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<b>East Malling &amp; Larkfield</b> East Malling	<b>570063 155459</b>	<b>15 July 2010</b>	<b>TM/10/01908/FL</b>
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Proposal:	Continued use of land as caravan site to accommodate up to 20 touring caravans
Location:	Land At Hillberry House 353 Wateringbury Road East Malling West Malling Kent ME19 6JG
Applicant:	Mr John Hilden

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### **1. Description:**

- 1.1 This full application proposes the continued use of the land for a site for up to 20 touring caravans. The site started operating in 2009 with up to five caravans under permitted development rights and as set out in the First Schedule of the Caravan Sites and Control of Development Act 1960. The site started operating at the current level during 2010 and this application seeks to regularise the use as a 20 space touring caravan site.
- 1.2 The applicants have submitted a supporting statement with the application that sets out the following points:-
- *The directions given to the site for potential customers are given only from the south and not through the centre of East Malling.*
  - *Caravans are only accepted between 14.00 and 18.00hrs and must leave by 12.00 on the date of departure.*
  - *The site is adjacent to the applicants own house so there would be on-site management at all times.*
  - *There is an intention to plant new screening hedgerows around the site.*
  - *There is an economic benefit of encouraging tourists into the area.*

### **2. Reason for reporting to Committee:**

- 2.1 Request of Cllrs Simpson and Thornewell – concerns about the visual impact on the countryside and want to be able to control the site to holiday touring rather than travellers, residential or storage. Should ensure that the adjacent footpath MR109 is not affected by the development.

### **3. The Site:**

- 3.1 The site occupies an area of approximately 0.75Ha to the east of Wateringbury Road to the south of East Malling Village. The site is flat, with woodland to the north and east and open land to the south. To the west is an open paddock area

that backs onto the houses on the east side of Wateringbury Road. The area being used for touring caravans is accessed from the existing Hillberry House driveway and is set approximately 250m back from the road.

#### 4. Planning History:

TM/04/02379/FL Grant With Conditions 24 September 2004

Demolition of dwellings and outbuildings and replacement with one dwelling and garage

TM/04/04212/FL Grant With Conditions 23 May 2005

Repositioning of dwelling granted planning permission under application reference TM/04/02379/FL

TM/05/00506/RD Grant 11 April 2005

Details of external materials submitted pursuant to condition 2 of planning permission TM/04/02379/FL: demolition of dwellings and outbuildings and replacement with one dwelling and garage

TM/05/01606/RD Grant 11 July 2005

Details of landscaping and boundary treatment submitted pursuant to condition 4 of planning permission TM/04/04212/FL: Repositioning of dwelling granted planning permission under application reference TM/04/02379/FL

TM/05/01735/RD Grant 29 June 2005

Details of external materials submitted pursuant to condition 2 of consent ref TM/04/04212/FL (Repositioning of dwelling granted planning permission under application reference TM/04/02379/FL)

TM/05/02867/FL Grant With Conditions 11 November 2005

Stable block with ancillary storage

TM/05/03663/RD Grant 23 December 2005

Details of external materials submitted pursuant to condition 2 of planning permission TM/05/02867/FL: Stable block with ancillary storage

TM/05/04043/FL Grant With Conditions 24 January 2006

Formation of outdoor exercise arena for horses

TM/08/03096/RD      Approved

27 November 2008

Details of landscaping submitted pursuant to condition 4 of planning permission  
TM/05/02867/FL: Stable block with ancillary storage

**5. Consultees:**

5.1 PC: No objection in principle however would want raise the following points:

- Number of caravans should be limited to a maximum of 20.
- Site should only be accessed by caravans from the south rather than through East Malling village.
- As this site is in the countryside can conditions be imposed excluding lights; controlling signing so it is suitable for a rural area; and improving the landscaping of the site which is quite open from Wateringbury Road?
- A log book should be kept to ensure that the caravans are only touring and do not exceed a stay of 28 days. The PC would be concerned if a residential site be created incrementally. There should be no return within 3 months.
- The site should be closed from 31 October to 1 April each year
- The site should be restricted solely to the area shown on the application plan, and for touring caravans only, and not for storage or residential purposes.
- The Caravan Club should be informed about the increase in numbers and the number should be monitored monthly.
- The Borough Council should charge for the removal of rubbish to stop it being discarded in the woods.

5.2 KCC (Highways) No objection.

5.3 KCC (PROW) no objection subject to the works not affecting footpath MR109. If a diversion is required the correct procedures should be followed for this.

