as to make it impossible for the occupier to run the business properly. If it appears that permission could be given only subject to conditions that are unreasonable then it is likely that permission should be refused.'

3.41 An unreasonable condition does not become reasonable just because an applicant suggests it, or agrees to its terms. A condition must always be justified on its planning merits and will normally run with the land and will therefore still be operative long after the applicant has moved on.'

3.9. 3.8 Paragraph 91 of the circular details how conditions on occupancy (holiday accommodation) may be worded:

'91: The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of [x] days in any [[x] day period / calendar year]. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation'

4. Main Assessment

4.1. We consider that the key issue for consideration in this case is:

- Whether the proposed condition complies with the six tests.

Whether the proposed condition complies with the six tests

- 4.2. Monmouth Caravan Park is an established and financially viable rural enterprise which has been in place since the original planning permission permitting its use in 1987.
- 4.3. The permitted development for a static caravan aimed to provide a different type of accommodation for visitors to the park, under the same use and conditions applied to the touring caravans previously permitted.
- 4.4. The earlier planning permissions also imposed conditions which sought to control the occupancy of the caravans to holiday use only. Condition 3 of DC/2010/00016 reads *'the caravan site and any caravans stationed on it shall be used and occupied for holiday purposes only and at no time for residential use'*. This condition was deemed sufficient to achieve the Council's reason that the provision of permanent residential accommodation would not be acceptable in the open countryside.
- 4.5. However, in permission DM/2023/01274, which is the subject to this variation of condition application, the Council also imposed an additional restriction solely on the static caravan that *'or by any persons exceeding a period of 28 days in any calendar year'*. Whilst we accept that this is based on the wording in the Circular, as reviewed in the previous section, it does not seem to take into account the fact that this is an existing established site that is already operating perfectly successfully with a holiday use only regime set out in the conditions of the current operative planning permissions.
- 4.6. The applicants have multiple reoccurring guests who return to the park three or four times a year for a few weeks before departing. They often stay at the park for over 28 days over the course of a whole year, and others often take a holiday of 6 weeks and remain in the same caravan for that duration. The business relies on these regular and loyal visitors, and the concept of the static caravan was to provide better accommodation for these visitors.
- 4.7. The condition as worded would entail that within that year period, those guests would not be able to opt to stay in the static caravan if they so wished within that period, for an accumulated period in excess of 28 days. This goes beyond the conditions which currently govern the occupancy of caravans at the park and imposes limitations on the operations of the applicant's business that did not exist before. For this reason it is considered unreasonable.
- 4.8. Therefore, we assert that condition 5 as currently worded is neither necessary nor

reasonable and restricts the operating model of the business, as detailed further below.

- 4.9. As stated in the previous section, Circular Ref: WGC 016/2014 sets out six tests that must be applied when drafting a planning condition. Conditions should be:
- 4.10. (i) necessary
(ii) reasonable,
(iii) enforceable,
(iv) precise, and
(v) relevant both to planning and to the development to be permitted.
- 4.11. In terms of necessity, it is the applicant's assertion that though a condition which ensures that the caravan is occupied solely for holiday purposes is necessary, previous permissions achieved this objective with the condition 'the caravan site and any caravans stationed on it shall be used and occupied for holiday purposes only and at no time for residential use", without the imposition of a 28 day per year restriction.
- 4.12. We do not suggest that the condition fails the test of enforceability, nor precision, and it is relevant to both planning and the development permitted. It is not, however, either necessary or reasonable. We set out why below.
- 4.13. In terms of necessity, the specific aim of preventing permanent residential occupation was achieved by the first arm of the condition. This has been an integral part of the permission for many years and there have been no issues of enforcement that we are aware of. The further restriction of 28 days in a year departs from what was necessary to achieve the Council's reason for imposing said condition. As such, this part of the condition is not necessary and without it, we cannot see that the application would have been refused.
- 4.14. In terms of reasonableness, whereas we accept that there is a model condition in the Circular, this model condition does not give a specific length of time. It is also simply guidance, and the Council has to decide whether some or all of the model condition should be used, based upon the circumstances of the case. In this case there are already caravans on the application site operating under a specific holiday use only regime, which has worked for the business. The Council should have taken into account the fact that this is not a new site, or an extension to a site. It is simply the replacement of one/two touring caravans with a static caravan. It is unreasonable to have not taken this into account and ensured that the operating regime of the site can continue, rather than being altered for one caravan. The condition has been imposed as if there were no caravans already on the application site.
- 4.15. Paragraph 3.40 of the Circular identifies that in terms of reasonableness 'A condition might be unreasonable because it is unduly restrictive. For instance, a condition may

impose a continuing restriction on the use of land (provided that there are good planning reasons for that restriction), but that restriction should not nullify the benefit of the permission.' As detailed earlier, to restrict the occupancy of one caravan on the site in a far more onerous way than the other 74 caravans are restricted, interrupts the applicant's model of business and nullifies the benefit they sought to obtain from the permission. The wording of the condition detracts from the offerings of their business, and their recurring guests would not be able to return to the static frequently throughout the year and have a better standard of accommodation when visiting, detracting from the very purpose of the application.

