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Council response to issues raised at hearing sessions relating to Policies EC10 and EC11

The Council has prepared this statement at the request of the Inspector, responding to issues that were raised during the public hearing sessions and a paper submitted by Bidwells on behalf of Blue Sky Leisure. This statement relates to Policy EC10, Holiday occupancy conditions.

The Council considers that the Core Strategy is sound as submitted. However, it has suggested a number of minor modifications to the submission document which can be considered by the Inspector. These changes are designed to improve the clarity and consistency of the plan. These minor modifications are listed in three Schedules of Minor Modifications [I3 I3i and I3ii] and shown in a consolidated Core Strategy [I5ii]. The Council considers that none of these minor modifications, either individually or cumulatively, affect the overall thrust of the plan's objectives or policies. They include minor editorial corrections, points of clarification, or are changes responding to points made by representors to improve the descriptive text relating to settlements.

In addition to the schedule of minor modifications, the Inspector has requested that the Council respond, without prejudice to its position that the Core Strategy is sound, to a number of further changes proposed by representors during the hearing sessions on several policy areas. Changes resulting from these representations are not necessarily included in the Schedule of Minor Modifications at this stage.

1) Summary of representation from Bidwells on behalf of Blue Sky Leisure

Paragraphs 19 to 24 of the examination paper submitted by Bidwells on behalf of Blue Sky leisure sets out objections relating to the proposed holiday occupancy conditions. In essence Bidwells submit that there is a case for a different type of control on the occupation of accommodation located on holiday parks as the suggested approach is unduly restrictive and would restrict (unnecessarily) the use of these sites. Bidwells make the following comments (italics):

'This policy is proposed to apply to all new unserviced holiday accommodation and presumably therefore includes static caravan sites as well as permanently built structures and conversions. Guidance on the content of seasonal and holiday occupancy conditions is contained in Annex B of the Good Practice Guide on Planning for Tourism. Neither this guidance nor the predecessor guidance in PPG21 specifies time limits on holiday occupation as proposed in EC10, or even recommends the concept of time limits. The Council's own study undertaken by Scott Wilson confirms in paragraph 14.97 that 'the enforcement of holiday conditions has not been seen as a problem in the area to date'. The report nevertheless recommends in paragraph 14.111 the use of holiday conditions 'stipulating a maximum period of 8 weeks per individual let is set out in the policy supporting text and adopted as a standard condition by Development Control Officers, in order to provide a measurable, enforceable and pragmatic approach to controlling holiday occupancy'. No justification is provided as to why this is necessary given the conclusion in paragraph 14.97 of the same report or given the advice in the Good Practice Guide. The justification for the four weeks restriction of the policy rather than the eight weeks recommended in the Scott Wilson report is derived from the Valuation Office criteria referred to in paragraph 3.4.37 of the Core Strategy. This, however, relates solely to whether holiday accommodation can

*qualify for business rates rather than council tax and is considered inappropriate as justification for such a policy restriction. The holiday occupancy limits in EC10 – i.e. that accommodation should be available for commercial holiday lets for at least 140 days a year, and that no individual let should exceed 31 days – could lead to inflexibility in the provision of good holiday accommodation. It could, for example, rule out people such as retired couples taking extended holidays or families going away to a single location for the six-week summer school vacation. In addition, if there is a seasonal restriction on letting, it may make it difficult or impossible to let out the dwelling for at least 140 days per year if the owner wants an extended summer stay (with perhaps also a spring and autumn break) along with the residence being let out at non-commercial rates to friends and family for a number of weeks. EC10 is therefore considered overly restrictive, unnecessary and **contrary to Soundness Test 4 and 7.***

Changes requested (HM 21)

The imposition of time limits on unserviced holiday occupancy contained in bullet 2 of EC10 should be deleted. Points 1 and 3 of the policy provide sufficient control to ensure genuine holiday occupancy as can be demonstrated by current practices, and as recommended in Annex B of the Good Practice Guide on Planning for Tourism.'

2) Council's response

Firstly, it is important to note that the proposed conditions will not change the status of the many existing self catering units in North Norfolk. It will only apply to new provision sought following Core Strategy adoption.

