

ITEM

ITEM

Joint Meeting of Prosperity and Environment Policy Development Groups – 19 July 2005

CAMPING IN EAST PRAWLE – CONTROL OF TOURING SITES

Report of Head of Planning and Building Control

Statutory Powers: Town and Country Planning Act 1990

Financial Implications: Staff resources needed to implement chosen strategies.

Purpose

This Group needs to consider the options of how to respond to unauthorised camping that takes place at East Prawle. This activity provides some benefit to the local economy but some disadvantages to the appearance of the Area of Outstanding Natural Beauty and to residential amenity. The use of the land thereby impacts on the Council's objectives CP2 (employment) and CP3 (distinctive environment).

This is a joint meeting of the two groups as the thematic area covered by the Environment PDG is 'maintaining and enhancing the quality of the environment', and the Prosperity PDG is 'enhancing the prosperity of businesses, communities and individuals'. Within PDGs terms of reference, the groups may recommend to the Executive, and there is nothing in the procedures which precludes a joint meeting, and a joint recommendation.

Members will recall that there was an informal workshop on this issue on 24 March. The workshop has no status, and its outcome must not form part of the assessment by the Joint PDG meeting. Members must now consider their recommendations to the Executive afresh ensuring that the benefits to the local business community are carefully balanced against the adverse consequences that camping can create for local residents.

Recommendation

That Members consider the four options for action and recommend to the Executive the preferred strategy to control camping and caravanning sites.

Introduction

1. In 2004 the Development Control Committee resolved to take enforcement action to prevent unauthorised camping in a field in East Prawle. At the time there was concern that insufficient account had been taken of the economic effect of the loss of income within the local community. It was clear that the site was one of a number in the area

where unauthorised camping was taking place and that further enforcement action may be necessary. In view of the scale of the activity, officers suggested that there was a need to consider the issue comprehensively. The most appropriate forum for this was one of the Council's Policy Development Groups.

2. Since the resolution of the Development Control Committee there has been consultation with Chivelstone Parish Council. It had raised the matter with the Saltstone parishes to see whether there were similar issues elsewhere. The response they received was that there were no problems with unauthorised camping in neighbouring parishes. To find out what parishioners within Chivelstone felt about the matter a survey was carried out. The results of this and the report of Chivelstone Parish Council are attached as Appendix A.

The Need for Permission

3. The use of land for camping is a material change of use involving the need for planning permission. Under Part 4 of the General Permitted Development Order 1995 land owners benefit from a permitted development right to have camping on their land for 28 days within a year without needing to make a planning application. This 28 day rule applies only to camping with tents. Touring caravan sites have different rights under Part 5 of the GPDO. This permits:-
 - a) A caravan to be parked on any land for two nights by a person travelling with a caravan, provided that no other caravan is present and the total number of days in any year when land is so used does not exceed 28 days;
 - b) Three caravans may be sited on land over 5 acres on the same basis as a) above;
 - c) Land occupied and supervised by an "exempted organisation" approved by the Secretary of State. Exempted organisations include the Caravan Club Ltd, and the Motor Caravanners Club Ltd. In addition, a maximum of five caravans may be parked on exempted organisation approved sites, and rallies and meetings supervised by exempted organisations may be held for 5 days. If a site has operated in excess of its permitted development limits for more than 10 years it can become lawful so is immune from any planning enforcement action.
4. In addition to planning controls, the Council exercises control through site licences under Environmental Health legislation. Copies of these licences are attached as Appendix B. Different licences are required for tented sites and those with touring caravans. A site licence is needed for a tented site where camping takes place for more than 42 consecutive days or 60 days in any year. A caravan site licence is required for genuine touring caravans, and the site can be occupied only between 15th March and 15th November. It is an offence to operate a site without a license.

The Problem

5. The evidence is that camping for both tents and touring caravans has been going on in and around East Prawle for a number of years. None of the sites has planning permission. Some are permitted development because either they operate under the 28 day rule or Caravan Club sites. Others operate in breach of the permitted development limits and may claim to be lawful. The number of campers increased considerably during the eclipse of 1999 when the village, as the southernmost settlement in Devon, offered the best prospects for observing the event. The attractions of East Prawle were therefore 'discovered' by both long stay tourists and more local people looking for a weekend away. It has remained a popular destination ever since, particularly during warm bank holidays. Some residents feel that the 'happy balance' has been lost and the disruption and nuisance outweigh any benefits within the community. Complaints have been received and the Council has to come to a view on what action can and should be taken. Unless deliberate action is taken sites will become lawful and intensification or change to sites for use by static caravans may arise. Unlicensed and unapproved sites mean that there are likely to be unsatisfactory arrangements for foul drainage, refuse disposal, toilet and washing facilities.