- 4.16. Furthermore, as stated above, the circular details at paragraph 91 how a condition may be worded. Offering that *'...the development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of [x] days in any [[x] day period / calendar year]...*
- 4.17. This guidance does not specify how many days and over which period is appropriate, simply offering [x] in lieu of any specific restrictions. We do not know how the Council has arrived at the figure of 28 days in any calendar year, however, it stands to reason that it was assumed that the chosen period would not deviate from the period of holiday occupancy imposed on all the other caravans at Monmouth Caravan Park, as well as the caravans that the static caravan is replacing, and it is unclear why the Council believes it to be necessary and reasonable to impose additional restrictions.
- 4.18. Councils and inspectors generally support applications to amend conditions when they go beyond what is required to achieve the purpose for which they are intended. We present a number of example cases below to illustrate this point.
- 4.19. In 1995, an Inspector deleted two conditions in relation to occupancy and the keeping of a register, while refusing to remove a separate condition relating to the use of two holiday accommodation units in a stable at Knap Farm, Buckland Newton (Appeal Reference: T/APP/F1230/A/95/247587/P7). Conditions Nos. 2 (holiday use), 3 (time-limited occupancy restriction) and 4 (keeping of a register) among others were sought to be removed from planning permission granted in 15 July 1994 for the conversion of a stable into 2 holiday units (Permission reference 1/E/94/0286F), and West Dorset District Council refused the development of the land without compliance with those conditions.
- 4.20. The Inspector concluded in relation to Condition 2, that the condition was required as otherwise the units would become permanent residential. With regards to Conditions 3 and 4, in Paragraph 13, the Inspector states that there is no planning justification for limiting the length of a holiday (to 4 weeks). Sufficient control regarding paraphernalia is provided by Condition 2. They go on to state that it could prove difficult to enforce Condition 3 in view of detecting any breach, although they acknowledge the Condition 4 would assist in this regard. However, it was considered Condition 4 amounted to an 'unreasonable intrusion into the privacy of individual

holidaymakers' and the Inspector then concludes Conditions 3 and 4 are unnecessary.

- 4.21. In 1997, following a referral back to the Inspectorate by the High Court, an inspector deleted an occupancy condition controlling the length of stay relating to built holiday accommodation located within the Lake District National Park (Appeal Reference: T/APP/Q9495/A/94/238068 & 238069/P2), replacing it with a simple condition indicating that the premises shall only be used to provide holiday accommodation (now Condition 3). Permission had originally been granted in 1982 to restore a listed farmhouse to form a self-contained 2-bedroom holiday cottage associated with a converted building at Highpark, Loweswater, and a subsequent application was made to vary Condition 3 of the relevant permission, which stated that: "no person, member of the same family or group of persons shall occupy the building hereby granted permission for a period in excess of four weeks in any period of three months calculated from the first day of occupation". The Special Planning Board subsequently refused permission for non-compliance with Condition 3 (alongside Condition 2, which is not relevant here).
- 4.22. The authority argued that the condition was required to maximise the tourism potential of the use of the holiday accommodation, but the Inspector questioned whether such a condition would be necessary to refuse the application, as there would need to be a particularly pressing reason to justify the imposition of a more onerous condition (Paragraph 23). They then went on to question whether the condition would make a material contribution to the desired objective, as most stays would be constrained by cost and factors such as annual holidays, school holidays, etc, particularly noting that the evidence before the Inspector suggested most lets were short in nature (Paragraph 24). In Paragraph 26, the Inspector discussed the concerns regarding the use of the unit as a second home, which was relevant in its location. The Inspector states that "there would be no question of its being used as a permanent home within the terms of the permissions... the authorities should normally be able to establish from the general lifestyle of the occupants whether the accommodation is being used exclusively by holiday makers and consequentially contravention could be detected. The simpler holiday condition would not in my opinion give rise to problems in enforcement."
- 4.23. Importantly, the Inspector noted in Paragraph 28 that the adopted policy indicates that: "*permission will normally only be granted subject to a condition to ensure that the accommodation is not occupied other than for holiday purposes. There is no mention of more onerous conditions restricting the length of occupancy.*"
- 4.24. More recently, in 2013, an inspector deleted a seasonal occupancy condition relating to caravans on a holiday park in north Wales (Ocean Heights Caravan Park, Chwillog, Gwynedd, LL53 6NQ, Appeal Reference APP/Q6810/A/13/2198737), replacing it with a condition stating that the caravans should be occupied for holiday purposes only. Permission had been granted by Gwynedd Council for the relocation of 12 static

