

Residential Use of Holiday Parks – Enforcement Policy Approach

The unauthorised permanent residential use of many chalets and caravans on holiday parks is in some cases contrary to a planning condition under a planning permission imposed upon individual sites.

If allowed to continue it would in some circumstances result in the provision of housing in unsustainable locations, contrary to national, regional and local planning policies.

Any action and suggested time period for compliance needs to be considered proportionate to the case as required under national guidance PPG18 – Enforcing Planning Control, and the Council's own Enforcement Policy, which was adopted in May 2009.

The Enforcement Position:

Case law, as recently confirmed by a Government Inspector's decision in respect of the Brambles Chine site is that immunity from enforcement action (normally in the form of Breach of Condition Notice (BCN) or Enforcement Notice) only occurs after a period of 10 years from the date of the first breach. Proof of immunity requires an occupier to demonstrate continued use contrary to the requirements of the condition, for a period of at least 10 years.

Sites where immunity is imminent:

Where it is considered that sites or individual occupiers may be approaching the permanent occupation period of 10 years, consideration of the expediency of serving a BCN will be a priority if the site is subject to enforceable occupancy conditions.

Proactive Enforcement

A number of larger, more well-established sites providing good facilities for residents are known to have potential occupancy issues. Where such issues are identified on these sites, either by the freehold owner of the site or interested third parties, enforcement investigation and where necessary formal enforcement action will be prioritised. This prioritised approach will focus attention in accordance with the following criteria:

- (i) Priority 1 Sites - sites which have a Visit Britain 4*/5* rating will be treated with the highest priority.
- (ii) Priority 2 Sites – sites which are deemed to be sustainably located and of sufficient size, and can demonstrate the financial basis for aspiring towards Visit Britain 4*/5* rating.

- (iii) Priority Three Sites – all other sites, including small sites which are located in unsustainable locations and are unlikely to be subject to investment by the owners.

Special Circumstances Applications

All applications by individual owner/occupiers based upon “special circumstances” arguments will be treated on their individual merit. This approach is in accordance with Government advice on the use of “personal” permissions, which are rarely justified under circular 11/95. There are occasions where it is proposed exceptionally to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so. However this will only be allowed in exceptional circumstances as it is seldom desirable in planning terms to allow what would otherwise be unacceptable. .