YORKSHIRE DALES NATIONAL PARK AUTHORITY **ITEM 7**

Committee: **PLANNING**
Date: **23rd March 2021**

Report: **UNAUTHORISED ENGINEERING OPERATIONS: CHANGE IN GROUND LEVELS AND LAYING OF HARDSURFACING AT FALLS COUNTRY PARK, BEEZLEY FARM, ODDIES LANE, INGLETON**

Purpose of the report

1. To update Members of the current situation regarding Falls Country Park, Beezley's Farm.

Update

2. At the meeting on10th March 2020, the Planning Committee decided to defer authorising formal enforcement action in respect of unauthorised engineering operations at this caravan park, to allow time for discussions to take place between Officers and the owner regarding mitigation measures. The report to that meeting is appended.

3. The agent has submitted a proposed planting schedule to the Authority and some planting has been carried out. Trees have been planted in the area just outside the eastern boundary to the field as well as the area to the north and west corners of the field adjacent to Oddies Lane. Three trees are also planted below the new wall for the access. Tree planting has also been undertaken within the central area and this area left fallow. Some tree planting was also carried out in 2018, on the land below to the south of the site. Further planting is also proposed further down the slope towards the river Doe which has not yet been undertaken.

4. Work has also been carried out to tone down the stark appearance of the pitches and circular track. The hard surfacing of the individual pitches is understood to have been covered with soil and the area grassed over. The circular track although still in situ, has had a central grass strip introduced to form a twin wheel track. To screen the tarmac access road, the most southern dry stone wall at the access has been extended to provide some screening.

5. The surfacing of the individual pitches and the grassed centre of the track, in addition extending of the dry stone walling, has brought a considerable improvement to the appearance of the site, both from within the site and from distant views. The new planting given time should provide better screening of the site.

6. To date it is not understood if the grassed pitches are durable enough to withstand the continuous use by touring caravans and associated car parking. Further details of the species and extent of the planting have been requested to assess if this is sufficient to provide screening and some landscape benefit.

RECOMMENDATION

7. The works undertaken, including planting new trees, reseeding the site and extending the dry stone wall have resulted in an improvement to the overall appearance of the site thereby reducing the visual harm on the landscape. Consequently, it is recommended that formal enforcement action is not pursued. Further investigation is required to ascertain the durability of the grassed pitches and clarify the tree species and level of planting. Officers will continue to work with the owners and additional works may be specified to further minimise the visual impact on the landscape.

Nicola Dinsdale
Enforcement Officer
Date: 5th March 2021

Appendices:
Planning Committee Report 10th March 2020

YORKSHIRE DALES NATIONAL PARK AUTHORITY **ITEM 7**

Committee: **PLANNING**
Date: **10 March 2020**

Report: **UNAUTHORISED ENGINEERING OPERATIONS : CHANGE IN GROUND LEVELS AND LAYING OF HARDSURFACING – FALLS COUNTRY PARK, BEEZLEY FARM, ODDIES LANE, INGLETON**

Purpose of the report

8. To advise Members of the current situation and to seek authorisation for formal enforcement action to secure the removal of the hard surfacing within field no. 5594, Beezley Farm and restoration of the land.

Strategic Planning Framework

9. The information and recommendation(s) contained in this report are consistent with the National Planning Policy Framework (NPPF), the Authority's statutory purposes and its approved strategic planning framework:

   Yorkshire Dales Local Plan 2015-2030
   - Policy SP1 - Sustainable Development
   - Policy SP2 – National Park Purposes
   - Policy SP4 - Development Quality
   - Policy T2 - Touring caravan sites
   - Policy W1 - Wildlife Species and networks

10. Paragraph 58 of the Framework (2019) states that: "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control".

Relevant Planning History

11. The following applications are relevant;

    - YD5/45/152 - Application for established use certificate in connection with use of land as caravan and camping site. Not granted
    - YD5/45/152A – Application for full planning permission for retention of caravan and camping site at Beezley Farm, Ingleton

Granted August 1992

- C/45/152D - Application for full planning permission for variation of condition 4 of planning permission YD5/45/152A to reduce the closure period to between 14th January and the 1st March each year at Beezley Farm, Ingleton, Granted September 2009.

Background

12. In 1992 planning application (ref. YD5/45/152A) was granted for the retention of a camping and caravan site at Beezley Farm. This related to the use of fields no. 3152, 3963, 4674, 5189 and field no. 5594. The permission was subject to a condition restricting the layout of the site specifying which fields could be used for long stay caravans, short stay caravans and tents. Field no.5594, the subject of this report, is positioned on the northern perimeter of the site in a highly visible location. Given the high visibility of field no. 5594 permission was granted for this land to be used as a short stay caravan site. Condition 1(e) further specified that the long stay caravans sited within field no. 5594 at the time of the decision may remain on the land, but when removed they may not be replaced by other long stay caravans. This condition was imposed in the interests of reducing the impact that any caravans had on the amenity of the area.

13. The approved details show that eight caravans (long stay) were sited within field no.5594 at the time when planning permission was granted in 1992. The officers report specifies that these caravans were predominantly former touring caravans that had been permanently sited on the land and used for holidays (like a static caravan). Since 2010 none of those eight (long stay) caravans remained and as such the use of the field is restricted to short stay caravans only

14. In 2013 planning application (ref. C/45/152D) was granted for the variation of condition 4 of planning permission YD5/45/152A to reduce the closure period to between 14th January and 1st March each year at Beezley Farm. This planning permission is to be read in conjunction with the original planning permission and therefore field no. 5594 continues to be restricted as a site for short stay tourer caravans.

