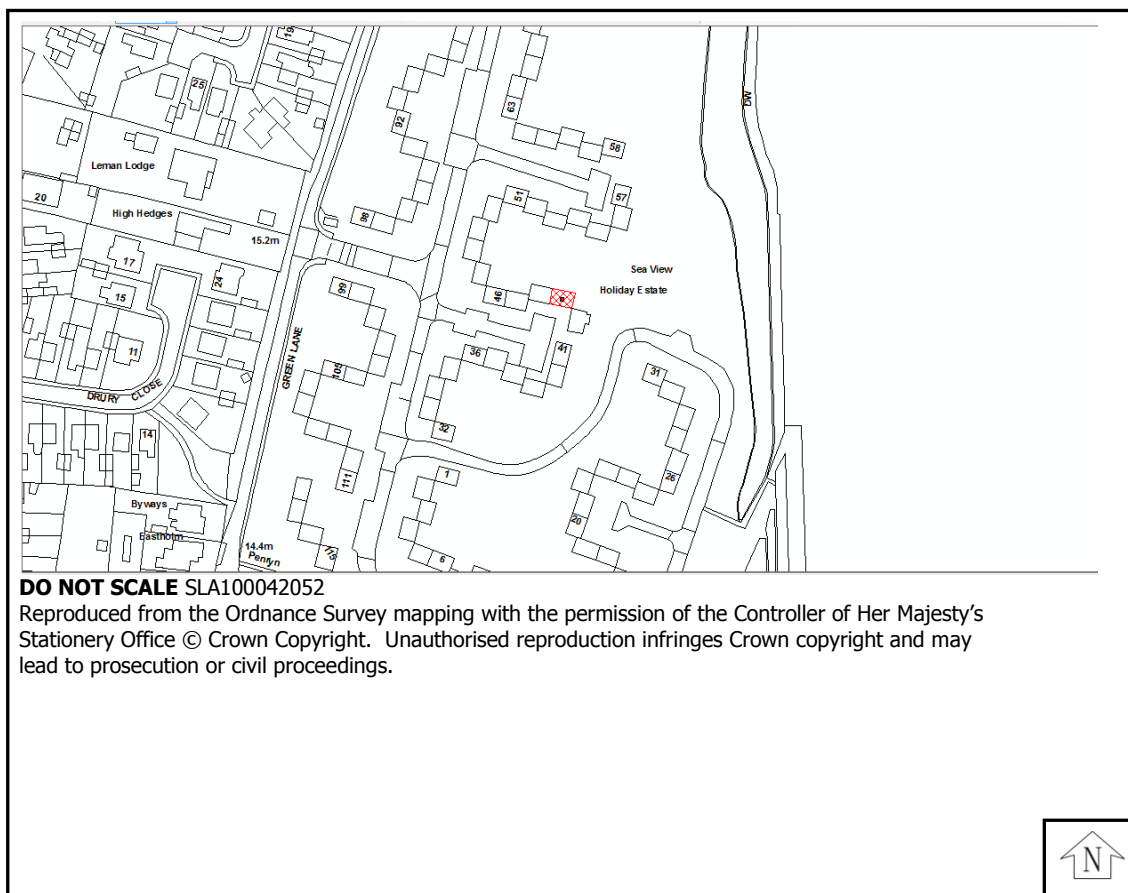


**PLANNING COMMITTEE - 16 January 2018****APPLICATION NO DC/17/4635/VOC****LOCATION**

43 Seaview Holiday Estate  
 Green Lane  
 Kessingland  
 Lowestoft  
 Suffolk  
 NR33 7RQ

**EXPIRY DATE** 26 December 2017**APPLICATION TYPE** Variation of Condition**APPLICANT** Mr James Flattery**PARISH** Kessingland**PROPOSAL** Variation of Condition no.2 of W2194/6-43 - To change 10 month holiday occupancy to 12 months holiday occupancy**1 SUMMARY**

- 1.1 The case is referred to committee due to the recommendation from the local parish council, who contend that the proposal conflicts with their tourism policy in the Neighbourhood Plan. Officers do not share this view and believe that tourism will not be

unduly harmed as a result of offering the opportunity to holiday at any time of the year, in many respects a more flexible condition may be argued to enhance the tourism offer.

## **2 SITE DESCRIPTION**

2.1 The application site comprises 120 no. holiday chalets located within an enclosed and managed holiday complex to the east side of Green Lane in Kessingland. Abutting the northern site boundary is a smaller development of holiday accommodation known as Kessingland Cottages. The eastern boundary of the Seaview site comprises the cliff edge and beach. Green Lane itself provides site access and reduces to a narrow track to the north of the site entrance. Chalet 43 is centrally positioned within the Seaview Holiday Estate.

