

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**24 APRIL 2023**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 22/01876/FUL

**OFFICER:** Paul Duncan  
**WARD:** East Berwickshire  
**PROPOSAL:** Variation of Condition 1 of planning permission 97/00461/FUL to allow year-round occupation of caravans  
**SITE:** Pease Bay Caravan Site Cockburnspath  
**APPLICANT:** Verdant Leisure  
**AGENT:** Tetra Tech

**PLANNING PROCESSING AGREEMENT:**

A Planning Processing Agreement is in place until 24 April 2023.

**SITE DESCRIPTION:**

Pease Bay Holiday Park is located around one mile east of the village of Cockburnspath in East Berwickshire. It is comprised of 330 caravan pitches, an on-site shop and an entertainment complex. The majority of the pitches (292) are privately owned. A further 30 are short term holiday lets with the remainder for staff or vacant.

The caravan park is served by an unclassified public road that connects with the A1 trunk road at a roundabout to the north of Cockburnspath and with the A1107 Coldingham Tourist Road a few hundred metres to the south. The Southern Upland Way and the Berwickshire Coastal Path follow the minor road to the south of the site.

The site area is well in excess of 2ha therefore the application meets the definition of a Major Application under The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, even though it is a Section 42 application. A Section 42 application is a planning application which seeks to vary or omit one or more planning conditions attached to the original consent. This means that the final decision on the application is not a delegated matter and must be taken by the Committee, irrespective of the recommendation or the number of objections.

**PROPOSED DEVELOPMENT:**

The application as originally submitted sought the removal of the two planning conditions detailed below:

Planning Condition A - (Condition 1 of 97/00461/FUL)

This 1997 application sought planning permission for the 'Amendment of condition on previous consent, to allow opening from March to January'. It was approved subject to one condition which is worded as follows:

*No occupation of caravans to be permitted during the month of February.  
Reason: To prevent the permanent occupation of any caravan.*

Planning Condition B - (Condition 2 of 01/00063/COU)

This 2001 application sought permission for an extension of the holiday park on land to the south of the unclassified public road. The application was approved subject to two conditions, one of which restricted use during the month of February. A Section 42 application can only be made in respect of the variation or removal of a condition or conditions attached to one permission. A separate application is therefore required if the applicant wishes to pursue the variation or removal of this condition.

Revised Proposal

Following discussions the applicant now seeks to vary Planning Condition A (condition 1 of 97/00461/FUL) only. They have suggested the following wording for the variation:

*The development hereby approved shall be occupied for holiday use only and shall not be used as a person's sole or main residence. The operator shall maintain an up-to-date register of the names of all holiday makers staying in the holiday units and their main home addresses. This information shall be made available for inspection at all reasonable times by an authorised officer of the Planning Authority.*

*Reason: To ensure compliance with the adopted development contributions policy, to retain effective control over the development and to ensure that the property, in line with the details presented in support of the planning application, is only ever used to accommodate short-term holiday lets and is not used as a private dwellinghouse by any long term or permanent residents.*

**PLANNING HISTORY:**

There is a lengthy planning history at Pease Bay Holiday Park. The agent has detailed much of this history in their supporting letter. They identify the following applications from the years prior to 1990:

- B102/75: Provision of caravan parking for 12 touring caravans. Approved, 15 April 1976.
- B143/79: Erection of laundry. Approved, 11 October 1979.
- B021/80: Use of land for 12 touring caravans. Approved, 26 February 1980.
- B277/80: Erection of 13 permanent caravans. Approved, 17 February 1981.
- B233/86: Alterations to form new shop/dwellinghouse. Approved, 19 December 1986.
- B126/87: 12 new caravan berths. Approved, 24 July 1987.
- B244/89: Alterations to site layout and variations of conditions. Approved, 14 November 1989.

Planning application history from 1990 onwards is summarised below:

