

REPORT TO: Planning Committee
MEETING DATE: 2 May 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **22/01344/PM**

Proposal Section 42 application to remove condition 2 of planning permission 04/00007/FUL

Location **Thurston Manor Holiday Home Park
Innerwick
Dunbar
EH42 1SA**

Applicant Verdant Leisure 2 Ltd

Per Tetra Tech

RECOMMENDATION Application Refused

REPORT OF HANDLING

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

This application relates to a 16 hectare area of land currently in use as static holiday caravan park as part of the wider Thurston Manor Holiday Home Park that is a caravan park in the countryside between Dunbar and Innerwick.

Thurston Manor Holiday Home Park has been in use as a caravan park since the 1990s through various grants of planning permission.

Given that Thurston Manor Holiday Home Park is located within a countryside location, where there is a policy presumption against new residential development, conditions have been imposed on the grant of planning permissions on the site to restrict occupancy to ensure against the possibility that static or touring caravans might be used as permanent residences.

PLANNING HISTORY

Planning permission 04/00007/FUL was granted in September 2004 for the change of use of agricultural land to use as a static caravan park as an extension to Thurston Manor Holiday Home Park, the formation of vehicular accesses and associated works. Planning permission 04/00007/FUL was granted subject to a number of conditions including condition 2 which stated:

'The static holiday caravans within this hereby approved extension to Thurston Manor Holiday Home Park and outlined in red in the docketed drawing 3623/06 will only be occupied during the following specified periods and outwith these periods they will not be used for any purpose:

(1) Seven days per week between 1st March and 30th November in any one calendar year, both dates inclusive.

(2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation.'

Planning permission 14/00151/PM was granted in September 2014 for the variation of conditions to allow the occupancy of static and touring caravans within the Thurston Manor Holiday Home Park for 46 weeks of each year (Condition 8 of outline planning permission T/1143/90, Condition 5 of P/1143/90, Condition 5 of planning permission P/0674/91, Condition 4 of planning permission P/0557/92, Condition 4 of planning permission P/0558/92, Condition 5 of planning permission P/0102/94, Condition 3 of planning permission P/0223/94, Condition 4 of planning permission 99/00688/FUL, Condition 2 of planning permission 04/00007/FUL and Condition 2 of planning permission 09/00441/FUL)

With condition 2 of planning permission 04/00007/FUL being varied such that it stated:

'No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.'

PROPOSAL

Through this current planning application it is proposed that condition 2 of planning permission 04/00007/FUL be removed.

The agent has submitted a statement in support of the application stating that the restrictive conditions were imposed so that the caravans and park homes are not used as permanent residences and to protect the amenity of the area. The Site's License restricts the caravans from being used as a permanent residence, therefore the identified conditions are not required. Furthermore, opening the park for 52 weeks of the year as

opposed to the current 46 weeks would create minimal impact on the local area in terms of traffic generation and pressure on local amenities and infrastructure. The requirement for the previous conditions is unjustified and not needed.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is National Planning Policy Framework 4 (NPF4) and the adopted East Lothian Local Plan 2018.

Policies 1 (Tackling the climate and nature crisis), 2 (Climate mitigation and adaptation), 13 (Sustainable Transport), and 30 (Tourism) of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan are relevant to the determination of this application.

REPRESENTATIONS

No letters of public written representation have been received to the application.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

The Council's **Policy and Strategy Manager** has been consulted on the application and advises that this proposal is to remove condition 2 from the grant of permission of 04/00007/FUL.

The effect of this would be to permit all year round occupancy of the tourist accommodation at Thurston. East Lothian is a tourist area and large holiday parks such as Thurston (176Ha) with hundreds of caravans and holiday homes play an important role in providing tourist accommodation all year round. If the condition were to be removed then the availability of tourist accommodation would be reduced as people seek to use the accommodation at Thurston as all year round residences. This would be to the detriment of East Lothian as a tourism area. It could also set an undesirable precedent for similar change in all other caravan and holiday parks in East Lothian which cumulatively would presumably significantly and adversely affect the tourism market in East Lothian.

From a planning policy perspective, permanently occupied housing should be directed towards existing settlements where facilities and services including public transport are available; this is a sustainable approach to spatial planning and is in line with the LDP and national planning policy. LDP1 encourages housing in the rural area when it is proposed as a conversion of an existing rural building, or, exceptionally, for other reasons but not as permanent occupancy of accommodation intended to be for short stays. If this planning application was approved, a precedent would be set that could result in all holiday accommodation at caravan and holiday parks in East Lothian allowed to change to permanent occupation which would effectively provide a large supply of permanent living accommodation in unsustainable rural locations with poor access to public transport. These would become settlements instead of holiday areas and are not in locations where settlements would or should be encouraged.

NPF4 seeks to give significant weight to the global climate crisis. The effect of supplying all year round accommodation in rural holiday parks would effectively undermine the spatial strategy of the LDP and result in an increased number of non-public transport journeys at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions.

NPF Policy 30 Tourism part d) addresses the change of use of a tourism facility. The removal of condition 2 would lead to a change in the type of accommodation that is offered at Thurston effectively turning it into a place of permanently occupied units which is not in the spirit of a tourism facility. It is considered that this is contrary to part d) of policy 30 as there is no demonstration that the existing facility is non-viable, given it has traded for many years in that location.

Allowing permanent all year round occupation of units at Thurston would not be supported by NPF Policies 1 Tackling the climate and nature crises and 13 Sustainable Transport, given the rural and therefore less sustainable location of Thurston.

Accordingly the Council's Policy and Strategy Manager states that he does not support the application for the reasons states above.

