

This consultation seeks to impose an Interim Planning Policy that will have considerable weight as a material consideration *in the consideration of planning proposals for the residential use of holiday parks in the interim until the local plan review is progressed to adoption.*

- This is a cause for concern as the Policy is far reaching in its future effects on the holiday parks and the local communities in which they reside. There are a number of points that have issue.*

## **Consultation Document Response**

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

1.1 The Council has served around 200 planning enforcement notices on holiday park sites across the Borough in respect of breaches of seasonal holiday park occupancy conditions and as a consequence should normally be seeking to prosecute those which have not complied with the enforcement notice over the recent closed season.

- This consultation was driven by the need of the Planning department to develop a method of dealing with overwhelming enforcement issues. 200 enforcement notices have been served regarding breaches over the closed period and this represents a massive investment of time and work for Enforcement officers. It does not include the number of breaches that have taken place and have not been reported or dealt with and so the true number is much higher. How many of these are for Sheppey and are they clustered around particular "problem" sites? Is this a rise against figures for previous years?*

1.2 However, the Council may wish to reconsider its position regarding whether at least some Holiday Park sites may be suitable for permanent residential use rather than restricted to either an 8 month or 10-month open season holiday use.

- The Council needs to agree on whether to pursue the enforcement action or whether to change planning policy to accommodate it. This would be against their current policies but throws light on the lack of investment in the Enforcement Team in previous years. The policies are only as good as the team who are able to ensure that they are being adhered to. This is very much an issue that the residents do not understand. If a breach of planning occurs, there is little confidence in that reporting it will stop the problem as nothing appears to be done.*

1.3 The purpose of this report is to agree a way forward on the Holiday parks planning policy position which will aid any decision to proceed with any planning enforcement action and/or prosecution and potentially to consider any future planning applications to convert to permanent residential use.

- This is suggesting a change of policy which could incorporate residential status on some caravan parks and thereby resolve the issue of breaches over the closed period. It does not take into consideration the long-term effects or the perception of the policy by site owners and users.*

## **2 Background**

2.1 The Council's planning policy for holiday parks is set out in the adopted local plan, Bearing Fruits (July 2017). Policy DM4 provides the policy framework for proposals for new holiday parks or extensions to existing parks. Policy DM5 sets out the policy framework for addressing the planning implications of proposals relating to the occupancy of holiday parks. The Policies are set out in appendix 1.

- The appendix highlights Policy DM4 and is quite clear that new sites will not be developed outside of the proposals map. It states that "most" holiday parks have eight-month occupancy. This has now changed to 10-month occupancy across large numbers of the sites and this has had a negative effect on many of the surrounding residential communities. Whilst put in place to further economic benefits, the real effect has been that of a changing nature and lack of respite for those communities it was designed to protect. It is also quite clear regarding occasional 10 month occupancy being limited to ensure that sites were "not used as permanent housing, affording periods of tranquillity in rural or other areas". 7.1.28 states quite clearly that "Permanent occupation will continue to be resisted". 7.1.29 refers to flooding but fails to mention accessibility in winter months. Most of the sites in Eastchurch are located off the Warden Road, these areas are not on a prime salt route in the winter and are all situated in a rural location. The roads and drainage are not well maintained, and flooding is an issue. If twelve-month occupancy were allowed it would put extra*

*pressure on our Parish infrastructure. All sites are served off single-track unadopted roads that are not maintained. The local infrastructure is not proportional to the amount of properties if permanent. Eastchurch Parish Council would like figures on how many caravans there are compared to number of Warden road residents.*

- Policy DM5 states that the “amenity and tranquillity of the countryside and residential areas are safeguarded, and that the extension of occupancy is subject to planning conditions safeguarding the holiday accommodation from being used as sole or main residences. This interim policy goes against these safeguards. The list of requirements in Appendix 2 is already being widely disregarded. Caravan sites have regular postal deliveries and there are documented cases within SBC of State Benefit being paid to some addresses. Is there a system in place for ensuring that the requirements are carried out and that the correct documentation is held? Have any of the site owners been contacted regarding the breaches of the conditions? Have any of the site owners had licences revoked or refused because they were permitting the use of the site for longer occupancy than is permitted?*

2.2 Most holiday parks in Swale are restricted by planning condition to an eight or ten months period of occupation. The limited occupancy period was imposed with a view to ensuring that these holiday parks were not used as permanent (and often sub-standard) housing, many of which would be in poorly accessible parts of the Borough and to protect the character of rural areas and the tourism offer that is a significant part of the Borough’s economy.

