

# **Caravans and Chalets Occupancy Restrictions Review**

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# Review outline

1. Background
2. Purpose of Review
3. Flood risk considerations
4. Planning Policy
5. Planning Enforcement
6. Other issues
7. Next steps

# Background

- 41 caravan sites in Tendring District
- 10 different occupancy restrictions that range from 1 March – 31<sup>st</sup> January, some including Winter Weekends and 10 consecutive days which includes Christmas and New Year.
- 5 caravan sites have been granted All year round holiday use
- 7 caravan sites are residential

# Example of Bel Air Spreadsheet

4	Seavick Road		NOD										
5	Seavick Road		TEN2256/61	Tue Oklat bunqelaar (1March -31October)									
Plot 1 (6)	Seavick Road		TEN2227/4, TEN227/4, TEN1111/95, TEN227/73	1March -31October									
7	Seavick Road		TEN1550/63, TEN197/79, TEN192/73	Unrestricted use for residential Occupation all the year until 29/2/23. Change of use to all year occupation.									
9	Seavick Road		TEN154/71	Routing of bunqelaar approved under 240/77 (Site 10) (1March -31October)	09/09/21/BEROHC3 01.03.2019	01.11.2019	Completed by 25.01.2019	TEN240/711Mar -31Oct					
10	Seavick Road		TEN150/4, TEN163/73, TEN2227/4, TEN1204/78	1March -31October * Winter use/weekend + 10 Consecutive days									
12	Seavick Road		TEN226/61, TEN2227/4, TEN157/63	1March -31October									
13	Seavick Road		D200197/FUL	Stationing of a caravan for seasonal/holiday use. 1March -14January	06/00322/CONGUS3 05.05.2011	09.12.2011		Change of use of land to use for the retention of artistic					
14	Seavick Road		TEN174/6, TEN255/42, TEN2227/4, TEN112/66, TEN1530/6, 06/01575/LUEX	Use of land for residential garden, construction of hard surf area or for stationing caravan and play domestic purposes, and stationing of caravan for seasonal/holiday purposes, all in conjunction with residential use of number 16 Seavick Road, Seavick.									
16	Seavick Road		TEN227/60, TEN114/61	One Seasonal Caravan									
16a	Seavick Road		TEN227/67, TEN156/60, TEN1552/67	1March -31October * Winter use/weekend + 10 Consecutive days									
16b	Seavick Road		TEN227/67, TEN156/60, TEN1552/67	1March -31October * Winter use/weekend + 10 Consecutive days									
17	Seavick Road		TEN155/49, TEN1010/64	1March -31October									
17a	Seavick Road		TEN227/67, TEN156/60, TEN1552/67	1March -31October * Winter use/weekend + 10 Consecutive days	09/00333/BEROHC3 23.01.2009	23.11.2009	<b>CASE CLOSED</b>	TEN1552/67 1Mar -31Oct + VV + 10 Consec					
17b	Seavick Road		TEN227/67, TEN156/60, TEN1552/67	1March -31October * Winter use/weekend + 10 Consecutive days									
Site 4	Seavick Road		TEN2227/4	5 Holiday bunqelaar (1March -31October)									
18	Seavick Road		TEN1530/67	1March -31October									
20	Seavick Road		TEN119/61, TEN153/73, 02/006952/LUEX	Certificate of Lawful Use									
Site 5	Seavick Road		TEN1596/76	1March -31October									
22	Seavick Road		TEN2227/4, TEN193/75, TEN1243/75, TEN1409/68, 02/00694/LUEX	Certificate of Lawful Use									
22a	Seavick Road		TEN1552/67	1March -31October * Winter use/weekend + 10 Consecutive days	06/00555/BEROHC3 12/02/2009	12/11/2009	<b>CASE CLOSED</b>	TEN1552/67 1Mar -31Oct + VV + 10 Consec	22a, Bel Air Estate, St Oryth, Clecten On Sea, Essex, O016 8SH			Resident all year.	
22b	Seavick Road		TEN1552/67	1March -31October * Winter use/weekend + 10 Consecutive days	09/00555/BEROHC3 15.01.2009	15.11.2009	Completed by 09.01.2009	<b>CASE CLOSED</b>	TEN1552/67 1Mar -31Oct + VV + 10 Consec	22b, Bel Air Estate, St Oryth, Clecten On Sea, Essex, O016 8SH		Benefit occupier all year	
22c	Seavick Road		TEN1552/67	1March -31October * Winter use/weekend + 10 Consecutive days	09/00012/S172					22c, Bel Air Estate, St Oryth, Clecten On Sea, Essex, O016 8SH		Benefit occupier all year	
Site 6 (21)	Seavick Road		TEN197/000, TEN197/001, TEN197/098	1March -31October * Winter use/weekend + 10 Consecutive days									
Site 7 (13)	Seavick Road		TEN159/48, TEN195/098, TEN197/000	1March -31October * Winter use/weekend + 10 Consecutive days									
23	Seavick Road		9700199/FUL, 02/00694/LUEX	Certificate of Lawful Use									
24	Seavick Road		02/00694/LUEX	Certificate of Lawful Use									
Site 8	Seavick Road		TEN159/49	Site for Trailer Caravan (hill 31.12.83 between 1March -31October)									
Site 9	Seavick Road		TEN194/777, TEN1527/69, TEN1527/65, TEN1010/718, TEN1020/95, 03/00463/FUL	Prepared bunqelaar at variance to 02/00598 1March -31October.									
Site 10	Seavick Road		TEN240/771, TEN1550/63, TEN197/79, TEN1527/65, TEN1527/67, TEN1527/69, TEN1527/71	Prepared bunqelaar at variance to 02/00598 1March -31October.									
11	Seavick Road		95/00104/FUL, 01/00170/FUL, 02/00593/FUL, 02/00443/FUL, 13/00291/FUL	1March -14January									
23a	Seavick Road		TEN14/65	Holiday Oklat. No Condition	06/00154/BEROHC3 17.10.2009	15.10.2009	Completed by 29.05.2009	<b>CASE CLOSED</b>	TEN1552/67 1Mar -31Oct + VV + 10 Consec	23a, Bel Air Estate, St Oryth, Clecten On Sea, Essex, O016 8SH		Benefit occupier all year	
23b	Seavick Road		TEN14/65	Holiday Oklat. No Condition	PCN 04/00159/BEROHC3			<b>CASE CLOSED</b>		23b, Bel Air Estate, St Oryth, Clecten On Sea, Essex, O016 8SH		Benefit occupier all year	
23c	Seavick Road		TEN14/65	Holiday Oklat. No Condition						23c, Bel Air Estate, St Oryth, Clecten On Sea, Essex, O016 8SH		Second Home	
24a	Seavick Road		TEN1552/67	1March -31October * Winter use/weekend + 10 Consecutive days	PCN 04/00159/BEROHC3			Completed by 29.08.2009	<b>CASE CLOSED</b>	24a, Bel Air Estate, St Oryth, Clecten On Sea, Essex, O016 8SH		Resident all year.	

