

# Procedural Review (Addendum)

Rocklands Caravan Park

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10 NOVEMBER 2014

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## **1. Introduction**

- 1.1 My initial Procedural Review into the Council's action with respect to Rocklands Caravan Park was not intended to include investigation into the caravan site licences and the relationship between the Caravan Site Licence and the Planning Act. My initial brief specifically excluded this issue.
- 1.2 I have been asked to extend my Procedural Review into an examination of Council policy and practice with respect to the issuing of Caravan Site Licences and any overlap with planning law. With respect to Rocklands Caravan Park, the Council has asked for an independent review into the planning history and the potential options for taking enforcement action against developments of roads and stationing of caravans on the lower slopes of the caravan park.

## **2 Background**

- 2.1 On the occasion of the landslip in February 2014, a number of caravans, services and roadways became visible on the lower slopes of the caravan park that had previously been hidden from general view.
- 2.2 It appeared that 6 caravans had been sited on land at the lower slopes of the caravan park, serviced by terracing or hardstandings and a roadway. It is not certain when these caravans were installed and the terracing, hardstandings or road constructed.
- 2.3 During the landslip most of the caravans have had to be removed, as the ground beneath had given way. The Council's planning enforcement team has confirmed that the one caravan that had remained has now also been removed, leaving some of the concrete areas in situ. There remains debris on the site apparently from former terracing or hardstanding.
- 2.4 Other concerns raised by members of the public are that there have been other breaches of the Site Licence relating to positioning of hardstandings and caravans, width of roads, standards of car parks, water supply, drainage and provision of amenity space. The lack of site inspections over a period of time is also raised as a matter of concern.

## **3 Documents Examined**

- 3.1 I have examined a number of documents in the undertaking of this addendum to my Procedural Review. These are listed as follows:

- Caravan Sites and Control of Development Act 1960
- Copies of available Caravan Site Licences issued to Rocklands Caravan Park.
- Town and Country Planning (General Permitted Development)(Order) 1995

Objectors' documents:

- History of Rocklands developments.doc (updated)
- Introduction.doc
- Section 1\_False statements ,Omissions and Process Failures on planning Applications.doc
- Section 2\_Non-Authorized works at the Rocklands Site.doc
- Section 3\_Breaches of the Caravan Park Licence by Rocklands.doc
- Section 4\_Breaches of other regulations by Rocklands.doc
- Section 5\_Failure of HBC officers to inspect, investigate and enforce.doc

- Section 6\_The Trojan Horse.doc
- Planning emails.doc
- PressStatement\_04062014\_Response without appendix.doc
- Roads and Car\_Park-Compressed.doc
- Six Holiday Flats with Penthouse Suite.docx
- The Bungalow Site 12\_00952 and 14\_00406.docx
- Tree\_Removals\_Compressed.doc
- Rocklands\_Site\_Licence\_Conditions\_annotated.doc
- Rocklands Caravan Park History.docx
- 4 photographs

I confirmed with the objectors that this is a full list of their documents provided directly to me in an email exchange dated 2 September 2014

- 3.2 The comments made within this Procedural report are made without the benefit of legal advice or case law relating to the Caravan Site and Control of Development Act 1960 and any subsequent amendments of that Act or the Town and Country Planning Acts relating to caravan sites.