caravans and the siting of four additional caravans on an extension to the caravan park, subject to the condition which related to all 94 holiday caravans on the site and prohibited occupation between 10 January and 1 March. The inspector identified the main issues as being the effect that removal of the condition would have on policies aiming to control the establishment of dwelling houses in the area. The inspector considered that such a condition would be no more difficult to enforce than the seasonal restriction condition, and found no fundamental contradiction with the relevant unitary development plan policy (which actually stated that a ten and a half month occupancy period should be used) since its aim was to prevent permanent residential occupation. The Inspector stated (Paragraph 7):

"...in my view, the objective of the policy could be met through the imposition of the types of conditions suggested by the Appellant. These would ensure occupation for holiday purposes and to prevent permanent residential occupation of the units."

4.25. The appellant offered to accept a planning condition requiring a written register to include a log of the occupiers of the caravans and their home addresses. Importantly for this case, the Inspector could see no difference between enforcing a 12 month holiday use compared to a more restricted situation:

4.26. "A planning condition is valid even if it is difficult to enforce. The suggested conditions in my view are no more onerous or more difficult to detect a contravention than the seasonal restriction condition." (Paragraph 9).

4.27. An inspector deleted a condition prohibiting the occupation of caravans on a site in the Lancashire countryside (Forest of Bowland Leisure Park, Roughlee, Nelson, BB9 6NR, Appeal Reference APP/E2340/A/10/2137243) for more than 11 months in a year, finding that it was unreasonable and unnecessary. The inspector considered that the condition failed to achieve the objective of preventing the use of caravans as permanent dwellings. It would allow the caravans to be occupied by the same persons for 11 months of the year, she reasoned, as their sole or main residences, so long as they also went away for a four week holiday. She also considered it unnecessary to limit the occupation of the caravans to 11 months a year, noting that the council had given little explanation for this part of the condition other than that it would emphasise the holiday nature of the units. She reasoned that the council was not seeking to control when any caravan should be unoccupied and since a holiday occupancy condition would prevent use of the caravans as permanent dwellings other occupancy constraints could not be justified.

4.28. Paragraphs of the decision relevant to this case include where the Inspector clearly states that a condition preventing residential use is all that is reasonably needed (Paragraph 11):

"I consider that condition 1 should be replaced with a standard holiday occupancy condition, drafted in accordance with the GPGPT, which expressly states that caravans on the site shall only be used for holiday purposes and not as a person's

main or sole place of residence. Such a condition would suffice to prevent any permanent residential use. It is not necessary to also require that the caravans be unoccupied for four week consecutive periods – and imposing such a condition would in my view place an unreasonable restriction on the appellant.”

- 4.29. Importantly, the Inspector advises that, if the Council’s aim is to prevent residential occupation (which is understood to be the primary issue) then to impose occupancy/length of stay restrictions would be unreasonable and not meet the tests for conditions, as simpler conditions would achieve the same end result:
- 4.30. “Since a holiday occupancy condition would prevent use of the caravans as permanent dwellings – the Council’s key objective – I find that other occupancy constraints could not be justified.” (Paragraph 12).
- 4.31. The Inspector also states that including a requirement for a register negates the need for any occupancy length restriction or closure period because the register can be used for enforcement purposes (Paragraph 13).
- 4.32. The nature of holidays in this country has become increasingly diverse, in location, in season and in duration. Clearly aware of this trend an inspector was strongly critical of conditions applied by a local authority to a rural holiday home permission (The Boat House Eastbourne Road Seaford East Sussex BN25 4AB, application reference LW/99/0072, decided on appeal on 28th April 2000). The conditions restricted occupation to "short term lettings" and not for more than 28 days consecutively by an individual or group, i.e. similar in wording to Condition 5 attached to the Permission at Monmouth Caravan Park. The inspector concluded that whilst it was right to control the use of a Class C3 dwellinghouse to holiday use only, it was the nature of the holiday makers which would influence the impact on the area rather than the length of stay. The council had imposed conditions which were not justified in policy terms, having essentially adopted conditions used by other authorities. This was held to represent "opportunistic importation" and an "entirely inappropriate approach" comprising a "singular lack of openness in policy formulation" which could lead to inconsistency and unfairness. The conditions were deleted and a further condition imposed restricting use to holiday accommodation only with no limit on the length of stay..
- 4.33. At a holiday lodge development at Whitecliff, Coleford, Gloucestershire, GL16 8NB, an appeal was allowed on the 25 January 2010 (Appeal Ref: APP/P1615/A/09/2103429) concerning a section 73 application for the erection of 22 holiday lodges without complying with a condition attached to planning permission Ref DF.9752/A, dated 14 May 1993. That condition stated in part that the holiday accommodation should only be occupied for a period not exceeding 4 weeks for any single letting and a return within 4 weeks by the same household should not be permitted. The inspector imposed the following new condition instead: “The lodges shall be occupied for holiday purposes only and shall not be occupied as a person’s sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names

