



Planning Committee

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| Application Address | Merley Court Touring Park, BH21 3AA |
| Proposal | Change of use of land for the stationing of 99 static caravans for permanent residential occupation |
| Application Number | APP/19/01586/C |
| Applicant | Shorefield Holidays Limited |
| Agent | Ken Parke Planning Consultants |
| Date Application Valid | 23 December 2019 |
| Decision Due Time | 23 March 2020 |
| Extension of Time date (if applicable) | |
| Ward | Bearwood and Merley |
| Recommendation | Grant permission subject to the signing of a completed S.106 Agreement and the conditions set out in the recommendation, which are subject to alterations / additions by the Head of Planning provided any alteration / addition does not go to the core of the decision. |
| Reason for Referral to Planning Committee | This application is brought before committee by the Head of Planning due to its planning history, its finely balanced recommendation and material planning issues raised. |
| Case Officer | Doug Evans |

Description of Development

1. Planning permission is sought to change the use of land that is currently used for tourism purposes and stationing of static caravans, for the static caravans to be used for permanent residential occupation.

Key Issues

2. The main considerations involved with this application are:
 - Principle of development
 - Impact on the development on the Green Belt
 - Loss of tourist accommodation
 - Impact on the character of the area and amenity
 - Parking provision and highway safety
 - Impact on internationally protected sites

Planning Policies

3. Poole Local Plan (Adopted 2018)

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|------|--|
| PP1 | Presumption in favour of sustainable development |
| PP2 | Amount and broad location of development |
| PP7 | Facilitating a step change in housing delivery |
| PP8 | Type and mix of housing |
| PP23 | Tourism and the evening / night time economy |
| PP27 | Design |
| PP30 | Heritage Assets |
| PP32 | Poole's Nationally, European and Internationally important sites |
| PP33 | Biodiversity and geodiversity |
| PP35 | A safe, connected and accessible transport network |

4. Supplementary Planning Document

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| SPD1 | Parking & Highway Layout in Development |
| SPD2 | Dorset Heathlands Planning Framework (2020-2025) |
| SPD3 | Poole Harbour Recreation (2019-2024) |

5. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals

6. **2008:** Use of land for the siting of 12 holiday lodge caravans. This application was not determined and disposed by the local planning authority in December 2010.
7. **2010:** Use of land for the siting of twelve holiday lodge caravans. **Approved** (APP/10/00580/C). The permission included condition 6 that requires that the lodges shall not be occupied from the period 8th January to the last day of February inclusive. This permission has been implemented.
8. **2011:** Variation of Condition 6 of permission 10/00580/C to read "The lodges shall not be occupied from the period 8th January to 6th February inclusive". The reason for the proposal was to bring it in line with the seasonal occupation of the caravan park. **Approved** (APP/11/00781/C).
9. **2012:** Change of use of land as extension to existing touring caravan storage area. The was refused as the area proposed would have introduced more caravan use onto open land in the Green Belt that was considered to be inappropriate development contrary to national Green Belt policy. **Refused** (APP/12/00382/C).
10. **2012:** Use of land as extension to existing touring caravan storage area (revised scheme). This was a revised scheme to APP/12/00382/C with a smaller site area. It was refused by the local planning authority but allowed at appeal. The appeal inspector considered harm to the openness of the Green Belt would be limited and the benefits of the additional tourism use would outweigh the limited harm to

the Green Belt. **Approved** (APP/12/01653/C, appeal ref: 2193728).

11. **2015**: Change of use to site holiday lodge caravans in place of touring caravans including demolition of existing buildings at Merley Court Touring Park. This was granted planning permission at planning committee for the stationing of 83 lodges. Condition 4 restricts occupation of the lodges during the period 7th January and 7th February. It was initially recommended for refusal by officer due to concerns over the harm to the Green Belt. **Approved** (APP/14/01672/C). This permission has been implemented but only a number of the lodges have been constructed.
12. **2015**: Change of use to allow the siting of four holiday lodge caravans in place of caravan storage area. **Approved** (APP/15/01495/C). This permission has been implemented.
13. **2017**: Change of use of land for the stationing of 99 static lodge caravans for permanent occupation. This application has not been determined (APP/17/0154/C).