## 4 Executive Summary

- 4.1 With respect to Caravan Site Licences, the Borough Council has not undertaken its responsibility properly.
- 4.2 The Caravan Site Licence issued in 2012 included conditions that, although they were generally applicable to Rocklands, did not accurately reflect the current site situation. The site layout plan was not suitable, in that it was not as detailed as required and did not reflect the planning permissions that the site benefits from.
- 4.3 The Borough Council recognises this and intends to undertake a root and branch review of Caravan Site Licence protocols, that will include consulting other departments, including the Planning Departments, on all new Caravan Site Licence applications; and ensuring reciprocal arrangements when new planning applications are received.
- 4.4 In addition, the Council will review all current Caravan Site Licences, including that at Rocklands Caravan Park, to bring them up to date. It may be that in this process, the Borough Council could negotiate landscaping areas to enhance the amenity of the site where vegetation has been lost, subject to geotechnical assessment of slope stability.
- 4.5 There is no planning permission for caravans or the terracing or hardstanding to accommodate them on the lower slopes of the caravan park. The planning history reveals a consistent resistance of planning consent for caravans in this area, due to the harmful impact this would have on the Country Park and the High Weald Area of Outstanding Natural Beauty. On two occasions, planning refusals were upheld at appeal.
- 4.6 It is my view that the Caravan Site Licence does not confer development rights for this part of the site, as planning permission is required and the Caravan Site Licence should reflect that the consent granted under the Planning Act that the site benefits from.
- 4.7 There is planning permission for a road serving the lower slopes. A road and car parking is shown on the 1978 planning permission for the site. Without further detailed measured surveys, it is not possible to state whether the road and hardstanding that exists on the ground lies in the same location as those shown on the 1978 approved layout plan. However evidence suggests that the road and some hardstanding has been in existence for a period in excess of 10 years, and would be immune from enforcement. Any resurfacing or upgrading of the road would be within the scope of the Caravan Site Licence.
- 4.8 The Council could legitimately take enforcement action against the remaining caravan on the lower slopes. It would not be appropriate to seek a planning application, because the consistent planning history indicates it could not be supported. Additionally, the Coffey report recommends that all caravans be removed for safety reasons. Such action should take the form of an enforcement notice, within a time frame negotiated with the landowners.
- 4.9 Because of the question marks over the future of the land and its long-term stability, no further development is appropriate in the short term. Whether the land could remain as part of the caravan site as an amenity area or play area can only be answered following further geotechnical assessment of the slope stability and whether it can be stabilised, taking into account costs and the objectives of the nature conservation designations.
- 4.10 Geotechnical assessment would also confirm whether the removal of debris from the lower slopes is appropriate.

## **5 Caravan Site Licence Issues at Rocklands Caravan Park**

### **5.1 Introduction**

- 5.1.1 The first part of this Review examines the issuing of Site Licences under the Caravan Sites and Control of Development Act 1960 by Hastings Borough Council. The Council has commissioned a Caravan Site Licence compliance audit. I will make reference to this where appropriate.
- 5.1.2 The planning history of the site is of relevance, so this report will set out the planning history of the lower slopes of the site, to establish what planning permissions exist.
- 5.1.3 Finally, I will comment on the Council's actions to date, and the potential subsequent action that could be taken.

### **5.2 Caravan Sites and Control of Development Act 1960**

- 5.2.1 This section sets out briefly the provisions of the 1960 Act. This section is not a complete listing of the provisions, but the main provisions where they are relevant to this case.
- 5.2.2 The Caravan Sites and Control of Development Act 1960 is an Act to make provision for the licensing and control of caravan sites. It prohibits the use of land as a caravan park without a licence (with some exceptions that are not relevant here). Rocklands Caravan Site is required to hold a Caravan Site Licence.
- 5.2.3 An Authority, in this case the Environmental Services Directorate of Hastings Borough Council, has the authority to issue licences following an application.
- 5.2.4 A licence can only be issued if the applicant is entitled to the benefit of a permission for the use of land as a caravan park granted under the planning acts. Site licences shall reflect temporary planning consents in duration.
- 5.2.5 Local authorities have the ability to impose conditions on a site licence. Such conditions could restrict occasions when caravans are stationed, limit the number of caravans; control the type of caravan (although not the materials they are constructed of). Conditions can regulate the positions of caravans, the layout of sites and identifying areas where caravans are prohibited. Conditions can also secure preserving or enhancing the amenity of sites, including planting or trees and bushes. Fire protection measures, sanitary measures and other facilities can also be included in the conditions.
- 5.2.6 There is no legal requirement for the Council to apply conditions.
- 5.2.7 There is no legal requirement for Council's to inspect caravan sites.
- 5.2.8 The Council is permitted under the Act to alter conditions imposed on a Site Licence. The Council can do this at any time. It can vary existing conditions, cancel conditions or impose new conditions. Before doing so, the local authority must give the licence holders the opportunity to make representations. If the licence holders is unhappy with any change to a condition, (s) he is able within a time period to appeal to Magistrates Court. If the appeal is allowed the Magistrates Court will direct the Council as necessary.
- 5.2.9 A breach of a condition on a licence is an offence and a fine would be payable. If a licence holder is convicted on two or more occasions for breaches of site licence conditions, the Authority can apply for the licence to be revoked.

