

# Chief Planning Officer's Advice Note

Cornwall Council Interim Planning Guidance:

## Provision of temporary residential accommodation using converted holiday accommodation

**This is one of a series of notes issued by the Chief Planning Officer to guide greater consistency when making planning decisions. These notes may be updated from time-to-time in response to changing circumstances. It provides guidance to help reach a decision only and should not be used as a reason for refusal. The note cannot be used as a substitute for the policies of the adopted Local Plan.**

Temporary accommodation is a form of affordable housing where vulnerable households are housed for a short period of time, until more permanent solutions are found. This note explains why holiday accommodation can be appropriate for use as temporary accommodation. Advice is also provided in term of the provision of the temporary siting of modular buildings or park homes on new sites or in addition to existing units on holiday parks, and sets out the tests that will be applied to any such applications.

### Context

Cornwall has a number of vulnerable households every year that are made homeless for various reasons. The Council has a statutory and urgent duty to house these vulnerable households and for a number of years has used a variety of short term lets including holiday accommodation for this purpose pending the securing of more permanent affordable accommodation for the families.

The Covid-19 pandemic together with the after-effects including a rise in house prices, rental values and domestic tourism means the Council is now facing severe pressures around the availability of temporary accommodation. The result is a rapid and unforeseen rise in need for temporary accommodation up from 250 households in March 2020 to around 600 households in 2021.

Whilst this issue is exceptional in its current scale and urgency it is reflective of a need to provide secure and predictable temporary housing for people being made homeless. It is a need that is not being met by the housing market or private rented sector and cannot be met from our existing affordable stock which is significantly oversubscribed. The Council believes that the need that has now been identified is specific and exceptional and requires a rapid response. It is also possible, however, that the issues being experienced may continue into the medium term. Making changes to the Cornwall Local Plan would not meet this need – the timescale for adjusting policy to address this exceptional concern through the normal local plan process would take a number of years and would not therefore respond to the need to find solutions to the rise in homelessness immediately.

The only realistic options available to the Council to provide accommodation in the short-term is to provide new temporary accommodation through modular or park home type accommodation or to reuse existing accommodation, which is currently subject to restrictions enabling its use for holiday purposes only. This could include a range of accommodation from single dwellings with holiday conditions to plots within holiday parks or whole holiday parks including the conversion of managers accommodation.

Temporary accommodation to meet the needs of vulnerable households is considered to represent an affordable housing product and as such provides a significant public benefit.

## The proposed approach

The exceptional need to address this urgent affordable housing need through the creation of new temporary affordable housing provision represents a very significant public benefit in the planning balance.

There are broadly three options that have been identified at this time as available to deal with the short-term issue, reflective of the urgency of providing such accommodation, which would see vulnerable families housed for up to 6 months awaiting permanent housing, using:

1. The provision of bespoke modular or park home accommodation for temporary periods on vacant sites including car parks, Council land and other sites that may be available for a short-medium period; or
2. The reuse of existing accommodation restricted to holiday use, including single dwellings or holiday parks and associated staff dwellings; and
3. The provision of additional park homes, lodges or other accommodation to existing holiday parks.

Holiday restrictions are usually applied, as a planning condition, to accommodation which is located in the open countryside and/or is generally unsuitable for extended occupation and where the use of the accommodation as a main or permanent home would generally not be considered sustainable. A permanent change of use to residential of such units would not normally be permitted and would represent a departure from adopted planning policy for which an over-riding public benefit should be demonstrated.

The use of existing units or the creation of temporary units, whilst different to a holiday use, would have a similar characteristic of being temporary albeit for longer periods of up to 6 months by any household in urgent need of affordable accommodation.

The combination of meeting an urgent housing affordable housing need, discharging a statutory homelessness obligation together with reuse of existing stock, reusing previously developed land such as car parks or densifying existing sites, and the continuing temporary nature and time limited occupation of the accommodation to be created are considered to represent significant public benefits. Such benefits are considered to provide sufficient justification to depart from Local Plan policy in specific cases.

Decisions will be made on a case-by-case basis depending on the merits of the proposal which will include site specific matters such as design, layout, access and the provision of control through appropriate conditions and obligations and where necessary temporary placing of structures.

Temporary accommodation of this nature can be occupied by any one household in urgent need of affordable accommodation, and the amount of time that the accommodation can be occupied shall be limited through planning condition.

Planning applications for the change of use of holiday parks should still consider the tests set out in other chief officer advice notes for permanent residential use of holiday accommodation sites: <https://www.cornwall.gov.uk/media/dljalfei/holiday-occupancy-conditions-chief-planning-officer-s-advice-note.pdf>. particularly in relation to considerations around layout, accessibility and design and construction. Whilst not an absolute requirement, proposals should make endeavours to ensure that temporary occupants have reasonable access to services and facilities

## Liability for contributions and conditions

- Affordable housing products are not liable for Community Infrastructure Levy
- Applications within the Zone of Influence for the European Sites Mitigation requirement set out in Policy 22 of the CLP will be required to make a contribution (through use of a s111 agreement) to mitigation where the change of use would introduce a new residential building or increase the period of occupation of an existing holiday unit.
- Education, health and public open space contributions will not be required.
- Whilst occupation will be as a single dwelling, occupation will be temporary until suitable alternative and permanent accommodation can be found. It should therefore usually be appropriate to limit occupation by individuals to a maximum period of 6 months by planning condition to prevent such units becoming occupied as a person's sole or main place of residence.

## Further considerations

- There is a need to carefully review what planning conditions or obligations are in place to restrict occupation on a property. If planning conditions are in place on a holiday park they will need to be varied, in most cases under s73 of the Town and Country Planning Act 1990. However there will be some cases where the site has extensive planning history with conditions on various planning permissions, in which case a full planning application might be a better route. Furthermore, officers and applicants should be mindful that in some instances the original description of development as set out on the decision notice may refer to the development as holiday accommodation. In this circumstance even where a planning condition that restricts occupation to holiday use is lifted, the description will remain unchanged and the description of development may still be sufficient to restrict the use of the development. Where this is the case a full planning application may be required for the change of use of the building to ensure that the description of the development and use are consistent. In respect of large holiday parks in particular, it is recommended to seek pre-application advice as to which application route to consider prior to submitting an application.
- Restrictions via s106 agreement may need to be lifted via a Deed of Modification application.