Site Address:	Woodcott Caravan Parks, Fishery Lane, Hayling Island		
Proposal:	Variation of condition 3 of Planning Permission 97/62730/000/B to extend occupancy of holiday park from 10 months to 11 months 14 days allowing the park to be used between 1st March and 14th February inclusive.		
Application No:	APP/19/00629	Expiry Date:	14/08/2019
Applicant:	Mr Seedwell The General Estates Co Ltd		
Agent:		Case Officer:	Lesley Wells
Ward:	Hayling East		

Recommendation: **REFUSE PERMISSION**

1 Site Description

Woodcott Caravan Park lies on the north side of Fishery Lane. Vehicular access to the site is off Fishery Lane. Residential development lies to the west, north and east of the site, with a Boating Lake to the south of the Park.

The site falls within Flood Zones 2 and 3.

The proposal seeks to vary condition 3 of Planning Permission 97/62730/000B which states:

"With the exception of a single Site Warden's Caravan (as specified in Condition 2 above) on the Woodcot Caravan Site and a single Site Warden's Caravan (as previously authorise by Planning Permission 18927/5 of 29.11.86) on the Fisher's Caravan site, no caravan or any part of the land outline red on the deposition 1.2500 scale application drawing shall be occupied at any time on or between 2 January and the last days of February in any calendar year.

Reason: To safeguard the local stock of holiday accommodation and to safeguard against permanent residential caravan use of the site for which the Local Planning Authority considers the site unsuitable at the present time."

2 Planning History

97/62730/000A - Demolition of toilet block and washroom facilities and erection of new building to provide ancillary site office and replacement communal facilities plus installation of propane gas storage compound and provision of underground gas supply to all 77 existing pitches and the new building., PERM,03/11/1997
97/62730/000B - Extension of caravan occupation season from 1st March to 31st October inclusive to 1st March to 1st January inclusive with allowance for one warden's caravan for 12 months occupation on Woodcot Caravan Site., PERM,28/04/1999

APP/18/00052 - Alterations to existing guest lodges to extend ground floor external decks and enlarge ground floor windows on inward facing elevations., PERM,21/03/2018
APP/19/00628 - Variation of Condition 3 of Planning Permission 97/62730/000 to extend occupancy of caravan park from 10 months to 11 months and fourteen days, allowing the park to be used between 1st March and 14th February inclusive.,

REFUSED, 13/5/20

3 Proposal

Variation of condition 3 of Planning Permission 97/62730/000B to extend occupancy of the holiday park from 10 months to 11 months 14 days allowing the park to be used between 1st March and 14th February inclusive.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS5	(Tourism)
DM4	(Static Holiday Caravan Development)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East
No comment.

Councillor M Wilson - Hayling West Ward
No comment.

Councillor R Raines - Hayling East
No comment.

Environment Agency - 2nd Comment - Objection
We **object** to this application for removal or variation of condition 3 of planning permission 97/62730/000 for the following reasons:
Reasons
1. Inadequate Flood Risk Assessment

The absence of an adequate flood risk assessment (FRA) means this application does not comply with the requirements set out in paragraph Section 9 & 10 of the Planning Practice Guidance for Flood Risk and Coastal Change. In addition to the lack of

warning and evacuation plan, the flood risk across the site has not been adequately identified for the lifetime of the proposed development. More detailed information relating to anticipated flood depths across the site and finished floor levels should be provided. Please note that, as per the 'Information Warning' attached to the data we have previously provide for this site, when considering the impacts of climate change there is guidance specific to planning which can be found at https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances. Applying these allowances will result in future flood levels higher than those currently contained within the Flood Risk Assessment. The absence of an appropriate assessment of the anticipated flood risk to the site not only renders the FRA inadequate, it also means that the information needed to develop a warning and evacuation plan is not available.

2. Flood Risk Vulnerability Classification

Technical Guidance to the National Planning Policy Framework (NPPF) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. Table 2 of the NPPF for Flood risk vulnerability classification for caravans states:
a. Sites used for holiday or **short-let** caravans and camping, subject to a specific warning and evacuation plan are classified as **'more vulnerable'**

b. Caravans, mobile homes and park homes intended for **permanent** (year round) residential use is classified as **'highly vulnerable'**. Highly vulnerable developments are not appropriate in Flood Zone 3

The flood risk vulnerability classification of the site will therefore be determined by whether or not the requirement for occupants to vacate for only 2 weeks per year effectively permits them to reside on the site as their main or sole residence. The Local Planning Authority should provide a view to determine this. We note the comments provided by Environmental Health in relation to this issue.

