

**1.0 APPLICATION NUMBER:** [WD/D/20/001014](#)

**APPLICATION SITE:** CREEK CARAVAN PARK, FISHERS PLACE, RINGSTEAD, DORCHESTER, DT2 8NG

**PROPOSAL:** Station 40 caravans - Variation of conditions 1 and 2 and removal of conditions 3 and 4 of planning permission 207358 (extending the season)

**APPLICANT:** Mr R Deakin

**CASE OFFICER:** Darren Rogers

**WARD MEMBER(S):** Cllr Ireland

**RECOMMENDATION SUMMARY: Approve**

**This application is reported to Planning Committee as the applicants' agent is currently employed in the Development Management Team but she has played no part in the processing or determination of this application.**

**2.0 Summary of Recommendation:** Approval subject to conditions

**2.0 Reason for the recommendation:**

- The proposal to amend the planning conditions of the original planning permission is considered to be acceptable with no adverse visual impact as regards impact on the AONB and coastal landscape.
- The proposal to amend the planning conditions of the original planning permission is considered to be acceptable with no significant harm to neighbouring residential amenity.
- The proposal to amend the planning conditions of the original planning permission is considered to be acceptable with no significant harm to highway safety.
- There are no other material considerations which would warrant refusal of this application.

**3.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of Development	Already established through the 1960's planning permission.
Amenity	Proposed altered conditions are not considered to result in a significant adverse effect on living conditions of neighbouring properties.
AONB/Heritage Coast	The site is well established and has existed since 1960's – no adverse

	effect on these landscape designations arising from this proposal.
Highway Safety	Highways raise no objections.
Coastal Erosion/Land Stability	Proposed altered conditions are not considered to result in a significant adverse effect.

#### **4.0 Description of Site**

4.1 The applicants' agent has helpfully set out in the submitted Planning statement the following:

*"The Creek Caravan Park is located to the eastern end of Ringstead village and covers an area of approximately 0.7 hectares.*

*Ringstead village is accessed from the A353 at Poxwell, through Upton village via a private road, which is owned by The Ringstead Estate. The village consists of approximately 20 houses, a car park and seasonal shop; with the car park being supervised from Easter to the autumn half-term break only. From the car park the road continues southwards to access Ringstead beach with Fishers Place, running eastwards providing access to the Creek Caravan Park and other properties. To the north of the site is farmland owned by the National Trust, through which the South West Coast footpath runs and is used for camping by associations such as the Guides and Scouts. This farmland continues to the east of the site. Ringstead beach is to the south of the site and to the west is Gulley Cottage which has 5 holiday caravans located within the surrounding plot of land, but is not part of the Creek Caravan Park.*

*The Creek Caravan Park is split over 2 levels with a front row of 6 caravans facing the beach at a lower level and the remainder of the site being at the same level as the rest of Ringstead. The site includes 30 static caravans, 1 residential chalet, a toilet block, office/sheds and bin store. The chalet now known as Coast Path Cottage (formerly Elizabeth Chalet) has been on the site for many years and will be the subject of a further application to confirm the planning status of this building. There is parking for up to 30 cars to the north of the site, as vehicular movement through the caravan site is not permitted other than for unloading and loading on arrival and departure. There is therefore minimal hard surfacing within the site. Landscaping and planting to the boundaries and within the site is maintained to reflect the surrounding rural and agricultural landscape.*

*Surface water drainage was installed in 1978 which continues to operate efficiently and the site is connected to mains foul water drainage (as is the whole of Ringstead village) maintained by Wessex Water. Further drainage work has been carried out in*

connection with the coast protection and sewage treatment and pumping station work approved in 1995 and 2004 respectively.

### BACKGROUND

*The Creek Caravan Park is currently owned and run by Ringstead Caravan Company Ltd which was established in 1978, although prior to this the site was family owned and run since the 1920's. The field was originally used by local people for holidays in their touring caravans and by the 1940's-50's had evolved to a more permanent site with residential staff supervision. The use of the site was regularised in the 1960's with planning permission and a site licence as required by legislation at that time; and has continued as such.*

*Over the years the site has been improved with the installation of drainage, electricity to each plot and other modernisation. To ensure continued improvements are achieved the planning situation is now being reviewed with the intention that this be updated as appropriate.*

*Site Licence No. 163/79 was applied for on 13 January 1979 and granted by West Dorset District Council on 2 April 1979. It is acknowledged that the site licence is now out of date with current practice and is intended to be updated with Dorset Council as part of the current review of the site.*