- The main reason for limiting the occupancy was to protect the settled community and the rural areas. We have majority of sites on the island in Eastchurch. Conditions are imposed on site owners and caravan owners, but we question whether these are being checked or enforced.*

2.3 There remain a number of holiday caravans and chalets being occupied as permanent dwellings in breach of planning conditions. Whilst the Council acknowledges the reasons for this are many and complex, the use of holiday caravans and/or chalets on some sites should not be continued in perpetuity due to the:

- external space standards affecting the layout of holiday parks and standards of privacy and amenity for occupants
- sustainability of the location in terms of access to services and facilities
- the risk of flooding and/or coastal erosion where applicable
- the impact on the character and appearance and tranquillity of the countryside

2.4 It should be noted that permissions being granted for year round occupation would not necessarily result in a permanent residential use of a caravan or chalet as they may remain and operate as a holiday home with unfettered access as a second home. In these circumstances, these units would not contribute to meeting the Council’s housing requirement set by Government.

- Year-round occupation permission does not necessarily equate to permanent residence. However, past history has proved that this is incorrect. Because of a lack of monitoring of the licences on the sites, there are many caravan owners that live on sites as a permanent residence, even if they have to “move” for six weeks from early January to March. During the closed period, some still visit the sites during the day and only some do not actually sleep there for period, which technically means that they are not staying.*

2.5 Standards and legislative requirements vary between holiday and residential caravans, and holiday chalets and dwellings, and this is something to bear in mind when considering the overall policy approach.

- Legislative requirements mean very little if you have bought a caravan and it is your only residence.*

2.6 However, there is a view that suggests that some of the existing holiday parks may be able to be converted to permanent residential sites and could be operated on the ‘park homes’ model and provide relatively cheap good quality residential properties, particularly for the over 55’s to release equity to support their retirement and/or to provide equity for their children to help contribute towards saving for a home. This would therefore have the significant benefits of releasing housing for younger families and to provide a significant contribution to meeting housing need for the elderly and the housing numbers required by Government.

- Park homes are perceived, rightly or wrongly, as caravan sites to the majority of the general public. The perception would open the flood gates for a different wave of enforcement issues. Whilst in an*

*ordinary setting with few caravan parks around, this may be resolvable, on the Isle of Sheppey this would be untenable. The sheer volume of sites and caravan owners would prove impossible for the majority of the public to be able to distinguish one from the other. The release of properties is smoke and mirrors and assumes that all are house owners and not tenants.*

2.7 Should this conversion to permanent residential use be supported, there would therefore be a need to ensure that the policy drafting only enables those schemes which deliver a well designed residential layout and environment, meet legislative requirements and provide appropriate access to support services and facilities.

- *Should the scheme be pursued by the Council, there must be sufficient support for the Enforcement department to be able to function effectively when the inevitable breaches occur. This would apply to not just the newly licenced sites but also to the existing caravan sites and their disregard for existing policies.*

### **3 Proposals**

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

- *If this "interim policy" is agreed, it will have enough weight to cast aside any objections that are made by, or on behalf of, residents. It will be adopted into the Local Plan review as the precedence for its existence will be there. The residential use of a holiday park is an oxymoron. Adoption of the Interim Policy would give the Council a way out of following through on the existing enforcement breaches which is unacceptable.*

3.2 The proposed Interim Planning Policy is proposed as follows:

Proposals for the occupancy of holiday accommodation on holiday parks on the Isles of Sheppey for permanent residence (12 months of the year) will be granted provided that all of the following criteria are met:

