



Extensions to Seasonal Occupancy of Caravan Sites – A Planning Guide for site owners and operators

Foreword

Coronavirus has had a devastating effect on local communities and local economies in Wales. As well as the tragic loss of lives, lockdown has forced many businesses to close or brought them to the brink of closure. Financial support for businesses has been provided by both the UK Government and the Welsh Government. Local authorities have administered grants to local businesses to help them through these difficult times.

There are other, non-financial ways of helping local businesses – in this case by providing advice and guidance. For owners of caravan sites and other self-catering accommodation the lockdown has robbed them of an important part of the holiday season when much of their business would normally have been undertaken. Extending the season is one way that businesses might be able to recover some of the lost income.

This guide has been prepared by Planning Aid Wales, to help owners (i) decide whether to make an application for extended operations and, if they do, (ii) to support them through the necessary steps. There is a process that has to be followed but this guide will help applicants through it to make things as simple as possible. An important message is to engage with your local authority as soon as possible as they will be able to provide advice and support too.

Indeed, local authorities will do all they can to support caravan sites and other self-catering accommodation through this crisis. Welsh Government's Minister for Housing & Local Government, Julie James MS, wrote to Chief Executives and Heads of Planning of all local authorities and National Park Authorities recently. In her letter she encouraged authorities:

“to work with the industry to develop application procedures which minimise inconvenience and cost for applicants while providing authorities the information they need to make a decision within an efficient timescale. I am clear that local planning authorities should support caravan sites and other self-catering accommodation through this crisis by amending conditions to refer to holiday occupancy restrictions rather than using a season occupancy basis, where a policy need is set out in the development plan”.

She added that, especially between the 2020 and 2021 seasons, restrictions to protect local features should be the exception and any time restriction should be kept to the minimum necessary, to avoid significant harm to the sector.

This Planning Aid Wales guide has been produced in light of this and discussions that have taken place between British Holiday & Home Parks Association Ltd, Welsh Government, WLGA and local authorities. We hope you will find it useful and wish your business every success as we hopefully emerge from the current situation.

Councillor David M Jenkins, WLGA Planning Spokesperson

What is this document?

This booklet has been written for caravan site owners and operators as a guide to making planning applications to allow existing caravan sites to open all year where seasonal occupancy conditions prevent this.

The guide has been prepared in light of the implications for caravan site businesses from the Covid-19 restrictions.

This guide has been prepared with funding from Welsh Local Government Association by Planning Aid Wales, a charity working to increase understanding in planning and the planning process.

Visit www.planningaidwales.org.uk for more information.

This guide explains how to apply for planning permission for extending the seasonal occupancy of a site, it will consider the information you require and the documents you should consider when making such an application.

It should be noted that the guide will specifically look at the variation of planning permission on existing sites and does not consider the planning considerations of a new development.

Other things to consider

When looking to extend the seasonal occupancy **you will also need to amend the site licence as well as the planning permission**. The caravan site licence would be dealt with by the relevant licensing department of the local authority. In relation to licencing the following Acts and regulations are applicable:

The Caravan Sites Act 1960 <https://www.legislation.gov.uk/ukpga/1968/52/contents>

The Caravan Sites and Control of Development Act 1968
<https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

What is planning?

Planning is the national system which manages the use and development of all land. This includes housing, schools, factories and most other purposes including caravan sites.

Planning controls how places change and what needs to be protected, it controls what needs to be built and where and what places will be like in the future.

Good planning can help improve places and protect things that are important. Planning can also help to solve problems for individuals and communities, for example, what types of houses are needed and where.

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Planning decisions and policies affect caravan site businesses. This means that there is a need to understand the planning system and get involved in it.

Who is this guide for?

The guide is aimed at the owners and operators of existing caravan sites and parks.

Who are the main participants within the planning process in Wales?

Local Planning Authorities (LPA) - There are 25 local planning authorities (22 unitary authorities and 3 national parks in Wales. LPAs produce Local Development Plans (LDPs) and make decisions on most planning applications. They also enforce against breaches of planning law.