*The site is outside any defined development boundary, within the AONB and Heritage Coast designations and some of the site may be vulnerable to coastal erosion. Although these issues and applicable Local Plan policies are relevant considerations; as this proposal is an application to vary/remove conditions of an extant permission they are not material to this application”.*

## **5.0 Description of Proposal**

5.1 The applicants' agents Planning statement goes on to say:

*“This application is made under Section 73 of the Town and Country Planning Act 1990 which seeks to remove/vary the conditions of the Planning Permission Ref. 207358 granted on 13 December 1962. The applicant wishes to operate the site with 30 static caravans for a longer season which would reflect the current operation of other sites in the area. They would like this to be from 9th Feb in any year to 10th Jan in the following year. This would allow occupation of the caravans over the Christmas/New year period and potentially the February half term. If this were not acceptable to the committee the dates suggested (1st March to 31st Jan) would be appropriate and acceptable.*

*Extending the length of season for occupation of the caravans would*

- *meet the increasing customer demand for short breaks and holidays at any time of year,*

- *anticipate the potential increased demand for UK based holidays rather than going abroad following the Corona Virus pandemic,*
- *improve the local economy, attracting more visitors to Dorset,*
- *provide additional employment outside the current season and*
- *provide greater operational flexibility and efficiency.*

*It is noted that the wording of the conditions imposed in 1962 are now out of date and would not meet current tests for the use of planning conditions. It is therefore requested that conditions 1 and 2 be amended and updated as appropriate and that conditions 3 and 4 would now be unnecessary and should be removed.*

*There is also an anomaly in the 1962 planning permission which is granted for the stationing of 40 caravans, but condition 1 restricts the number of caravans to 30. To avoid continued discrepancy between the planning permission and condition it is suggested that the number 40 could now be removed from the description of development. This would not make any fundamental change to the permission and the nature of the development would be unchanged, being the use of the site for the stationing of caravans. It is therefore suggested that a new permission could be granted under S73 as detailed below:-*

*Permission to Station Caravans, subject to the following conditions:*

- i. Not more than 30 caravans shall be stationed on the site at any one time.*
- ii. The caravans on the site shall be occupied during the period 9th Feb in any year to 10th Jan in the following year. Or as an alternative ii:*

*ii 1st March in any year to 31st January in the following year only”.*

## **6.0 Relevant Planning History**

The applicants’ agent has helpfully set out the Planning History in the submitted Planning statement:

“Planning Permission Ref 207358 was granted in December 1962 – To Station 40 caravans with 4 conditions imposed:-

- 1. Not more than 30 caravans shall be stationed on the land forming the subject of this application at any one time.*
- 2. The land forming the subject of this application shall be used for the stationing of caravans only during the period 1st April to 31st October in each year.*
- 3. During the period 1st November to 31st March in each year, the caravans shall be parked unoccupied and the land shall be maintained in a tidy condition to the satisfaction of the Local Planning Authority.*

4. Adequate provision shall be made to the satisfaction of the Local Planning Authority for the planting of a screen of trees of a species to be agreed with the Local Planning Authority.

Other planning applications provide general background to evolution of the site and surrounding area and are detailed below. However, from a search of planning history by the Local Authority the only planning applications relating to the use of the caravan site were reference 207358 with permissions issued in 1961 and 1962. The site is considered to have been operating under the Planning Permission granted in December 1962 since that date.

207358	Station 40 caravans	Granted - 13 Dec 1962
1/E/78/000116	Erection of Club House	Refused - 1 March 1978
1/E/94/0615	Carry out Coast Protection works including construction of rock groyne and beach replenishment	Granted - 28 April 1995
1/E/04/000468	Construction of sewage pumping station and sewage treatment works	Granted - March 2004

## 7.0 Consultations

All consultee responses can be viewed in full on the website.

7.1 Parish Council – *No objections.*

7.2 Highways - *The Highway Authority has NO OBJECTION to the proposal.*

7.3 Jurassic Coast Trust Comments are submitted in relation to potential impacts of the above proposal on the Dorset and East Devon Coast World Heritage Site (WHS). - *Whilst there is no physical impact on the WHS by this proposal, it has the potential to change the overall economic circumstance of Ringstead. Such circumstances are relevant to decisions made about coastal management so we therefore disagree with the comment in paragraph 5 of the planning statement that says conservation designations and Local Plan policies are not a material consideration in this case. Our principal concern is that by increasing the economic value of the caravan park by extending its season there will be an increased need to expand or strengthen its protection from coastal erosion in the future. Due to the park being positioned at the cliff edge, and adjacent to the part of the coast at*