# Example of Point Clear Bay spreadsheet

64	Colne Way	TEN/345/56, TEN/242/58, TEN/119/59			1March - 31Oct.					64, Colne Way.	1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days	
65	Colne Way	TEN/345/56, TEN/242/58, TEN/119/59, TEN/1346/88	Granted		Mr P A Smith Permanent Occupation?					65, Colne Way.	Named Mrs P A Smith then 1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days	
66	Colne Way	TEN/345/56, TEN/242/58, TEN/119/59, TEN/1348/88	Granted		Succeeded on ground (d) as the breach took place 4 years prior to the service of the notice in February 1983					66, Colne Way.	Full Residential Status	All year
67	Colne Way	TEN/345/56, TEN/242/58, TEN/119/59, TEN/1677/89	Granted		1March-31Oct + Winter weekends + 10 Consecutive days					67, Colne Way.	1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days	
68	Colne Way	TEN/345/56, TEN/242/58, TEN/119/59, TEN/1349/88	Granted		Mrs K J Small Permanent Occupation					68, Colne Way.	Named Mr C R Small then 1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days	All year
69	Colne Way	TEN/345/56, TEN/242/58, TEN/119/59			1March - 31Oct.					69, Colne Way.	1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days	All year
70	Colne Way	TEN/345/56, TEN/242/58, TEN/119/59			1March - 31Oct.					70, Colne Way.	1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days	All year
85	Colne Way	TEN/345/56, TEN/242/58, TEN/119/59, TEN/97/0092/LU EX			Certificate of Lawful Use					85,	1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days	
86	Colne Way	TEN/345/56, TEN/242/58, TEN/119/59, TEN/1413/88, TEN/97/0221	Granted		1March-31Oct + Winter weekends + 10 Consecutive days	10/00618/BRC H C3 28.06.2012	01.11.2013	TEN/1413/88 1 Mar - 31Oct + w/w + 10 Consec		86, Norman Way.	1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days	

