

**PARISH** Old Bolsover Parish

---

**APPLICATION** Stationing of static caravan for residential use and associated building and engineering operations  
**LOCATION** Land Adjacent 123 Charlesworth Street Carr Vale Bolsover  
**APPLICANT** Mr James Parsons 123 Charlesworth Street, Carr Vale Bolsover S44 6JQ  
**APPLICATION NO.** 26/00038/FUL **FILE NO.**  
**CASE OFFICER** Mrs Karen Wake  
**DATE RECEIVED** 29th January 2026

---

## **SUMMARY**

The application is referred to Planning Committee for determination due to a call-in request from Cllr Cathy Jeffery to explore the claim that the site was previously developed land and could therefore be considered appropriate for development.

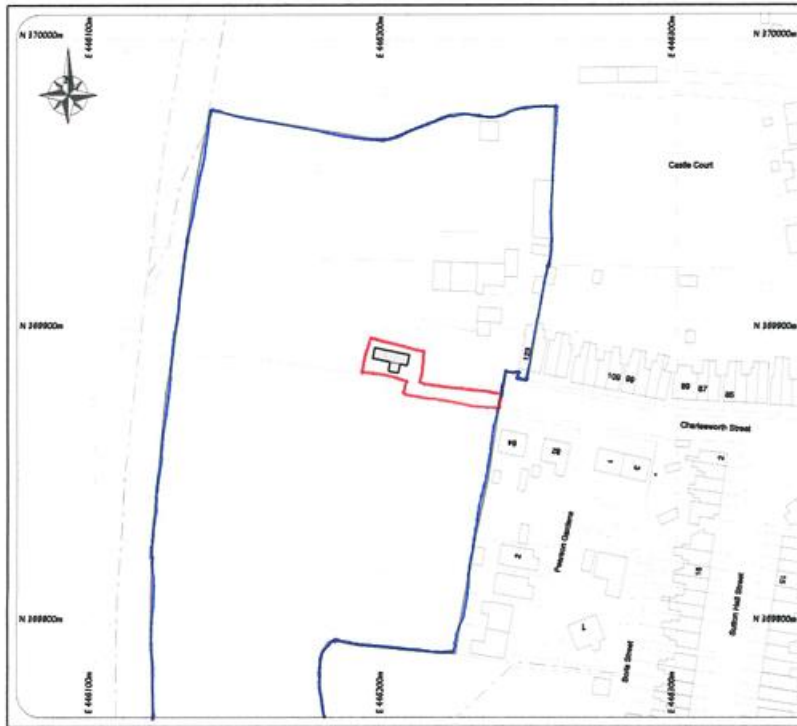
The application is for the retention of the use of land for the siting of a caravan which is occupied as a self-contained dwelling by the son of the occupier of the dwelling at 123 Charlesworth Street.

The application has previously been refused under delegated powers and enforcement notices have been served to secure the following:

- Permanently cease the use of the land for siting of a caravan for residential use and to cease the use of the land to the north for the storage of material, equipment and machinery for purposes unconnected to the agricultural use of the land.
- Permanently remove the caravan, associated infrastructure and retaining structures from the land and reinstate the land to its former condition and levels.

The applicant did not appeal the decision to refuse planning permission under s78 of the Planning Act and the time limit to do so has lapsed. The applicant has therefore re-submitted the application with additional information to try to show the site qualified as previously developed land. This information has been considered but it does not demonstrate that the land is previously developed. The proposal therefore remains contrary to the requirements of Policy SS9 of the adopted Local Plan. The application is recommended for refusal on this basis.

## Site Location Plan



### **OFFICER REPORT ON APPLICATION NO. 26/00038/FUL**

#### **SITE & SURROUNDINGS**

The application site comprises part of field, upon which a caravan has been stationed to the west of 123 Charlesworth Street. A garden area around the caravan has been fenced off and grassed with a post and rail fence and a vegetable patch planted adjacent to the caravan. To the southern boundary is a mature hedge. There is an existing access through the field to serve the adjacent outbuildings and an area of surfaced parking and turning. The land upon which the caravan has been stationed has been partially excavated and retained on its northern side to create a level surface.

The dwelling to which the caravan is an annex is to the east of the site, separated by a driveway, garden and boundary treatments. To the west and south of the site are fields and to the north are a range of outbuildings and large areas of open storage.

A sewage treatment plant has been installed on land to the west, however, this does not form part of this application.