Representations

14. 7 Letters of objection have been received and 3 further representations that neither supported or objected, in which the following concerns have been raised:
 - Harm to the Green Belt
 - Loss of touring and static holiday caravans that are protected by current planning policy (PP23)
 - Impact on local economy that will be affected by the reduction of holidaymakers in the local area
 - Traffic and highway impacts arising from permanent residential use
 - Access too narrow to support residential use
 - Impact on internationally protected sites not being mitigated
 - The Council should look at providing a proper right of way / access to be added to provide a safe way for people to get down to Oakley Hill and Gravel Hill enabling people to get to bus stops and other walking routes nearby
 - Impact on local infrastructure. Local facilities are at capacity and cannot be able to cope with this change to residential occupation.
 - Error concerning the open public space available for the users of this site
 - Doesn't take account of government or Local Plan policy

Consultations

15. Wessex Water: Has no comments other than providing a map showing the approximate location of water services near to the site and advising the applicant to contact Wessex Water if the proposals are to connect to the public foul sewers.
16. Waste Collection Authority: Site not suitable for individual bin collection. Therefore, communal bins will need to be provided in a bin compound adjacent to the area shown for a roundabout where the collection vehicle can access. Defer

to amended plans showing either a bin store holding a minimum of 38/1100 litre capacity bins of 8 x 5000 cubic capacity underground bin units. If this cannot be facilitated then the WCA would object to these plans.

17. Lead Local Flood Authority: No objection.
18. BCP Highway Authority: No objections subject to conditions on parking and cycling. The Highway Authority advises that the principle of the lodges for holiday use has already been established and the proposed use for permanent residential occupation is unlikely to result in significant increases in parking requirements or daily trips beyond their approved use as demonstrated in the supporting Transport Statement. Whilst there will likely be increased in vehicles trips at AM and PM peak times, these are unlikely to place excessive additional strain on the surrounding highway network. Recommend that secure cycle provision is provided onsite and capable of storing 99 bikes, whether in one large secure cycle store or smaller secure cycle stores situated around the site.
19. Natural England: Objection due to lack of information to determine impacts on the Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Corfe and Barrow Hills SSSI. No objection to Poole Harbour SPA subject to providing mitigation.

Constraints

20. The site is located within the South East Dorset Green Belt.

Planning assessment

Site and Surroundings

21. The application site is Merley Court Touring Park, a camping and caravanning park located in the South East Dorset Green Belt, close to the northern boundary of the BCP area.
22. Merley House is a Listed Building and is located west of the site along Merley House Lane, the importance of the grounds around the house being recognised as a listed heritage park and garden.
23. The application site and Merley House are both accessed along a narrow road from the roundabout junction of the A341 and A31.
24. The eastern part of the site is wooded and accommodates 12 timber lodges in a woodland setting. This wooded area is approximately 3, to 4 metres lower than the main touring park and has a generally open character, which differs from the main touring park, which is generally open.
25. The main touring park area is generally flat with grass or gravel pitches; tarmac roads; and 2m high hedging dividing some of the pitches or groups of pitches. Shared toilets; showers; laundry; and dish washing facilities are provided in a single storey buildings. There are important amenity trees both within the site and

around its perimeter. Adjacent to the entrance of the site there is a shop and club house, which serves the Park and tennis courts. The perimeter of the site has a 3 to 4 metre high hedge, which is visible from Merley Park Road. The site entrance and northern part of the site are visible from Merley Park Lane.

26. With regard to the planning history of the site that allows for the stationing of 99 static caravans for holiday use, 31 have been delivered to date. The majority of the site is still used for touring caravanning until such time when the remainder of the static caravans are provided through the ongoing implementation of the planning permissions set out in the planning history section of this report.