of all owners/occupiers of individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

- 4.34. In Paragraph 10, the Inspector recognises that the removal of the occupancy condition would actually widen the positive economic tourism benefits, not reduce it:

“The Council has also indicated that the proposed variation in the approved length and frequency of occupation of the holiday lodges would harm the tourism strategy for the area. However, it is clear to me that the lodges would contribute to available visitor accommodation within the area. Whether occupied by shorter or longer stay visitors or for more frequent visits throughout the year the accommodation would continue to be capable of meeting the needs of visitors to the area. I have not been provided with any substantive evidence that there is any unmet demand for short term only accommodation. Indeed, in this particular case the removal of the current restriction would allow for both shorter and longer term holiday usage thereby appealing to a wider visitor market and allowing more flexibility of use during different periods throughout the year in response to the changing demand for holiday accommodation. For these reasons I do not consider that the proposal would not undermine any of the objectives in respect of the promotion of sustainable tourism contained in the policies highlighted above.”

- 4.35. Finally, an appeal under section 78 was allowed at Cotswolds Hotel and Spa, Southcombe, Chipping Norton, Oxfordshire, OX7 5QH (Appeal ref: APP/D3125/W/18/3205571), within which the appellant disputed condition 16 which sought to restrict use to holiday only to avoid residential occupation, but went further and also sought to limit occupancy to 6 weeks of the year only. The appellant did not dispute the need for a restrictive condition to limit occupation to holiday use only but asserted that the additional occupation time limit restrictions affected the business model negatively, and that a variation of condition to remove the 6 week restriction would still achieve the Councils goals of limiting the use to holiday only.

- 4.36. *At paragraph 11, the Inspector then agrees with the appellant, stating:*

'In its varied form, the condition would still restrict the use of the accommodation for holiday purposes only. It would retain the reference to the apartments not being used as permanent occupation or as a primary place of residence.'

Before concluding:

'I therefore conclude that the varied condition would continue to fulfil the purpose of restricting the occupancy to holiday only'

- 4.37. The appeal was allowed and the additional onerous restriction so Imposed was removed.

5. Conclusion

- 5.1. This Planning Statement has been prepared on behalf of the applicants, to vary condition 5 of permission DM/2023/01274 to read:

'5. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence.'

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.'

- 5.2. In overall conclusion, there is no need for the period of occupancy of the individual static caravan at Monmouth Caravan Park to be restricted, as stipulated under Condition 5 as currently worded. Restricting it on this basis is contrary to the key policy and supporting texts regarding necessity and reasonableness of conditions, as judged against the tests in the Welsh Circular. A condition that clearly states that the caravan can be used for holiday purposes only, with no residential occupation, along with a requirement to maintain a register, will achieve the aim stated in the 'Reason' given for the condition. A 28 day restriction is unnecessary because the Condition's restriction to holiday use only/not to be used as a sole or main residence, already achieves the objective of preventing permanent residential occupation. Instead, this interferes in the operation of the site. It is also unreasonable because it does not take into account that the existing caravans the static is replacing already have holiday use only restrictions, with no 28-day limit. It could also affect the viability of the operations and the overall benefit of the caravan's operations and will undoubtedly make the static caravan less valuable to the business.
- 5.3. The amended condition proposed by the Applicant (to remove the 28 days requirement) would be sufficient and would meet all the tests for imposing conditions; in particular it will be enforceable in terms of preventing the site from being used for permanent residential occupation. We have drawn attention to a number of appeal cases where the approach proposed by the Applicant has been tested by Inspectors and found to be reasonable.

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