#### **BACKGROUND**

The application has previously been refused under delegated powers and enforcement notices have been served to secure the following:

- Permanently cease the use of the land for siting of a caravan for residential use and to cease the use of the land to the north for the storage of material, equipment and machinery for purposes unconnected to the agricultural use of the land.
- Permanently remove the caravan, associated infrastructure and retaining structures

from the land and reinstate the land to its former condition and levels.

The applicant did not appeal the decision to refuse planning permission under s78 of the Planning Act and the time limit to do so has lapsed. The applicant has therefore re-submitted the application with additional information to try to show the site qualified as previously developed land and as such could be considered to meet the requirements of policy SS9 of the adopted local plan.

## **PROPOSAL**

The application seeks permission for the stationing of a static caravan on the land for residential use and associated building and engineering operations. The caravan provides self-contained accommodation, but the occupant is personally connected to the occupants of 123 Charlesworth Street, hence why it is described as an annex to the adjacent dwelling on the application form.

## **AMENDMENTS**

None.

Additional information provided about the sewage treatment plant which serves the caravan, together with details about the make, model and age of the caravan as requested by the Environmental Health officers.

## **EIA SCREENING OPINION**

The proposals that are the subject of this application are not EIA development.

## **HISTORY**

22/00420/FUL      Refused      Siting of static caravan as annex to existing dwelling

## **CONSULTATIONS**

Parish Council:  
No comments received

DCC Highways:  
Standing advice

DCC Archaeologist:  
No archaeological impact

Environmental Health Officer (pollution):  
No objections.

## Environmental Health Officer (Housing and Public Health Team)

It is likely that this caravan was built to EN1647 which is a European safety and quality standard for static caravans and holiday homes, designed primarily for seasonal or temporary use. BS3632 defines the standard for caravans or park homes which are intended for year-round permanent habitation.

Unless confirmation can be provided that the static caravan is built to BS3632 it is recommended that planning permission is refused to protect future occupants on the grounds that the static caravan is not designed for permanent, year-round habitation, specifically regarding its thermal efficiency and structural durability.

Environment Agency:

No objections. Suggest an advisory note that The Building Regulations 2010 and Government Guidance contained within the PPG for Water Supply, Wastewater and Water Quality (paragraph 020 ID: 34-020-20140306) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Connection to a private sewer that drains to a public sewer
3. Package sewage treatment plant or septic tank
4. Cesspool

Foul drainage should be connected to the main sewer whenever it is feasible to do so. Where this is not possible, under the Environmental Permitting (England and Wales) Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to either comply with General Binding Rules for Small Sewage Discharges or comply with a permit issued by the Environment Agency, additional to any planning permission that may be required. This applies to any discharge to ground, inland freshwaters, coastal waters or relevant territorial waters. Further information about the permitting process can be found at [Septic tanks and sewage treatment plants: what you need to do](#).

Further advice is available at: [Septic tanks and treatment plants: permits and general binding rules](#)

## **PUBLICITY**

Site notice and 6 neighbours notified. No comments received.

## **POLICY**

### Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1: Sustainable Development
- SS3: Spatial Strategy and Distribution of Development
- SS9: Development in the Countryside
- LC7: Agricultural, Forestry and Other Occupational Dwellings in the Countryside
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC5: Change of Use and Conversions in the Countryside
- SC11: Environmental Quality (Amenity)
- ITCR11: Parking provision

### National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 82-84: Rural Housing
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

### Supplementary Planning Documents

**Successful Healthy Places: A Guide to Sustainable and Healthy Housing Layout and Design:**  
To provide a guide to those promoting developments on how they can create sustainable places that deliver a good quality of life for the people that live there and preventing poor design that comes at a cost to the environment. This requires that our neighbourhoods are designed around the linked concepts of good place making and sustainability.

### **Local Parking Standards:**

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking.

### Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

### **ASSESSMENT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Local Plan for Bolsover (2020) and the supplementary planning documents outlined above. The National Planning Policy Framework (2024) is a material consideration in respect of this application.

The District Council is able to demonstrate a five-year housing land supply at this time. The policies for the delivery of housing in the Local Plan for Bolsover (2020) are not therefore considered to be out of date. There is no basis for policies within the development plan for the area to be set aside or for the tilted balance in favour of the development to be deemed to be engaged.

Having regard to the relevant provisions of the development plan and other material considerations, consultation and public comments received the main issues for consideration are:

- the principle of the development in the countryside
- the visual impact on the countryside
- the impact on residential amenity
- whether the development would be provided with a safe and suitable access

These issues are addressed in turn in the following sections of this report.