Key issues

Principle of development

27. Planning legislation requires planning applications to be assessed against the development plan (in this case the Poole Local Plan 2018) unless material considerations indicate otherwise.
28. Policy PP2 of the Poole Local Plan sets out the broad locations considered suitable for residential development. The majority of development will be directed to the most accessible locations, which includes locations within sustainable transport corridors. The application site is not located within a sustainable corridor. PP2, however, allows for development outside of sustainable corridors where it is capable of delivering sustainable patterns of development. In this case, the site can already be used for the stationing of 99 static caravans with single use occupancy for 11 months out of 12. The change to permanent residential use is not considered to be materially different in terms of its use and intensity that what has already been approved. In this regard the proposals would provide a similar sustainable pattern of development to the approved use and consistent with Policy PP2.
29. Policy PP2 (6) of the Poole Local Plan also states that the Council will carefully manage the Green Belt in accordance with national policy. The national planning policy for Green Belt is set out in the National Planning Policy Framework (NPPF).
30. The NPPF is clear that the Government attaches great importance to Green Belts. Paragraph 133 confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the characteristics of Green Belts are their openness and permanence.
31. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be allowed except in very special circumstances. Paragraph 144 of the NPPF states:

“When considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

32. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt except for several exceptions. It is relevant to consider in this case that the proposal is for a change of use of land as opposed to applying for the erection of buildings.
33. Paragraph 146 of the NPPF confirms that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 146 provides the list of other forms of development that are also not inappropriate in the Green Belt, which includes material changes in the use of land provided they preserve its openness and do not conflict with the purposes of including land within it.
34. In this case, the existing permissions on the site already allow for the stationing of 99 static holiday caravans. Planning permission is not required for the erection of a static caravan as they are not deemed to be buildings or development to which the planning system applies. The use of the land, however, requires planning permission.
35. The applicants are currently able to open the park for 11 months of the year from 7th February to 7th January to take caravan / tents as well as occupation of the lodges on the site. The three planning permissions that will deliver 99 static caravans over time all have a condition that restricts the use of the caravans to 11 months out of 12 during the year, leaving 1 month where the static caravans should not be occupied.
36. The position in Green Belt terms is that there will be no significant change in the way that the static caravans will be occupied or used other than increased period of occupation from 11 months to 12 months. This change in occupation by the additional month is not considered to result in a material change on the impact on the openness of the Green Belt or the purposes of including land within it when considered against the existing planning permissions. The pattern of development that is already consented on the site for occupation as holiday accommodation therefore will not be materially changed by the static caravans being used for permanent residential occupation. In this regard, the principle of the proposal for permanent residential use of the static caravans in Green Belt terms is acceptable and in accordance with PP2 of the Poole Local Plan (2018) and paragraph 146 of the NPPF. It will, however, be necessary to ensure that the static caravans are delivered as per the layout and form of provision already secured by the current planning permissions (and shown on the submitted plans), and remove all residential permitted development rights set out in the General Permitted Development Order (2015) to ensure the Council maintains control over the site in planning terms to ensure the ongoing protection of the Green Belt; both of these aspects can be secured by conditions.

Loss of Tourist Accommodation

37. Policy PP23 (b) of the Poole Local Plan (2018) states that proposals resulting in the loss of tourist accommodation will only be permitted where it (i) is demonstrated that the continued use is no longer financially viable and attractive to future

occupiers in accordance with the requirements of Policy PP40: Viability or (ii) adequately demonstrated that the loss is necessary to enable investment in the remaining tourist accommodation on site or elsewhere in Poole.