- 90/00216/FUL [B334/90]: Extension of existing touring caravan park. Refused, 12 February 1991.
- 92/00155/FUL [B167/92]: Erection of building for shop, office and recreational facilities. Approved, 21 September 1992.
- 92/00156/FUL [B297/92]: Part change of use from shop, office and recreational facilities to public house. Approved, 18 December 1992.
- 94/00199/FUL [B333/94]: Erection of toilet block. Approved, 24 January 1995.
- 95/00170/FUL [B316/95]: Extension to recreational building. Approved, 17 January 1996.
- 96/00164/FUL [B023/1996]: Alterations to form games room and general-purpose room. Approved, 8 March 1996.
- 97/00321/FUL: Extension to recreation building to create function room and new entrance. Approved, 16 October 1997.
- 97/00461/FUL: Amendment of condition on previous consent, to allow opening from March - January. Approved, 11 December 1997.
- 97/00462/FUL: Extension to games/general purpose building to form porch. Approved, 13 November 1997.
- 98/00225/FUL: Erection of shop and office. Approved, 13 March 1998.
- 99/01503/FUL: Erection of toilet block. Approved, 15 December 1999.
- 00/01331/COU: Conversion of redundant toilet block to dwellinghouse. Approved, 6 December 2000.
- 01/00063/COU: Extension to park to provide additional touring pitches. Approved, 13 March 2001.
- 05/01717/COU: Change of use and alterations to form dwellinghouse. Approved, 11 November 2005.
- 10/01209/FUL: Change of use of touring park to form site for additional 20 No static vans (retrospective). Withdrawn, 30 August 2020.
- 18/01041/FUL: Change of use of land and road and plot layout to form extension to caravan park. Withdrawn, 16 October 2018.
- 19/01709/FUL: Change of use of land and road and plot layout to form extension to caravan park. Refused, 29 April 2020.
- 21/0108/FUL: Change of use of land and plot layout to form extension to Caravan Park. Approved by Local Review Body, 20 January 2023.

## **REPRESENTATION SUMMARY:**

No representations have been received in response to this application.

## **APPLICANTS' SUPPORTING INFORMATION:**

- Cover letter containing application supporting case

## **DEVELOPMENT PLAN POLICIES:**

The development plan currently comprises National Planning Framework 4 and the Local Development Plan 2016. Certain policies of the Council's Proposed Plan 2020 which are not at Examination are also a material consideration but do not form part of the development plan. None are considered to be relevant in this instance.

### **National Planning Framework 4**

Policy 1: Tackling the Climate and Nature Crises  
Policy 2: Climate Mitigation and Adaptation  
Policy 3: Biodiversity  
Policy 4: Natural Places  
Policy 10: Coastal Development  
Policy 13: Sustainable Transport  
Policy 18: Infrastructure First  
Policy 19: Heating and Cooling  
Policy 22: Flood Risk and Water Management  
Policy 23: Health and Safety  
Policy 29: Rural Development  
Policy 30: Tourism

### **Local Development Plan 2016:**

PMD1: Sustainability  
PMD2: Quality Standards  
ED7: Business, Tourism and Leisure Development in the Countryside  
ED8: Caravan and Camping Sites  
HD3: Protection of Residential Amenity  
EP1: International Nature Conservation Sites and Protected Species  
EP2: National Nature Conservation Sites and Protected Species  
EP3: Local Biodiversity  
EP5: Special Landscape Areas  
EP14: Coastline  
EP15: Development Affecting the Water Environment  
EP16: Air Quality  
IS7: Parking Provision and Standards  
IS8: Flooding  
IS9: Waste Water Treatment and Sustainable Urban Drainage

## **OTHER PLANNING CONSIDERATIONS:**

Planning Circular 4/1998: The Use of Conditions in Planning Permissions  
Scottish Borders Tourism Strategy 2013-2020  
Scottish Borders Tourism Action Plan

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Economic Development:** Supportive of the application, which will hopefully encourage more people to visit and stay in the area throughout the year, thereby providing more economic benefits to businesses located in Berwickshire and throughout the Scottish Borders and helping to develop and sustain the supply chains within the local area.

**Environmental Health:** No response at the time of writing.

**Roads Planning Service:** No objections to the removal of this condition.

### **Other Consultees**

**Community Council:** No response at the time of writing.

## **KEY PLANNING ISSUES:**

- Whether the principle of varying the condition would be acceptable, having particular regard to the six tests of planning conditions set out in Policy 18 of NPF4 and in Planning Circular 4/1998: The Use of Conditions in Planning Permissions.
- Whether there would be any adverse impacts arising from the proposal, for example in terms of the climate crisis, road safety or neighbouring amenity.
- Whether there would be any benefits - including economic benefits – that might outweigh any adverse impacts in the overall planning balance.

## **ASSESSMENT OF APPLICATION:**

### Planning Policy

LDP policies ED7 and ED8 are broadly concerned with new rural tourism developments or their extension of existing facilities. Pease Bay Holiday Park is an established visitor destination and permission is sought only for its occupation for one additional calendar month per year. The policies do not apply directly to a circumstance such as this but remain relevant nonetheless. In general terms, they encourage appropriate rural economic activity that avoids or mitigates adverse impacts. In these terms they are generally supportive of a proposal such as this, subject to the detailed assessment set out later in the report. The list of more detailed considerations found in NPF4 policy 30 (Tourism) criterion b) are also addressed below, where relevant.

