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 Ordnance Survey [100018056]

Scale - 1:3500
 Time of plot: 15:26
 Date of plot: 20/01/2015



Rutland County Council

 Catmose,
 Oakham,
 Rutland
 LE15 6HP

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Application:	2014/0962/FUL	ITEM 6	
Proposal:	Use of land as a residential caravan site		
Address:	Ranksborough Hall, Ranksborough Drive, Langham		
Applicant:	Mr Tony White	Parish	LANGHAM
Agent:	Mr Mark Southerton,	Ward	Langham
Reason for presenting to Committee:	Local Objections/Interest		
Date of Committee	3 February 2015		

EXECUTIVE SUMMARY

The proposal is to seek a fresh planning permission for the residential element of the site. This is due to over restrictive conditions being placed on the existing permission which deal with issues that should rightly be covered by the Site Licence. Many residents are concerned that the new permission would pave the way for units to be moved off site and cause distress inconvenience to residents.

The planning system deals with land use and, insofar as a caravan site is concerned, it is simply for the control of the use of the land. The internal layout of the site, together with facilities, is covered by the Site Licence, which is implemented under separate legislation, as are the rights of residents, and is not the concern of this Committee.

A modification of the existing S106 agreement relating to the site would be required.

RECOMMENDATION

APPROVAL, subject to the modification of the S106 Agreement and the following conditions:

1. The development hereby permitted shall be commenced within 3 years of the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The applicant shall give written notice to the Local Planning Authority within 28 days of the implementation of this permission.
Reason: To ensure that the LPA is clear when it has been implemented in the interest of sound and proper planning.

Notes to Applicant:

- If you propose to remove trees on site you must be aware that protected species, particularly bats, may be present, it is your responsibility to ensure that protected species and their habitats are not harmed. Advice should be sought from Natural England if you are in any doubt.
- There is a limit on the amount of timber that can be felled without a licence from the Forestry Commission.

Site & Surroundings

1. The site is located to the west side of Langham, outside but adjoining the Planned Limits to Development (PLD) and the Conservation Area. The Conservation Area boundary runs along the west side of the last house on Ranksborough Drive and along the wall on the north east boundary of the site with The Range. The site has, since 1957, been used to some extent for caravanning purposes. The overall site now has 3 distinct areas controlled by the current planning permission and a S106 agreement. These relate to the residential area, a holiday lodge area and a touring caravan area, all of which are limited to those specific uses.
2. The extent of the site in this application co-incides with the existing area of the residential part of site previously approved.
3. The mobile homes on site are largely privately owned but sit on rented plots owned by the applicant. The site operates an 'over 55's only' rule, but that is a site rule rather than a planning or licensing requirement.

Proposal

4. The site covered by the application is attached at **APPENDIX 1**. The application does not involve an extension of the site onto other land. This is an application to seek a fresh planning permission to cover the residential element of Ranksborough Park. The existing permission, 2002/0283 contains several conditions which should properly be dealt with by a Site Licence and should not have been imposed on a planning permission, although at the time this may not have been so clear cut as it is now. As such the conditions are '*ultra vires*' or unlawful, as they do not meet the statutory tests for conditions set out in the National Planning Policy Guidance (NPPG) which replaced the former Circular 11/95 on the use of Conditions.

5. Examples of these conditions are shown in italics as follows:

The development hereby permitted shall be carried out in strict conformity with the details shown on the submitted plans and specifications accompanying the application and no caravans (Residential Park Homes or Lodge Style Holiday Homes), shall be sited in any position other than shown on the submitted plans unless otherwise agreed in writing with the Local Planning Authority.

Notwithstanding the details submitted with the application, the 'Residential Park Homes' shall comprise the following types of units or units of no lesser quality of material, construction and design as indicated by the 'Homeseeker Park Homes', 'Wessex Park Homes'. 'Tingdene Park Homes' and 'Cosalt Park Homes' submitted in illustration of the types of units proposed.

Notwithstanding the details submitted with the application, the 'Lodge Style Holiday Home' caravan units shall comprise the following types of units or units of no lesser quality of material, construction and design as indicated by the 'Cosalt Holiday Homes', 'Pinelog' (Pinelodges) and 'Omar' (Kingfisher) range submitted in illustration of the types of units proposed.