Applicants - Seek permission for new development from the planning authorities. For major developments they must consult with local communities before submitting their planning application to the planning authority.

Community and Town Councils - These are elected representatives of the local community, who operate at a more localised level than LPAs.

Statutory consultees - These represent other interests such as environment, heritage, transport and public utilities e.g. Natural Resources Wales (NRW).

Non statutory consultees - Neighbours, members of the public, interest groups.

Welsh Government (WG) - Produces national planning policy and technical guidance e.g. Planning Policy Wales, Technical Advice Notes. They also make decisions on planning applications of regional / national significance and appeals with the help of the Planning Inspectorate. They can also call in any application, subject to certain circumstances, for the decision of the Minister.

1.0 Top Tips on Applying for Extensions to Seasonal Occupancy of Caravan Sites

- Review the existing planning permission to confirm the type of condition imposed.
- Is a variation to the condition required? Does the existing condition allow all year occupancy?
- If a variation is required consider the characteristics of your site to assess if any additional information is required for your application such as on flood risk, ecology, highway landscaping etc.
- If such details are required, make sure you include them in your submission. Professional help may be needed depending on the issue and its significance.
- Check relevant LDP policies and Supplementary Planning Guidance (SPG).
- Speak to the LPA in advance for an informal opinion and confirmation of what supporting information is needed, if possible.
- Speak to the Community or Town Council (if there is one) to explain your reason for application and obtain any views they may have.
- Prepare your own supporting statement to accompany the application highlighting the need for the change, the positive economic benefits of doing so and addressing any issues which could cause problems if the site is open all year, if there are any.
- Submit the application with all required information.
- Monitor the application and contact the case officer early to introduce yourself and seek an initial view.
- Ask if the application can be dealt with as soon as consultation period ends to enable you to plan the season.
- Respond to any queries from the LPA at your earliest opportunity.

Have you got a planning condition that needs to be changed to allow all year operation?

The need for an application will depend on the actual wording of the planning condition. This might be a **holiday occupancy** condition or a **seasonal occupancy** condition.

A **holiday** occupancy condition will look like the following:

“The development shall be occupied as holiday accommodation only and shall not be occupied as a person’s sole or main place of residence or by any persons exceeding a period of [x] days in any [[x] day period / calendar year]. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.”

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The model condition above does not set a number of days and this would be a matter for discussion and agreement with the LPA. If this condition is in place then all year occupation is **not** restricted. However, if the approved condition is different, your application should seek to vary the existing condition to the above wording. It is more likely that a holiday occupancy condition will have been imposed on a static caravan site.

A **seasonal** occupancy condition will look like the following:

“The use of the said site as a caravan site shall be permitted during the following period in each year, that is to say from 1st March until 31st October inclusive, and all caravans placed thereon shall be unoccupied during the period between the 1st November and the 28th February thence next ensuing during the continuance of this permission”.

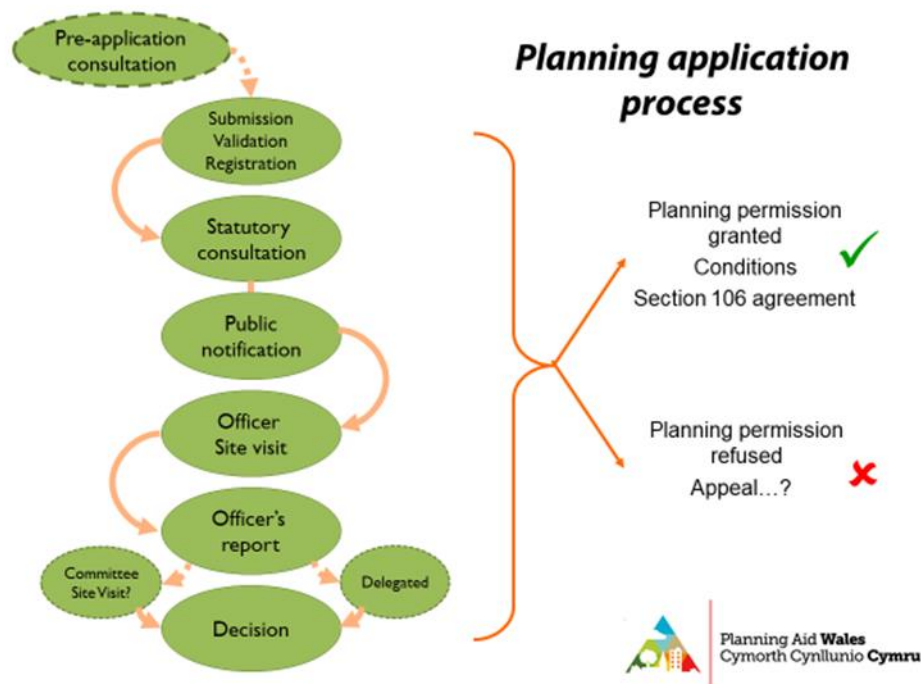
Touring sites are often subject to a seasonal condition, restricting use to a **period of the year**, possibly March – October. To allow all year operation, this condition would need to be replaced by the holiday use condition, and an application will be needed to be submitted to the LPA.