#### Principle of the development in the countryside and the visual impact on the countryside

Policy SS1 of the Local Plan for Bolsover (2020) sets the criteria against which the Council will consider the sustainability of a proposal. The policy does not require any proposal to achieve a benefit against every criterion, but it seeks to provide a basis on which to recognise the various sustainability costs and benefits of a proposal, which will then be considered by the Council in the overall 'Planning Balance'. The policy is supportive of development proposals, which create well designed places that are accessible, durable, adaptable and enhance local distinctiveness, protect and enhance the character, quality and settings of towns and villages and heritage assets through an appropriate mix of good quality, well-designed development and protect, create and / or enhance the character, quality and diversity of the District's green infrastructure and local landscapes, the wider countryside and ecological and biodiversity assets amongst other considerations.

The site is outside the development envelope for Bolsover/Carr Vale within an area of open countryside where new development is restricted by the requirements of Policy SS9 of the Local Plan for Bolsover District.

Policy SS9: Development in the Countryside is the adopted Local Plan's strategic policy that seeks to restrict urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy. This policy states that development proposals within the countryside will only be granted planning permission where it can be demonstrated that they fall within one or more of the following criteria:

- a) Involve a change of use or the re-use of previously developed land, provided the proposed use is sustainable and appropriate to the location.
- b) Are necessary for the efficient or viable operation of agriculture, horticulture, forestry or other appropriate land-based businesses, including the diversification of activities on an existing farm unit.
- c) Are small scale employment uses related to local farming, forestry, recreation or tourism.
- d) Secure the retention and/or enhancement of a community facility.
- e) Secure the retention and / or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction.
- f) Are in accordance with a made Neighbourhood Development Plan.
- g) The building is of exceptional quality or innovative design.

In all cases, where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

Whilst it is acknowledged that the caravan is occupied by the son of the residents of 123 Charlesworth Street, it is outside the curtilage of that dwelling and is divorced and separated from this dwelling by the access roadway. Notwithstanding the personal connection between the occupants of the main dwelling and the caravan, both units function independently of one another.

The applicant has suggested that the land on which the caravan was sited constitutes previously developed land and therefore could meet the requirements of policy SS9. The applicant has submitted photographs to show what the site looked like in 2022 before the caravan being put on site. There was a small building adjacent to the caravan site and there were also some materials and machinery stored on part of the land but the land was not hard-surfaced.

Aerial imagery indicates the building had been there for more than 10 years, but the building was materially smaller than the caravan and not in the same position.

Aerial imagery also indicates that the storage on this part of the site only started between 2020 and 2022 and as such the storage was unauthorised and cannot claim 10years immunity from enforcement.

The definition of previously developed land as set out in the adopted Local Plan is:

“Land which is or was occupied by a permanent structure. This excludes land that is or has been occupied by agricultural or forestry buildings, land that has been developed

for minerals extraction or waste disposal where provision has been made for restoration.”

The definition of previously developed land as set out in the National Planning Policy Framework is:

“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

The building on site is smaller than the caravan and in a different position and the storage on the land did not amount to fixed infrastructure and was unauthorised. As such, the site does not meet either definition of previously developed land such that the proposal does not involve the change of use of previously developed land, nor does it meet any of the other criteria set out in Policy SS9.

Even if the site was considered to be previously developed land, policy SS9 requires development to respect the form, scale and character of the landscape, through careful location, design and use of materials. The siting of a caravan for residential purposes, together with the curtilage created around it is not considered to respect the form scale and character of the landscape and has an urbanising impact which is not in keeping with its countryside location contrary to the requirements of policy SS9.

Policy SC5 of the Local Plan for Bolsover (2020) recognises that changes of use (including changes of use to garden) can affect the character and appearance of an area, especially in the countryside. The policy seeks to ensure that new uses assimilate with their surroundings. The policy requires that all such development is in-keeping with the character of the land and enhances the fabric and character of the landscape type generally and that utilities and roadways can be provided which are not incompatible with the area. In this instance, the siting of a caravan for residential purposes, together with the curtilage created around it is considered to have an urbanising impact which is not in keeping with its countryside location such that the proposal is not considered to meet the requirements of policy SC5 of the adopted local plan.