6. The reference to specific types and design/manufacturer is not warranted. These are matters covered by the license and even then specific manufacturers cannot be specified. The term 'of no lesser quality' is vague, unenforceable and meaningless in this instance.

Before any development is commenced, details of the areas to be allocated as play areas and/or open spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved areas shall be made available for use in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

7. The provision of open space and play areas is again dealt with by a site licence.

Details of the siting of any proposed garage units within the Residential Park Homes areas A and C as identified on the Approved Plan Ref: 14.100/PHL1B shall be submitted to and approved in writing by the Local Planning Authority before any such garage is provided. The type of garage shall be of no lesser quality of materials, construction and design than indicated by the Compton Garages 'Banbury' submitted in illustration and shall be of a maximum size of 6.7 metres long by 3.0 metres wide.

8. The wording of this final condition including reference to 'lesser' is again vague and unenforceable. Area C is also the 'holiday' site so is incorrect.
9. For clarity, drainage is also dealt with by a combination of License and Building Regulations. The consideration of planning issues is therefore limited to land use issues and possible off site impacts. Any development required to comply with the conditions of a site licence is also exempt from Planning Control.
10. The holiday park and the touring site would remain subject to the original planning permission as they are relatively newly laid out and are not fully occupied, so not subject to the difficulties and pressures of the residential area. A modification would be required to the existing S106 agreement to ensure that this remained in force.

Relevant Planning History

The earliest planning records relating to the use of this site as a caravan park go back to 1957. There have been over 50 applications, permissions and refusals for development and use of land related to the leisure use of the land in the intervening years. The following are the most relevant records:

Application	Description	Decision
1997/0538	Change of use of land to accommodate 34 lodges as part of upgrade and restructure of caravan park facilities.	Refused – Allowed on Appeal July 98 – Limited to Holiday use only.
2002/0283	Change of Use of part of touring caravan site to site 46 'Lodge Style' Holiday Home Caravans. Deletion of Condition 2 of Appeal Decision Ref: APP/A2470/A/98/293383/P5 dated 27/07/1998 (12 month occupancy Condition for Holiday Homes). Variation of Condition 5 of Planning Permission Ref: 77/0491 to permit 26 Holiday Homes to be used for residential occupancy (Condition relates to 12 month occupancy limit).	Approved July 03 (This is the current permission covering the whole site).

Planning Guidance and Policy

National Planning Policy Framework

Presumption in favour of sustainable development
Support a prosperous rural economy
Deliver a wide choice of quality homes

The Rutland Core Strategy (2011)

CS3 – Settlement hierarchy – Langham = Smaller Service Centre
CS4 – Location of Development
CS21 – The natural environment
CS22 – The historic environment

Site Allocations and Polices DPD (2014)

SP6 – Housing in the countryside
SP8 – Mobile Homes and Residential caravans

Consultations

See **APPENDIX 2**.

Neighbour Representations

11. There has been just under 30 letters from residents on the site (7 from one person), many of whom have been concerned about what a new permission might mean and fears that they may be moved off site or to other plots if a permission is granted. Initial fears were based on a misunderstanding of the purpose of the proposal, including the fact that no layout was shown and caravans were mentioned rather than mobile homes. A briefing note was supplied by Officers to the local residents Group (and the Parish Council) who circulated it amongst their members.
12. Concerns have also been made regarding potential harm to bat roosts, especially in the trees on site, that the current Licence is out of date, that the previous planning permission has been disregarded and querying answers on the application form.
13. Landscaping and screening of the site is also an issue that has been raised.

Planning Assessment

14. The main issue is the need to simplify the existing planning permission for the site which has inappropriate conditions attached to it which deal with issues that should properly be controlled by a site licence. This involves consideration of the principle of the use of the site and landscape/visual impacts. There is also a concern about ecology.

Background

15. The original definition of a “caravan” in the 1960 Caravan Sites and Control of Development Act includes “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed,

or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include - (a) any railway rolling-stock which is for the time being on rails forming part of a railway system, or (b) any tent". This was amended in 1968 to include 'double unit' mobile homes.