## **3 PROPOSAL**

3.1 The proposal seeks to vary the holiday occupancy condition which currently prohibits holidaying during January and February. The applicant wishes to increase the holiday period to any time of the year to enable them to take full advantage of the school holiday closures.

## **4 CONSULTATIONS/COMMENTS**

### **4.1 Neighbour consultation/representations**

4.1.1 The adjoining chalets, 42 and 44 were consulted. No representations received from either. It should be noted that the owners of chalet 42 were successful in their own request to extend the holiday period to 12 months when they applied recently.

4.1.2 However, as a result of public consultation, one response was received from a Kessingland resident, OBJECTING in principle on the grounds that 12 months holiday usage would allow owners to rent out their chalets for people to live in permanently, turning the holiday park into a shanty town.

### **4.2 Parish/Town Council Comments**

4.2.1 The formal response from the parish council states "The Parish Council recommends REFUSAL of this application on the grounds that it would be a breach of Policy TO1 of the Kessingland Neighbourhood Plan re the protection of holiday accommodation from being changed from holiday occupancy to 12 month holiday occupancy within the Protection Area as defined in the Plan. Tourism has been highlighted within the Plan as an important part of the local economy and these properties within the Protection Area contribute to this. We would suggest that the District Council obtain written agreement from the applicant that they will not use or allow the accommodation to be used as a permanent residence."

4.2.2 In response to further clarification of the aims of this policy requested by the Planning Officer, the parish council continues:-

4.2.3 "The concerns we have are that if the leases on the Seaview Holiday Estate, or indeed elsewhere across the village, are extended to 12 month holiday occupancy, this is one-step away from allowing permanent residency, which is contrary to the tourism policies that are in place. We are aware that some holiday accommodation in the village is being utilised as permanent homes and that such infringements of conditions are difficult to enforce or prove.

4.2.4 The Parish Council is also aware that once 12 month holiday occupancy is in place, this sets the precedent against which other applications would be considered and again, the next step could be all-round permanent residency and so we need to resist this where we can. Finally, whilst we consider each planning application on its merits, we need to have a consistent approach in terms of considering applications against the policies set out in the Kessingland Neighbourhood Plan."

#### 4.3 Consultees

Other than the parish council, no statutory consultation required

### SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: General Site Notice, Date posted 10.11.2017 Expiry date 30.11.2017
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### 5 RELATED APPLICATIONS

5.1 N1979/5 –The first 97 chalets were granted planning permission in 1964 with occupancy restricted to dates between April 1<sup>st</sup> (or Easter) and October in each calendar year.

5.2 W2194/6 – chalet 43- extension of holiday occupancy from 1<sup>st</sup> March-6<sup>th</sup> January the following year.

### 6 PLANNING POLICY

6.1 CS13 Tourism (Adopted Core Strategy, January 2009)

6.2 TO1 Protection of Tourist Accommodation (Kessingland Neighbourhood Plan, Made January 2017)

### 7 PLANNING CONSIDERATIONS

7.1 This application relates to a small chalet on a substantial holiday park consisting of 120 units. The current planning consent was granted in 1982 and includes a condition restricting occupation to the period 1st March - 6th January.

7.2 However, in recent times there has been an increasing trend for people to take holidays during all months of the year and the Council has agreed to substitute the date restriction for a "sole or main residence" condition on a number of chalets on this, and other holiday

sites, within the district in a bid to promote annual tourism, in line with local and national good practice.

- 7.3 The fact that the applicants lives in Stoke Newington suggests that they would comply with such a condition. In response to the parish council's concerns the applicant has put forward this further supporting statement:-

*"We are a family of 4 who regularly use our chalet for holiday use with our children who are 7 and 11 years of age. We had our summer holiday in Kessingland and are spending xmas and new year there too. I am a cystic fibrosis specialist nurse at St Bartholomews Hospital in central London and my husband is a civil servant with the official solicitors department in London too. My children are both in London schools and we reside in London for the majority of the time but all enjoy our visits to Suffolk - we are attending the panto in Lowestoft on 23 Dec.*

*We wish to extend the use of our chalet to 12 months to maximise our holiday time in Kessingland especially as half term is in February and we would come then I look forward to hearing from you with a further outcome of this decision just to confirm that we have no interest in the chalet being a permanent residence as our lives jobs/schools are in London it is purely a second holiday home for use all year round hopefully. In answer to the objection noted we are not renting out the chalet and have no intention at present of doing so. I have recently just employed a roofer based in Bungay to put a new fully insulated roof on the chalet so it is able to be used in the winter."*