*Ringstead that is currently undefended, this could potentially lead to conflict with WHS management policy.*

*We are not yet aware of any updated beach management plan for Ringstead. Such a plan would presumably include the future maintenance of the existing coastal defences that Creek Caravan Park benefits from. We also understand that part of the developing Local Plan for Dorset will be guidance on Coastal Change Management Areas. In the absence of a strategic context for the future of coastal management at Ringstead we recommend that if consent is given to this application it is done so on a temporary basis. Similar temporary permissions are in place for a number of beach chalets in Lyme Regis that were displaced by a landslide and had to be relocated. This consent is renewed each year with the option of it being withdrawn if the position of the chalets ever became unsustainable due to coastal change. This approach may not be appropriate at Ringstead, but without the key strategic documents outlined above it is impossible to make that assessment with confidence.*

*7.4 Natural England (NE) - no objection - Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England considers that the proposed development will not have likely significant effects on the Isle of Portland to Studland Cliffs Special Area of Conservation and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. As regards the South Dorset Coast Site of Special Scientific Interest, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.*

*7.5 As regards proximity to Protect Heathlands the site lies just outside the 5km consultation zone, at about 5.2km and so there are no adverse impacts arising as regards this issue*

**7.5 NB - In answer to NE's comments, see para 14.11/14.12 below**

## **8.0 Representations**

8.1 At the time of writing there has been 5 representation from occupiers of the dwellings to the west of the site along Fisher Place who object on grounds:

- *Fisher Place track is a private, unadopted, unmade up track which forms part of the South West coast path. With only 3 permanently occupied houses along this portion of the track, the amount of vehicular traffic using it considerably increases during the period that the site is open. The concern is that, with the site open for 11 months of the year, there is nothing to stop the users from treating it as their home, only being required to stay elsewhere for*

*the month of February. This means, potentially, 30 extra households in a small hamlet of 5 permanently occupied residences. Also have concerns that the sewage system, which was designed with mainly summer usage in mind, would be unable to cope with that potential situation. The nearest shops are in Preston, 4/5 miles away and there is no provision for entertainment or public transport, so traffic to and from the site, either from users or supermarket delivery vans, would be an issue for 11 months instead of the present 7 months.*

- Not sure what 'local economy' would benefit as there are plenty of large sites, hotels and B&Bs in and around Weymouth, Preston and Wyke Regis that are much closer to public transport, pubs, shops and cinemas which can accommodate any demand for short breaks and holidays any time of year. Would question what additional employment outside the current season would be available.*
- Concerned about the proposal to extend the permitted habitation of the caravans at the Creek Caravan Site to as long as 11 months of the year. This would definitely open the opportunity for permanent residence on a site long recognised, loved and protected as of Outstanding Natural Beauty, a World Heritage Site and adjacent to National Trust land. Ringstead is, in fact, possibly unique along the Southern Coast and loved as such by all who come from far and wide ( even the US and Australia) to visit. A possible extension to 8 months maybe but 11 is far too long especially considering possible future proposals to change the caravans to chalets.*
- The decision should simply be postponed. Due to Covid we have only been partially and very recently informed and the situation is complex and unclear. 11 months residence however does seem too long....overriding the original intention to prevent development on a World Heritage Site of such outstanding natural beauty.*
- Ringstead Bay is one of the jewels of the Jurassic Coastal Path. The Caravan Park is very visible from many miles around. Any development would be totally detrimental to this unspoilt coastline.*
- The winter months at Ringstead are usually very quiet, the people you see are mostly just ramblers and fishermen. Extending the season at the caravan park and allowing this planning application to go ahead would change the character of the place during the winter-time. It would be more busy and crowded, it's one thing to have lots of people visit during the summer months and enjoy the beach, but during the winter months this would be a mistake and turn the bay into a year round tourist park. Also note that some of the larger caravan parks closer to Weymouth don't even open all year round so it seems odd to grant planning permission to a caravan park in a relatively more secluded and untouched park of the landscape.*
- Firstly it has become evident that proper procedures for planning permission application have not been followed. The proposal has not been displayed in a prominent public area and therefore many people may be unaware of this application. It has also become evident that the creek caravan site owners intend in the future to turn many of the caravan plots into permanent chalets.*