Notwithstanding the above, the site cannot be classed as 'more vulnerable' without an adequate site specific warning and evacuation plan, which the applicant has not provided.
We recommend that the application for the variation of variation of condition 3 of planning permission 97/62730/000 should therefore be refused on this basis until further information is provided to overcome the issues set out above

Overcoming our Objection The Environment Agency will resist any move to permanent (or near permanent) occupancy of a caravan or mobile home at this site. The structures' instability places their occupants at special risk, they are likely to be occupied during periods when flood risk may be higher, and permanent (or near permanent) occupancy can lead to a progression to permanent housing. The NPPF is clear that highly vulnerable developments are not compatible with the high probability of flooding possible in Flood Zone 3.

If the Local Planning Authority considers the proposed development to constitute a short let caravan park as opposed to a permanently occupied residential site, you can overcome our objection by submitting an adequate site-specific flood risk assessment (FRA) which demonstrates that the development will not increase risk to people or property, or increase risk elsewhere and where possible, reduces flood risk overall. This must include an adequate warning and evacuation plan, developed in conjunction with the Local Planning Authority and its emergency planners. If this cannot be

achieved we are likely to maintain our objection to the application.

Production of an improved FRA will not in itself result in the removal of an objection. We ask to be re-consulted with the results of an improved FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Advice to Local Planning Authority / Applicant

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.
The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals could be made safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Officer comment: As the application is recommended for refusal no further consultations are required.

Environment Agency - 1st Comment - Objection

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

Reason(s)

The application site lies within Flood Zone 3 which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 163, footnote 50) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us

on any revised FRA submitted and we'll respond within 21 days of receiving it. Guidance on how to prepare a flood risk assessment can be found at https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications.

Environmental Health, Caravan Site Licence
The granting of planning permission for 11 months and 14 days occupancy in this instance will effectively permit occupants to reside in the caravans as their main or sole residence in that they would only have to vacate the site for two weeks a year.

A period of occupancy which falls just short of permanent residential use may prove problematic for determination of conditions attached to the site licence granted under the Caravan Sites and Control of Development Act 1960. The applicant should be informed of the potential implications upon their site licence conditions should they be granted planning permission.

Such permission may set a precedent for other sites within the Borough who apply for similar periods of occupancy. Enforcement of the proposed two-week break period would likely prove problematic across multiple sites. Sites where the unlawful occupancy was unidentified/or not enforced would after ten years obtain lawful development rights as residential sites. Consideration should therefore be had concerning the practicalities of enforcement of conditions before approving this application.

Most of the caravan sites on Hayling Island would likely require a change to their site licence conditions if granted planning permission on the basis of this application. Many of these sites would either not be granted a change to the conditions or the conditions would be impossible to achieve because of the close proximity of the sites to each other.

Granting permission may therefore set site owners up to fail under separate legislation.

Site owners should therefore be informed at the early stage of any application that site licence conditions may be altered to reflect the change in occupancy.
If the Committee were of a mind to approve this application, I would recommend that the following conditions and informatives be applied to any consent granted:-

1. No caravan may be occupied as a person's sole or main residence.
2. The person in control of the land must hold records of the main residence of every occupant of the land and supply the Local Planning Authority and Environmental Health (or equivalent regulating departments) with a copy of those records upon demand.
3. Gates shall be provided to all vehicle and pedestrian accesses and shall be locked shut between the period of midnight on 15th February and midnight on 1st March.

Officer comment: The application is not seeking planning permission for residential use and therefore changes to the Caravan Site Licence should not be necessary, if permission is forthcoming.

Environmental Health Manager, Community Group
No adverse comments, but other may still offer comments concerning the caravan licences.

Natural England - Objection

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.
Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it **cannot** be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of Regulation 64; that is that there are no alternatives **and** the proposal must be carried out for imperative reasons of overriding public interest.
Your authority may now wish to consider the exceptional tests set out within Regulation 64 Specific guidance about these tests can be found at:
https://www.gov.uk/government/publications/habitats-and-wild-birds-directives-guidance-on-the-application-of-article-6-4

Officer comment: There are no imperative reasons to override the public interest test for this application to proceed.