Planning Policy

6. Although dating from 1969, the Government's Development Control Policy Note 8 is the principal source of ministerial policy on the subject of touring caravan sites. The Note states that thousands of people spend their holidays touring with caravans and that planning policy seeks to ensure that the touring caravanner has "reasonable freedom to wander and explore". Siting requirements are the same as for residential sites, but the Note warns that demand concentrated in particular coastal areas can create special problems. *"Not only are caravans particularly conspicuous on open moorland and hillsides near the sea, but small seaside places are liable to be saturated by the sheer numbers of caravans if they are allowed unchecked. Many parts of the coast have now been spoiled by uncontrolled development of this kind."* The Note states that sites on the coast and in popular holiday areas will be strictly controlled and should be set back inland. Conspicuous sites and well known beauty spots must be avoided and places found for caravans will be screened by trees and shrubs.
7. This general advice is reiterated in most structure plans covering districts where there is a concentration of touring facilities. In such areas, restrictive regimes similar to those applied to residential and static holiday sites are nearly always in operation. Structure plans generally advise that any new sites which may be justified because of need should be established away from locations where demand is highest, normally coastal areas. The Devon County Structure Plan states in Policy E4 that touring parks:-

...”will not be provided for in National Parks, Areas of Outstanding Natural Beauty or Coastal Preservation Areas (CPAs), although small scale tented camping sites may be acceptable outside CPAs. Elsewhere, proposals for touring parks may be acceptable where there is a proven need for increased capacity or where improvements to parks are permitted by Policy E3”.

8. Even where sites might be acceptable in principle the concept of the “saturated area” is sometimes contained in structure or local plans as a basis for the control of caravans. When tested at appeal the saturation concept can prove difficult to relate to a defined area, but in (Ceredigion D.C.27/10/87) the inspector was satisfied that in a locality where the summer ratio of visitors to residents was 10:1 any further caravan accommodation would be likely to have unacceptable effects in terms of exacerbating traffic congestion and the demand for beach and parking space.
9. Area of Outstanding Natural Beauty designation with its policy emphasis on landscape preservation has naturally proved to be an effective tool for local authorities seeking justification for rejecting touring sites. The Inspectorate sees A.O.N.B. protection as an interest of acknowledged importance and allowed appeals in such areas are very rare. Precedent set by an existing site or other developments nearby is the main reason for A.O.N.B. designation being set aside in favour of caravan development.
10. Generally, it is clear that national and local policies, whilst recognising the legitimacy of touring as a popular recreational activity, seek to direct camping developments away from vulnerable landscapes and pressurised areas.
11. The likelihood of planning permission being forthcoming for new touring sites is strictly limited by ministerial and local planning policy, except in certain inland locations. As the weight of applications for new developments occurs in traditional holiday areas, such as North Wales, the Lake District and the South West peninsula where policy is set against any new caravan sites, there is a low rate of success for appellants.
12. In order to overcome the general policy presumption against new sites in areas of restraint, it is necessary for an applicant/appellant to demonstrate that a proposal would either satisfy an overriding need or would not harm rural character or interests.
13. The specific policy in the Local Plan is SHDC7. This states:-

Proposals for new or expanded touring caravan and camping sites will not be permitted in the Coastal Preservation Area.
Outside the Coastal Preservation Area such proposals will be permitted provided that:

1. existing provision for touring caravans/tents in the area is inadequate;
 2. they will cause no detriment to the landscape, wildlife and historic resources of the area. Within the Areas of Outstanding Natural Beauty the preservation and enhancement of the landscape will be given priority over other considerations;
 3. they will be in keeping with the area in character, design and scale, will not be visually intrusive and will be satisfactorily screened and landscaped;
 4. they will cause no detriment to the amenities of those living and working in the surrounding area; and
 5. access to the site will be adequate and parking provision can be satisfactorily made.
14. Proposals for improvements to facilities on any site will be determined subject to considerations 2-5 as set out above.

