

<b>Local Plan Panel Meeting</b>	
<b>Meeting Date</b>	7 May 2020
<b>Report Title</b>	Interim Planning Policy for Residential Park Homes
<b>Cabinet Member</b>	Cllr Mike Baldock, Cabinet Member for Planning
<b>SMT Lead</b>	James Freeman, Head of Planning
<b>Head of Service</b>	James Freeman, Head of Planning
<b>Lead Officer</b>	Jill Peet, Planning Policy Manager
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<p>It is RECOMMENDED that:</p> <ol style="list-style-type: none"> <li>1. the content of this report and the attached appendices are noted; and</li> <li>2. the Interim Planning Policy as set out in paragraph 3.2 be agreed and presented to Cabinet for agreement; and</li> <li>3. The Interim Planning Policy is adopted as a material planning consideration.</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 The Council has served around 200 planning enforcement notices on holiday park sites across the Borough in respect of breaches of seasonal holiday park occupancy conditions and as a consequence should normally be seeking to prosecute those which have not complied with the enforcement notice over the recent closed season.
- 1.2 However, the Council may wish to reconsider its position regarding whether at least some Holiday Park sites may be suitable for permanent residential use rather than restricted to either an 8 month or 10 month open season holiday use.
- 1.3 The purpose of this report is to agree a way forward on the Holiday parks planning policy position by seeking to adopt an interim policy statement that would be a material consideration in determining future planning applications to convert to permanent residential use and will aid any decision to proceed with any planning enforcement action and/or prosecution.

## **2 Background**

- 2.1 The Council's current planning policy for holiday parks is set out in the adopted local plan, Bearing Fruits (July 2017). Policy DM4 provides the policy framework for proposals for new holiday parks or extensions to existing parks. Policy DM5

sets out the policy framework for addressing the planning implications of proposals relating to the occupancy of holiday parks. The Policies are set out in appendix I.

- 2.2 Most holiday parks in Swale are restricted by planning condition to an eight or ten months period of occupation. The limited occupancy period was imposed with a view to ensuring that these holiday parks were not used as permanent (and often sub-standard) housing, many of which would be in poorly accessible parts of the Borough and to protect the character of rural areas and the tourism offer that is a significant part of the Borough's economy.
- 2.3 There remain a number of holiday caravans and chalets being occupied as permanent dwellings in breach of planning conditions. Whilst the Council acknowledges the reasons for this are many and complex, the use of holiday caravans and/or chalets on some sites should not be continued in perpetuity due to the:
- external space standards affecting the layout of holiday parks and standards of privacy and amenity for occupants
  - sustainability of the location in terms of access to services and facilities
  - the risk of flooding and/or coastal erosion where applicable
  - the impact on the character and appearance and tranquillity of the countryside
- 2.4 It should be noted that permissions being granted for year round occupation would not necessarily result in a permanent residential use of a caravan or chalet as they may remain and operate as a holiday home with unfettered access as a second home. In these circumstances, these units would not contribute to meeting the Council's housing requirement set by Government.
- 2.5 Standards and legislative requirements vary between holiday and residential caravans, and holiday chalets and dwellings, and this is something to bear in mind when considering the overall policy approach.
- 2.6 However, there is a view that suggests that some of the existing holiday parks may be able to be converted to permanent residential sites and could be operated on the 'park homes' model and provide relatively cheap good quality residential properties, particularly for the over 55's to release equity to support their retirement and/or to provide equity for their children to help contribute towards saving for a home. This would therefore have the significant benefits of releasing housing for younger families and to provide a significant contribution to meeting housing need for the elderly and the housing numbers required by Government.
- 2.7 Should this conversion to permanent residential use be supported, there would therefore be a need to ensure that the policy drafting only enables those schemes which deliver a well designed residential layout and environment, meet legislative requirements and provide appropriate access to support services and facilities.

### **3 Proposals**

3.1 Although an Interim Planning Policy would not have the full weight of adopted local plan policy, it will be a material planning consideration that will hold some weight in the consideration of planning proposals for the conversion/redevelopment to permanent residential use of such parks in the interim until the local plan review is progressed to adoption. Additionally, it would provide a basis upon which the Council would review its position regarding the current active planning enforcement notices and consider whether any prosecution should take place during the next closed season.

