

Planning Committee

05 November 2021

Agenda item number 7.2

BA 2021 0256 COND Burgh Castle - Burgh Castle Marina holiday park- change of condition to allow holiday use during the period from 1st March to 14th February in any year.

Report by Planning Officer

Proposal

Variation of condition 1 of permission BA/2004/0820/HISTAP to allow holiday use during the period from 1st March to 14th February in any year.

Applicant

Island Meadow Parks

Recommendation

Approve – subject to conditions

Reason for referral to committee

Major application due to site area being over 1000sqm

Application target date

14 October 2021

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1. Description of site and proposals

- 1.1. The application site is Burgh Castle Marina holiday park, a substantial caravan and touring park to the east of the River Waveney and south of Breydon Water. Located in the village of Burgh Castle, from Butt Lane the site is accessed via a long private drive along the northern site boundary, this turns southwards into a small parking area adjacent to the reception building in the northwest corner of the park.
- 1.2. The Site Licence granted by Great Yarmouth Borough Council to Burgh Castle Marina holiday park allows for the stationing of 241 caravans. The park covers approximately 5 hectares and includes a reception and facilities buildings. It sits on a ridge of land with elevated views over the River Waveney extending towards Breydon Water. To the immediate west of the site lies Burgh Castle Marina, a large marina with boatbuilding facilities and moorings. Approximately 350 metres to the north lies the Roman Fort ruins and historic monument, Burgh Castle.
- 1.3. This application seeks consent to vary condition 1 on Planning Permission BA/2004/0820/HISTAP which states: “The accommodation shall be used for holiday purposes only and may only be occupied during the period from 1st March to 31st January, in any year.” The reason for the condition is: “To ensure that the accommodation remains in holiday use and does not become a permanent unit of residential accommodation.”
- 1.4. The proposed variation of the Condition would change the wording to read: “The accommodation shall be used for holiday purposes only and may only be occupied during the period from 1st March to 14th February, in any year” and the reason for the condition would remain the same as the reason given in the 2004 permission.

2. Site history

- 2.1. Whilst there is extensive planning history for the Burgh Castle Marina Holiday Park site, the most relevant planning permissions are BA/1993/0204/HISTAP and BA/2004/0820/HISTAP and these relate to the amount of time within a calendar year the site can be used. The 1993 permission allows the holiday site to operate from 1st March to 31st December and this was varied by the 2004 permission which allows the holiday site to operate from 1st March to 31st January. The other planning permissions the application site benefits from relate to minor development proposals including the installation of a swimming pool cover and the erection of three flagpoles.

3. Consultations received

Parish Council – Burgh Castle Parish Council

3.1. Burgh Castle Parish Council would like to strongly object to planning application above, the reasons being:

- 1) This Parish Council does not support any easing of restrictions at this location concerning the length of the annual site shut down period.
- 2) This is a PRIME HOLIDAY site and should remain as so with a closure period as at present.
- 3) The type of units that are being installed are fixed base caravans rather than the larger higher specification residential units' that are used for fully residential locations.
- 4) Any relaxation will make it more difficult to monitor 52 week usage and who is to check that different people will reside at different times to give a truly holiday usage.
- 5) Any relaxation that results in all year use, legal or not, will put more pressure on local services such as education and welfare.

District Member – Cllr. Adrian Myers

3.2. As one of the local borough councillors for Lothingland, I would in the first instance ask, that this matter to go to committee for consideration. With regards to this application, I have severe reservations with it. The new owner has already broken the terms and conditions of occupancy within the site by housing foreign national workers in his caravans. This was strictly against the regulations. The Broads Authority investigated this matter and found it to be true. This is a holiday site, not a residential one. I believe that there are some residential homes on site but these make up a small part of the Marina complex, and I am not sure if they fall under restrictive use of 11 months. I greatly fear that given his scant regard for the rules regarding holiday lets, already demonstrated, that any removal of holiday let restrictions will be abused to the detriment of the residents of Burgh Castle.

4. Representations

4.1. Two letters of objection have been received from members of the public. Personal remarks have been made concerning the land owner and these have been removed from this section. The comments that raise material planning considerations are set out below:

- 4.2. A. Robinson – Objection – this would set a precedent for the other holiday camps in the area to apply for the same. People are living on the site fifty two weeks a year already.
- 4.3. A. Weymouth – Objection – Facilities on the park have been closed down - swimming pool, laundrette, shop, clubhouse. The site will be turned into a residential park. There are no staff or medical equipment on the site. Not fair for the people who live on Kingfisher holiday park who have to get out for one month.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
 - DM21 – Amenity
 - DM29 – Sustainable Tourism and Recreation Development
 - DM30 – Holiday Accommodation – New Provision and Retention

6. Assessment

- 6.1. The proposal is for an amendment to condition 1 of the existing planning permission to allow the holiday park to operate during the period from 1st March to 14th February, in any year. The main issues that need to be taken into consideration relate to the principle of the development, the impact the proposed amendment would have on holiday accommodation and the impact it would have on amenity.