16. The entire basis for planning permission being required for a caravan site rests on s55(1) where it is stated that "the making of any material change in the use of any building or other land" is development. A conventional caravan structure is not operational development because of its mobility and for the purposes of sec 55 planning law has the status of a chattel and it is thus a use of the land on which it is stationed.
17. With limited exceptions. all residential and non-residential caravan sites need planning permission and a site licence. In addition to planning permission, a site licence is required which sets out the standards for site layout, access, services and safety requirements. Licences are issued to sites with standard conditions relating to the following:

Density of the site	Parking arrangements
Spacing between caravans	Site notices
Drinking water	Fire safety
Waste water disposal	Roads and footpaths
Water supplies	Hard standings
Toilets and chemical waste disposal arrangements	Telephones on site
Washing facilities and drainage sanitation	Liquefied petroleum gas (LPG) storage
Showers	Electrical installations
Refuse disposal	Recreational space

18. Planning conditions should try not to compromise the operation of Model Standards for the internal arrangements of caravan sites, but conditions imposed often do impose requirements relating to site layout and internal amenity, especially in sensitive site circumstances. In practice, liaison procedures between planning and environmental health departments (the latter normally have licensing responsibility), as required in the 1960 Act, usually ensure a common approach at an early stage. It is important to note that matters of site layout and amenity provision required by a licence are permitted development in the absence of any conditions to the contrary on a planning permission.
19. Caravan sites with permanently sited caravans (including Park Homes) which are occupied all year around are licensed by the Council under Section 3 of the Caravan Sites and Control of Development 1960, as amended by the Mobile Homes Act 2013. Such sites must have planning permission before they are issued with a licence. The Government has issued Model Standards for Licenses for residential caravan sites (April 2008). These standards only apply to those sites which contain caravans that are used as permanent residential units. They do not apply to sites used exclusively for holidays or touring caravan sites (for which separate model standards have been issued). This Council uses those standards on its residential sites for licensing purposes.

Use of the Land for a Caravan Site

20. In terms of land use planning, it is the use of the land as a caravan site and its external impacts that need to be considered. On that basis the conditions set out above which were attached to the existing permission are 'ultra vires' and should not

have been imposed. They are also restrictive as it will not be possible to comply with the conditions relating to the design of mobile homes, especially as time goes by and manufacturers cease trading or change models. Any movement of any mobile on site would also have required planning permission. The actual use of the land within the red application line is clearly well established and is considered to be acceptable. Views of the site from a public viewpoint are limited. There are filtered views into the site from Cold Overton Road, more so in winter, although the nearest (visible) boundary of the site is around 180m from the road. Views from Cold Overton Road in summer are restricted to gateways and are fleeting only. There is a public footpath which runs through the site but not the particular section subject of this application. The site is well screened from Cold Overton Road where the footpath leaves the highway.

