

Application Details	
Application Number:	3/26/21/022
Application Type	Full application
Description	Change of use of land with siting of 6 No. static caravans for holiday let use (retention of works already undertaken)
Site Address	Caravan, The Blue Anchor, Cleeve Hill, Watchet, TA24 6JP
Parish	Old Cleve
Conservation Area	No
Somerset Level and Moors RAMSAR Catchment area	No
AONB	No
Case Officer	Briony Waterman
Applicant	Mr Marcus Kravis

Recommendation

That planning permission be GRANTED subject to conditions

Recommended Conditions

- 1 The works hereby permitted shall be removed and the use hereby permitted shall be discontinued, the caravans removed and the land restored to its former condition on or before five years from the date of the permission, in accordance with a scheme of work submitted to and approved by the Local Planning Authority and all materials and equipment brought on to the site in connection with the use shall be removed by the aforementioned time.

Reason: Due to the rates of coastal erosion along this stretch of coastline.

- 2 A soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission The scheme shall include details of the tree and shrub species, siting and numbers to be planted.

(ii) The approved scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of approval of the scheme. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority within 10 working days thereof.

(iii) For a period of five years after the completion of the approved landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 3 The caravans shall be occupied as holiday accommodation only between the 1st April to 31st October each year.

The caravans shall not be occupied as a person's sole or main place of residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To prevent permanent occupation of residential units within the open countryside.

- 4 Within three months of the date of this permission one log pile as a resting place for reptiles and/or amphibians shall be constructed on the eastern boundary details of which shall be first submitted to and approved by the Local Planning Authority in writing and thereafter retained as such.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

- 5 Within three months of the date of this permission an invertebrates' hotel will be installed on the site, details of which shall be first submitted to and approved by the Local Planning Authority in writing and thereafter retained as such.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

- 6 Prior to the first occupation of any of the caravans hereby permitted, the area allocated for parking and turning shown on the submitted plan, drawing number 2239.1/200A, shall be provided to the satisfaction of the Local Planning Authority. This area is to be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

- 7 At the access to the site there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility plays shown on the submitted block plan, drawing no 2239.1/200B. Such visibility plays shall be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

- 8 Within three months of the date of this permission works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that agreed form.

Reason: To ensure the adequate provision of drainage infrastructure.

Informative notes to applicant

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

Proposal

1. Permission is sought for the change of use of parking area with siting of 6no. static caravans for holiday let use (retention of works already undertaken).

Site Description

2. The site lies to the south west of the "Blue Anchor" pub, it is accessed via a shared access with the pub car park from Cleeve Hill. At the time of the site visit on 10th January 2022, there were 5 caravans on the site which has been hard surfaced. Directly north from the site is an area of greenery and the public footpath and the cliff edge. This section of the cliff has undergone recent changes in both cliff retreat and the addition of coastal defences. The caravans are currently located approximately 55m away from the cliff edge.

Relevant Planning History

3/26/08/025 - erection of two detached bungalows with attached garages - refused 13/11/2008

3/26/07/018 - permission for 2 existing caravans on the road side of the top field - refused 14/09/2007 - allowed at appeal for the temporary accommodation of seasonal staff, limited to a period of 5 years.

Consultation Responses

Old Cleeve Parish Council - OBJECT to this application for the following reasons:

1. The unauthorized commencement of this development was reported to the former West Somerset Council in 2018 prior to the installation of the

caravans. It was reported again in 2019 to the current Somerset West and Taunton Council. Further reports were made in 2020 and 2021 and these were acknowledged by the Planning Enforcement Officer.

2. A major concern is that by stripping the previous pasture land of turf, excavation, the placing of porous stone surfacing and installation of services (water, power and foul drainage) will allow surface water to permeate the subsoil and provide conduit pathways for subsoil water to saturate the strata below and add to coastal erosion. This concern was expressed at the Dunster Panel meeting and acknowledged by the former Leader (A Trollope-Bellew) and Somerset Highways (D Peake). NO development should be placed between the B3191 and the cliff face. It is well acknowledged that this location is subject to coastal erosion and indeed has accelerated in recent years. The placement of rock armouring in November 2020 affords only a temporary protection from sea erosion but does not address erosion or slumping of the ground above due to soil saturation. Whilst there is a project for further protection works in June 2022, it is not a 'permanent' solution.
3. The agent cites a previous application dated 2007 for two staff caravans (ref: 3/26/07/018). The application was refused but approved following appeal. This was a time limited consent and subject to restrictive conditions. There is no submitted evidence that the works were implemented or conditions applied with, and therefore has little relevance to this scheme.
4. There are a number of problems or queries with the application form:
 - Question 5: This has been answered as 1-5-2017. This date is disputed as the Parish Council reported the commenced work prior to installing the caravans in July 2018 and subsequent reports to the Planning Enforcement Officer to ensure that the four-year rule for enforcement was applicable. The engineering works have been completed but only 5 of the 6 potential caravans have been installed.
 - Question 6, Existing use: This has been answered as parking area. In our opinion, this is an incorrect statement as the area now allocated formed part of a much larger pasture area known as Home Close. Reports have been made to the former Council regarding the dumped rubbish on this location, some of which is still evident at present.
 - Question 8, Pedestrian & vehicle access, roads and rights of way: A right of way (Coast Path) accessed through the 'Blue Anchor' vehicular access (B3191) to link to footpath WL18/62 is currently temporarily closed due to cliff subsidence north of Warren Farm.
 - Question 10, Hedges & trees: Part of this question has been answered 'yes'. However, no details are submitted as requested in part 3 of this question.
 - Question 11, Assessment of flood risk: How will surface water be disposed of? Both soakaway and main sewer have been indicated! No details are provided for proper evaluation.
 - Question 12, Biodiversity & geological conservation: The cliffs between Blue Anchor and Watchet are a designated SSI location.
 - Question 13, Fouls sewage: Reference is made to mains sewer disposal