2.0 Planning Application Procedure

In summary, when planning permission is granted for a caravan site, preventing caravans being used as permanent homes is controlled by a planning condition; either using a **holiday use** condition or a **seasonal occupancy** condition. A holiday occupancy condition could already allow all year use.

If the existing condition does not allow all year use at a caravan site, then, a planning application will be required to vary or remove of the occupancy condition. This application is made under Section 73 of the 1990 Town and Country Planning Act. A Section 73 application, if agreed, means that a new planning permission is issued for the development as a whole. It should be noted that the original planning permission remains intact. When determining a Section 73 application, the local planning authority may impose conditions beyond those proposed in the application. However, they are restricted to only impose conditions which could have been imposed on the original planning permission.

The application process for a Section 73 application is the same as for a planning application and is subject to the same statutory requirements and the target period for a decision will be 8 weeks. The diagram below shows the process



The key part of the process relates to consultation including statutory consultees and also public consultation. The LPA must provide at least 21 days for such a consultation. The LPA are unable to grant planning permission until this period has lapsed.

Planning Application Requirements

What information do I need when I submit a Planning Application?

A planning application submission is largely an administrative process. The minimum requirements for a planning application are:

- The standard application form.
- Location plan – showing the site area and its surrounding context.
- Site Plan (sometimes known as a block plan) – showing the proposed development in detail.
- An ownership certificate.(see details below).
- Agricultural holdings certificate. (see details below).
- Correct application fee - £230 as of 24 August 2020

In addition, to the above requirements there are other national and local validation requirements depending on the site and proposed development. These are lists of the information required for a planning application. **These application requirements and fees can be found on the relevant LPA website. The application can also be submitted online via the Planning Applications Wales website 1app.planningapplications.gov.wales**

Completing the Application Form

1. Applicant Name and Address

Enter the applicant details, including full name and title and company name if applicable full . Enter full address.

2. Agent Name and Address

This section would only be filled if using an agent, who would fill in the form. If the application is being submitted by an agent all correspondence, including the decision letter, will be sent to them.

3. Site Address Details

Enter the same address of the site as stated on the original decision notice, together with the full postcode or grid reference.

4. Pre-application Advice

If you have received pre-application advice from the LPA enter the reference/date of any correspondence or discussion and the name of the officer.

5. Description of Your Proposal

Enter the description that was used on the original decision letter, include the planning permission reference number and state the condition that you wish to remove or vary. It is essential that the number and description of the condition(s) to which this application relates are specified, to avoid any confusion or delay.

6. Conditions(s) – Removal or varied

If you wish the condition to be varied, you should state how you wish the condition to be reworded, e.g. you may wish to vary from seasonal occupancy to holiday use and would state 'variation to condition X to state *"The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of [x] days in any[[x] day period / calendar year]. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation."*

7. Ownership Certificates

An ownership certificate must be completed confirming the owners of the land to which the application relates have been notified that a planning application is to be submitted, as required by Article 10 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. It is an offence, knowingly or recklessly, to complete a false or misleading certificate.