5.2.10 It is possible under the Act to transfer a site licence from one landowner to another on the sale of a caravan park. The local authority must agree to the transfer and must endorse the name of the person to which the land is to be transferred on the licence.

### **5.3 Caravan Site Licences Issued at Rocklands Caravan Park**

5.3.1 The Council has not kept any Caravan Site Licences issued to Rocklands earlier than 1997. In 1997 the Council issued a Site Licence and unfortunately the site licence conditions and a plan are not available. It appears as though this Site Licence might have been issued as a result of a transfer from Mr. Tierny, via a number of persons, to Mr. and Mrs. Guilliard and their son in 1997. However, the 1997 Site Licence remains in the name of Mr. Tierny, which appears incorrect.

5.3.2 In 2012 the Council issued a new Caravan Site Licence. No inspection took place at the time the new licence was issued. A site layout plan was requested and the licence holders submitted a plan. The new licence included conditions, and the plan submitted by the licence holders was attached.

5.3.3 The Council has commissioned a Caravan Site Licence compliance audit from RH Environmental Ltd into the Rocklands Caravan Park, so I do not propose to detail all the conditions applicable to the site; many of which are unrelated to planning. Some are relevant however and are considered below.

5.3.4 Condition 2 limits the number of caravans to 82 on the site at any one time. The Caravan Site Licence compliance audit noted that the current number (in August 2014) was 76 caravans (of which 2 were on the lower slopes and 2 awaiting removal). The audit states that the site is not large enough to accommodate 82 caravans, particularly if the lower slopes become un-usable, and suggests that 72 would be a more achievable figure.

5.3.5 Condition 4 requires that a layout plan of the site "showing the position of the caravans, ablution blocks, fire points, roads, refuse points, waste water disposal points and standpipes" be deposited with the Council when making an application. The condition goes on to state that none of the items listed should be moved, added or removed from the land without submission of a revised layout plan and the written approval of the Council being obtained.

5.3.6 The Caravan Site Licence compliance audit suggests that the site layout plan for the caravan site did not fulfill the requirements of the condition. This is because there are items listed in condition 4 that are not shown on the plan; fire points and refuse points etc. Condition 4 also lists items that are no longer in use at the caravan park because each caravan is fully serviced. The site boundary is not shown. Finally condition 4 and the site plan should list vehicle and pedestrian access points, paths, car parks, recreation area, laundry block, information point and location for inquiries.

5.3.7 The Caravan Site Licence compliance audit raises concerns about both the wording of condition 4 and the site plan. The compliance auditors report that any breach of that condition would be hard to enforce as a result. The report identifies some breaches of the condition, namely removal and re-siting of hardstanding, re-orientating of caravans, verandahs and sanitary block being converted to a workshop.

5.3.8 Condition 7 states that roads of a suitable material shall be provided so that no caravan or toilet block is more than 45m from a road. The condition states standard widths and surfacing of roads and footways. The condition permits the repair and upgrading of

roads within the site. The audit recommends repairs to some roads and verges, and the rewording of the condition in the Licence.

- 5.3.9 Condition 30 relates to recreation space. The Caravan Site Licence compliance audit notes that the recreation area is not accessible due to the landslip and that a ground survey would advise the most suitable means to restore it. The licence holders questioned the need for a recreation space since few children visit the site. The compliance auditors suggest that in any application to exclude the lower slope from the site licence in future, the Council would need to consider the necessity of a recreation area in these circumstances.
- 5.3.10 The Caravan Site Licence compliance audit notes that the licence conditions remain generally applicable but do not reflect the current site operation. It notes that the plan is not suitable and a detailed plan should be required. It suggests the Council invites a fresh licence application and site plan, which will allow a new set of conditions to be agreed between the Council and the licence holders.
- 5.3.11 The compliance audit also makes recommendations with regard to the density of caravans, verandahs on some units, on-site road and verge repairs and a telephone point. It recommended a land stability report be commissioned to establish whether the lower slopes should remain within the Site Licence.
- 5.3.12 In all other respects, Rocklands met the standards required of its Caravan Site Licence.