*The long-term lease holders that represent several of the caravans on site have had their lease renewal applications rejected. These people are part of the community in Ringstead and have been coming to the area for the last 20 years. These applications I suspect have been rejected to further the creek caravan sites intention to expand and develop holiday chalets. Ringstead is an area of special scientific interest and outstanding natural beauty. It has remained so over the years because developments in the holiday industry have thankfully not taken place. To extend residency would have a significant environmental and social impact on Ringstead as an area of unspoiled beauty and for the small existing permanent community that live there. The restrictions on holiday travel abroad and closure of beaches at Lulworth and Durdle Door since coronavirus has already significantly increased local traffic to Ringstead as people drive in their cars to spend a day walking or visiting the beach. Ringstead does not have the infrastructure or necessary car parking space to support an increase in holiday residency year round on top of this. The footpaths and beaches are maintained mainly by the National Trust and are left damaged every year by increasing foot and vehicle traffic. The rubbish collection services provided by the council are non existent and regularly piles of rubbish accumulate in the car park next to the shop. Equally sanitation services are very limited and depend on the Ringstead Kiosk being open. More people in the area year-round would put further pressure on services that are already inadequate. Hundreds of cars a day visit Ringstead causing pollution and damage to the verges and hedgerows. An increase in traffic due to your residence would further exacerbate these issues. Please protect this area of a Jurassic coast line from developers who intend to make money from it. More people spending time in caravans and the development of a chalet holiday park will in no way benefit Ringstead area of natural beauty or the people that actually live there*

## **9.0 Relevant Policies**

### **9.1 National Planning Policy Framework**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
11. Making effective use of land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every

level should seek to approve applications for sustainable development where possible.

## 9.2 West Dorset, Weymouth and Portland Local Plan

INT1 - Presumption in Favour of Sustainable Development  
ENV1 - Landscape seascape and sites of Geological Interest  
ENV7 - Coastal Erosion And Land Instability  
COM7 - Creating a safe and efficient transport network  
ENV10 - Landscape and Townscape setting  
ENV16 - Amenity  
ECON 7 - Caravans and campsites

### Other material considerations

WDDC Landscape Character Areas 2009  
AONB Management Plan 2019-24  
Dorset Heathlands Planning Framework SPD 2015-2020

## **10.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **11.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

## **12.0 Financial benefits**

Material benefits of the proposed development	
None relevant	

### 13.0 Climate Implications

13.1 The application site is not within a settlement or village with close by services and facilities for those using the caravan site but the village does have a seasonal shop. The fact however remains that the site has been well established since the 1960's and the climate change February to January period is not considered to be significant in climate change terms.

### 14.0 Planning Assessment

The following issue is considered relevant to this proposal.

- Whether the removal and variation of the conditions is acceptable in planning terms noting that the caravan site is an established one?

14.1 Section 73 of the Planning Act 1990 states that:

***“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—***

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application*

14.2 The Creek Caravan Site is a long established and successful business that continues to operate under the now out-dated planning permission granted in 1962. This application made under Section 73 of the Town and Country Planning Act seeks to remove/vary the conditions of the Planning Permission Ref. 207358 granted on 13 December 1962. The applicant wishes to operate the site with **30 static caravans** for a longer season which would reflect the current operation of other sites in the area. It seeks to update that permission with the removal and variation of conditions, but does not fundamentally change the permission and does not propose any alteration to the site itself.

14.3 Extending the length of season for occupation of the caravans would

- meet the increasing customer demand for short breaks and holidays at any time of year,
- anticipate the potential increased demand for UK based holidays rather than going abroad following the Corona Virus pandemic,
- improve the local economy, attracting more visitors to Dorset,
- provide additional employment outside the current season and
- provide greater operational flexibility and efficiency.

14.4 It is noted that the wording of the conditions imposed in 1962 are now out of date and would not meet current tests for the use of planning conditions. As an example the original planning application was described as being a proposal for 40 caravans when in fact the approval was given only for 30 – in essence an approval was given for a proposal that didn't match the description of development. It is therefore requested that conditions 1 and 2 be amended and updated as appropriate and that conditions 3 and 4 would now be unnecessary and should be removed.

14.5 There is also an anomaly in the 1962 planning permission which is granted for the stationing of 40 caravans, but condition 1 restricts the number of caravans to 30. To avoid continued discrepancy between the planning permission and condition it is suggested that the number 40 could now be removed from the description of development. This would not make any fundamental change to the permission and the nature of the development would be unchanged, being the use of the site for the stationing of caravans. It is therefore suggested that a new permission could be granted under S73 as detailed below:-

*Permission to Station Caravans, subject to the following conditions:*

- i). Not more than 30 caravans shall be stationed on the site at any one time.*
- ii). The caravans on the site shall be occupied during the period 9th Feb in any year to 10th Jan in the following year.*

*Or as an alternative ii) should that be the view of Committee:*

*ii 1st March in any year to 31st January in the following year only”.*

14.6 Consideration should be given only to the conditions imposed and not the permission itself. The variation and removal of conditions suggested would provide added security for the future of the business and boost the local economy by extending the season. This would not change the character or appearance of the site or its impact on the surrounding countryside and landscape. The application is therefore acceptable and either of the 2 suggested time periods would be acceptable in land use planning terms.