# Example of Wrabness Foreshore spreadsheet.

33	West Foreshore, Wrabness	No Planning		No restrictions		33, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	NO PLANNING NO RESTRICTIONS
34	West Foreshore, Wrabness	No Planning		No restrictions		34, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	NO PLANNING NO RESTRICTIONS
35	West Foreshore, Wrabness	No Planning		No restrictions		35, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	NO PLANNING NO RESTRICTIONS
36	West Foreshore, Wrabness	No Planning		No restrictions		36, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	NO PLANNING NO RESTRICTIONS
37	West Foreshore, Wrabness	95/00238		1 Mar - 31 Oct		37, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	95/00238 Summer use only 1st mar - 31st October
38	West Foreshore, Wrabness	No Planning		No restrictions		38, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	NO PLANNING NO RESTRICTIONS
39	West Foreshore, Wrabness	1607/89		1 Mar - 31 Oct + WW + 10 Consec		39, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	1607/89 1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days (Use any week ends)
40 Longshore	West Foreshore, Wrabness	02/02387		1 Mar - 31 Oct + WW + 10 Consec		Longshore, 40, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	02/02387 1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days (Use any week ends)
Perona	West Foreshore, Wrabness	77/66		1 Mar - 31 Oct + WW + 10 Consec		Perona, 40, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days (Use any week ends)
41	West Foreshore, Wrabness	436/71, 00/00298		1 Mar - 31 Oct + WW + 10 Consec		41, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	436/71 00/00298 1Nov-end Feb Noon Friday to Noon Monday, 10 consecutive days (Use any week ends)
42	West Foreshore, Wrabness	No Planning		No restrictions		42, The Shore, Wrabness, Manningtree, Essex, CO11 2BB	NO PLANNING NO RESTRICTIONS

# Purpose of Review

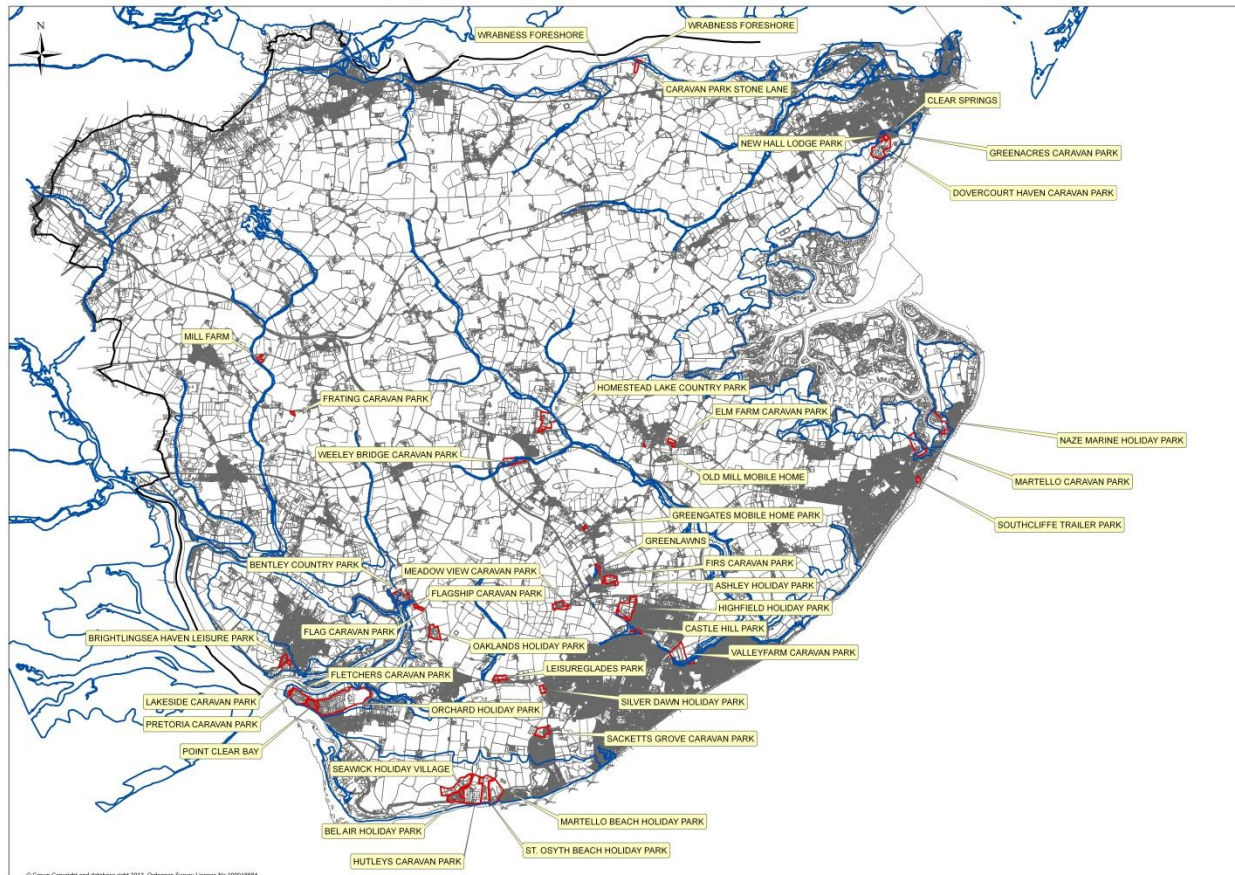
- Establish clear picture of current pattern of restrictions across the district
- Understand reasons for variations across the district
- Explore possibility of applying a consistent district-wide winter occupancy policy