38. The applicant has not provided evidence to confirm that the site is no longer viable in accordance with the requirements of Policy PP40 or demonstrated that the loss is needed to enable investment in remaining tourist accommodation elsewhere. In this regard the proposals conflict with the provisions of PP23 (b).
39. As required by planning legislation, proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. This is a case where material considerations need to exist in order to outweigh the identified conflict with PP23 (b). The applicant's position in this regard is that the loss of the touring aspect of the site has already been accepted by the grant of previous planning permissions that allow the stationing of 99 static caravans, which are in the process of being implemented. 31 of the static caravans have been sited already with 17 sold to private individuals with the remainder being marketed for sale. The assessment of the loss of tourist accommodation therefore should be considered against the context of changing the static caravan's occupancy from 11 months to 12 months a year.
40. It is therefore materially relevant to consider that the planning history for the site allows for single user occupancy of the 99 static caravans for 11 months out of 12 months a year. The addition of an extra month for permanent occupation as is proposed in this application can be considered as an incremental change to the existing situation in respect of the planning history on the site.
41. The issue of use of holiday parks for permanent residential occupation has been considered on other sites elsewhere in the country. In cases in *Organford* and *Clanna* (both considered and allowed at appeal) inspectors considered that whatever the length of time of occupation static caravans people would still sleep, prepare meals, relax and generally carry out activities that would be no different whether used for holiday accommodation or permanent residential. There would be some changes in the use of off-site infrastructure such as use of schools and doctor's surgeries arising from permanent residential but overall the basic scale and character of trips will not be materially different if changing occupation from 11 months to 12 months as is proposed.
42. Furthermore, the applicant contends that the site is located some distance from the tourist attractions and facilities and services which sit at the core of the conurbation. The applicant highlights that there is a range of other tourist accommodation available in more centrally located parts of the conurbation that are better able to derive the economic benefit from the spending of holiday makers. There are also a wide range of static caravan facilities available relatively close by in the neighbouring Dorset Council area highlighting that there remains alternative provision available in the wider local area. There is also no evidence before us that demonstrates the change of use as proposed will be harmful in terms of impact on provision of tourism accommodation in the area.
43. The site will also remain as a caravan site and continue to be controlled through

the separate licensing regime. It is expected that the static caravans as a result will likely retain an element of tourist accommodation even with the incremental change from 11 months single occupancy to 12 months as is proposed as some purchasers will use them as holiday homes albeit without a restriction on occupancy. Overall, the proposed incremental change as proposed is not considered to be materially different than what is allowable on the existing consented situation.

44. Furthermore, the Council is required by the NPPF to maintain a five-year supply of housing to ensure the Government's policy of significantly boosting the supply of housing is delivered. The site was previously considered at the Poole Local Plan preparation stage for housing in view of the fact that the static caravans can be occupied 11 months out of 12 by a single use occupancy already under the existing permissions. It was not allocated for housing at that time as sufficient sites were found elsewhere.
45. Since the Local Plan was adopted the Government has introduced the Housing Delivery Test that measures an area's housing delivery performance against adopted housing requirements. The most recent Housing Delivery Test (2020) saw the former Poole area deliver 74% against the adopted housing requirement, which resulted in a 20% buffer being added to the Poole area's supply as a result to improve the choice and availability of sites to boost delivery of housing towards meeting adopted requirements. It is relevant to note that the 2020 Housing Delivery Test Results have gone downwards from 84% delivery the previous year in 2019. With the application of the 20% the Council's five-year land supply is 5.2 years.
46. It is evident that the Council can currently demonstrate a five-year supply in the former Poole area even with the application of a 20% buffer, and therefore not automatically required to apply the presumption in favour of sustainable development at the present time. However, it is evident that the Council's housing delivery has decreased over the last year and the contribution of 99 static caravans for residential use to the Council's future housing land supply is a material consideration in favour of this application that will help maintain a five year supply in the former Poole area and ensure the Council can retain control of local decision making in this part of the BCP area.
47. Policy PP7 (Facilitating a step change in housing delivery) of the Poole Local Plan sets out that the Council will work positively and proactively with developers, partners and other relevant organisations to deliver a step change in housing delivery to ensure needs are met over the plan period. Criterion (a) of PP7 states that the Council will maintain a five-year supply and (c) encourage a wide range of housing types. The proposal would meet both PP7 (a) and (c) and accord with the policy's aims of facilitating a step change in housing delivery.
48. Policy PP8 (Type and mix of housing) recognises that a mix of all types of housing are needed in Poole. In this regard, the proposal would facilitate the stationing of static caravans for permanent residential occupation. As planning permission is not required to install the caravans, the Council's affordable housing policies do not apply in this case as the proposal is only considering the use of land. However, static caravans can still provide a form of lower cost housing that will enable a more

affordable housing product to be available to the market along with the range of other forms of housing being delivered elsewhere in the area. The provision of this form of housing as proposed in this application is considered to accord with PP8 and the emphasis on delivering a mix of housing of all types and sizes.