## **5.4 The Planning History**

- 5.4.1 The next element to consider is the planning history relating to the lower part of the site. The planning history of the whole Rocklands Caravan Park is reasonably complex, but this section seeks to establish what planning decisions are applicable to the lower slopes of the site only.
- 5.4.2 Section 3 of the Caravan Sites and Control of Development Act 1960 states that a Site Licence can only be issued if the applicant is entitled to the benefit of a permission for the use of land as a caravan site granted under the planning act.
- 5.4.3 Initially planning consent was granted for a caravan park for an area not including the lower slopes in 1949. In 1953 the area was extended under the (same) reference 49/173/571 B into the lower slopes for a tented youth camp between April and September. The period was extended to include March to October in 1955 (49/173/571 C).
- 5.4.4 In 1958 under reference 58/48/571, planning permission for the extension of the caravan site to accommodate a total of 50 caravans was granted. Condition 5 required that an adequate space for common recreation free of caravans and buildings to be made available within the site as may be agreed with the Local Planning Authority. There does not appear to be a site layout plan for this planning consent in the Council's records. Additionally there is no record available to confirm whether condition 5 was discharged.
- 5.4.5 The caravan park was granted planning permission to expand in 1960 to 72 caravans in total (60/357/571). Condition 1 required that all caravans were to be sited on the north-west side of the existing belt of trees across the site. This decision follows an earlier refusal of planning permission for a smaller number of caravans, but which extended caravans into the lower slopes of the site (60/21/571). Again, the Council records do not appear to have a plan showing the layout of the permitted site.



- 5.4.6 In 1973 planning consent was sought for the formation of a site for 18 caravans with car parking and drainage (HS/FA/73/1386). This was refused for the following reasons:
1. *This property adjoins an area of Great Landscape Value and is in a proposed extension thereto and it is considered that the development would detract from the policy of protecting the landscape quality of the area.*
  2. *The site adjoins the Hastings Country Park and it is considered that the proposal would be detrimental to the quality and character of that Park.*
- 5.4.7 The plans available for this planning application include a 1:2500 plan and a 1:1250 plan. The 1:1250 plan shows a road serving the lower slopes outside the application site area. The 1:2500 plan does not.
- 5.4.8 A further planning application (HS/FA/75/485) sought consent for the extension of the caravan park with 18 all-amenity caravans. Permission was again refused for the following reasons:
1. *This property adjoins an area of Great Landscape Value and is in a proposed extension thereto and it is considered that the development would detract from the policy of protecting the landscape quality of the area.*
  2. *The site adjoins the Hastings Country Park and it is considered that the proposal would be detrimental to the quality and character of that Park.*
- 5.4.9 This 1975 refusal was upheld at appeal; the appeal inspector noting that caravans located in this area would have a serious adverse effect on the visual amenities of the Country Park and future Area of Outstanding Natural Beauty.
- 5.4.10 Under reference HS/FA/78/708 planning consent was sought and granted for 10 additional caravans. Condition 3 of that consent required details of the children's play area and amenity area to be submitted and approved by the Local Planning Authority. None of the additional caravans granted should be occupied until these play and amenity areas are provided and available to the public. Additionally, condition 7 of that consent states that the play and amenity areas referred to in condition 3 should not at any time be used for the stationing of caravans or the pitching of tents. There is no record that condition 3 has been discharged.
- 5.4.11 The layout plan for this consent is available in the Council records. The layout plan shows no caravans on the lower slopes. A road and car parks and a large area for amenity space and children's play area are clearly shown on the lower slopes. The car parks are notated in blue and are referred to in the decision in condition 10, which requires that the areas shown coloured blue on the plan be laid out as car parking areas for the use of caravanners staying at Rocklands Caravan Park.
- 5.4.12 It is not clear whether the road is part of this proposal or whether the road was already in existence at the time of the 1978 application (I noted earlier a road featured on earlier plans, outside the application site area defined on refused plans).
- 5.4.13 Planning permission was sought under reference HS/FA/89/1080 for the re-siting of six holiday caravans and the siting of 5 additional units. The location of the additional caravans was shown on the lower slopes of the park. The application was refused for the following reasons:
1. *The proposed siting of the caravans would seriously affect the visual appearance of the Country Park Area and High Weald Area of Outstanding Natural Beauty and will therefore conflict with the Hastings District Plan Policy C32 adopted in 1986 which states:*

