

East Malling & Larkfield **569862 155832** **23 September 2011** **TM/11/02493/FL**
East Malling

Proposal: Change of use of the land to static holiday log cabin (caravan) site
Location: Land Adjoining 260 Waterringbury Road East Malling West Malling Kent
Applicant: Mr Garry Haffenden

1. Description:

1.1 The application comprises a change of use of land to use as a holiday park with the stationing of ten units. The proposed units fall within the statutory definition of caravans but are to be clad in timber to resemble log cabins. The units will be arranged around a central grassed area. Eighteen vehicle parking spaces are indicated although no alterations to the existing access onto The Heath are proposed. The scheme seeks to retain the existing boundary trees and shrubs and proposes additional planting. The intention is to connect to the public sewer

2. Reason for reporting to Committee:

2.1 The application is of local interest.

3. The Site:

3.1 The site lies within the open countryside to the south of East Malling village. The site is bounded to the north and west by mature trees and shrubs and delineated to the south by a post and rail fence.

3.2 Although the site is agricultural land it is currently operated as a touring caravan site licensed by the Camping and Caravan Club. This means that the site can accommodate up to five touring caravans without the need to submit a planning application. The siting of a maximum of five caravans is permitted development falling within Part 5 of the General Permitted Development Order 1995 (as amended) and Schedule 1 of the Caravan Sites and Control of Development Act 1960.

3.3 The site has been the subject of two Planning Enforcement enquiries regarding the length of stay of the touring caravans on the site. Both cases have been investigated and are now closed.

4. Planning History:

TM/00/00501/FL Grant With Conditions 27 July 2000

Erection of 'American Barn' for stabling of horses

TM/00/02080/RD Grant 8 October 2000

Details of landscaping and boundary treatment submitted pursuant to condition 3 of permission TM/00/00501/FL: erection of 'American barn' for stabling of horses

TM/00/02081/RD Grant 22 November 2000

Details of waste disposal submitted pursuant to condition 5 of planning permission TM/00/00501/FL: Erection of 'American Barn' for stabling of horses

TM/04/00617/FL Grant With Conditions 20 May 2004

Construction of hay and carriage barn for personal use

TM/10/02303/FL Approved 14 December 2010

Refuse bin store and chemical toilet waste disposal facility (including underground sealed tank) to serve use of land as a 'certified' site for Caravan Club members

5. Consultees:

5.1 East Malling and Larkfield PC (comments received 14.10.11): No objection in principle subject to:

- The number of units being limited to 10 and the existing caravan club site being given up as stated. This to be covered by a condition.
- There be a landscaping condition to make sure the existing planting is retained and additional planting carried out as shown on the submitted plan with native species.
- The log cabins shall be used for holiday purposes only and be removed should the use cease.
- There shall be no external lighting without specific approval as this is a countryside area with few existing lights.
- Any signing shall need specific approval so it respects the rural nature of the site and the appearance of The Heath as a rural lane.
- Consideration be given to a condition precluding any fencing or additions to the cabins without specific permission so as to maintain an open appearance between the cabins and the site generally.

- The bin store is screened.
- The existing access be used and should be such as to respect the lane appearance of The Heath so as to preclude hard kerbing or similar engineering works.

5.2 East Malling and Larkfield PC (comments received 21.10.11):

This is really a residential development comprising cabins outside the confines of the village and within the countryside. Traffic movements would be detrimental to highway safety and the Quiet Lane to the west of the site. The use of the site would be detrimental to local amenity due to potential lighting, noise and activity and domestic paraphernalia. Dwelling refused at 238 Wateringbury Road and 5 Sweets Lane. Not possible to enforce holiday use to ensure no full time residential occupation. Conditions recommended if granted

- Occupation of units be allowed only from 1st March until 31st October.
- Occupation only allow for 2 weeks in any period.
- No commercial vehicles be parked on the site at any time.
- No storage of car parks or other materials.
- No bonfires be permitted.
- No outside washing lines.
- Permitted development rights be rescinded and that there be a plan with dimensions showing the sizes of the cabins, car parking spaces and the internal dimensions of the spacing between each one.

5.3 DHH: Environmental Protection: Recommends a planning condition relating to external lighting and planning informatives relating to hours of works and the burning of waste on site.

5.4 DHH: Housing Standards: Recommends planning informatives regarding the need for a caravan site licence and adequate sanitary facilities.

5.5 KCC (Highways): No objection.

5.6 Private Reps: 9/0X/1S/19R + site notice – Objections, including from the East Malling Conservation Group, summarised below:

- Highway problems – Difficulties associated with the delivery of the units. The site is already associated with tipper trucks and transit vans causing difficulties in the surrounding narrow country lanes (Quiet Lanes). Adverse impact on

highway safety including danger to cyclists and pedestrians. Existing access inadequate with limited sight lines. Harm to the wildlife from the pollution caused by extra traffic, (specific mention of Water Voles in Well Street).