21. There is no objection from the highway authority in terms of the use of the access.

Intensification

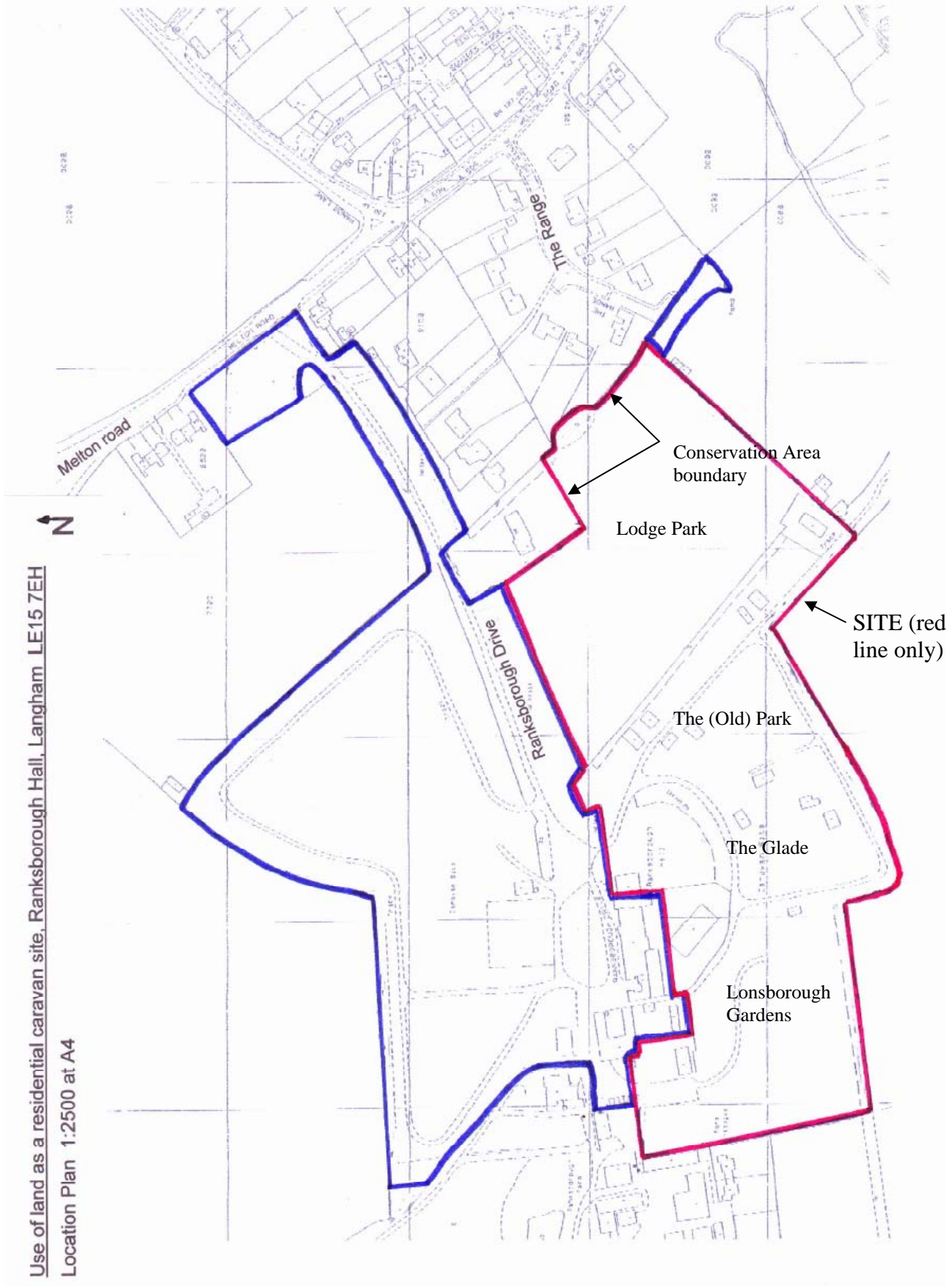
22. There is little scope for intensification of use of the land for siting more caravans as the site is almost full in terms of being able to meet the space standards in a Licence. The maximum number of units on site is therefore finite and even when reached is unlikely to have any more significant impact from outside the site than has existed for many years, both in terms of visual impact and highway safety. If larger, 'double' units replace single units, there will be less impact on traffic movements and on overall numbers on site.

Landscaping

23. The question of landscaping, especially on the boundary of The Glade, nearest to Cold Overton Road has been raised. Some mobile homes have been historically and recently sited along this boundary, being in contravention of the existing permission as none were shown there on the 'approved' layout. From the limited evidence available, it is not clear that there was a significant hedge along this boundary. Some residents suggest this was mainly brambles. Some remaining vegetation at one end suggests this may have been the case.
24. This boundary borders a field which means that it is approximately 180m from the boundary of that field with Cold Overton Road where there is a significant hedge, providing good screening even in winter and virtually total screening in summer. To require a new strong boundary hedge along this boundary of the site would be difficult to enforce as there is insufficient evidence as to what was there before new units were sited, and it would mean displacing privately owned mobile homes to another part of the Park to make sufficient space for planting. In view of the distance from the public road and the good screen on Cold Overton Road frontage is not considered necessary to require such relatively draconian measures.
25. Any boundary landscaping which has been removed has had no impact on the Conservation Area as it is well removed from that part of the site.
26. There are many trees on the overall Ranksborough site, including within the application site. Many are on established boundaries but some are located within individual plots and between the named areas of the site. It is difficult to suggest that the trees are important visually from a public viewpoint as there are not many instances where they can be seen from such a point. The trees are not protected at the moment so could be removed without control. It was not considered necessary to impose conditions on their retention in the current permission. On that basis it is not recommended that there is cause to do so now. One resident has pointed out that there are bats seen on site and may be using the trees for roosting. Surveys cannot

be carried out at this time of year and the owner has a statutory responsibility to ensure that when removing trees, every care is taken to ensure that protected species and their habitats are not harmed in any way. As no trees are proposed to be felled as part of this application there is nothing more that needs to be done on that issue.