### Planning Circular 4/1998: The Use of Conditions in Planning Permissions

Policy 18 of NPF4 lists the six tests all planning conditions should meet. These are set out in greater detail within Planning Circular 4/1998: The Use of Conditions in Planning Permissions. The existing condition and its proposed variation are considered against the six tests below.

#### *1) Necessity, 2) relevance to planning and 3) relevance to the proposed development*

The requirement of the existing condition (planning condition 1 of 97/00461/FUL) that the caravans are not occupied during the months of February is not a necessity in planning terms. It is a legacy of a previous approach taken in the regulation and

operation of caravan parks. The principle of varying the condition to remove this requirement is acceptable provided sufficient controls are secured over occupancy.

#### *4) Enforceability*

The enforceability of the existing condition has not been tested to date. The condition is brief in length and the control it achieves is fairly limited: it only requires that caravans are not occupied during the month of February each year. The proposed variation would omit this requirement and add new controls over the year-round usage of the caravans. The enforceability of the varied condition is considered to be improved over the existing condition. This is a material consideration of significant weight.

A more robust condition specifically restricting occupancy length may have been preferable in other circumstances however the applicant has not agreed to this.

#### *5) Precision*

For the sake of precision and clarity the applicant's suggested condition wording has been slightly amended. The resulting condition is considered to be clear and precise. The amended condition wording is set out at the end of this report.

#### *6) Reasonableness in all other respects*

The varied condition is considered reasonable and appropriate. The condition wording is broadly as suggested by the application agent. They have not raised any concerns with the minor changes to their suggested condition wording.

### Climate and Sustainability

Policy 1 of National Planning Framework 4 (Tackling the climate and nature crises) states that significant weight will be given to the global climate and nature crises when considering all development proposals.

Pease Bay Holiday Park is an existing tourism destination. It benefits from good links to the public road network being a short distance from the A1 trunk road. Connections to the public transport network are fairly limited. It seems reasonable to assume that the vast majority of visitors access the site using private motor vehicles. The climate impact of an additional month of private car travel is therefore a material consideration to be considered in the overall planning balance, weighed against other factors such as economic benefits. There is however the question of whether it would be resource efficient - or indeed reasonable - to keep the holiday park closed on such grounds.

It is assumed that the caravans do not benefit from the high standards of insulation that modern dwellinghouses are required to meet. It is therefore appropriate to consider the emissions resulting from an additional period of occupation during the winter months. Given most visitors would be vacating permanent dwellinghouses it would be difficult to conclude whether the net result of this would be adverse or not.

### Economic Impacts

The existing condition imposes a blanket restriction on the occupancy of caravans during the month of the February each year. The holiday park is understood to close to visitors each February. Allowing the holiday park to remain year-round should boost the local economy and would align with the Scottish Borders Tourism Strategy's aim of encouraging year-round tourism. The Economic Development team support the

application and identify potential for more people to visit and stay in the area throughout the year, thereby providing more economic benefits to businesses located in Berwickshire and throughout the Scottish Borders and helping to develop and sustain the supply chains within the local area.

It is recognised that the month of February is not peak holiday season and that demand for the facility may be lower. Additional demand generated during the quieter tourist months may be all the more valued in the local economy for this very reason.

It is also recognised that the proposal may simply displace demand that may currently be met by other accommodation in the area. Given the vast majority of the caravans are in private ownership this is unlikely to be a significant effect. In any event, the planning system does not seek to interfere with market forces by regulating the supply of holiday accommodation.

### Neighbouring Amenity

LDP policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. It details considerations for assessment including overlooking, sunlight provisions and the generation of traffic. NPF4 policy 23 (Health and Safety) criterion e) states that development proposals that are likely to raise unacceptable noise issues will not be supported. Further issues for consideration would include light pollution.

The nearest dwellinghouses include Old Linhead and Linnhead Farmhouse to the west and Riverside Cottage to the south. Given the distances involved, there are no concerns in respect of overlooking or loss of light/ sunlight. Nor should the direct effects of noise, light and odour generation within the holiday park be significant at such distances. Impacts associated with traffic to and from the caravan park would arise, for example noise, however the degree of impact should be no greater than currently experienced during the other 11 months of the year.

Overall, the proposed development is not considered to give rise to any significant neighbouring amenity concerns.