1. the site is in a sustainable location with access to services and facilities;
  2. if the site is within an area at high risk of flooding, the risks can be mitigated through design solutions to the satisfaction of the Environment Agency and these solutions will not lead to other material planning harm;
  3. the accommodation that is the subject of the application complies or will comply within 12 months of the granting of planning permission with standards BS3632 and meets the requirements of the Caravan sites and Control of Development Act 1960 (as amended) and the Mobile Homes Act 2013 in terms of both standard and condition of the unit and external layout within the context of surrounding area;
  4. the site is not in an area of coastal erosion; and
  5. the site layout is acceptable in terms of privacy and amenity of site occupants
- *Why is this just the Isle of Sheppey? Surely policy should cover all of the Borough. The proposal all the way through refers to Borough and regional attributes and statistics. "Proposals for the occupancy of holiday accommodation on holiday parks on the Isles of Sheppey for permanent residence (12 months of the year)" defeats the object of growing tourism and encourages the use of caravans as a second home. You cannot have permanent holiday occupancy on a holiday site and then call it a permanent residence. It is a trailer park.*

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

- *"Consider" taking enforcement action suggests that there will be an extension to this policy when the full extent of inevitable breaches in unauthorised parks becomes unmanageable. This action should already be being taken on existing policies and existing breaches on the sites and against both the site owners and the caravan owners.*

#### **4 Alternative Options**

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

- *The existing position has been backed by Planning Inspectors. This implies that there is a legal backing and justification for the existing policies. The statement suggests that the planning department are already aware of the number of unauthorised occupancies in the caravan parks. The parks are not a solution to problems of poverty and homelessness within the Borough but are a way of disguising and hiding numbers rather than dealing with the problem.*

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

5.1 The Council wrote to all registered park owners/operators to gauge interest for a revision to the current policy approach. A response rate of 60% was achieved, with over three quarters of responses supporting a policy approach that would either allow the units on their parks to become residential units and/or have 12 months occupancy. 23% of responses did not support a change in policy approach and 4% were unsure or felt more information would be needed before they could consider their position. Many of the operators asked that their responses be kept private for business and operational reasons.

- *Did the Council write to all holiday park owners or just those on Sheppey? Even with a response rate of 60%, the number of site owners supporting the policy remains at less than 50% of the total.*

The consultation document raises other issues that need to be addressed before the Interim Policy" is agreed as this information has a direct bearing on the ability of the Council to make an informed decision.

- Clarification needs to be given on whether this policy would apply to all of Swale or to just Sheppey.
- If as is inferred it is for Sheppey, then the figures for Sheppey need to be provided separately along with answers to the questions raised in the report response, number by number. Details need to be provided of the caravan sites in each Parish and the number of units on each. This information must be held in order to provide the statistical data used in the Local Plan.
- The question of Council Tax has not been raised but is an important unwritten feature of the policy. Caravan sites can opt to pay business rates to SBC. This then negates the Council Tax cost for site users. Eastchurch has less than 100 units paying Council Tax which means that Precept requirements on the local residential population are higher. The resulting decreased tax base is unfair on the local populations. Owners of caravans should be paying a pro rata amount in Precept for their use of their property in a bid to have equality. The Business Rate system should only apply to business areas and separate Council Tax liability should be applied to each caravan owner on a pro rata basis. Owner occupiers and those that would seek to reside there permanently increases, the pressure on local roads and infra structure.
- The Interim Policy could see the creating a new permanent occupation of sites once they were able to comply with the suggested conditions. This in turn would be perceived as a new cheaper housing option and could also be seen as an area for siting of homeless people and the creation or the perceived creation of American style trailer parks.
- Enforcement and Legal need to have the support of the Councillors and the trust of the residents. At the moment this is not there. This is about the historic underfunding of Enforcement in Officers and support staff. The levels of breaches have risen over the past years as officers are overwhelmed with the number of cases. The issues need to be taken back to basics with the Council looking at a realistic way of dealing with breaches. This policy is an attempt to solve a problem by taking away the restrictions. If the restrictions had been enforced in the first place, this situation would not have developed. Whilst everyone is aware that funding is always limited, budgets must be adjusted in order that the appropriate staffing levels can be applied to provide an adequate service. Taking away the policy because you cannot afford to enforce it is the wrong measure as is trying to introduce a measure that tries to reduce the workload by covering up the perceived problem.

Eastchurch Parish Council object to this Interim Policy.