- Contrary to policy - Site is inaccessible, not close to amenities including shops, cycleways or footpaths therefore unsustainable development leading to an increase in traffic movements. Setting of an unacceptable precedent on land designated as best and most versatile agricultural land.
- Absence of on site facilities – No onsite provision of laundry or drying facilities. No onsite provision for the general storage of any maintenance equipment or bedding and no storage for the individual units or bottled water or gas.
- Absence of information - No details are provided of the proposed hardstanding, parking areas, on site access roads, surface water runoff, external lighting, life expectancy of the units or drainage. No evidence that the existing sewerage system could accommodate the additional units. No provision for adequate disposal of rubbish.
- Adequate tourist facilities already provided in the area therefore unlikely to be further economic benefits to the area. No evidence of a demand for such holiday accommodation.
- Visual harm – The urban layout, design, high density and siting are out of keeping with the character of the area and the rural lane. Harm to the Conservation Area. Not in accordance with the East Malling Design Statement. Boundary trees lose foliage in winter that therefore results in a loss of screening.
- Harm to local amenity – disturbance in terms of noise, lighting and increased traffic generation/movement.
- (Alleged) The applicant is currently breaching the existing site licence. The site is being used for itinerant travellers who are operating businesses and keeping livestock.
- Proposed conditions if granted relating to renewal of units, limited occupation, no commercial use, bonfires and other domestic paraphernalia.

6. Determining Issues:

- 6.1 The application site lies within the open countryside. The application must therefore be determined with regard to Policy CP14 of the TMBCS 2007. This policy seeks to limit development in the countryside. However Section (i) of CP14 permits development for which a rural location is essential. It is usual for holiday

parcs to be located in the countryside, the benefits of the wider rural setting being one of the major attractions for the holiday maker. A rural location is therefore essential for the siting of this type of development.

6.2 The application comprises a tourist facility. The application must therefore be determined with regard to Policy DC5 of the MDEDPD 2010. This policy permits the development of new tourism and leisure facilities providing a number of criteria are met.

6.3 Section (a) of Policy DC5 seeks to ensure that development does not detract from the character of the area.

The site has already been used for the siting of up to five touring caravans. The application proposes the siting of five additional units and although the units are still termed 'caravans' they are of a more permanent nature. However the external appearance of the 'log cabins' may be considered more visually appropriate to this rural setting. A timber clad 'caravan' within the countryside is likely to be less visually intrusive than a series of touring caravans. The potential impact is reduced by the existing screening provided by the mature trees and shrubs to the north and west of the site. The potential impact can be further mitigated by additional planting. The Council's Landscape Officer comments that the site appears to be well screened but notes that further landscaping is needed to ensure no adverse impact upon the wider countryside. This can be sought by planning condition.

6.4 Section (b) of Policy DC5 seeks to ensure that development is appropriately located.

The need for a rural location for a holiday park is accepted. However the site is located to the south of the existing village and wider urban settlement beyond, which offers a range of amenities.

6.5 Section (c) of Policy DC5 seeks to ensure that development supports the local economy.

The introduction of a holiday park is likely to benefit the wider area in terms of increased visitor numbers and therefore increased visitor spending.

6.6 Section (d) of Policy DC5 seeks to ensure that the amount of new build is minimal and directly related to the development.

The application seeks to site 10 units only. The units fall within the statutory definition of caravans and are not therefore considered buildings. Similarly no other ancillary buildings are proposed although it is noted that a refuse store is likely to be required. Planning permission has already been granted for a refuse

bin store under TM/10/02303/FL on 14.12.2010. Although this permission has not been implemented the acceptability of a modest fenced area to store refuse bins has already been established.

It is noted that the scheme will include the creation of access roadways and areas of hardstanding within the site. However it is in the best interests of the applicant to ensure such areas are minimal and designed in such a manner as to not harm the rural setting of the units. These details can be assessed through the imposition of a planning condition.

- 6.7 Sections (e) and (f) of Policy DC5 seek to avoid the irreversible loss of the best agricultural land and the fragmentation of an agricultural land holding.

It is acknowledged that the site falls within one of the broad areas of countryside identified on the TMBCS diagram as being the best and most versatile land for agricultural use. Policy CP9 of the TMBCS 2007 seeks to preserve this land for agricultural purposes. However the site is not currently used for an agricultural purpose but as a touring caravan site. The adjacent land owned by the applicant is primarily used for equestrian purposes. The application site does not therefore form part of a wider agricultural holding and its development would not cause the fragmentation of a viable agricultural unit.

- 6.8 Section (g) of Policy DC5 requires the application to consider any biodiversity interest.

The site is currently grassed and used as a touring caravan site. The application will not therefore make any additional impact upon existing wildlife and the retention of the existing mature trees and shrubs will ensure the preservation of any existing habitats.

- 6.9 Sections (h), (i) and (j) of Policy DC5 require the development to be adequately served by the highway network, not present a hazard to road safety and protect any existing rights of way.