*"The expansion of caravan and camping activities outside the established sites in the Hastings Country Park Area and will not normally be permitted."*

2. *The proposal would result in the loss of the area within the site designated for recreation and amenity purposes*

5.4.14 Also in 1989 under reference HS/FA/89/01263, the landowners sought and gained consent to increase the period of the year in which the caravan park can operate. The condition is now that they cannot operate between 15<sup>th</sup> January and the last day in February of each year.

5.4.15 In 1990 the then landowners again sought to site 11 caravans on the lower slopes of the site (reference HS/FA/90/00341). The application was refused for the following reasons:

1. *The proposal involves the siting of caravans outside of the area defined on the Hastings Borough Plan Proposals Map for caravan and camping purposes and as such the proposal would be contrary to Policy C32 of the adopted Plan which states:-*

*"The expansion of caravan and camping activities outside the established sites in the Hastings Country Park Area and will not normally be permitted."*

2. *The proposed siting of caravans in this position would be an undesirable encroachment into attractive undeveloped land within the High Weald Area of Outstanding Natural Beauty and bordering the Hastings Country Park. As such the proposal would be detrimental to the character and appearance of the area.*

*The proposal would result in the loss of the area within the caravan site designated for recreational and amenity purposes*

5.4.16 This refusal was also upheld at appeal in 1991. The Inspector noted the Council's intentions to provide a play area in the 1978 consent, and the exclusion of that area for the siting of caravans to protect it for that recreation use. The Inspector concluded that the landscape impact of the additional caravans would be harmful to the Country Park and the Area of Outstanding Natural Beauty at that location.

5.4.17 The plans available for this (refused) application show the road and car parks serving the lower slopes on the submitted plan, as approved under HS/FA/78/708. Part of the road and car parking appears to lie within the application site area for HS/FA/90/00341 and part lies without.

5.4.18 A planning consent to reduce the spacing between caravans to conform to its Site Licence was granted in 1991 under reference HS/FA/90/00735.

5.4.19 What is clear from the planning history is that the lower slopes of the caravan park were intended to be retained for recreation use and to be free of caravans. This was for two reasons. Firstly the area was sensitive to change due to its location within the Area of Outstanding Natural Beauty and the Country Park and the stationing of caravans would be harmful in the landscape. Secondly, the retention of the area as a recreation area protected the amenity of the Country Park.

5.4.20 The Council has been consistent in its intentions for this part of the site for many years and this has been twice upheld at appeal.

5.4.21 There is no planning consent for the siting of caravans, or the hardstanding/terracing to accommodate them on this part of the Rocklands Caravan Site.

- 5.4.22 There is planning permission for a road leading down to the lower slopes. A road is shown on the 1978 planning consent, along with car parking. Without detailed site measurements I cannot say that the road that exists today and the road on the plans are exactly contiguous, but I believe there is planning permission for a road in broadly that location in principle.
- 5.4.23 There is also planning consent for car parking areas. Again, the site needs to be measured accurately to show where, on the ground, the consented car parks are located in relation to what is on the ground today.
- 5.4.24 The planning history indicates that the caravan park has planning permission for a total of 82 caravans. Whether all of these can now be accommodated on the site whilst still meeting Site Licence conditions (particularly relating to density within the area of land available) remains to be determined.