'Owner' means a person having a freehold interest or a leasehold with at least seven years unexpired.

'Agricultural tenant' means a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates.

Only one of the following certificates is needed depending on whether the owners/tenants are known:

- Certificate A - Sole Ownership and no agricultural tenants.
- Certificate B - Shared Ownership (All other owners/agricultural tenants known)

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Notice 1 must also be completed and sent to all known owners/agricultural tenants. A copy of the notice should be sent with the application to the local authority.

- Certificate C - Shared Ownership (Some other owners/agricultural tenants known).

Notice 1 must be completed and sent to all known owners and/or agricultural tenants. Where the owners or agricultural tenants are unknown, Notice 2 must be published in a local newspaper. A copy of the notice should also be sent with the application to the local authority.

- Certificate D - Shared Ownership (None of the other owners/agricultural tenants known).

Notice 2 must be published in a local newspaper. A copy of the notice should be sent with the application to the local authority.

8. Agricultural Holding Certificate

Confirm that the application site is either not an agricultural holding (A) or if it is confirm and list the tenants (B). Sign and date this section.

9. Planning Application Requirements – Checklist

Tick the boxes relevant to your application.

Major development in relation to caravan site would be development which is carried out on a site having an area of 1 hectare or more. The other major development criteria would not apply to caravan sites.

With regard to further technical information, there are two levels of requirements, national and local:

- National - Use the checklist to ensure that the forms have been correctly completed and that all relevant information is submitted.
- Local - The local planning authority will have produced a document (usually available from their website) which details any specific information that is required to accompany the application in addition to the national requirements.

Note that failure to complete the form correctly or to supply sufficiently detailed drawings or other relevant supporting information may result in your application being returned as invalid and delay processing and ultimately the decision.

10. Declaration

Sign and date your application.

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11. Applicant Contact Details

Provide your contact information.

12. Agent Contact Details

Only required if an agent is acting on your behalf.

13. Site Visit

Access to the site may be required by the case officer, provide contact details in case an appointment needs to be made.

3.0 Further technical information.

Existing sites may not require detailed reports on each issue, because if there is no change to the site layout or numbers etc then it may be possible to argue there is no change in impact. This will depend on the particular LPA opinion and specific site considerations. As noted on the application form, and dependant on validation requirements of each authority, there may be a requirement to provide additional information. The starting point would be to review what information was requested when the original planning permission was considered. However, as regulations have changed over time there is the possibility that additional information is now required. Therefore, it would be important to review the relevant LPA validation list which should be available on the LPA website.

Based on a review of LDP policies and SPGs the following appear to be the frequent issues for consideration which may need to be addressed. It is important to note that as these applications are related to an approved scheme, with no changes to the development except the occupancy period, some matters may have been addressed in the approved scheme and not changed or may just need updating. Therefore, an early discussion with the LPA would be the most appropriate way forward.

It should be noted that the following list is not exhaustive and planning applications will be dealt with on a case by case basis. In addition, the potential issues are listed for completeness but it is possible that planning applications will not require significant additional information and will only be required if it is reasonable to think that the matter will be a material consideration in the determination of the application. This should be discussed and confirmed with the LPA prior to submission.

1. Highways Issues

Sites should have good transport connections and should not lead to harmful impact upon the safe and free flow of traffic, in particular sites which are accessed off minor roads. Development should also consider if they can be easily accessed by walkers and cyclists. Identifying the proximity to public transport would also help.

New applications may require a transport assessment. However, depending on site specific issues it may be possible to address this matter by updating any previous transport assessment as traffic movements may have changed since the initial report was prepared or providing information yourself on this issue. It may be possible to advise that traffic movements will not change for the additional period but also highlight any general change in road use during the additional months. Finally, advise if there have been any highway/traffic issues during the operation of the approved caravan site.