Planning Policy

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for the borough. The Pre-submission Havant Borough Local Plan 2036 (HBLP 2036) was approved by the Council on 30 January 2019 and can be afforded limited weight.
The following policies are of particular relevance:

- • CS17 – Concentration and Distribution of Development within the Urban Areas
- • AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements
- • CS5 – Tourism
- • DM4 – Static Holiday Caravan Development
- • CS11 – Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- • DM24 – Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

In the Pre-submission Plan the following policies are of particular relevance:

- • E3 │Landscape and settlement boundaries
- • C2 │Tourism
- • E16│Solent Special Protection Areas

Comments:
The site lies within the urban area as defined by Policies CS17 and AL2 of the adopted local plan and emerging E3 of the Pre-Submission Local Plan. Therefore, development is supported in principle, subject to other relevant considerations.

As the proposals would involve the variation of a condition to extend the occupancy of the caravan park, Policy DM4 of the Core Strategy is of relevance. The purpose of the policy is to ensure that static holiday caravans do not become permanent residential accommodation due to their location away from local services or owing to their form and setting. The policy therefore only supports caravan development where it is to be used for holiday purposes and has a limited period of occupancy for a maximum of ten months per calendar year.

The submitted application form suggests the applicant wishes to change the condition so that their current holiday residents can enjoy the benefits of the park and the surrounding area at more times during the year, and hopefully make the park more attractive to new visitors. No other information has been provided.

A flexible and pragmatic approach to different business models for visitor accommodation can be taken where environmental designations allow. Given the changing trends within the tourism sector, emerging Policy C2 supports the continued location of static holiday caravan sites where:

"d. The caravan is to be used for holiday purposes only and is not occupied as a sole or main place of residence."

Paragraph 7.25 of the supporting text indicates the Council will apply appropriate conditions to any planning consent to ensure occupancy remains in tourism use in accordance with the NPPF. For example, in the case of planning permission reference APP/16/01237 in addition to restricting the number of caravans which can be stationed on site (condition 4), condition 3 restricts occupancy as follows:

"The holiday caravans and chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the holiday village shall maintain an up-to-date register of all owners of caravans on site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority."

The Solent Recreation Mitigation Strategy (SRMS) applies only to wholly new establishments and extensions of other holiday/tourist accommodation. As such, a financial contribution would not be required.

Summary:
Notwithstanding the adopted policy position, the emerging Local Plan policy must be afforded some weight. Subject to an appropriate condition(s) which would prevent the permanent residential use of holiday caravans, the scheme would be capable of policy support.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a

result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 26

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Holiday homes use - increase proposed encourage full time occupation	See Section 7 below
Noise & disturbance would increase	See Section 7 below
Use should be monitored	This would be a matter for Planning Enforcement

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Principle of development
(ii) Impact upon the character and appearance of the area
(iii) Impact upon residential amenity
(iv) Flooding
(v) Developer Contributions.

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

Policy DM4 of the Havant Borough Core Strategy 2011 provides for the provision of Static Holiday Caravan Development where both the following criteria are met:

"1. The development would have a close physical relationship to existing caravan sites.

2. The caravan is to be used for holiday purposes only and has a limited period of occupancy for a maximum of ten months per calendar year."

The proposal seeks to extend the occupancy of the caravan site from 10 months per calendar year to 11 and 14 days to allow for "... the park to be 'open' from 1st March to 14th February inclusive". This would be contrary to Policy DM4.2 above and at this stage little weight may be given to emerging Policy C2 (Tourism).

Policy DM4 recognises that static holiday caravans are not always suitable for permanent occupation owing to their location away from local services or owing to their form and setting. The council also wishes to maintain a distinction between holiday caravans which contribute to the provision of visitor accommodation within the borough and residential developments. This distinction would be undermined, if the caravan site was used for 11 months and 14 days a year. The proposal is therefore

contrary to Policy DM4 of the Havant Borough Core Strategy 2011.

(ii) Impact upon the character and appearance of the area

The proposal does not involve any increase in the number of caravans on the land, just the length of time that they may be occupied by visitors on holiday. The proposal would however lead to an increase in vehicles movements to, from and within the site and parking outside of the site, for 6 additional weeks a year, which currently should not arise. This level of increased activity over an additional 6 weeks period is unlikely to be significantly harmful to the character and appearance of the area and therefore would not be contrary to Policy CS16 of the Havant Borough Core Strategy 2011.