27. There is an established group of trees inside the site boundary wall where it abuts The Range. Residents there express concern that more mobile homes might be located in that area. Access to that area is very limited as existing mobiles all have gardens cutting it off from the access road. There is also a bank between units on Lodge Park and these trees which also helps to screen the site from dwellings on The Range. Lodge Park residents have control up to the top of the bank. There are trees on The Range itself which soften the approach to the dwellings at the end nearest to the site. Again it is not considered necessary to impose limitations on this area.
28. On this basis, and considering the use of the land and its impact on the surroundings of the site, there are limited conditions which can be imposed on this new permission. As stated above, many issues are dealt with by the Site Licence.



Consultation Responses

RCC Environmental Protection

Following my consideration of the above planning application and its relevance to the Licensing of Park Homes, I note the following. These comments relate only to the planning related issues for which this application is made.

With regards to the existing planning conditions that control the site, though relevant at the time of the original planning application, both the law relating to Caravan sites and Mobile homes and the relevant standards have since changed and this has meant the updating of the planning permission is somewhat essential to comply with them. Please note that Caravans encompasses mobile homes and that to remain on the site it must still meet the definition of being a caravan.

The applicant is correct that a number of redundant units are no longer fit for purpose, having issues with their floors, frames, are not weatherproof and require removing. The areas of the site on which they are currently housed will also at the same time need redeveloping providing all the roadways, parking spaces and other essential amenities such as lighting, communal drainage, electricity and water supply as demanded by the licence and its conditions.

It is agreed also that there are areas of the site, in particular between the glade and the "Old park" areas that would benefit from redevelopment and subsequent maintenance.

I can confirm that the conditions attached to the caravan site licence should (and are) used to enforce standards including spacing and maintenance of the site along with numerous amenity provisions and other health and safety related issues. Though not a matter for the planning application, the existing Licence will need updating with regards both the current ownership of the site and also the numbers of units (park homes) permitted on the site should reflect this, should it be approved.

The site owner is currently exceeding the permitted number of park homes on site as per the previous planning application.

I am awaiting the decision of this application before considering what enforcement action may be necessary to be taken by the Council. However the Council is sensitive to the needs of the owners of Park Homes on the site and careful consideration of the effect of this action would need to be taken prior to any enforcement action being taken.

The current density of units on site is lower than is possible to accommodate. There is little / no room for new units to be installed on either the Lonsborough Gardens area or the Lodge Park areas. The area most in need of redevelopment is the Old Park area. There are additional difficulties in redeveloping parts of the site without moving the units, which entails significant risk to the older units.

Note for applicant

Should planning permission be obtained, prior to further development, the site licence holder must update the existing site plan, to scale, including pitch numbers. The licence holder should be take particular care that any new bases and their accompanying park homes are laid out in accordance with the site licence conditions and in accordance with building control regulations.

Any associated drainage, water, electricity and infrastructure works should be adequately installed in line with the relevant codes of practice and relevant regulations and assurances provided that any existing infrastructure, where used, is adequate in its capacity and function to cope with the demands placed on it.

RCC Highways

No objection

Environment Agency

We have no objection to the above application. Based on the information presented in the application the sites surface water is shown to discharge via infiltration. Your Authority should be satisfied that infiltration drainage is feasible, can be adopted and properly maintained up to the design standard of 1% plus climate change critical storm.

English Heritage

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Langham Parish Council

Ranksborough Caravan Park is situated in open countryside, outside of the Planned Limits of Development. This application is mainly concerned with the southern area of the site that is known as Ranksborough Hall Park, often referred to as The Park. This area is older and longer established than the more recent modern developments of Lodge Park and Lonsborough Gardens.

The mobile homes are typically older in this area. They do provide affordable accommodation for a considerable number of families. The area is adjacent to fields and is readily viewed from the Cold Overton Road, particularly in winter months. Pre application advice has been sought. Although this application may be seen as an attractive 'tidying up' proposal on paper, the interlinked and subsequent changes then allowable within the park as proposed, may be considerable and detrimental.