15. The 1992 planning permission (YD5/45/152A) does not specifically refer to statics and touring caravans but instead refers to ‘long stay’ and ‘short stay’ caravans. It is considered that the term ‘long stay’ can be interpreted as a static caravan (or a caravan sited on long term basis akin to a static) and that a ‘short stay’ is a tourer. The reasons for imposing the conditions offer some clarity in concluding that field no.5594 is a touring site as the conditions imposed are intended to reduce the impact on the amenity of the area. The siting of static (long stay) caravans within field no. 5594 all year round (during the closure period from 1st November to 31st March each year) would not achieve the purpose of the condition. As such it is a reasonable conclusion that field no. 5594 is restricted to use as a touring caravan site.

16. A site licence has been issued by Craven District Council and requires that the site operates within the requirements of the planning permissions (YD5/45/152A and C/45/152D) and the adopted standards for caravan sites and touring sites and specifically controls the health and safety at the site. The adopted standards for touring sites specifies at paragraph 5 that emergency vehicles should be able to secure access at all times to within 90 metres of any unit on the site. There is no requirement under the terms of a site licence for more extensive hard surfacing for touring caravan sites. The point is an important one because development required by a condition of a site licence is "permitted development" under the provisions of the Town and Country Planning (General Permitted Development) Order 2015.

Summary of investigation

17. An enforcement case was opened in June 2017, when it was alleged that excavation works were ongoing within field no. 5594. The site was visited and it became apparent that works had been undertaken to excavate the land and level a grassed mound within the field. Large boulders had been used to form a retaining wall to support the level surface. A new gateway with splays had been installed within the boundary wall adjacent to the access track to Beezley's. Tree planting had been undertaken along the eastern perimeter of the field. A later site visit revealed that aggregate had been laid forming a formal circular track from the newly formed gateway, tarmac had been laid within the gateway, and aggregate had been laid on the level surfaces to form hard standings for the siting of caravans.

18. The agent was contacted and initially commented that the works had been carried out to facilitate its use as a touring site and that the works were necessary to enable safe access and level bases for touring caravans. The agent has been advised that these works go beyond what has been granted planning permission and exceeds what is required by the Craven District Councils Adopted Standards in relation to touring sites and are therefore unauthorised and require planning permission. He has been advised to carryout remedial works to restore the land to how it was prior to the works.

19. Assurances were received from the agent that the Owner is willing to work with the Authority to achieve a sensible solution. However to date no pre-application discussions, or planning application has been submitted to the Authority in relation to field no. 5594 and the works continue to be unauthorised.

20. The agent has also commented that the works are permitted as a requirement of the Site Licence and therefore planning permission is not required. They specify that as the 1992 planning permission (YD5/45/152A) only refers to caravans and the term 'long stay' and 'short stay' that its meaning is unclear.

21. Craven District Council Environmental Health Team has confirmed that there are no provisions for the levelling of the land, the laying of hard standings and for the installation of tracks under the terms of site licence for touring sites. They have however confirmed that that there is a requirement that emergency vehicles can

securely access the site at all times to within 90 metres of any unit on the site. It appears that there may be scope for a small access under the terms of the site licence, however to date no details of this has been provided.

Planning Assessment

22. Field no. 5594 is located in a highly visible location and can be viewed in the wider landscape. The engineering operations have resulted in a fairly naturalised grassed field being materially altered. The introduction of hard surfacing has an all year round impact, including between 14th January and 1st March each year when the site is closed and any touring caravan has been removed. It is considered that the works have a harmful impact on the character and appearance of the area and should be removed and the land reinstated to its condition prior to the works commencing.

23. Officers do not agree with the agent's assertion that the works carried out are permitted under the terms of the site licence. It is clear that the conditions and reasons within the planning decision notice support the conclusion that short stay caravans refers to touring caravans and that the details of planning permission YD5/45/152 grants planning permission for field no. 5594 as a touring site. The previous long stay caravans sited within field no. 5594 at the time planning permission was granted have been removed. The planning permission does not authorise the siting of any static caravan within field no.5594. In addition Craven District Council's Environmental Health Team has commented that a touring site does not require the levelling, and surfacing or the installation of tracks (other that the provision of access for emergency vehicles) and therefore these works are not permitted by the site licence and the works are unauthorised requiring planning permission.

24. The landscape in this location is unique with protection afforded to the special qualities of the National Park from sporadic development by restrictive planning policies in the Yorkshire Dales Local Plan (2015) (policies SP1, SP2 and SP4). The extent of the engineering operations carried out to date are wholly inappropriate for a touring site having a harmful impact on the natural beauty of the National Park landscape contrary to policy T2 (touring caravan sites) contained within the Yorkshire Dales Local Plan 2015.

RECOMMENDATION

25. That the Authority's Solicitor be authorised to serve an Enforcement Notice to secure:

a) The removal of the hard surfacing of the access, the track and hard standings, as well as the removal of the retaining wall;
b) The re-grading of the land to the levels it was prior to the works commencing;
c) The re-seeding of the affected area with grass.
d) A compliance period of three months be allowed

19. That in the event of non-compliance with the requirements of the enforcement notice, the Authority's solicitor be authorised to commence prosecution.

Nicola Dinsdale
Enforcement Officer
25th February 2020