C/502/AM/P

Part 2 register.

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Your reference
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T/APP/W1715/A/90/3688/P5
Date
11 OCT 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY DAVIDSON COUNTRY PARK HOMES
APPLICATION NO: 16487/5

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision of the Eastleigh Borough Council to grant planning permission subject to a condition for use of land for mobile holiday home at Riverside Caravan Park, Hamble. I have considered the written representations made by you and by the Council and also those made by the Hamble Parish Council and other interested persons. I inspected the site on 22 August 1990.

2. The condition in dispute is No 03 which provides that 'there must be no caravans on the site at any time between 1 November and 1 March'. The reason for that condition is 'in the interests of amenity'.

3. The burden of the Council's case however is not about the amenities of the Hamble estuary, although the waterside is nearby and the appeal site is already used for a variety of tents and mobile holiday caravans. They say quite reasonably that the removal of holiday homes from the appeal site from November to March would lessen the urban impact upon the rural area for at least part of the year; but they are also concerned to prevent a permanent residential mobile home site. In correspondence which followed the imposition of this planning condition, the Council's officers concede that it would be reasonable simply to require that the mobile homes must not be occupied between mid February and mid March, and that they need not be removed from the site at all.

4. That concession indicates that, having regard to my inspection of the site and the written representations, the principal issue remaining in this appeal is whether condition No 03 is justified in terms of Circular 1/85 for the purpose of preventing permanent occupation.

5. My site inspection confirms your evidence that Riverside Park as a whole is currently a mixture of residential mobile homes, holiday homes and touring caravans; and that the appeal site is only a small part of it. Much of the site has a planning permission granted in 1982 which allows 35 permanent caravans, and prevents the occupation of the holiday caravans on weekdays between 1 November and 1 March. Those caravans apparently may stay there all year, for occupation at weekends and public holidays.

6. The condition which is the subject of this appeal therefore goes beyond the principal objective of control, because it would require the mobile homes to be taken off the site for 4 months. Caravans approved by the 1982 permission would remain there undisturbed, albeit some of them would be empty most of the winter months,

100%

so the condition would not make much difference to the appearance and amenity of the area. I conclude that the current condition is not justified, either in the interests of amenity, or the prevention of permanent occupation, and ought to be discharged.

7. However I agree with the Council that permanent residential development on the site would conflict with the objectives of settlement policies in the South Hampshire Structure Plan and Hound Hamble Bursledon Local Plan, which restrict residential development in the countryside. In their evidence the Council anticipate the possibility of eventual housing redevelopment on the site, but that is not the subject of this appeal and I do not base my decision on any suppositions of that sort. I consider it is appropriate to impose a condition which would prevent the occupation of these mobile homes as a permanent settlement, and avoid any harmful breach of statutory planning policy which would add to the pressure of urban development on the Hamble estuary. The available evidence does not however justify leaving the mobile homes empty for 4 months, or for any other specified period, if they can be reserved for holiday occupation by any other means.

8. I am empowered by section 79 to consider the application as if it had been made to me in the first instance, and to vary part of the decision of the Local Planning Authority. I conclude that there is justification for a simple condition which limits the occupation of the mobile homes to holiday occupation. Such a condition would allow your clients to use their land for the purpose they applied for. I consider it would meet the tests of Circular 1/85 and would be enforceable.

9. I have considered all the other matters raised in the written representations, including the muddy condition of the site in winter, but I have taken no account of complaints about the management of the site which are irrelevant to the planning merits of the case. I understand a fresh application has been invited by the Council, but that does not prejudice my decision.

10. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and vary the planning permission 16487/5 for the use of land for siting mobile homes at Riverside Caravan Park, Hamble on 14 November 1989, by deleting condition No 03 and substituting therefor the following condition: The mobile homes shall not be occupied other than as holiday accommodation.

11. The other conditions of planning permission No 16487/5 are unchanged. This letter does not convey any approval or consent which may be required by any enactment, byelaw, order or regulation other than Section 57 of the 1990 Act.

I am Gentlemen
Your obedient Servant

Nicholas Hammans.

N J HAMMANS FRTPI FIAS MBIM
Inspector