49. On balance, the incremental change in single use occupancy from 11 months to 12 months a year, the contribution of 99 residential static caravans to help meet the Council's housing requirements and no harm being identified to the openness of the Green Belt, are material considerations in favour of the proposal that are considered to outweigh the conflict with the requirements of Policy PP23 (b) of the Poole Local Plan 2018 on this occasion. It is relevant to consider that it is the unique circumstances with this application arising from its planning history along with the other material considerations identified that tip the balance in favour of the proposal on this occasion.

Impact on the character and appearance of the area and residential amenity

50. Policy PP27 set out the design criteria against for all new development to ensure that the established pattern of development and residential character of the area is preserved or enhanced. PP30 requires development to preserve or enhance heritage assets, which in the case of this application relates to the adjacent listed Merley House and associated gardens.
51. This proposal relates to a change of use land as opposed to any changes to the development on the site. As a result, there will not be any material change to the character and appearance of the area and residential amenity from the proposal, or impact on adjacent heritage assets. Conditions are proposed similar to those on the existing permissions that will require landscaping, tree protection measures and the form and stationing of the static caravans to be agreed with the local planning authority prior to commencement to ensure the overall character and appearance of the site is preserved.

Parking provision and highway safety

52. The Local Highway Authority raises no objection subject to the conditions relating to parking and cycling facilities being provided. The Local Highway Authority acknowledges the planning history on the site and does not consider the change to permanent residential will lead to a harmful increase in traffic movements to justify a refusal on highway grounds. As such, the proposal is acceptable from a highway safety and parking perspective in accordance with PP35.

Other matters

53. A condition can be imposed securing the provision of suitable waste collection arrangements to address the matters raised by the Waste Collection Authority.

Section 106 Agreement

54. The site is within 5km (but not within 400m) of Heathland SSSI and the proposed net increase in dwellings would not be acceptable without appropriate mitigation of

their impact upon the Dorset Heathlands. Furthermore, the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their recreational impact upon Poole Harbour. This site does not fall within the sewage treatment catchment of Poole Harbour and so nitrate offsetting is not required.

55. The Council has prepared strategic approaches to delivering the appropriate mitigation. These are the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD) and the Poole Harbour Recreation 2019-2024 SPD. Mitigation can be achieved through the combination of Community Infrastructure Levy (CIL) towards Heathland Infrastructure Projects (HIPs) and Section 106 payments towards Strategic Access Management and Monitoring (SAMM). This proposal is required to contribute towards these mitigation strategies, without which it would not satisfy the appropriate assessment required by the Habitats Regulations.

56. Mitigation of the impact of the proposed development upon Dorset Heathlands and Poole Harbour designated sites, as well as on recreational facilities is generally provided for by CIL. In this case, however, CIL is not applicable to this change of use proposal as no floorspace to which CIL is charged will be created. Therefore, bespoke contributions are required to mitigate the impact of the proposal on Dorset Heathlands through the provision of Heathland Infrastructure Projects (HIPs).

57. In discussions with Natural England, the applicant has agreed that the change in occupancy to permanent residential is equivalent to 45 additional flats. The 45 additional flats worth of occupancy has been used to calculate the necessary HIPs and SAMM contributions.

58. The applicant has agreed to pay a contribution of £42,840 for HIPs, which has been agreed by officers as being an appropriate level of mitigation to address the scheme's impact on Dorset Heathlands.

59. The SAMM contributions required from this proposal are set out as follows:

| SAMM Contributions Required | | | Dorset Heathland SAMM | Poole Harbour Recreation SAMM |
|------------------------------------|--------------|----|---------------------------------|--------------------------------------|
| Flats | Existing | 0 | @ £269 | @ £96 |
| | Proposed | 45 | | |
| | Net increase | 45 | £12,105 | £4,320 |
| Total Contributions | | | £12,105 (plus admin fee) | £4,320 (plus admin fee) |

60. The applicant has confirmed they will enter into a Section 106 agreement to secure the required contributions towards Dorset Heathlands infrastructure projects and

Dorset Heathlands and Poole Harbour Recreation SAMM prior to commencement of development. With the required contributions secured the proposal addresses the matters raised by Natural England, ensures the proposal meets the requirements of the Habitats Regulations and accord with Policy PP32 of the Poole Local Plan (2018). Natural England have confirmed their objection is satisfied on this basis.