15. The preamble to the policy says:

Over the years there has been a steady increase in touring caravanning, albeit at a slower rate more recently. These are popular holidays, and appropriate provision must be made for them. However, the value of this type of holiday to the local economy is less than from most other types and its impact on the appearance of the area, though often temporary, can be considerable.

16. Surveys have shown that there has been a considerable number of unused pitches in Devon as a whole. At the peak of recent seasons not all of the available pitches in the South Hams were occupied, although some of the coastal sites were full. However, recent anecdotal information from site operators indicates that there is an upsurge in demand and many have been operating at capacity. The attractive coastal areas are unable to accommodate more pitches and, in line with national guidance, new and expanded sites will not be permitted in that area which would be visible from the coast, that is, the Coastal Preservation Area. On the other hand, because the Council wishes to encourage more inland tourism, applications for new or expanded pitches inland might be permitted. However, such proposals will only be permitted when it can be shown that existing provision is inadequate.

17. The Draft replacement policy for SHDC7 is TSR4 and reaffirms the strategy for restraint in areas of high landscape value. It states:-

1. New touring caravan/camping sites or extensions to existing sites will not be permitted within the Coastal Preservation Area or Areas of Outstanding Natural Beauty. However, proposals for the improvement of existing sites will be approved where:
 - a) the development is visually unobtrusive and can be screened in a manner which enhances the surrounding landscape;

- b) there is no adverse impact on wildlife, agriculture or historic interests;
 - c) the development is of a scale related to its setting;
 - d) the site layout, design and landscaping of a scheme minimise any adverse affects;
 - e) access to and from the site is adequate to cater for the volumes of traffic that will be generated; and
 - f) the use is restricted to holiday purposes.
2. Elsewhere, where there is a proven need, the development of new touring caravan/camping sites, or the extension of existing sites will be permitted subject to criteria (a) to (f) above.
 3. In considering proposals for static caravan/mobile homes and chalets for holiday purposes, criteria (a) to (f) above will apply and particular attention will be given to the visual impact of permanently stationed units on the surrounding landscape at different times of the year. Upon cessation of the holiday use, the static caravans/mobile homes/chalets will be required to be permanently removed and the site restored, enhanced and adequately landscaped.
 4. Proposals to improve and upgrade the standards of accommodation and/or facilities at any existing holiday chalet, caravan or camping sites will be permitted subject to criteria (a) to (f) above and where:
 - a) the proposal improves the overall visual quality of the site throughout the year and is contained within the existing boundaries; and
 - b) any new or improved facilities primarily service visitors staying on the site.
18. The conclusion to be drawn is that new or expanded camp sites within East Prawle are contrary to policy. These policies have been prepared as part of the strategic approach in the Structure Plan and are in line with Government Guidance. They have taken into account the balance between the need for camping and the visual impact and the result has been that the natural beauty of the landscape around the coasts should prevail in the national interest. The public has a right to expect that development will be controlled in line with planning policy, unless there are important material considerations which dictate otherwise. The effect of the community's apparent desire for there to be a level of controlled camping means that East Prawle wishes to be considered as a special case and as a "justifiable departure from policy".

The Issues

19. The case for there being a departure from established planning policies involves consideration of a number of issues, which your officers see as being:-

- i) Is the community's need for camping, because of the income to local businesses, clear and quantified and something which should be given great weight?
- ii) Is the visual impact of the camping acceptable or is there scope to improve the situation through careful repositioning of sites and or additional landscaping?
- iii) Can the scale of camping or other aspects be controlled such that a better balance between the benefits and environmental costs of the activity can be achieved?
- iv) What are the risks associated with a flexible or lenient approach to allowing camping to continue?

I. Need for camping

The report provided by the Parish Council says that there are seven sites, all of which have been operating for at least 21 years. One of them has been in existence for 45 years. In total, they provide for a maximum capacity of 115 tents and 30 caravans. Many of the visitors have been coming for several years. Clearly, there is demand for camping facilities and little formal action has been taken to control the situation in the past.

The report suggests that in the immediate vicinity there are two pubs, one shop, one café and a "cream teas house" whose viability rely on revenue from campers. With a high proportion of second homes East Prawle would not be able to support these businesses without continued camping.

Chivelstones Parish Council's conclusion, drawn from its survey, is that only a small minority (2 out of 155) want to see camping stopped. The majority considers that the benefits outweigh the disadvantages, but that some controls are necessary.