and drawing reference 2239/201 proposed site layout plans. No details of drainage or main sewer connection are indicated.

- Question 24, Authority Member/ employee: This question has been answered 'yes'. However the second part of the question has not been completed.
 - Question 25, Ownership certificates & agricultural land declaration: The agent has signed and declared Certificate 'A' that the applicant (M. Kravis) to have sole interest in the premises. The Parish Council understands that the premises are in fact owned by Cara Strom and therefore questions the validity of this statement and Application.
5. Biodiversity Checklist: Section 2, Question 10 has been answered 'no'. This is not a true statement as the site is adjacent to rough pasture open countryside and confirmed in the applicant's design and access statement, at least two boundaries are hedgerows.
 6. Climate Emergency Checklist: All answers are negative with no mitigation. As all caravans / mobile homes do not comply with building regulations, they are woefully inadequate in thermal insulation performance and of limited life expectancy. Some measures can be taken to reduce the energy consumption by limiting the occupancy to the months between April and October. Full year operating capacity will encourage the disproportionate use of fuels for both heating and lighting with an increase in water consumption.

Finally, the caravans are stated as being for holiday use yet the owners' website shows that they are already fully booked through 2022. There is therefore a likelihood that they may be used as residential

Planning Enforcement – have been monitoring the position

Highways Development Control - No objection subject to the following condition is recommended:

Prior to occupation of the development hereby approved the area allocated for parking and turning on the submitted plan, drawing number 2239.1/200A, shall be provided. This area is to be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Following further information that the pub was operating as a pub again highways have issued revised comments:

- The proposal will result in the intensification in the use of a substandard access
- level of intensification will be material it is likely to be substantially less than generated by the pub now being operational again
- no evidence that the access is unsafe
- whilst the risk of vehicle conflict is increased slightly not considered significant to justify objecting to the application
- no obstruction to visibility condition and parking and turning condition.

Wessex Water Authority - no objections

SCC - *Ecologist* - Enhancement conditions

- Log piles for reptiles
- Planting around perimeter
- Invertebrates hotel

Economic Regeneration and Tourism - no comments received

Tree Officer - no comments received

Landscape - no comments received

Habitats Regulations Assessment

1. The site lies outside the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

Representations Received

1. No comments received.

Planning Policy Context

2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.
3. The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).
4. The Somerset West and Taunton District wide Design Guide SPD adopted in December 2021 is a material consideration
5. The National Planning Policy Framework 2021 (the NPPF) is a material consideration.
6. Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
SD1	Presumption in favour of sustainable development
EC9	Tourism outside settlements

NH9 Pollution, contaminated land and land instability

Retained saved policies of the West Somerset Local Plan (2006)

OC1 Open Countryside development
SD1 Presumption in favour of sustainable development
EC9 Tourism outside settlements
NH9 Pollution, contaminated land and land instability

Determining issues and considerations

7. The main issues in considering this application are the principle of development, the impact upon the visual amenity, coastal erosion and land stability and the impact upon the highway network.