Summary

61. The proposal would:

- See the change of use of land to provide 99 static caravans for permanent residential occupation. This is change to the consented position for the static caravans to be used for tourist accommodation;
- Provide an acceptable standard of residential amenity for future occupants and neighbouring residents;
- Provide adequate parking and preserve highway safety; and
- Mitigate the impact on heathland and harbour recreation through infrastructure and SAMM contributions

Planning balance

62. Whilst there is an identified conflict with Policy PP23 (a) in respect to the loss of tourist accommodation, the proposal would in the context of the previous planning history on the site, provide additional social and economic benefits of 99 additional residential units without any identified environmental harm that are material considerations in favour of the proposal.

RECOMMENDATION

It is therefore recommended that this application be granted subject to the conditions set out below, which are subject to alterations / additions by the Head of Planning provided any alteration / addition does not go to the core of the decision; and subject to the completion of a Section 106 Agreement securing the following:

- **£42,840 for Heathland Infrastructure Projects (HIPs)**
- **£12,105 (plus admin fee) in respect of Dorset Heathland SAMM**
- **£4,320 (plus admin fee) in respect of Poole Harbour Recreational SAMM**

Conditions:

1. GN150 (Time Expiry 3 Years (Standard))
2. PL01 (Plans Listing)
3. GN120 (Refuse / waste scheme to be submitted)
4. HW100 (Parking/Turning Provision)

5. HW110 (Cycle Provision)
6. HW230 (Permeable surfacing condition)
7. LS020 (Landscaping scheme to be submitted)
8. RC010 (Remove Residential Permitted Development)

9. AA01 (Non standard Condition)

At no time shall the number of static caravans accommodated on the application site exceed 99 as set out on approved drawing 100 Rev B and no lodge or ancillary structure shall be sited outside the identified footprint shown on those drawings

Reason -

In the interests of the balance of buildings and landscape and to preserve the landscape setting and the character and appearance of the Green Belt and in accordance with PP2 and PP31 of the Poole Local Plan (November 2018).

10. AA01 (Non standard condition)

Prior to any static caravan being placed on the application site, or replaced, a schedule of potential external materials and finishes for the static caravans shall be submitted to and approved by the Local Planning Authority. No static caravan shall be placed on the site other than in compliance with the approved schedule of materials and finishes.

Reason-

In the interests of the appearance of the site and the character of the area and in accordance with PP28 of the Poole Local Plan (November 2018).

11. AA01 (Non standard condition)

Prior to the commencement of the development, other than the demolition of any buildings, an Arboricultural Method Statement detailing the method and materials to be used in the construction of any static caravan base or other structure within the Root Protection Area of any retained trees and a specification for any proposed pruning of trees required to carry out the development shall be submitted to and approved in writing by the Local Planning Authority, the agreed details shall then be followed during implementation of the consent.

Reason-

In order to ensure appropriate measures are taken to protect the trees on site and to maintain the balance of built form to landscape and the wider landscape setting of the site and area and in accordance with PP28 of the Poole Local Plan (November 2018).

12. If within a period of 5 years from the date of planting of any tree, pursuant to Condition 9 above, that tree or any tree planted in replacement for it is removed, uprooted or destroyed or dies or becomes in the opinion of the Local

Planning Authority seriously damaged or defective another tree of the same species and maturity as that originally planted shall be planted in the same place unless the Local Planning Authority gives its written consent to any variation.

Reason-

In order to ensure the retention of appropriate balance of landscape and built form and to preserve the landscape setting of the site and the character and appearance of the wider area and in accordance with Policy PP28 of the Poole Local Plan (November 2018).

Informative Notes

1. IN72 (Working with applicants: Approval)
2. IN84 (Appropriate Assessment passed)
3. IN81 (SAMM Approval)