2. Landscape

The impact of the site upon the landscape may be an issue, depending on circumstances. The visual impact may be satisfactory during the approved occupancy period but during winter months planting may not provide a similar screen, this would probably be more applicable to touring sites. If this is the case consideration may be needed on how any increased visual impact could be mitigated for this short period. This issue will be more significant depending on the location e.g. National Parks and Areas of Outstanding Natural Beauty (AONB) and any other designated landscape will be more sensitive to this impact.

3. Welsh language

Impact upon the Welsh language can be an issue and some LPAs require a linguistic assessment, however, given the small extension of time required the LPA may accept that this is not required. Again, early discussion with the LPA would help clarify this point.

4. Flood Risk

Welsh Government guidance states that new development should be directed away from those areas which are at high risk of flooding. It is unlikely that the existing caravan site would have been approved in a flood risk area. However, the application site should be checked against Natural Resources Wales (NRW) data to consider if the site is in a vulnerable area. If the approved scheme required a flood risk assessment this should be reviewed to consider whether there are any potential impacts during the winter months. As sites are classed as highly vulnerable there may be cases where the extended occupation during winter months may need to be addressed.

5. Amenity

Consideration should be given to the impact of the additional period on any neighbouring occupiers by means of disturbance and nuisance. This could include issues relating to lighting due to the darker nights when the extended occupation would occur.

6. Heritage

This would be similar to the consideration of landscape impact. Consideration should be given as to whether an extension of the caravan sites operating period would increase any visual impact upon a heritage asset or its setting. Heritage assets include listed buildings, scheduled ancient monuments and conservation areas.

7. Biodiversity

If the site is located on or close to a site which has ecological importance, this issue may need to be addressed. Again, if the application was previously approved this matter may have been addressed then. However, it should be noted that ecological reports need updating after a period of time. If relevant, it would need to be checked whether the additional months of occupation have an impact on any ecological issue. If it would, then advice from an ecologist would be required.

8. No permanent residential accommodation

A key consideration for the LPA would be to ensure that any relaxation of the condition would not lead to a potential argument that the units would benefit from a permanent residential use. This matter can be controlled by means of the condition; therefore, it is unlikely a condition will be removed but rather it will be a case that the condition will be varied.

Appendix 1 Planning Policies and Guidance

National Planning Policy

National planning policy in relation to caravan sites is contained within the following documents:

- Planning Policy Wales (PPW). <https://gov.wales/planning-policy-wales>
- Technical Advice Note 13 – Tourism (TAN13).
<https://gov.wales/technical-advice-note-tan-13-tourism>
- Ministerial Statement coronavirus Covid-19 guidance –Relaxation in Enforcement of Conditions - construction working hours, caravan parks and self-catering accommodation and hospitality uses in town centres. 20 Jul 2020.
<https://gov.wales/relaxing-planning-conditions-support-economic-recovery-guidance>

Planning Policy Wales (PPW)

Planning Policy Wales is the main document providing national planning policy in Wales. LPAs need to ensure that Local Development Plan policies are in line with PPW, it is also relevant to the consideration of planning applications. PPW is a strategic document and does not specifically refer to seasonal occupancy conditions. However, it does make broader policy statements in relation to tourism development which are relevant to applications to extend the seasonal occupancy of caravan sites and parks as follows:

“Para 5.5.1 Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales. Tourism can be a catalyst for regeneration, improvement of the built environment and environmental protection.”

“5.5.2 The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. The planning system can also assist in enhancing the sense of place of an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors.”

“5.5.3 In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.”

“5.5.6 Planning authorities should provide a framework for maintaining and developing well-located, well designed, good quality tourism facilities. They should consider the scale and broad distribution of existing and proposed tourist attractions and enable complementary developments such as accommodation and access to be provided in ways which limit negative environmental impacts as well as consider the opportunities to enhance biodiversity.”

Therefore, there is a positive framework for tourism development in appropriate locations and recognition of the benefits such activities can bring to the wider area.

Technical Advice Note 13 – Tourism

TAN 13 contains more specific advice in relation to caravan sites and seasonal occupancy. It should also be recognised that details within TAN 13 are material to planning application decisions.