## **5.5 The Council's Actions to date**

- 5.5.1 The Borough Council issued a Caravan Site Licence in 2012 to Rocklands Caravan Park without a suitable site layout plan. The layout plan did not reflect the site as it was at that time, and also did not reflect the planning consents that the site benefits from.
- 5.5.2 The Borough Council issued the Caravan Site Licence without inspecting the site. Although there is no legal requirement to inspect, the Council has a duty of care to ensure that the site licence conditions are appropriate and are being complied with, and that the Caravan Site Licence is enforceable.
- 5.5.3 Proper monitoring and enforcement can only be undertaken with an up-to-date site layout plan, which shows the number and position of caravans and services within the site. Without such a plan, any breaches of the Site Licence with respect to layout cannot be established.
- 5.5.4 When in receipt of an application for a Caravan Site Licence, the Council should first ensure that a planning consent exists for the site, and this should be reflected in an appropriate layout plan of the site. This was not checked, and the Caravan Site Licence layout plan shows caravans on the lower slopes of the caravan park.
- 5.5.5 The Council ought not have accepted the current Caravan Site Licence plan. The Environmental Health Department ought to have consulted the Planning Department on the implications of the Licence prior to issuing in 2012.
- 5.5.6 It is apparent that over the years, even since 1997, the Borough Council has not undertaken its duty with respect to the issuing of Caravan Site Licences properly.
- 5.5.7 The Council is aware of this situation and acknowledges its failings in this area.
- 5.5.8 It is my understanding that the Council's environmental health and licensing service was subject to significant changes in 2004, following a long period throughout which there had been vacancies and difficulties recruiting.
- 5.5.9 I am informed that in 2004 the Council's licensing service was preoccupied with the fundamental national changes to the alcohol and entertainment licensing regimes. Alcohol and entertainment licensing were being combined and consolidated within district and borough council's rather than the Magistrates Court system.

- 5.5.10 A new licensing manager was appointed in 2004 to set up new systems for processing alcohol/entertainment licenses, as this was a high priority for the Council. The other main priorities for the licensing service were reviewing and updating the taxi licensing and street trading systems, and then in 2005, implementing the new national gambling licensing regime. At the time caravan site licensing was not a priority, and the Council had not received complaints which might have indicated it should be reprioritised.
- 5.5.11 Additionally, Caravan Site Licences were monitored and inspected on a risk basis. There are caravan sites within the Borough that require inspections under a number of different regimes, due to the variety and range of facilities. For example, those selling food will be inspected under food hygiene regulations. Those serving alcohol will be inspected under their Alcohol Licence. I am lead to understand that the practice of prioritising inspections according to risk is common among local authorities, which need to manage scarce resources. The Council estimates that in practical terms a site like Rocklands, which offers a very limited range of facilities, would only normally need to be fully inspected every 5 years or so. However, they are investigating best practice on this across other local authorities.
- 5.5.12 The Borough Council has expressed its intention to undertake a complete review of all caravan sites and Caravan Site Licences, to set up a protocol within the Council to consult other departments on Site Licence applications. Where necessary the Caravan Site Licences will be updated. There are two ways this could be done, either through an application by the licensee, or by the Council instigating a variation of the conditions.
- 5.5.13 I concur that this is a necessary course of action for the Local Authority to take and is also reflected in the advice from the Compliance Auditors.

## **5.6 The Council's Potential Future Actions**

- 5.6.1 There are a number of issues to consider at this stage. The key question in any discussion is what will any action seek to achieve. In my opinion, the most desirable outcome is to remedy the situation as far as it is possible in the current circumstances.
- 5.6.2 It is understandable, given the strong and consistent resistance of planning permission for the siting of caravans in this area in a period ranging from 1958 to 1991, that it is particularly galling that this development was able to go ahead. With better monitoring procedures in place, it would have been noted long before the landslip revealed it to the wider public.
- 5.6.3 It is my opinion that there are no rights for the siting of caravans or the terracing /hardstanding servicing them on the lower slopes conferred by the Caravan Site Licence alone, because there is no planning permission for such development.
- 5.6.4 The Council has acknowledged its failings in issuing a Site Licence without due regard to the planning consents. We have heard from the Council's compliance auditors that enforcing breaches of the Site Licence is unlikely to be successful due to the paucity of suitable information on the site layout. This course of action can be ruled out therefore. The breaches identified by the compliance auditors are relatively minor and do not relate to the lower slopes (except with reference to the amenity area).
- 5.6.5 The Council intends to renegotiate the Caravan Site Licence conditions in a new, revised, Caravan Site Licence at Rocklands caravan Park. It is possible that this could include areas for planting and landscaping to maintain the amenity of the park, and that within this process the Council might, subject to any assessments on slope stability, suggest replanting of the lower slopes, where vegetation has been lost.