Principle of development

8. The site lies outside any defined settlement limits as such Policies OC1 and EC9 are considered relevant.
9. Policy OC1 allows for new build development where it would benefit existing employment activity already established in the area that could not easily be accommodated in a settlement identified in Policy SC1. Whilst it is considered that the occupiers of the caravans would utilise the services and facilities in the surrounding areas, occupiers would be reliant on the private car.
10. Policy EC9 allows for tourism outside settlement limits where it can be demonstrated that it does not affect the vitality and viability of neighbouring settlements and complements the existing tourism service and facility provision in neighbouring settlements without generating unsustainable transport patterns. Whilst this has not been demonstrated, the relatively modest number of caravans are located within walking distance of the other pub within Blue Anchor and the cafes located along the seafront and is adjacent to a number of public footpaths and the proposal is not considered to have a detrimental impact upon the neighbouring settlements.
11. Paragraph 85 of the National Planning Policy Framework (NPPF) states that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads. In this instance it is considered that with some further landscaping that the proposal would not have a significant impact upon the landscape qualities of the area.
12. The proposal is therefore considered to accord with the policies in the

Development Plan and is acceptable in principle. A condition limiting its use to holiday accommodation between the months of April and October inclusive is proposed. The proposed restrictions would be to prevent the site being occupied all year around and to ensure that the it is solely for holiday use only.

Visual amenity

13. The caravans are located to the south east of the site and are well screened from views to the south and east by the existing trees and hedging. Glimpses of the caravans can be seen from the highway as you travel up Cleeve Hill and out of Blue Anchor. However it is considered that the proposal would not result in a significant impact upon the visual amenity of the area due to the existing planting. A condition has been included requesting details of further planting to further shield the development from the highway. There are a number of caravan sites in more prominent positions along Blue Anchor seafront and along Cleeve Hill and it is considered that the occasional vistas of the retained six caravans would not cause significant harm to the appearance or character of the area.

Land stability

14. Policy NH9 (Pollution, contaminated land and land instability) states that "Development proposals will not be permitted on or in close proximity to land known to be, or which may be, unstable". Whilst this stretch of coastline is subject to coastal erosion there have been sea defence works installed at the base of the cliff, which aim to slow the rate of erosion. The caravans are located approximately 55m from the edge of the cliff edge. A stability report commissioned by Somerset County Council consultants has been submitted as part of the application which outlines that the whole length of coastal cliffs between Blue Anchor and Watchet are actively eroding and can be expected to result in future losses of land, and some properties to the sea. Figure 5 within the report shows the projected cliff retreat compared to the 2018 line, it shows that by 2050 it is projected for the cliff to have retreated to the middle of the current location of the caravans.
15. Since the stability report was published, cliff defence works have been installed at the base of the Blue Anchor Inn and a Coastal Defence Scheme delivered by the Council on behalf of and funded by Somerset County Council as Highways Authority to protect the B3191 in situ for the next 50 years. This site will be incidental benefactors. It is anticipated that the land used for the caravans will not be used when re-profiling the cliffs and Officers' view is that the coastal defence scheme will increase stability once the work is completed. Given the uncertainty of how and where the cliff will retreat, it is considered prudent to grant only a temporary permission for the caravans for five years. As such the proposal is not considered to be in conflict with Policy NH9 as the land where the caravans are sited is not currently, based on the submitted report, unstable.

Highways

16. The site utilises an existing substandard access which leads to the Blue Anchor pub and the caravans. However, the Highway Authority have stated that the slight increase in risk is not significant to justify a refusal and have recommended conditions to maintain visibility splays and the parking and turning on site. The proposal incorporates sufficient parking per unit and there is sufficient space to be able to turn within the site. It is therefore considered to not cause significant harm to highway safety. Conditions 6 and 7 suggested by the Highway Authority are proposed

Additional Matters

17. In relation to the comments received from the Parish Council it is acknowledged that it is frustrating to local communities and neighbours when works are undertaken prior to planning permission being sought. However, this is not matter that has any influence on the determination of the application which remains to be determined solely on the basis of its planning merits.
18. The response from the Parish Council raises concerns with the application form including when the work had begun, and the existing use of the land. The Council are aware that there has been an enforcement breach on the site which this application seeks to rectify. The footpath has been redirected to avoid the closure due to cliff subsidence north of Warren Farm, there are no changes required to the trees and hedges within the site. A condition has been included requesting further clarification on drainage in response to the query raised by the Parish.

Biodiversity

19. The proposals are not considered to have a significant impact upon the habitats and biodiversity of the area, there are no significant alterations to the hedgerows. However, despite the recommendation being for a temporary period, there is the opportunity to increase biodiversity net gain through enhancements such as the log pile for reptiles, this is in accordance with the National Planning Policy Framework (NPPF) and the Environment Act. Somerset Ecology Service (SES) suggest a landscaping condition to be included for additional planting around the site. Whilst the permission is for five years it is considered that the additional planting would help screen the site and pub car park after the caravans have been removed and would assist with the increase in biodiversity, resulting in a positive addition to the development and would have long lasting positive impacts upon the surrounding areas.

Planning Balance and Conclusion

20. Given the above it is considered that the proposal would not have a significant impact upon the amenity of the area, and accords with both the West Somerset Local Plan policies and the general principles of the NPPF, specifically Policies OC1, EC9 and paragraph 85 of the NPPF.
21. It is therefore recommended that planning permission be granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.