5.4 DHH: No objections providing all appropriate duty of care regulations are followed as the site is to be operated as a trade or business. Also a Caravan Site Licence will be required

5.5 EA: No objection.

**6. Determining Issues:**

- 6.1 The principal considerations with this application are the principle of the development in a rural location outside any settlement confines, the appropriateness of any mitigating measures to minimise the impact of the development and highways issues.
- 6.2 The site is outside any settlement confines as defined in the LDF. Any development on this site therefore has to be considered in relation to Policy CP14 of the Core Strategy. This policy limits development to, amongst other things, predominantly open recreational uses and development for which a rural location is essential.
- 6.3 It is considered in this instance that the touring caravan site is a predominantly open recreational use. Touring caravans in this location have a minimal impact on the open character of the countryside location as, unlike a permanent static holiday caravan park, the touring caravans would be transient and so would not result in permanent development to the detriment of the open character of the countryside. It could also be argued that a touring caravan holiday site would need a rural location as it would not be the type of use that would be expected in the centre of a town or village.
- 6.4 The principle of the development is also supported by Policy DC5 of the MDEDPD that covers tourism and leisure facilities. This policy supports development that, amongst other things, does not detract from the character of the area; keeps the amount of new built development to a minimum and does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit. Given the nature of the development it is considered that the proposal accords with this policy and is therefore acceptable in principle.
- 6.5 The PC has raised a number of concerns regarding the detailed operation of the use and other specific aspects of the development. It is considered that the majority of these points can be addressed by planning conditions. The number of caravans and the number of days anyone can stay on the site can be restricted by condition to ensure that the site does not become a residential caravan site. It is acknowledged that a restriction should be imposed on the months of operation but it is considered that this should be from the start of March to allow for fluctuations in the date of Easter. Given the location of the site it is considered appropriate to restrict illumination. It is also considered necessary to link the permission to occupation of the adjacent dwelling given the relationship between that dwelling and the application site.
- 6.6 The concerns regarding caravans trying to access the site from the north through the centre of East Malling Village are noted. The applicant has already attempted to address this issue by publishing directions from the south only. This matter could not be controlled through a planning condition though, as it would not be

possible to control movements taking place on the public highway using a planning condition. To seek to do this would not meet the necessary legal tests that apply to such conditions. The point can be included as an informative though.

- 6.7 With regard to highways issues themselves it is considered that the use of the site does not raise any traffic generation or highway safety concerns. The access is onto a straight part of Watringbury Road with good visibility and is also of adequate width to ensure that vehicles are able to pass each other without creating the need to wait on the highway.
- 6.8 The application proposes the installation of a sealed septic tank for the disposal of chemical toilet effluent. The type of tank is considered the most appropriate as, although a package treatment plant is usually the preferred option where there is no mains drainage, the nature of the chemical waste is such that such a plant could not treat it. This point has been agreed by DHH.
- 6.9 Overall it is considered that subject to appropriate conditions the proposal is acceptable as submitted.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission**, in accordance with the following submitted details: Letter dated 09.09.2010, Letter dated 11.11.2010, Site Layout dated 11.11.2010, Details dated 11.11.2010, Letter dated 15.07.2010, Site Layout dated 15.07.2010, Site Plan dated 15.07.2010, Site Layout dated 15.07.2010, Design and Access Statement dated 15.07.2010 subject to the following:

### **Conditions / Reasons**

- 1 At no time shall the total number of touring caravans on the site exceed a maximum of 20.
- Reason: To ensure that the use of the site is not overintensive for a countryside location.
- 2 No caravan shall stay for more than 28 consecutive days and there shall be no return within 7 days. A log book shall be kept at all times by the applicant of the dates of arrival and departure of each caravan and this log shall be available for inspection by the Local Planning Authority at any time.
- Reason: To prevent the potential of residential usage on the site and to enable the Local Planning Authority to monitor the operation of the site.
- 3 The site shall only be used for occupied touring caravan pitches with no storage of caravans or residential use on the site at any time.
- Reason: To prevent the overintensive use of the site and to restrict uses that would not accord with a countryside location.

4 The site shall only operate between 1 March and 31 October.

Reason: To ensure that the use does not become a permanent residential site.

5 There shall be no external lighting on the site without the prior approval of the Local Planning Authority.

Reason: To protect the character of this countryside location.

6 Within two months of the date of this consent a full scheme of landscaping to the site boundaries shall be submitted to the Local Planning Authority for approval. The approved landscaping shall be implemented within the first planting season and retained thereafter.

Reason: To protect the character of this countryside location.

7 The use hereby permitted shall be carried on only by the occupant of Hillberry House.

Reason: Due to the relationship between the dwelling and the application site.

8 The sealed septic tank shall be fitted with a suitable alarm to ensure against the potential for the tank to overflow.

Reason: In the interests of pollution prevention.

### **Informatives**

1 Towing vehicles shall only enter and leave the site to the south on Wateringbury Road towards the A26 and not through East Malling Village

Contact: Robin Gilbert