Notwithstanding the personal connection between the occupants of the main dwelling and the caravan, both units function independently of one another. Used as a separate residential planning unit within the countryside the proposal could be considered against the requirements of Policy LC7 of the adopted Local Plan. Policy LC7 makes allowance for new dwelling units in the countryside based on the essential needs of agriculture, forestry or other rural business provided the proposal meets a number of criteria. In this instance, no

information has been submitted with the application to suggest that there is a functional need for a separate residential unit to be created to help sustain a trade or business being carried out on the site and this does not form the applicant's case. The proposal therefore fails to meet the requirements of this policy.

The land upon which the static caravan has been stationed encroaches into countryside to the west of the existing housing development along Charlesworth Street. The siting of the caravan, in addition to the unauthorised outside storage of equipment and vehicles on land to the north constitutes unwarranted and harmful encroachment beyond the development envelope into the countryside, that fails to protect and enhance the setting of the settlement or the character and quality of the local landscape contrary to the requirements of Policies SS9, SC2 and SC5 of the Local Plan for Bolsover District (2020). There are no benefits that would outweigh this significant environmental harm in the overall planning balance to constitute sustainable development in the round when considered against the provisions of Policy SS1.

#### Residential Amenity

The caravan and its garden are set well away from the dwelling to which it is proposed to be an annex and well away from other dwellings such that it is not considered to harm the amenity of residents of adjacent dwellings. However, this is not considered to overcome the non-compliance with the Local Plan policies set out above.

The Environmental Health Officer has recommended that unless confirmation can be provided that the static caravan is built to BS3632 it is recommended that planning permission is refused to protect future occupants on the grounds that the static caravan is not designed for permanent, year-round habitation, specifically regarding its thermal efficiency and structural durability. However, the application is for the use of the land rather than the particular caravan on site and fact that the caravan on site may not be thermally efficient is not a material planning consideration which could be taken into account in this instance.

#### Access/Highways

There is an existing access and driveway which serves the adjacent outbuildings. The caravan utilises this access and it provides a parking and turning area for the caravan. The proposed caravan is not considered to result in a material intensification of the use of the access over and above the existing situation and there is room on site for vehicles visiting the caravan to enter and leave the site in a forward direction and park on the site. On this basis the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policies SC3 and ITCR11 of the Local Plan for Bolsover District.

#### Ecology and Biodiversity Considerations

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Application was submitted prior to the mandatory requirement for Biodiversity net gain and is a retrospective application.

The application meets the exemption criteria for the mandatory 10% biodiversity net gain provision as it was submitted prior to this requirement coming into force.

The site is a former grazed field which, is considered to be of little ecological value such that

the application is considered to have a very low impact on biodiversity. However, given the requirement of Policy SC9 of the Local Plan to achieve no net loss for biodiversity, a biodiversity enhancement plan could be conditioned to secure measures such as bat and bird boxes, new planting etc. to achieve no net loss for biodiversity in order to meet the requirements of Policy SC9 of the Local Plan.

### **CONCLUSION / PLANNING BALANCE**

For the reasons set out above, the development is considered to be contrary to policies SS1, SS9, LC7, SC2 and SC5 of the Local Plan for Bolsover District (2020). The law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations which justify making a decision which is contrary to the requirements of the policies set out in the adopted Local Plan.

### **RECOMMENDATION**

**The current application be REFUSED for the following reasons:**

1. The land upon which the caravan is stationed is divorced from the dwelling at 123 Charlesworth Street and served by its own facilities. Its use for residential purposes is such that it amounts to the creation of a separate residential unit. Such use, that does not meet the essential needs of agriculture, forestry or any other rural business is contrary to the requirements of Policy LC7 of the Local Plan for Bolsover (2020) and policy contained within the National Planning Policy Framework (2024).
2. The development, by reason of its siting and appearance, constitutes unwarranted and unsustainable development in the countryside that is harmful to character and quality of the local landscape and the character and setting of the adjacent settlement. Without any overriding benefits, the development is contrary to the requirements of Policies SS1, SS9, SC2 and SC5 of the Local Plan for Bolsover District (2020) and policy contained within the National Planning Policy Framework (2024).

### **Statement of Decision Process**

The proposal does not comply with the development plan policies adopted by the Council and the decision has been taken in accordance with these policies and the guidelines of the National Planning Policy Framework. The Council has not entered into any negotiation on the application as there are no minor amendments which could be undertaken that would overcome the fundamental planning concerns with it.

### **Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group

of people with a shared protected characteristic.

### **Human Rights Statement**

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.