The Council's **Economic Development Service Manager** advises it is the view of the Economic Development Service that in terms of National Planning Framework 4 Policy 30 there are demonstrable local economic benefits delivered by all types of non-serviced accommodation (short term holiday lets) in East Lothian and that existing provision of this type of accommodation must be retained, protected, and supported.

The Council's Economic Development Service Manager advises that the Economic Development Service does not support the proposal to remove the occupancy restriction preventing year round use of the static caravans located on part of the Thurston Manor Caravan site and as such them being used year round as permanent residences for the following reasons:

i) There is a demonstrable economic benefit to having a wide range of accommodation types in East Lothian, with the tourism sector contributing £155m to the local economy in 2021 and supporting 10% of the workforce. Visitors staying overnight in non-serviced accommodation contributed £60.1m to the local economy in 2021, a figure which has been rising year on year. The majority of visitors to East Lothian are repeat visitors, 81%, and rely on good availability of high quality accommodation year on year to facilitate this;

ii) An increasing number of overnight stays in East Lothian are for work purposes, e.g. major events, servicing major infrastructure. This is expected to increase over the next 10-15 years as more nationally significant infrastructure is developed or decommissioned in East Lothian. In this context, any loss of short term accommodation is likely to have significant negative impact on the local tourist economy in monetary and reputational terms.

Retaining the above restriction(s) supports the following strategic goals and objectives of the Economic Development Strategy 2012-2022:

To be Scotland's leading coastal, leisure and food & drink destination.

To explore and develop regional opportunities to support economic development and to encourage study, work and spend in East Lothian.

Retaining the above restriction(s) supports the intent and outcomes of National Planning

Framework 4, Policy 30 (Tourism):

To encourage, promote and facilitate sustainable tourism development that benefits local people, is consistent with [Scotland's] net zero and nature commitments, and inspires people to visit Scotland.

Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

Accordingly the Council's Economic Development Service Manager states that he does not support the application for the reasons states above.

The Council's **Licensing Services** have advised that Licensing have concerns about the planning condition restricting the occupation of this site being removed. Although the Site Licence has its own condition - 'No static holiday caravan or touring caravan shall be occupied during a 6 week period starting from the day after the New Year bank holiday period each year' - enforcement of this licence condition would lie with Police Scotland and not the Licensing Authority. In addition, should the planning condition be removed there would be nothing to prevent the Site owner subsequently making an application to licence the site as a Mobile Homes Site with Permanent Residents (The Licensing of relevant Permanent Sites (Scotland) Regulations 2016) rather than as a holiday home site. At the current time the number of static caravans and touring caravans currently licensed within the Thurston Manor Holiday Home Park are 943 and 145 respectively.

The Council's **Road Services** has been consulted on the application and advise that they raise no objection to the application being satisfied that the proposal does not have an adverse impact on pedestrian or road safety consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The Council's **Education Department** have been consulted on the application however no consultation response has been received. However, should permission be granted for the removal of condition 2 as sought which would allow the static caravans to be occupied 365 days of the year and as such used as permanent residences this could result in families with children residing full time within them generating a pupil demand for school places within the locality. This would place additional and unknown pressures on the Education Estate which the Council would have no control over in terms of requiring additional school capacity should it be required.

The current application site and the wider Thurston Manor Holiday Home Park is an established tourism use within the East Lothian Countryside. Given that Thurston Manor Holiday Home Park is located within a countryside location, where there is a policy presumption against new residential development, conditions have been imposed on the grant of planning permissions on the site to restrict occupancy to ensure against the possibility that static or touring caravans might be used as permanent residences and thereby ensure that the use of the site remains as a tourism use and not residential.

Original condition 2 of planning permission 04/00007/FUL and subsequent variation of condition 2 approved through planning permission 14/00151/PM were imposed to ensure that the occupancy of the static homes on the application site was consistent with the occupancy restrictions in place on the holiday home units within the wider Thurston Manor Holiday Home Park to ensure they remained in use as holiday home/tourism use and not residential.

The proposed removal of condition 2 of planning permission 04/00007/FUL sought through this application would have the effect of removing the planning occupancy

restriction which is in place to ensure that the static holiday homes located within Thurston Manor Holiday Home Park are used for tourism use and are not used as permanent residences. The proposed removal of the condition would allow the static units to be used 365 days of the year and as such the Council as Local Planning Authority would no longer have any planning control to prevent permanent occupancy of them 365 days of the year and as such as permanent residences.

The applicant's agent has stated that the Site's License restricts the caravans from being used as a permanent residence and as such condition 2 of planning permission 04/00007/FUL is unjustified and not needed. The site Licence is controlled through completely separate legislation from planning legislation. Requirements of the site Licence may be completely different from planning requirements and as such the existence of one does not negate the requirement for the other.

The proposed removal of condition 2 of planning permission 04/00007/FUL would result in the Council as Local Planning Authority losing all planning control in terms of the occupancy of the static holiday homes within the application site. This would result in there being no planning control for them not to be used for permanent residential purposes contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018 which presumes against residential use in the countryside where it does not have an operational justification in relation to agriculture, horticulture or forestry uses or other existing countryside employment uses. If condition 2 is removed and the Council lose all planning control in terms of the occupancy of the static holiday homes there would be nothing to stop the applicant then submitting subsequent applications for the removal of the occupancy condition on other caravans and park homes within the Thurston Manor Holiday Home Park and thereafter applying for a residential permanent site licence for all units within the site.

In conclusion the proposed scheme of development is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

RECOMMENDATION:

That planning permission be refused for the following reason:

- 1 The removal of the occupancy condition would result in the Planning Authority having no planning control over the occupancy of the caravan and park home units within the site with the proposed removal of the condition allowing the units to be used 365 days of the year and as such to be occupied 365 days of the year which in doing so could result in the units becoming permanent residential dwellings contrary to Policies 1, 2, 13 and 30 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.