(iii) Impact upon residential amenity

As stated above at (ii), the proposal would cause a level of activity with visitors to the site, which currently does not arise between 2 January to 14 February. However, at that time of year visitor numbers are likely to be less then in the summer with outdoor site activities for these additional weeks, probably curtailed, due to inclement weather. That said, any associated increased level of activity would be unlikely to cause significantly harm to the amenities of the occupiers of dwellings surrounding the site or the locality.

(iv) Flooding

The site falls within Flood Zones 2 and 3. Policy CS15 requires, amongst other matters:

"1. It meets the sequential and exception test (where required) in relation to PPS25.

2. The site is located in a low hazard area as defined in the Strategic Flood Risk Assessment.

3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4. The scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site.

5. Appropriate flood warning and evacuation plans are in place."

The site may lawfully be used as a holiday caravan sites, between 1st March and the 1 January in any calendar year and the proposal is to extend the dates that visitors may occupy this holiday Caravan Park . The proposal is determined on this basis. The holiday caravan site is deemed to be vulnerable development and therefore a Flood Risk Assessment (FRA) is required for the proposal. The applicant submitted a FRA. The Environment Agency (EA) was consulted on the FRA who found:

"The absence of an adequate flood risk assessment (FRA) means this application does not comply with the requirements set out in paragraph Section 9 & 10 of the Planning Practice Guidance for Flood Risk and Coastal Change. In addition to the lack of warning and evacuation plan, the flood risk across the site has not been adequately identified for the lifetime of the proposed development. More detailed information

relating to anticipated flood depths across the site and finished floor levels should be provided."

The applicant advised of his intention to address the inadequacy of his FRA, but despite reminders this has not been forthcoming.

As to the sequential test, the proposal seeks to extend the occupation for a short let holiday Caravan Park from 10 months to 11 months and fourteen days, currently controlled by a condition. Therefore, the lawful use of the land is limited to 10 months a year as a holiday caravan site, with the proposal seeking to extend this use by 1 month and 14 days. As the land may lawfully be used as a caravan site, a sequential test is not required.

The EA has raised an objection to the proposal and recommended refusal. For the reasons set out above, the Local Planning Authority concurs with this recommendation.

v) Developer Contributions.

The proposal would increase overnight accommodation on the site. The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation and the decrease in water quality that would be results from the proposed development.

The applicant has failed to provide packages of avoidance and mitigation for recreational disturbance and decrease water quality, to mitigate the significant effect on several European sites due to both the increase in recreation and the decrease in water quality that would be the result of the proposed development.

In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on Chichester and Langstone Harbours Special Protection Area, Chichester and Langstone Harbours Ramsar Site, Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Potential Special Protection Area as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan), Policy E16 of the Pre-Submission Havant Borough Local Plan 2036 and the Conservation of Habitats and Species Regulations 2017.

8 Conclusion

The proposal would not have an unacceptable impact on the locality or residential amenity but is unacceptable in principle due to the proposed opening times and flood and nature conservation issues which have not been addressed, contrary to Policies CS5, CS15, CS16 and DM24 of the Havant Borough Core Strategy 2011 and policy E16 of the Pre-Submission Havant Borough Local Plan 2036, the Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework and the Planning Practice Guidance.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00629 for the following reasons.

1 The site is situated within an area defined by the Environment Agency which is at serious risk of flooding and the proposal to extend the period of holiday occupation would therefore be inappropriate due to the potential risk of loss of life. It is therefore contrary to policies CS15, CS16 and DM4 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

2 The submitted Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change section. The Flood Risk Assessment does not therefore adequately assess the flood risks posed by the development. In particular, the Flood Risk Assessment for this short let caravan site fails to demonstrate:

- that the flood risk across the site has been adequately identified for the lifetime of the proposed development;
- how the development would not increase risk to people or property, or increase risk elsewhere and where possible, reduce flood risk overall; and
- an adequate warning and evacuation plan for the site.

The proposal is therefore contrary to Policies CS15 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Planning Practice Guidance and the National Planning Policy Framework.

3 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on Chichester and Langstone Harbours Special Protection Area, Chichester and Langstone Harbours Ramsar Site, Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Potential Special Protection Area as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan), Policy E16 of the Pre-Submission Havant Borough Local Plan 2036 and the Conservation of Habitats and Species Regulations 2017 and the National Planning Policy Framework.

5 The proposal would increase the operational use of the Caravan Park from 10 months to 11 months 14 days which would undermine the distinction between holiday caravans which contribute to the provision of visitor accommodation within the borough and residential development, contrary to policy CS5 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.