

Aldingbourne Park

Planning statement

This site was the subject of planning permission AL/93/86 which was granted on 29th July 1987.

A review of planning permissions for the overall group of company's sites is taking place. In this case the permission was granted 32 years ago, and has led to a review of the imposed conditions to consider if they pass the tests for conditions.

The Authority are politely reminded that an application to vary, amend or entirely remove conditions is not an application for planning permission, and is judged differently.

A Local Planning Authority can impose planning conditions that it thinks fit, primarily by virtue of section 70(1)(a) of the Town and Country Planning Act 1990 (as amended).

However, this ability to apply conditions is qualified by a number of tests which are of the effect to ensure that any condition attached to a permission is reasonable and proportionate.

Paragraph 55 of the National Planning Policy Framework (NPPF) 2019 gives the up to date advice; in particular that conditions should be kept to a minimum and only imposed where they are 1) necessary, 2) relevant to planning and 3) to the development to be permitted, 4) enforceable, 5) precise and 6) reasonable in all other respects.

Having regard to the Planning Practice Guidance the following comments are relevant in this case.

Condition 1 stated;

CONDITION 1 : The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON To comply with Section 91 of the Town and Country Planning Act 1990.

This condition was a required and perfectly acceptable condition when first imposed; however, it was complied with, and has now been outlived.

It is requested that the condition is deleted as it no longer serves a planning purpose.

Condition 2 stated;

CONDITION 2 : The number of caravans stationed on the site shall at no time exceed 33 in total.

REASON : To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity.

Necessary A planning condition controlling numbers of caravans on a site is not necessary. That is because such a site has to have a site licence under other legislation to be able to operate. The site licence controls the practical numbers of caravans that can be achieved on a caravan site by reference to distances from each caravan to other features such as boundaries, roads and other caravans and the densities which can be achieved. The site licence gives an adequate level of control. Indeed, some site licences have restrictions over numbers, but there is a Lands Tribunal decision CAM/38UE/PHR/2016/0001 that such a condition on a site licence is not necessary. Copy attached as Appendix A

Relevant to planning The planning permission in 1987 agreed the principle that the use of this land was acceptable as a caravan site. The ongoing control of the site should only need to be controlled by the site licence.

Relevant to the development to be permitted. The ongoing control of the site should only need to be controlled by the site licence.

Enforceable Restricting the number is capable of enforcement, although it raises the question that if 33 caravans were acceptable and one large caravan was removed and replaced with two smaller ones as to whether it would be expedient to take planning enforcement action.

Precise The exact meaning of what this condition was trying to control is not precise. Caravan sizes have grown over the years to encompass what are called twin units.

The impact of 33 small units compared with 33 twin units will clearly be different, as would any mixture of unit sizes. The limit did not restrict the numbers to small units.

The reason for the condition is very generalised; the site has several rural boundaries to a railway line, a domestic garden, a field, and another caravan site. The conditions in the site licence control spacing and layout of any caravan that is positioned at the site and inherently restrict any “over crowding” in the context of such a site. The licence conditions secure satisfactory standards of space and amenity for caravan sites. A caravan is a low rise development generally to single storey, which will also limit amenity issues that can arise from the proximity of two storey to two storey development.

The Authority accepted that such a condition is not necessary at the Marigolds Park site. Officer report into BE/46/19 attached as Appendix B.

It is requested that the condition is deleted entirely.

Condition 3 stated;

CONDITION 3: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no electric service lines shall be erected or placed on the application site above ground level without the prior permission in writing of the Local Planning Authority.

REASON To enable the Local Planning Authority to exercise control in the interests of visual amenity.

This condition effectively removed the general ability of electricity undertakings or telecommunications operators to provide their services to such a site, without having to gain the prior permission of the Authority.

Low voltage and telecommunication wires are considered to be a general feature of rural landscapes, and it is not considered that there is any good reason to restrict the provision of such services to below

ground only at this site or location; in particular given the apparently longstanding presence of telecommunications wires on poles along Hook Lane. There is no indication that such prior permission has ever been requested. Although there is a pleasant village and rural landscape here it is not specially protected for any reason that might warrant only the underground provision of such services being acceptable. The reason for the condition is general rather than making an exceptional case for such control. Accordingly it is considered unreasonable and unnecessary.

It is requested that the condition is deleted entirely.

Two images of Hook Lane from September 2011 are attached as Appendices C and D.

Condition 4 stated;

CONDITION 4 : Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no works constituting development required by the condition of a site licence for the time being in force under Part 1 of the Caravan Sites and Control of Development Act, 1960 shall be commenced without the prior approval in writing to be undertaken within 3 months of the date of this permission to the satisfaction of the Local Planning Authority.

REASON : To enable the Local Planning to retain control and secure a satisfactory development of the site.

It is firstly not wholly clear whether this condition intended to give a control only for three months from 29th July 1987 or to permanently remove permitted development rights, or contained the wording about three months in error.

Accordingly it is imprecise.

It is considered entirely unreasonable to remove permitted development rights in what is now Class 5 b of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

What this means in practice is that any of the requirements in the site licence that require work to be undertaken at the site (for example, works to maintain a roadway, path or hardstanding would have to be described to and await for the written approval of the planning authority. Given the existing level of detail in the site licence about the specification for works it is considered an unnecessary and unreasonable additional requirement for the Planning Authority to be involved as well. It is not considered that there was any exceptional reason given for this level of control, and it is neither clear on how many occasions submissions to obtain written approval have been made, and whether there is a history of honouring this condition, or not.

It is requested that the condition is deleted entirely.

A copy of the site licence is attached as Appendix E.

Condition 5 stated;

CONDITION 5 : The existing boundary hedges shall be retained in the present form, with further planting in accordance with a scheme to be submitted to and approved by the Local Planning Authority within 3 months from the date of this permission.

REASON In the interest of visual amenity.

The wording of this condition is considered to have the following issues; Firstly, it is not clear what the present form of the existing boundary hedges was in 1986. Secondly, it is neither clear whether a submission of further planting was provided, nor what that contained if it was submitted. Thirdly, even if such a submission was made within the stipulated timescale, the condition does not go on to state any further requirements, such as an implementation requirement or associated timescale, nor was there a replanting element or a retention requirement.

Accordingly the condition as worded is imprecise and unenforceable.

It is requested that the condition is deleted entirely.

Planning Practice Guidance makes clear that the testing of conditions so that they pass all six tests is a requirement of their imposition at first instance and each time whether a condition can be amended, varied or deleted at a later date. Paragraph: 004 Reference ID: 21a-004-20140306

The decision taker, in considering a condition, needs to have regard to its wording and what reasoning there is for the condition. The condition reasons here were generalised.