A number of objectors refer to an adverse impact of the application upon the highway network. However KCC (Highways) has raised no objection. No alteration is proposed to the existing access and, as KCC comments, the vehicle movements associated with the proposal are not inordinate in comparison to the current permitted use and will not unduly impact on the highway networks.

- 6.10 Section (k) of Policy DC5 seeks to ensure that the development makes no adverse impact upon residential amenity.

The concerns of the neighbours are noted. However the nearest dwelling to the site is to the north west on the other side of The Heath, approximately 50m from the site entrance. This distance will ensure any noise from the site would not be at an unacceptable level. In addition the site owner/operator lives close to the site –

to the east at 260 Wateringbury Road. The close proximity of the site owner/operator is likely to engender adequate site supervision. The need for appropriate low level external lighting is noted. The scheme must be well designed to ensure no adverse impact upon the wider area. This can be ensured by planning condition.

- 6.11 Members will recall planning application TM/10/01908/FL for the continued use of land as a caravan site at land at Hillberry House also on Wateringbury Road. This application was granted in February 2011. Members were keen to ensure that occupation would be limited to tourist use only and not for permanent residence. This is also of primary concern to many objectors.
- 6.12 Whilst the application description is explicit – use of land as a static holiday log cabin (caravan) site - it is still appropriate to impose a relevant planning condition to ensure no permanent residential occupation. Further guidance on this issue can found within the Good Practice Guide on Planning for Tourism 2006. This guidance recognises the importance of tourism to the economic, social and environmental well-being of the whole country stating that the planning system has a vital role to play in terms of facilitating the development and improvement of tourist facilities. The guidance supports the need to ensure sites are retained for tourist accommodation only and do not become part of the general housing stock. Accordingly Annex B of the Good Practice Guide relates specifically to Seasonal and Holiday Occupancy conditions. The guidance makes a distinction between ‘holiday occupation’ and ‘seasonal occupation’. A specific ‘holiday occupation’ condition is recommended and this forms the basis of the attached planning condition for this application. This will ensure no permanent residential occupation.
- 6.13 The guidance also advises LPAs that the widest ‘holiday season’ is advantageous not only to the potential occupants and site operator but also to the wider local economy. Members will also recall planning application TM/11/01269/FL at land at Hillberry House which was granted in August 2011. This removed planning condition 4 which stated that the site shall only operate between 1st March and 31st October. It was determined that in the light of the Good Practice Guide 2006 this condition was not the most appropriate means by which to prevent permanent residential occupation and that the recommended ‘holiday occupancy’ condition was appropriate. Therefore, in line with the guidance, this Report does not recommend a ‘seasonal occupation’ condition to prevent all year round occupation but relies upon the recommended ‘holiday occupancy’ condition to ensure the units are not occupied on a permanent residential basis.
- 6.14 The application comprises a tourist facility within the countryside. This is acceptable as it is acknowledged that uses for which a rural location are essential can be considered appropriate development. In addition the application comprises a use which is likely to be of economic benefit to the wider area. The site is currently used as a touring caravan site. The proposed application of static ‘log

cabins', although being greater in number, is unlikely to cause any unacceptable impact on adjacent residential amenity or the wider highway network. The application site is well screened and additional planting is to be agreed. The application will not therefore result in any unacceptable impact upon the wider countryside.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 23.09.2011, Design and Access Statement dated 09.09.2011, Site Plan dated 09.09.2011, Photograph INDICATIVE dated 09.09.2011, Landscaping REF: HP 1A dated 09.09.2011, Letter dated 03.11.2011, subject to:

Conditions / Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 3 Details of any external lighting of the site shall be submitted to the Local Planning Authority. The scheme shall not be implemented until approved in writing by the Local Planning Authority. Details to be submitted shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the character of this countryside location.

- 4 No development shall take place until details of the layout, surfacing and draining of the on-site access roads and vehicle parking areas have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the parking area is brought into use and shall be so retained at all times thereafter.

Reason: To ensure a finish to the access and parking areas is consistent with the rural character and appearance of the locality.

- 5 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 6 (i) the log cabins (caravans) shall be occupied for holiday purposes only;
- (ii) the log cabins (caravans) shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual log cabin (caravans) on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the log cabin (caravans) hereby approved are not used for permanent residential occupation.

- 7 The use hereby permitted shall be carried on only by the occupant of 260 Wateringbury Road, East Malling.

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

- 8 Notwithstanding any of the provisions of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the site shall not be used for the accommodation of touring caravans.

Reason: This would lead to an over intensification of the use of the site.

Informatives

- 1 During the construction/installation phase the hours of operation (including deliveries) shall be restricted to Monday and Friday 08:00 – 18.00 hours, Saturday 08:00 to 13:00 with no work on Sundays or Public Holidays.

- 2 A Caravan site licence will be required under the Caravan Sites and Control of Development Act 1960. An application form may be obtained from the Council's Environmental Health and Housing Service. Conditions will be attached to the licence to protect the health and safety of the site users and visitors.

Contact: Maria Brown

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