### Vehicular Access, Road Safety and Parking

Policy PMD2 requires developments to have no adverse impact on road safety and adequate vehicular access. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The development is served by existing parking and vehicular access infrastructure and there are no proposals to alter these arrangements. The proposal would impact the local road network through the generation of additional traffic to and from the site during the month of February. This is outwith the peak holiday season. The Roads Planning Service has raised no concerns with the proposal. It is considered that the development satisfies relevant planning policies in relation to road safety, vehicular access and parking.

### Ecology, Designated Sites

Two nationally designated Sites of Special Scientific Interest (SSSIs) lie some distance away to the north-west and south of the site (the Pease Bay Coast SSSI and Pease Bridge Glen SSSI respectively). Two further SSSIs are located to the east (Old Cambus Quarry SSSI and Siccar Point SSSI). Local and international ecological

interests may also be present at or close to the site. NPF4 policy 4 (Natural places) and LDP policies EP1-3 would therefore be relevant

There are no construction works required therefore potential ecological impacts would be limited to the impact of the additional period occupation. Minor impacts could arise from traffic to and from the site, lighting, visitor interference with habitats, and the disposal of foul waste. However, there are no known issues in these regards at present and there is no basis to conclude any materially adverse impact would arise specifically from this proposal.

NPF4 policy 3 (Biodiversity) b) is also relevant. This states that major developments will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity. Careful consideration has been given to these requirements and whether they should be applied here. Whilst the wording of the policy is clear and robust, any such requirement would need to satisfy the six tests of planning conditions set out in Policy 18 of NPF4. Given the application seeks only a modest extension of the period of occupation of an existing holiday park it is not considered reasonable or proportionate to the development in question to insist on such requirements in this instance.

Insofar as the proposal may be considered to amount to Schedule 2 development under the Environmental Impact Assessment (EIA) Regulations 2017, an EIA is not deemed to be required.

#### Landscape, Visual and Setting Impacts

The holiday park provides good opportunities to access to the natural environment as required by criterion b) of NPF4 policy 30 (Tourism). A well established network of footpaths support this giving access to other parts of the Berwickshire Coast Special Landscape Area (SLA) which the site sits within. LDP policy EP5 (Special Landscape Areas) is relevant as regards impacts to the SLA, as is NPF4 policy 4 (Natural Places).

Landscape and visual impacts would be limited to effects associated with the occupation of the caravans such as the parking of visitors' vehicles. In the context of an existing caravan park, the degree of such impacts would be close to nil.

There are no listed buildings, scheduled monuments or conservation areas nearby that would be affected in setting terms.

#### Flooding

A small number of caravans are shown to be at risk of flooding in SEPA's flood risk mapping. This is an existing situation. No change in land use is proposed nor are any physical works which may affect flood risk or storage capacity. As the applications are simply to amend the period of occupation it is not considered justifiable to pursue such issues under the remit of a S42 application particularly given the reason for the condition in question does not relate to the issue of flood risk. Moreover, relevant planning policies IS8 of LDP 2016 and 22 of NPF4 are not worded with the assessment of a proposal such as this in mind, and there is therefore no clear policy conflict arising.

#### Water and Drainage

There are no proposals to change water supply or drainage arrangements.



## CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the National Planning Framework 4 and Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

## RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the following conditions:

1. The development hereby approved shall be occupied for holiday use only and shall not be used as a person or persons' sole or main residence. The operator shall maintain an up-to-date register of the names of all holiday-makers staying in the holiday units and their principal home addresses. This information shall be made available for inspection at all reasonable times by an authorised officer of the Planning Authority.

Reason: To ensure compliance with the adopted development contributions policy, to retain effective control over the development and to ensure that the development, in line with the details presented in support of the planning application, is only ever used for holiday use and is not used as a private dwellinghouse by any permanent residents.