# Flood risk

- Low lying peninsula
- Coastal and tidal flooding recognised as a significant risk due to likelihood and potential impact
- Surge tides combined with high tides create greatest risk e.g. January 1953 and December 2013
- Slightly more likely Autumn – late February



# Caravan Sites in Relation to Flood Zone Areas



# Planning Policy

- National Planning Policy Framework
- Paragraphs 99-108 relate to flooding and coastal change
- Paragraph 100:  
“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”

# Planning Policy – technical guidance

- Caravans, mobile homes and park homes intended for permanent residential use are classified as “highly vulnerable” to flooding
- “Highly vulnerable” to flooding should not be permitted in flood zone 3 and should only be permitted in flood risk zone 2 in the exception test is passed

# Planning Policy – technical guidance

- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan are classified as “more vulnerable” to flooding.
- “More vulnerable” to flooding should only be permitted in the flood risk zone 3 if the exception test is passed. These uses are appropriate in flood risk zone 2 accompanied by a flood risk assessment

# Planning Policy – technical guidance

- Exception test
  - Development provides wider sustainability benefits to community that outweigh flood risk.
  - and
  - Site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

## Other Issues

- Emergency planning – coastal flooding is greatest risk in Tendring
- Licensing regime applies to caravan sites
- Housing – enforcement of conditions may impact on demand for housing
- Financial – including Council Tax liabilities, the local council tax support scheme and new homes bonus

# Cabinet decision – next steps

- TDC Cabinet considered report on 13<sup>th</sup> December 2013 and resolved that:
  - Cabinet supports need for review
  - Further report by presented to Cabinet in April/May 2014 with policy recommendation informed by further work

# Cabinet decision – next steps

- Officers continue to liaise with the Environment Agency to understand the flood risk issues, with particular reference to recent emergency procedures, on a site by site basis to be able to establish what type of accommodation and occupancy restrictions would be acceptable in which locations.
  - This work is progressing



# Cabinet decision – next steps

- Officers continue to work with the various sites and individuals in the affected areas to improve their emergency planning procedures. In particular, to improve their evacuation plans, collate site and owners' contact details and increase the level of sign up to the Environment Agency's early warning systems.
  - This work includes today's event

# Cabinet decision – next steps

- Further analysis of relevant planning appeal decisions, case law and national policies is undertaken to further understand the current situation elsewhere and to enable a policy recommendation to be made which is tailored to the Tendring District position
  - This work is progressing