- 7.4 Between 1995 and 2017 a total of 36 chalets at this site have been granted planning permission to change to 12 month holiday occupancy which equates to 30% of the site currently. The majority of the others have altered the original restriction and now operate on a 10 month basis.
- 7.5 The Local Planning Authority agrees with the aims of Policy TM01 of the Neighbourhood Plan and affords this policy considerable weight but does not concur with the parish council's view that year round holiday occupancy lessens the protection from permanent residential use or undermines the tourism aspect of the Neighbourhood Plan which is fully supported and believed to be adequately controlled through current policy and enforcement measures.
- 7.6 It is known that there has been some non-compliance by owners of individual chalets; this is matter for consideration via planning enforcement. The site is relatively contained and well managed with close supervision from other chalet owners and the site management company, any suspected breaches will be considered on their own merits via planning enforcement expediency. It is expected that the likelihood is for early notification from other residents and for any actions to then be appropriately considered by the council. The variation as proposed is considered to be both reasonable and enforceable.
- 7.7 It is clear that the applicants are offering a genuine request for maximising the opportunities to visit their chalet, in conjunction with other local tourism facilities and this is exactly what the planning authority should be encouraging and supporting. The wording of Policy T01 of the Neighbourhood Plan is thus:

**For properties within the area to the seaward (east) side of the line identified on the Proposals map as a tourism protection area, there will be a strong presumption against the loss of accommodation intended for the use of tourists.**

**Applications for the removal or variation of conditions restricting the maximum period of holiday occupancy for the purpose of using the property as a permanent residence will only be permitted if it can be demonstrated that such use is no longer viable. This must be demonstrated through the results of a campaign lasting for a continuous period of at least twelve months.**

- 7.8 In the Officers' opinion, the proposal does not conflict with this policy because it will not result in the loss of tourist accommodation. This case, and others in Kessingland that are likely to follow, turn upon on the phrase "using the property as a permanent residence" within the adopted policy. The planning authority judges this element of the policy to a reference to the complete removal of the holiday occupancy use, i.e. to a non-holiday occupancy. In such circumstances then unrestricted residential accommodation may arise and may lead to the issues highlighted in the objections. However, the parish council, by their recommendation, are saying that year round tourist use of the chalets should be prohibited. Officers are concerned that such an approach may be considered inflexible and not compliant with the tests of reasonableness required by planning conditions. Furthermore, it would be inconsistent with current trends in tourism and be contrary to the principles established in recent planning decision for tourism accommodation elsewhere in the district and in Kessingland in particular.
- 7.9 Ultimately the aims of both the district and parish councils are the same, i.e. to promote tourism in the village and wider area. Officers take the view that there are adequate controls in place for effective enforcement of any breaches through the combination of planning conditions, adopted and emerging policies, and the enforcement procedure and that planning applications must be judged upon the proposal that is being applied for and not what might happen in the future.
- 7.10 It is considered the proposal would give rise to a very small increase in additional traffic during January and February, when the site as a whole will not be in occupancy.
- 7.11 As these chalets are intended effectively as second homes, the planning authority considers that a stipulation on the maximum number of days for each holiday visit would be unduly restrictive. Permanent residential use is not supported for a variety of other reasons; for example no residential curtilage, size of chalets, thermal efficiency, as well as the effect on tourism but holidaying during the winter months is not considered harmful to the principle of tourism based development.

## **8 CONCLUSION**

- 8.1 Officers respect the views of the parish council and are supportive of the neighbourhood plan but consider that on balance it is not unreasonable to expect second homes to be occupied for short periods of time outside the usual holiday seasons, and this can and should be effectively controlled by conditions as noted below.

## **9 RECOMMENDATION**

- 9.1 Approval is therefore recommended with a relevant condition specifying use for holiday accommodation only and preventing occupation as the sole or main residence of the occupiers.

## **10 CONDITIONS**

- 10.1 Condition 2 of W2194/6-43 shall be substituted with the following wording in respect of chalet no. 43:

The holiday unit shall be occupied solely as holiday accommodation and for no other purpose whatsoever including residential use as the sole or main residence of the occupiers.

Reason: The Local Planning Authority considers that the site and its accommodation should be used only for holiday accommodation and wish to prevent permanent residential occupation.

### **BACKGROUND INFORMATION:**

See application ref: DC/17/4635/VOC at  
[www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

### **CONTACT**

Debbi Wicks, Assistant Planning and Enforcement Officer,  
01502 523020, [debbi.wicks@eastsuffolk.gov.uk](mailto:debbi.wicks@eastsuffolk.gov.uk)