Due to the position of the land and its status outside the planned limits of development, it is essential that the existing arrangement, where the Local Planning Authority (Rutland County Council) has some control over the development, remain in place. There are also concerns over the rights of mobile home residents in The Park, the application stating that the park is not vacant (Q14). No information is given as to how it is proposed to deal with these families and their present type of tenure. Many are long established residents and it is essential that these people have a say in future development that may affect them. Further observations:

- Work is needed to bring many homes on The Glade part of the park back from dereliction before extending further.
- The infrastructure, especially water pressure, will not tolerate any expansion to the site.
- The look and 'fit' of any extension is not consistent with its surroundings as the plan is to homes up the The Range and to the back of houses on Ranksborough Drive. There needs to remain a separation.
- Claim is made that there will be increased employment and benefits for the local economy. It is difficult to justify this optimism with only an increase of a single half time person (Q19).
- It is stated that the trees at Ranksborough are protected. Langham Parish Council is not aware of any statutory protection that exists for the trees on the site.

- It is understandable that the applicant wishes to have the option of expanding this business, but it would not be appropriate for this to take place without consent from Rutland County Council.

Further unapproved development of this site may have a detrimental effect on existing residents, the open countryside and on the village of Langham, and therefore the existing arrangement should remain.

Langham Parish Council (Further Letter)

ADDENDUM, Langham Parish Council.

November 30th 2014

Following Langham Parish Council meeting on Tuesday 25th November 2014, the Council heard from a deputation group of residents living on the Ranksborough Hall, caravan park estate, concerning the above Planning Application.

They wished to make the Parish Council aware of several points concerning planning matters which affect the application cited above:

1. They were concerned that, without planning permission being granted, work had already started on building new homes on the site, together with a new access roadway, although the application states (Q3) that building work has not yet started.
2. They were concerned that the southern ancient boundary hedge had been largely demolished over a period of recent time, together with other clearance of trees and hedges on the Ranksborough site, so as to accommodate the maximum number of caravans/homes. They wish to halt any further destruction. The applicant himself states that there are no important hedges adjacent to the development (Q15)
3. The Ranksborough estate is said to be home to colonies of bats which are/ were resident in the old buildings, trees and hedgerows
4. They were unable to secure any detailed plans of the works then in hand, and were only given assurances that they would receive plans, when the works had been completed.

As a consequence of this information given to Langham Council, it agreed to seek to provide an Addendum to the earlier response, provided to Rutland County Council Planning Committee:

1. In the context that Ranksborough Hall caravan park is outside the limits of planned development, Rutland County Council need to be aware of the continued unplanned development proceeding in the park, including an access road (contrary to answer Q6)
2. Langham Parish Council's further major concern is the earlier removal and further destruction of ancient boundary hedges and screening, containing protected species.

The earlier destruction can be seen from 2 shots from Google Earth, 2006 and 2011, provided herewith, showing where the southern boundary hedge has been substantially eroded. (implicating Q15, in that if the existing important hedge is firstly removed, then the answer to question 15 is that there are no important hedges nearby to the development).

For the Conservation Village, the impact of the removal of the screening hedges is severe, as the emerging caravan development can be viewed directly from the Cold Overton Road, contrary to the statement made in the application (Q24)

3. Langham Parish Council has no direct knowledge of the bat population at Ranksborough, but believe it to be likely location for the species. As a consequence we would suggest that an appropriate survey is carried out prior to any furtherance of this proposal.

4. There appear to be no detailed plans of any of these proposals and none have been presented with the application. Similarly, there is no map of any of the trees that remain on the park. LPC has no record of any tree protection orders, in place, or being granted, despite a note to the contrary in the Application. It could be considered therefore that the remaining trees are at risk, as indeed are any of the remaining hedgerows.

In Conclusion, Langham Parish Council remains deeply concerned as to the nature and quality of the application, its actual current, and potential effects, on the environment, and especially those on the existing tenants (Q14)

We would therefore urge Rutland County Council to reject the application and retain some control over this site.

November 30-2014

LCC Archaeology

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 12, para. 128-129).

Conservation Officer

The site is on the periphery of Langham Conservation Area and within the grounds of Ranksborough Hall, a late 19th century country house which, although not listed, is of local historic significance. As such, the hall would fall within the category of a non designated heritage asset in the National Planning Policy Framework. Paragraph 135 of the NPPF states that the effect of an application on the significance of such an asset should be taken into account in determining a planning application. In this respect, the reinstatement of boundary landscaping to soften the appearance the development from the conservation area and to protect the setting of the hall should be requested.

LCC Ecology

Given that there are reports of a bat roost in the immediate vicinity we would recommend that a condition is forwarded to the applicant requiring the long-term retention of existing trees and hedgerows on site. This would ensure that bat foraging routes around the site are retained.