- 5.6.6 The Council should also consider what action it can take on the lower slopes in planning terms. As I set out in my main report in section 6.5, the main purpose of enforcement action is to tackle beaches on planning control which would otherwise have an unacceptable impact on amenity.
- 5.6.7 The planning history of the site reveals that the siting of caravans on the lower slopes is a breach of planning control. The same would apply to terracing, importation of material to create terraces or hardstanding to accommodate caravans. Given the long and consistent planning history of these lower slopes, we can confidently state that the siting of caravans on these slopes, and any works undertaken to accommodate them, would be considered harmful to the character of the landscape, the Country Park and the Area of Outstanding Natural Beauty.
- 5.6.8 These lower slopes of the site were also subjected to the landslide. All of the caravans have already been removed. There remains some debris on the site of an indeterminate nature, which probably formed part of the hardstanding or terrace on which they were located.
- 5.6.9 It would not be appropriate to seek a planning application for the retention or re-siting of any caravans. The remaining caravans needed to be removed for safety reasons as recommended by the Coffey report, which recommends that any remaining caravans should be removed and further studies undertaken to establish the stability of the ground. No further earthworks or drainage should be undertaken without the potential effects on slope stability being first established.
- 5.6.10 The Coffey report also suggests that in the longer term the design and construction measures to stabilize the land and to mitigate further risk might be prohibitive in terms of cost and potentially contrary to the nature conservation objectives of the SSSI and SAC designations. For this reason it suggests realigning the footpath and associated drainage upslope of the landslide and to take account of slope stability and groundwater variations. With respect to Rocklands Caravan Park it suggests the layout of the site should be reviewed and assessed in terms of slope and risk mitigation.
- 5.6.11 The Coffey report recommendation, along with the planning history, suggests strongly that a planning consent for the re-siting of caravans on the lower slopes could not be supported.
- 5.6.12 In view of this, I recommend that enforcement action could be taken against any caravans re-sited on the lower slopes, for which no planning consent exists and which would be a clear breach of planning control. I understand that for the landowners, there were legal ownership matters to renegotiate with their tenants and the caravans could not be removed quickly. Nevertheless, action could be taken to protect the visual amenity of the area if caravans are re-sited on the lower slope.
- 5.6.13 Further measured surveys, whether commissioned by the Borough Council or the landowner, can establish whether the road and car park/hardstanding, conform with the planning consent granted in 1978. If the road and hard standing areas are broadly correct in alignment, then there is no further argument. Any repair or resurfacing of the road and car park would normally be permitted within the terms of the Caravan Site Licence. There is planning permission for a road to serve the lower slopes that existed before the landslide.
- 5.6.14 If the road is out of alignment with the 1978 plan, there is sufficient evidence to suggest that the road has been on that alignment for at least 10 years, making it immune from enforcement.

- 5.6.15 There also may be permitted development rights for roads leading to the lower slopes under certain conditions; if the road is properly considered to be required by the Caravan Site Licence conditions.
- 5.6.16 Further geotechnical assessment seems to me to be important to establish whether removing debris from the site would be appropriate. Removing it would be of benefit to the visual amenity of the area, if that were an appropriate course of action for slope stability.
- 5.6.17 The Site Licence Compliance Auditors also suggested that consideration should be given to excluding this area from the site licence and relocating an amenity area elsewhere within the site.
- 5.6.18 It appears to me that in the longer term, it is questionable whether this area will be able to continue to form part of the caravan site. It certainly could not support any caravans, and planning permission could not be obtained for such development, notwithstanding the stability of the ground. It appears unlikely, without being stabilised, that it could form part of an amenity or play area.
- 5.6.19 The Council and/or the landowner need to undertake further geotechnical surveys to establish the stability of the land and what mitigation, if any, is appropriate before determining the best course of action for the land. This needs to be done before it can be determined whether it can form a play area within Rocklands Caravan Park, or whether it should be excluded from the Caravan Site Licence and managed and maintained for slope stability, visual amenity and nature conservation.