

**Offham  
Downs**

**565319 157449 30 April 2009**

**TM/09/00821/FL**

Proposal: Log cabin to be used as dwelling in substitution of mobile home permitted by TM/07/01124/FL (Variation of condition 2 of planning permission TM/93/00722/FL (Use of land as residential caravan site) to allow additional mobile home and tourer caravan)

Location: Orchard Place Teston Road Offham West Malling Kent ME19 5PD

Applicant: Mrs N Draper

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**1. Description:**

- 1.1 Members will recall that this item was deferred from the last meeting of the Area 2 Planning Committee for the Chief Solicitor to submit a report under Part 2 of this agenda to inform Members of the potential implications of refusing planning permission for this development and whether the areas identified as potential grounds for refusal could be supported.
- 1.2 A copy of my previous main and supplementary reports are annexed to this report.
- 1.3 Suggested conditions have been modified slightly.

**2. Recommendation:**

- 2.1 **Grant Planning Permission** as detailed by Design and Access Statement dated 30.04.2009, Letter dated 06.04.2009, Site Plan dated 06.04.2009, Photographs dated 06.04.2009, Floor Plans And Elevations dated 06.04.2009, Design and Access Statement dated 06.04.2009, Letter dated 30.04.2009 subject to the following conditions:

- 1 Before first occupation of the dwelling hereby permitted, a risk assessment shall be carried out by a competent person in relation to any landfill gas migration on the site and a scheme of measures to mitigate any incursion of such gas and render the building suitable for the permitted use shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation measures shall be implemented in full as approved and certified as such by a competent person before first occupation of the dwelling and any gas protection measures shall be retained thereafter.

Reason: In the interests of public safety.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D

and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001)

Reason: In the interests of the Green Belt and of public safety.

- 3 The dwelling hereby permitted shall be occupied by Mr Stanley Draper, Mrs Naomi Draper or their daughter Louise Draper together with any of their dependents and this permission shall be for a limited period being the period during which the site is occupied by any of Mr Stanley Draper, Mrs Naomi Draper or Louise Draper.

Reason: The site lies in the Green Belt where, in the absence of the very special circumstances pertaining to this Gypsy family, consent would not normally be permitted.

- 4 One existing static caravan shall be removed from Orchard Place within 1 month of the first occupation of the timber bungalow hereby permitted and thereafter, in addition to the timber bungalow hereby permitted, Orchard Place shall not be used for the stationing of more than 1 tourer caravan and 1 mobile home/residential caravan at any time.

Reason: In the interests of the character and amenities of this Green Belt site.

- 5 When the dwelling hereby permitted is no longer in use as a main residence by Mr Stanley Draper, Mrs Naomi Draper or their daughter Louise Draper (in combination or singly), the use hereby permitted shall cease and the timber dwelling shall be dismantled and all associated materials, foundations and hard standings shall be removed from Orchard Place.

Reason: The site lies in the Green Belt where, in the absence of the very special circumstances pertaining to this Gypsy family, consent would not normally be permitted.

### **Informative**

- 1 You are advised to contact the Director of Health and Housing (01732 876199) with regard to compliance with Caravan site licence requirements.
- 2 You are reminded that the use of the site of Orchard Place as a caravan site is controlled by TM/93/00722/FL and TM/07/01124/FL.

Contact: Marion Geary