## DRAWING NUMBERS

### Plan Ref

### Plan Type

Location Plan

### Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

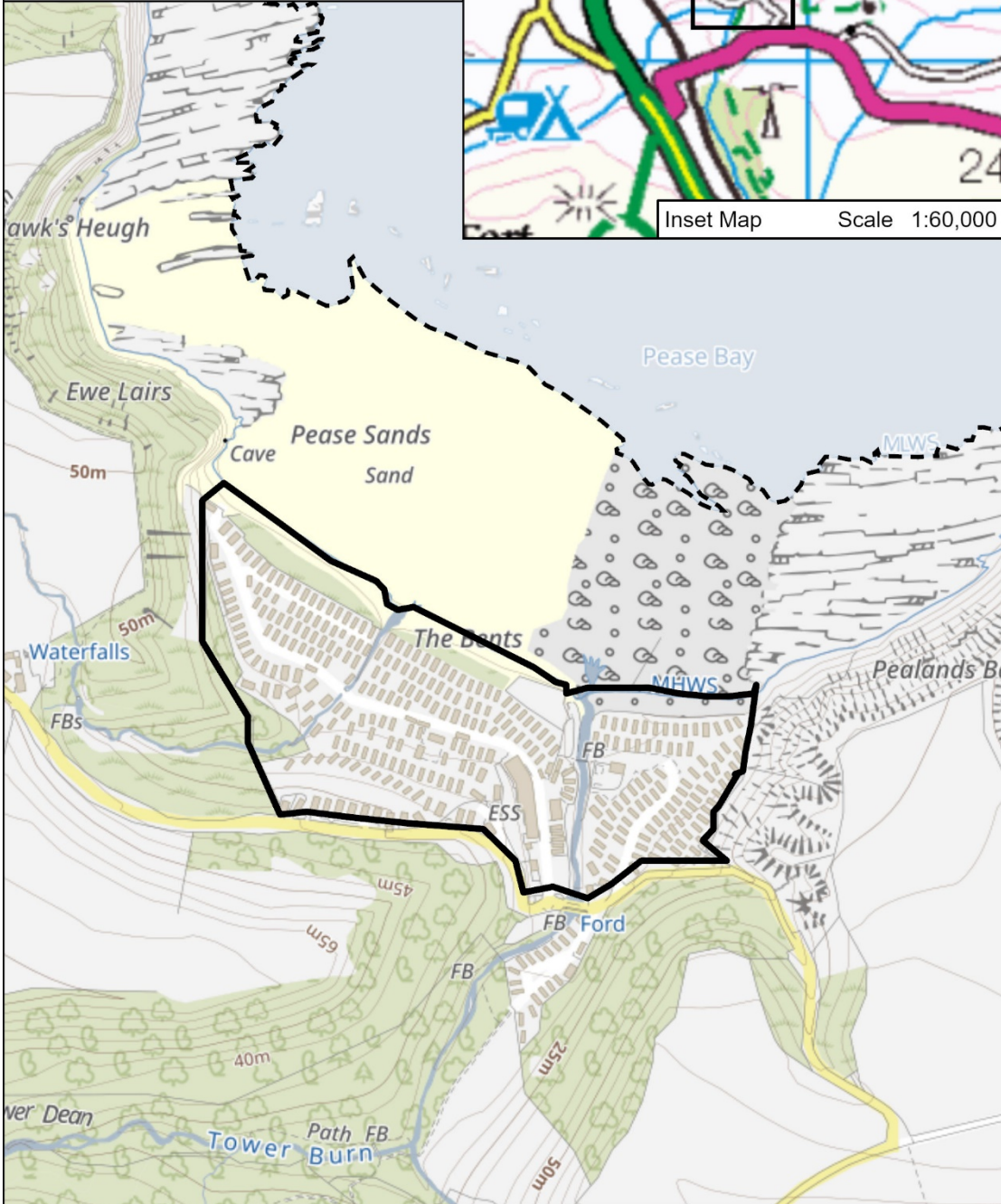
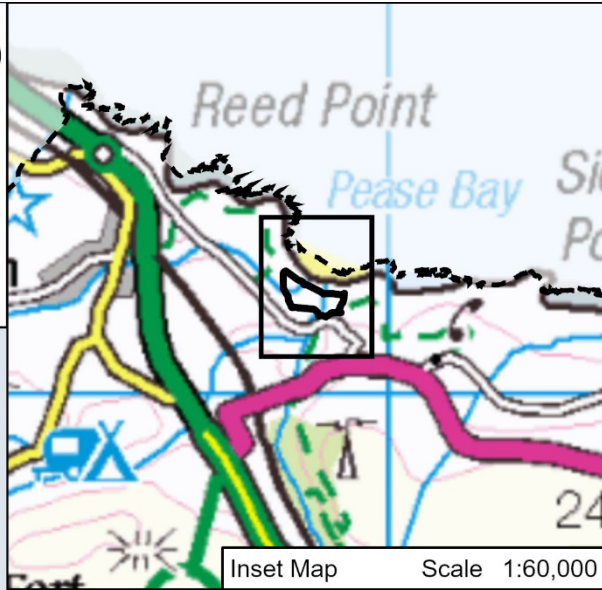
### Author(s)

Name	Designation
Paul Duncan	Planning Officer



22/01876/FUL

Pease Bay  
Caravan Park



Scale 1:6,000