The principle of development

- 6.2. Adopted Policy DM30 ‘Holiday accommodation – new provision and retention’ aims to protect existing tourism accommodation and it is considered that this proposal would protect the existing tourism use at the site by allowing it to operate for an additional two weeks of any year. The policy DM30 lists four criteria that need to be met for extensions, intensification, upgrading or replacing existing static caravan sites and as this proposal would result in an intensification of the use (albeit by only two weeks) it is necessary to consider these.
- 6.3. The first criterion is that the proposal is in accordance with other policies of the Local Plan and it is considered that there is no conflict. The second criterion requires that the proposal is compatible with the Landscape Character Assessment (LCA). The LCA does reference the fact that the built development and tourism uses here have an impact on the landscape character, however given that no physical change is proposed, the proposal is not incompatible with the LCA. The third criterion relates to new buildings, so is not engaged by this proposal. The fourth criterion requires that “Proposals are of a scale compatible with their location and setting.” In this case, the proposal is for an additional two weeks holiday use in an area characterised by tourist accommodation with several tourism offers within the immediate locality. The proposal is not considered to increase the scale of the site that would be incompatible with the location and setting.
- 6.4. In conclusion, the proposal would allow the holiday park to remain open for an additional two weeks of any year, thereby improving the provision of tourism accommodation. It would still have to close between 15th – 28th February and whilst it is acknowledged that this does only provide limited protection against permanent use

of the units, this is also covered by a planning condition. Overall it is considered that the principle of the development is acceptable.

Impact on holiday accommodation

- 6.5. Adopted Policy DM29 'Sustainable Tourism and Recreation Development' mainly focuses on new tourism development and therefore much of the policy is not relevant to this application, which is related to an existing tourism site. Policy DM29 requires that consideration is given to the cumulative impacts of tourism and recreation proposals on landscape character, nature conservation value and local transport movements. This proposal would not result in any increase of built development, nor would it increase the number of caravans allowed at the site. The proposal would allow the site to be used by holidaymakers for an additional two weeks of any year and whilst this increased usage would increase use of the highway network around the site for those two weeks, it is not considered that this would have a detrimental impact on local transport movements as the area is already accustomed to the usage of the highway network by holidaymakers; this application would not result in an increase of holidaymakers in general.
- 6.6. The proposed amendment of condition 1 from BA/2004/0820/HISTAP is not considered to be contrary to the objectives of Policy DM29 of the Local Plan for the Broads 2019.

Amenity

- 6.7. Adopted Policy DM21 'Amenity' protects existing occupiers' amenity and the amenity of existing or potential neighbouring properties. The proposed variation of condition 1 of permission BA/2004/0820/HISTAP is not considered to be detrimental to the amenity of the existing users of the holiday park as it would only allow the holiday park to be used for an additional two weeks of every year. In terms of neighbouring properties, there is a neighbouring dwelling to the west of the site and a small group of dwellings to the north of the site; the variation of the condition is not considered to add detriment to the enjoyment of the nearby residential properties. This application to vary condition 1 of permission BA/2004/0820/HISTAP is considered to be in accordance with Policy DM21 of the Local Plan for the Broads (2019).

Other issues

- 6.8. Other issues related to the application site and the holiday park landowner have been raised by two members of the public, the Parish Council and District Member and these will be addressed here.
- 6.9. The Parish Council and the District Councillor have objected to the application on the principle of removing the condition; this application proposed either a removal of condition, or a variation of condition to allow for the additional two weeks of operation. The removal of the condition sparked concern among the local councillors related to residential occupation of the site and how it would be harder to monitor the site if it was allowed to be open all year round. The concern regarding removal of the condition was expressed to the Agent for the application who agreed to amend the

application to propose instead to vary the condition. Varying the condition is considered to be a more appropriate option as it would mean that between the dates 15 – 28/29 February the site would have to be closed.

- 6.10. With regard to the use of holiday units as permanent accommodation, as raised by the District Councillor, it is acknowledged that this is an issue. The Broads Authority does monitor the use of holiday accommodation as part of its regular monitoring programme and there have been issues on this site, particularly last year when there were a number of units rented out as accommodation to agricultural workers on temporary contracts. This was investigated and the units' owner explained that he had lost revenue due to the closure of holiday accommodation during the pandemic and had therefore offered them to a contracts agency. A deadline for the cessation of the breach was given and the units were subsequently returned to holiday use. No further complaints have been received.
- 6.11. A concern raised by the Parish Council related to the additional strain on local services the relaxation of the holiday period would create, however it is not considered that this is justified given the short additional period.
- 6.12. The District Councillor and the two members of the public who objected raised the concern of people already living on the site. While this is a planning matter, it would be a breach of planning enforcement rules and the consideration of this is not relevant to the determination of this application.
- 6.13. A member of the public raised concern with the shutting down of facilities on the holiday park, such as the swimming pool, laundrette, shop and clubhouse. While the shutting down of these services for the holiday is unfortunate, the matter is not relevant to the determination of this application.

7. Conclusion

- 7.1. The proposed variation of condition 1 of permission BA/2004/0820/HISTAP would protect existing tourism uses, while ensuring the site remains closed for two weeks of any year. The variation of condition 1 is not considered to have a detrimental impact on amenity. The other issues related to this application that have been raised by members of the public and the Parish and District Councillors are not considered to be material in the determination of this application.

8. Recommendation

- 8.1. Approve subject to conditions.

Condition:

- i. The accommodation shall be used for holiday purposes only and may only be occupied during the period from 1st March to 14th February, in any year.

Reason:

To ensure that the accommodation remains in holiday use and does not become a permanent unit of residential accommodation.

9. Reason for recommendation

- 9.1. The proposed variation of condition 1 of permission BA/2004/0820/HISTAP is considered to be in accordance with policies DM21, DM29, and DM30 of the Local Plan for the Broads (2019).

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Date of report: 21 October 2021

Background papers: Application File BA/2021/0256/COND

Appendix 1 – Location map