3.2 The proposed Interim Planning Policy is proposed as follows:

Proposals for the conversion/redevelopment of holiday accommodation on holiday parks in the Borough to permanent residence (12 months of the year) will be granted provided that all of the following criteria are met:

1. the site is in a sustainable location with access to services and facilities;
2. if the site is within an area at high risk of flooding, the risks can be mitigated through design solutions to the satisfaction of the Environment Agency and these solutions will not lead to other material planning harm;
3. the accommodation that is the subject of the application complies or will comply within 12 months of the granting of planning permission with standards BS3632(2015) and meets the requirements of the Caravan sites and Control of Development Act 1960 (as amended) and any associated Acts such as the Mobile Homes Act 1983 (as amended) and the Mobile Homes Act 2013 in terms of both standards, agreements and conditions of the units on site and external layout within the context of surrounding area;
4. the site is not in an area of coastal erosion; and
5. the site layout is acceptable in terms of privacy and amenity of site occupants

3.3 In the absence of planning permission for permanent residential use, the Council will consider taking enforcement action in order to ensure compliance with occupancy conditions imposed on holiday parks.

### **4 Alternative Options**

4.1 The Council could decide to continue with its existing policy noting that its position has been backed by Planning Inspectors. However, this would then require the Council to seriously consider proceeding with prosecution action in the next closed season noting the potential impacts to those occupiers currently flouting the occupancy condition without a home to return to. This could result in additional pressure for other Council services (for example, the need to provide for those presenting as homeless).

### **5 Consultation Undertaken or Proposed**

- 5.1 In late January of this year, the Council wrote to all registered park owners/operators in the Borough to gauge interest for a revision to the current policy approach. The response rate was over 60% and was generally supportive. With this in mind, the policy set out above was drafted in collaboration with other council departments and consulted on for a period of 6 weeks.
- 5.2 Twelve responded to the consultation, including individuals, park owners and operators and the parish councils of Warden and Eastchurch with a further representation from a member of Sheerness town council. The comments received have been summarised in appendix II of this report (with a proposed response) and the full representations made by the town and parish councils is contained in appendix III.
- 5.3 Many of the comments made were generally supportive of the proposed approach set out in the draft policy although a number of concerns and objections were also raised. These are summarised below:
- Vehicular access and condition of roads, especially in winter where roads are not treated
  - Ability of the Council to enforce breaches of planning permission in light of current failures to enforce.
  - The policy will create substandard housing accommodation
  - Burden on infrastructure
  - Increase in the value of the site will force out those unable to upgrade their units
  - There will be no benefits of the proposal to the existing residents in the area
  - Loss of holiday accommodation and the impact this will have on the local economy and tourism
  - Concerns that this policy will create a negative image of areas where there is a concentration of residential caravans/chalets
  - The cost of the required upgrades to the standards will be unaffordable for most already living in caravans
  - Enforcement action will still need to be undertaken to ensure no abuse of the policy occurs and should be adequately resourced and supported
  - Criticism that the focus should be on delivering better quality bricks and mortar homes as the lower costs of this type of accommodation will exacerbate problems associated with poverty and homelessness

## 6 Implications

Issue	Implications
Corporate Plan	Priority 1: Building the right homes in the right places and supporting quality jobs for all.

Financial, Resource and Property	<p>There are no direct financial implications of proceeding with the interim policy.</p> <p>However, there could be an unintended consequence of additional stress being put onto Housing Service in having to potentially handle more homelessness cases.</p> <p>Amendments to the current waste collection contracts may need to be negotiated and this could have resource implications.</p>
Legal, Statutory and Procurement	<p>Should the Interim Policy be agreed, this is likely to lead to a reduction in the number of enforcement notices served and the potential for prosecution action. Changes could potentially lead to an increase in workload for other departments such as housing who enforce the Caravan Site and Control of Development Act.</p>
Crime and Disorder	<p>None identified at this stage.</p>
Environment and Climate/Ecological Emergency	<p>It will be important to ensure that any relaxation of occupancy condition protects the living conditions of occupiers and the local environment.</p>
Health and Wellbeing	<p>None identified at this stage.</p>
Risk Management and Health and Safety	<p>None identified at this stage.</p>
Equality and Diversity	<p>None identified at this stage.</p>
Privacy and Data Protection	<p>None identified at this stage.</p>

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Adopted Local Plan Policies DM4 and DM5
- Appendix II: Summary of comments received and proposed response
- Appendix III: Comments received from Warden Parish Council, Member of Sheerness Town Centre and Eastchurch Parish Council

## 8 Background Papers

None.