The main purpose of imposing holiday occupancy conditions is to ensure that buildings, or chalets and caravans, that are capable of being occupied as permanent dwellings are not used for such a purpose in locations where permanent residential occupancy would fail to comply with the Council's Spatial Strategy. There is strong local concern that current conditions simply requiring that 'the accommodation be used for holiday purposes only and not be the sole or main residence of the occupiers' are not resulting in the buildings being used by holiday-makers only and that they are to all intents and purposes being used as part of the local housing stock.

Additionally the Council is seeking to ensure that holiday accommodation is used to provide 'holiday lets', as it is the economic benefits that genuine holiday lets bring, such as direct employment and wider benefits to attractions and food and drink establishments, that justify the allowance of the use in a Countryside location. The proposed conditions in Policy EC10 therefore include a requirement that the property be available for commercial letting. The 140 days / 31 days is used as this is consistent with other legislation governing holiday use (ie the Valuation Office definition of self catering accommodation is that which is available for letting commercially for short periods totaling 140 days or more a year. They advise that short periods means letting for periods of a month or less to different individuals on each occasion). A one month limit for use is also in line with conditions being applied in the Broads Authority and an Inspector's planning application appeal decision in East Ruston.

Cottages, chalets and caravans are all capable of being occupied as permanent homes and / or 'holiday homes' and the Council considers that the determining factors in relation to the type of occupancy control should be **location** and **occupancy**, not the type of structure. The Council nevertheless recognises that there may be some caravan and holiday camp sites where an alternative approach to restricting occupation may be appropriate. For example, many sites close for certain periods of the year and / or have separate management arrangements in place to prevent year-round occupation. Holiday occupancy conditions will still need to be placed on any new such holiday park provision to ensure that it is used for holiday purposes only, however the requirement for 140 days commercial letting may not be necessary. Applicants will need to

demonstrate why the particular circumstances relating to the proposal justify a departure from the Council's standard conditions. Where this can be demonstrated, appropriate holiday occupancy conditions will be imposed to ensure that the units will be used for holiday purposes only and not be occupied as the sole or main residence of the occupiers. A register of lettings / occupation will be maintained at all times and shall be made available for inspection to an officer of the local planning authority on request

Possible amendment to Policy EC10

Therefore an amendment to the supporting text to policy EC10 could be considered by the Inspector:

New paragraph after 3.4.42 (HM22): 'Chalets and caravans are also capable of being occupied as permanent homes, however the Council nevertheless recognises that there may be some caravan and holiday park sites where an alternative approach to restricting occupation may be appropriate. For example, many sites close for certain periods of the year or have separate management arrangements in place to prevent year-round occupation and / or ensure a regular turnover of guests. Holiday occupancy conditions will still need to be placed on any new provision to ensure that it is used for holiday purposes only, however applicants may be able to demonstrate why the particular circumstances relating to the proposal justify a departure from the Council's standard conditions.'

A footnote reference could also be added to the second bullet point of policy EC10 to state 'alternative arrangements may be appropriate on caravan or holiday park sites.' **(HM23)**

3) Additional Representor argument:

At the hearing session on Day 11 (15 January 2008) an additional amendment to policy EC10 was suggested by Nigel Morgan of Edwin Watson Partnership as he was concerned that the criteria as worded would allow a property owner to advertise the property at an extortionate amount in an obscure publication, thereby complying with the criteria but resulting in no lettings and therefore being able to be occupied by the owner for vast periods of the year.

He therefore suggested replacing the second bullet point with:

- 'For at least 140 days in any one calendar year it shall be occupied for no purpose other than commercial holiday lets with no individual occupying for more than 31 (62?) days in that period.' **(HM24)**

4) Council's response

Rather than amending the bullet point, an amendment to the supporting text could clarify that property owners are required to market the property in an appropriate manner.

- **Suggested addition to paragraph 3.4.39:** 'It must be demonstrated that the property has been marketed in appropriate publications at an appropriate price in order to comply with the criteria for commercial letting.' **(HM25)**

The final bullet point of EC10 could also refer to maintaining proof of advertising of the accommodation to comply with the second bullet point:

- **Suggested addition to the third bullet point of EC10:** 'A register of lettings / occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the local planning authority on request.' **(HM26)**