Paragraphs 10 -15 of TAN 13 consider general issues regarding holiday and touring caravans. Whilst providing a positive framework for such uses it does highlight some of the key considerations in determining applications for such development such as visual impact, highways and traffic issues. It also identifies additional constraints that could apply in sensitive areas such as National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts.

TAN 13 does consider seasonal occupancy conditions in paragraphs 15 -17. It suggests that such occupancy conditions would be appropriate to allow such developments. TAN 13 suggests that some of the reasons for seasonal occupancy conditions would be to avoid creating permanent residential accommodation, to reduce pressure on local services and protect the local environment, particularly where the site is close to a habitat that needs protection at certain times of the year.

Ministerial Statement 20 July 2020.

The Minister for Housing and Local Government issued a statement on 20 July 2020 relating to the relaxation of conditions of various uses. This included caravan parks. The statement recognised the importance of such uses to the Welsh economy, but it acknowledged tourism expenditure has a seasonal peak in July and August and as such due to circumstances this spending may be lost. It also recognised people may wish to take their holidays later in the year. Reference is made to TAN 13 and the circular on planning conditions, which provide guidance on the use of seasonal and holiday occupancy conditions.

The Minister also encourages Local Authorities and the caravan industry to work together to provide procedures for determining applications to extend occupancy

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periods *“which minimise inconvenience and cost for applicants while providing authorities the information they need to make a decision within an efficient timescale”*.

“I am clear that Local Planning Authorities should support caravan sites and other self-catering accommodation through this crisis by amending conditions to refer to holiday occupancy restrictions rather than using a season occupancy basis, where a policy need is set out in the development plan. Pursuing a seasonal occupancy restriction to protect local features should be the exception, especially between the 2020 and 2021 seasons, and any time restriction should be kept to the minimum necessary to avoid significant harm.”

“The imposition of site licence conditions in respect of seasonal opening restrictions should follow the same approach set out above for planning permission.”

Local Planning Policies and Guidance

Local Development Plan (LDP) Policies

Having outlined the broad national policy framework, it is important to consider the relevant local planning policy framework. Although local policy should be in line with national policy there will be variations between LPAs depending on their own specific characteristics and issues.

You should check the planning policy in the relevant LDP, which should be available on the LPA website. In addition, contact should be made with the LPA to discuss and confirm the policy position. The policies should indicate how the LPA will view such applications and also advise of any specific local criteria or issues that need to be addressed. Below is an example of such an LDP policy, however, it should be noted that other LPAs also have relevant caravan site policies:

Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026 (31 July 2017)

Policy TWR 4: Holiday Occupancy

Proposals for new static caravans and chalets or proposals to extend the holiday season of existing static caravan and chalet sites will be granted provided it can be demonstrated that the accommodation is being used exclusively for holiday purposes and does not become the occupant's main or sole place of residence.

In cases involving extending the holiday season of existing static caravan and chalet sites, the following criteria must be satisfied:

1. The accommodation and site are suitable for occupation during the winter months.
2. The extended season would not increase the consequences of an extreme flooding event.
3. The extended season will not have a detrimental effect on the local environment.

Supplementary Planning Guidance

In addition to planning policies contained within the LDP, many authorities have also adopted Supplementary Planning Guidance (SPG) in relation to tourism development which includes static and touring caravan site applications.

SPGs are produced to provide further detail on certain policies and proposals contained within the LDP. Their purpose is to provide further guidance and therefore ensure policies are better understood and applied effectively. It is important to note that SPGs do not have the same status or carry the same weight as adopted LDP policies. However, they are a material consideration when considering a planning application.

The SPGs tend to set out and explain the issues that are relevant to their particular area and the information they would require to support an application. Some also provide additional guidance in relation to the extending the season of occupancy.

Summary

Overall, as can be seen from above LDP policies address the provision of touring and static caravan sites, some have specific policies in how they will consider an extension of occupancy conditions, albeit as with any form of development there are constraints such as impact upon the landscape, nature conservation and transport which will need to be addressed. There is also a recognition that extending the tourist season has advantages to the local economy and can help to reduce the impacts of seasonal employment.