14.7 As regards the comments of the Jurassic Coast Trust, a temporary planning permission might well be an appropriate one if this were a new caravan site proposal in light of coastal erosion issues, but that is not the case here. The site has been well

established since the 1960's and as section 73 of the 1990 Act states "**On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.**" In that regard this proposal merely seeks to correct an old 1960's planning permission with one that is described correctly and which has valid planning conditions which limit the numbers to 30 caravans and for a longer occupation season. It is not anticipated that such changes would adversely affect issues of coastal erosion and its natural forces in this area unlike a new proposal to site a caravan park where the very principle of permitting one might be more critically assessed in coastal erosion and AONB/Heritage Coast landscape designation terms.

14.8 The applicants agent points out that while they acknowledge the concerns regarding coastal erosion and the need for a long term strategic approach, this application does not include any physical change and therefore they do not feel the extended season proposed will have any significant impact on coastal erosion. Part of the coast in the vicinity is undefended and the Creek Caravan Park benefits from some coastal defences, both of which would need to be considered as part of any future coastal management proposals. Any future coastal defence development would be the subject of a separate planning application for appropriate consideration at that time, previous coast protection work being approved in 1995.

14.9 A temporary permission would not be appropriate at this time as a permanent permission exists for the current site and as is explained at para 14.7 above, only a variation of existing conditions is now requested. In these circumstances an applicant should not now be penalised with the restriction of a temporary permission when one does not currently exist. A temporary permission would result in long term uncertainty which would be damaging to the existing business and the tourist economy.

14.10 Amenity Impacts - Representations have been received as regards the amenity impacts on residents to the west of the site as a result of likely increased comings and goings to and from the site. There are no highways objections and it must be remembered that the current permission authorises a 6 months occupation of all 30 caravans between April and October (notwithstanding any local terms and conditions laid down separately by the landowner/site manager for a reduced occupancy period). It is not anticipated that occupancy levels would be as great outside of these spring/summer/autumn months (essentially to cover the winter Xmas and Feb school half term periods) in any event to justify a significant adverse amenity impact on the occupiers of dwellings to the west of the site sufficient to justify a refusal of planning permission as a result of comings and goings to and from the site. As such Policy ENV16 is considered to be met.

14.11 Impact on nature conservation interests - As is set out above, Natural England raise no objections. The Council has carried out an Appropriate Assessment (AA) under the Habitats Regulations Assessment as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species

Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the Natural Environment and Rural Communities (NERC) Act 2006 to the purpose of conserving biodiversity. Whilst a small proportion of the southern site boundary of the site extends into the Isle of Portland to Studland Cliffs SAC, Natural England has concluded that the proposed variation in conditions will not result in likely significant effects on this European site and the AA concludes that there will be no adverse effect on the integrity of the designated sites identified above. As regards the South Dorset Coast Site of Special Scientific Interest, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

14.12 As regards proximity to Protected Heathlands (Warmwell Heath which is notified as a Site of Special Scientific Interest (SSSIs) and is also part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation (SAC) and Ramsar) Natural England has confirmed that as the site lies just outside the 5km consultation zone, at about 5.2km and as such there are no adverse impacts arising as regards this issue.

## **15.0 Conclusion**

15.1 The proposed development is acceptable and therefore recommended for approval. Members will need to assess the condition as regards the time period for occupation but officers recommend given the issues as set out above that both are acceptable in land use planning terms and hence the recommended longer period as requested.

15.2 In addition the application has been publicised by site notice and immediate neighbour notification and so the statutory publicity of the application has been carried out.

**16.0 Recommendation** – Approval is recommended and that the description of development be altered to “**Station caravans**” (the applicant’s agent is in agreement to that) and **subject** to the following conditions:

1 Not more than 30 caravans shall be stationed on the site at any one time.

Reason: To define the permission.

2 The caravans on the site shall be occupied during the period 9th February in any year to 10th January in the following year only.

Reason: To define the permission and to prevent an unrestricted and permanent residential occupation all year round.