Your officers consider that an open and balanced assessment seems to have been made by the community. Whilst the impact on the viability of local businesses has not been quantified, it is reasonable to assume that some may be harmed by a restrictive approach to the camping activities. Weight does need to be attached to the community's economic need for camping.

II Visual impact

Photos of the camp sites will be displayed at the meeting. Chivelstone's own assessment is that only three of the seven sites are "secluded". The others therefore must cause some visual harm to the

appearance of the Area of Outstanding Natural Beauty and Coastal Preservation Area.

III Control

Control by the Council can be exercised through planning conditions where a permission is granted and site licenses where the time limits are exceeded. The Parish Council has proposed a code of conduct that deals with many of the aspects which would be covered by conditions or license, though it is assumed this would apply to all sites for all the time. The code would be voluntary and there would be no mechanism, other than local pressure, to enforce compliance. The code does not provide a minimum separation distance from neighbouring houses. No planning control can be exercised where an owner is operating under the 28 day allowance. An Article 4 Direction could be used to remove this permitted development right.

IV Risks

The risks associated with taking a flexible approach to camping is that significant and even greater harm would be done, both to the appearance of the Area of Outstanding Natural Beauty and Coastal Preservation Area and amenities of nearby residents if:-

- other landowners sought to open new sites;
- sites failed to accord with the code; and,
- touring sites which became lawful were converted to sites for permanent units.

20. There is continuing pressure for new sites around the coast, and whatever happens at East Prawle may set a precedent for elsewhere. Whilst there is a distinction in planning between a tented site and one used for touring caravans, the situation is confused by motorhomes whose use is more akin to a tent, but whose appearance is more like a caravan. Landowners have claimed that extensive use of a site by motorhomes has established a caravan site.
21. Even where owners submit an application to change from a tented to a caravan site the ability to resist can be weak and with respect to the visual impact there is considerable disagreement. Recent trends in camping equipment have meant that tents are often large and brightly coloured, and modern tented camping usually involves use of a car and sometimes a purpose made trailer tent. Thus the visual impact of tented camping sites can be considerable and it may be argued that caravan parks are no more intrusive. The counter argument is that caravans by their very nature, their intrinsic ugliness, light colouring and reflective finish, are more noticeable than tents. A permission could specify by condition that motor caravans, but not conventional caravans, are allowed at a tent site, implying a level of distinction which may be very difficult to sustain by objective assessment.

22. Even traffic issues are complicated. Whether cars towing caravans cause much more of a problem than cars, using tented sites is confused by trailer tents which are as wide as caravans being able to use tented sites.

23. At appeal the observations of inspectors on the relative impact of tents and caravans have been diverse.

- It was argued for a change to mixed mode camping that the season would be extended to the benefit of the economy of the area. The inspector thought that the visual distinction to be made between the fabric of tents and the metal of caravans was too fine and precise. In terms of the capacity of tents as opposed to caravans to cause obstruction to traffic the inspector thought the differences minimal. The appeal was allowed (Rhuddlan D.C. 9/12/86).
- An inspector took the stance that a caravan park to be created from a tent use was tantamount to a new touring caravan site in an area of pressure. Structure plan policy was against this. The site was conspicuous and would appear as an extension of neighbouring caravan sites into the open countryside. The appeal was dismissed (Aberconwy B.C. 22/10/86).
- A site had been used in breach of a condition for mixed camping. The appellant maintained that the difference between tented and caravan camping was an artificial one. The inspector agreed and noted trends towards trailer tents and folding caravans which blurred distinctions. He also saw no traffic movement differences. The appeal was allowed (South Wight B.C. 29/4/86).
- It was proposed to replace some tent pitches with spaces for motor caravans. It was argued that a motor caravan which came with a tent could be legitimately sited at the park in Dorset. The inspector judged it absurd that motor caravans could not use the site when car borne tent campers could. He thought caravans no more visually intrusive than tents. The appeal was allowed (West Dorset D.C. 17/11/83).
- A site in Herefordshire had a permission for tents and five of the pitches were proposed to be used for caravans. The Council argued that the intention of allowing the tent site was for "canoeists in transit", although they had not applied such a condition. The inspector judged that if anything the bright colours of tents made them more conspicuous than caravans. The small numbers involved would mitigate the risk of any traffic problems. A limited period permission was given (South Herefordshire D.C. 28/3/93).
- Dwyfor District Council refused a proposal to substitute a 230 touring pitch permission for one relating to 230 tents. The site was in a landscape conservation area. The inspector thought that a distinction could be drawn between caravans and tents, both in terms of appearance and activity. There would be an "intensification" of use which would be "unacceptable in the local scene." The appeal was dismissed? (Dwyfor D.C. 29/5/87). A similar position was taken in the case (Dwyfor D.C. 2/4/87).

- North Devon District Council refused a proposal to use a tent site at a farm for touring caravans because of a direction from the County Highway Authority. The inspector accepted that trailer tents which were permitted at the site posed similar manoeuvrability problems to caravans and that the smaller number of pitches proposed would reduce the overall level of vehicles using roads in the area. The traffic safety objections were set aside (North Devon D.C. 4/10/88).

24. Once a site is established or approved as a caravan site where there is no restriction on the length of stay then no permission is needed to move static caravans and 'mobile' chalets onto the site. Most of the eyesore sites around the Devon coast will have come about through the slow transition from touring caravan site to permanent statics. At East Prawle, landowners may have no current desire or intention to make this transition, but when a viable site has been established it tends to become separated from the farm of which it was formerly a part and is sold as a business in its own right. New owners may well have different intentions. Officers do not wish to frighten Members away from being flexible about camping in the village by "thin end of the wedge" type arguments, but they need to be wary about the real risks.

Options

25. Other than the information provided with the application by Mr. Trip for a Certificate of Lawful Use, there is little evidence about the historical extent and duration of camping and caravanning on some of the seven sites. The extent to which they are lawful will have a bearing on the scope for planning enforcement. Such enforcement could require the cessation of unauthorised camping. Furthermore, an Article 4 Direction could remove all permitted development camping under the 28 days rule.

26. There would seem to be four options available to the Council. These are:-

	OPTION	OFFICER COMMENT
A	To seek to remove all unauthorised camping/caravanning by pursuing enforcement action where there is insufficient evidence to support a lawful use.	Action would comply with planning policy, but would neither cease camping/caravanning or have major impact in the overall numbers in view of the extent of likely lawful usage
B	As A, but also to introduce an Article 4. Direction to prevent permitted development camping/caravanning.	Unduly restrictive, little used elsewhere in the district. Such action would not be justified by current harm.
C	To seek to hold the current level of camping/caravanning by inviting planning applications or certificates	Preferred course of action. This would strike the best balance between the needs of campers,

	for lawful use. Where sites are lawful seek agreement to a code of operation as devised in consultation with the Parish Council. Take enforcement action to prevent an expansion of sites or numbers beyond what can be shown to be lawful	owners and the community. Members willing to endorse existing levels may encourage camp site owners to legitimise their activities.
D	To take no action and allow the sites to remain in an uncontrolled manner.	Not recommended, could result in ongoing problems for residents and create opportunity for future escalation.

Risk Assessment

27. There are significant resourcing issues involved with monitoring camping in the district. For this reason it has not been possible to control the longstanding camping in East Prawle. There is a risk that a complainant could lead the Ombudsman to conclude the Council has not exercised sufficient control through planning and site licensing. A deliberate and considered response which takes policies and effects properly into account is necessary to avoid a possible finding of maladministration.
28. Failure to adequately control camping can lead ultimately to established unrestricted caravan and possibly static caravan sites. This would be a major mistake in such a location. The Council's strategy for East Prawle would influence landowners with existing or potential sites elsewhere in the district.

Human Rights Act

29. The Human Rights of owners of the camp sites, residential properties and commercial premises are affected. In particular, Article 1 of the First Protocol with respect to the right for peaceful enjoyment of possessions and protection of property, along with Article 8 and the right for private and family life. A decision is needed which balances the interests of the various property owners and those of the wider community. Any infringement of such Rights is justified by the need to control the impact of camping in the public interest.

Conclusion

30. Camping throughout South Hams is vital to the local economy. Nevertheless, it can have a harmful impact on residential amenity and the landscape. National guidance, and Structure and Local Plan policies are very restrictive in environmentally sensitive areas like the Coastal Protection Area and the Area of Outstanding Natural Beauty. Some level of control is necessary to prevent the establishment and escalation of

camping and the harm this can create. Members need to make a recommendation to the Executive on the extent of control they feel is appropriate for East Prawle.

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Joint Prosperity & Environment PDG
19 July 2005

Background Documents:

None