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<b>East Malling &amp; Larkfield</b> East Malling	<b>570063 155459</b>	<b>8 March 2012</b>	<b>TM/12/00797/FL</b>
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Proposal:	Change of use from touring caravan site to static holiday caravan site with ancillary road, bases, drainage, LPG storage, and bin enclosure
Location:	Hillberry House 353 Watringbury Road East Malling West Malling Kent ME19 6JG
Applicant:	Mr John Hilden

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**1. Description:**

- 1.1 The application seeks a change of use of land from a touring caravan site for up to 20 caravans to a static holiday caravan site. The intention is to position 20 caravans around a central landscaped area. The caravans are to be clad in timber to resemble log cabins. The units will remain however within the statutory definition of a caravan.
- 1.2 The application also comprises the creation of an ancillary roadway, caravan bases, drainage details, lighting details, LPG storage and the erection of a bin enclosure.

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

- 2.1 The application is brought to Area 3 Planning Committee in light of the level of public interest.

**3. The Site:**

- 3.1 The site lies within the open countryside to the south of East Malling village. The site is accessed from Watringbury Road and lies to the north of Hillberry House. Hillberry House is occupied by the applicant.
- 3.2 The site is bounded to the north and east by mature woodland. Additional tree planting has already been undertaken to the western boundary and north of the existing access road. A public footpath runs, in part, along the northern and eastern site boundaries.

**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

TM/10/01908/FL Approved 10 February 2011

Continued use of land as caravan site to accommodate up to 20 touring caravans



5.6 Private Reps: 21/2X/11S/12R + site and press notice.

5.6.1 12 letters of objection from 10 residents (summarised):

- The site is an eyesore only used by the travelling community and not really a holiday caravan park. This is not an existing working caravan club camp site. The site is currently used by itinerant workers.
- EM is not a holiday area and there is no requirement for additional holiday accommodation. There are no footpaths, street lights or other facilities. There are other underused camp sites in the area. No benefit to the local economy.
- The site is not within walking distance of the village. It will generate further traffic that will be dangerous at the site entrance/access. It will increase traffic congestion. Will there still be towing caravans on site? The Highway Agency are about to issue a report on traffic calming measures on Wateringbury Road.
- The Council does not police the restrictions placed on caravan sites. Need assurances that it will not become a traveller site – another Dale Farm. It is just a means to get permanent housing in the rural area.
- The site will harm the countryside. No justification on green belt land. Infrastructure will be unsightly. Increased disturbance to local residents. A recent social event with a marquee caused great nuisance.
- Notice not served to all local residents.
- Local Estate Agents have stated that all the dwellings currently up for sale in the surrounding area will be unsellable due to the risk of this site escalating into a permanent traveller site.
- Planning permission for a mobile home was refused in 1997.

5.6.2 2 letters withdrawing original objections (following clarification of the proposal).

5.6.3 11 letters of support (summarised)

- A good asset for the village although needs more screening.
- A static site would be more pleasing to the eye and generate less heavy traffic.
- An improvement as a static caravan site will reduce traffic on the village roads particularly vehicles towing caravans.
- Will increase business in the wider area and create work.
- The applicant has always been a considerate neighbour and will take pride in the upkeep of the land.

- Static units will be quieter, less intrusive and more in keeping with the area.

## 6. Determining Issues:

- 6.1 The site comprises land to the north and north west of the existing dwelling at Hillberry Farm. The majority of the application site has already been the subject of previous planning applications. Planning permission was granted under TM/10/01908/FL for the continued use of land as a touring caravan site. This comprises the majority of the current application site except land in the north east corner. The land in the north east corner has also been the subject of a planning application; TM/05/04043/FL permitted the creation of a manege for private equestrian use. The majority of the site has therefore previously been granted planning permission for other uses. The application does not therefore involve the loss of any agricultural land.
- 6.2 In light of the history of the site and the nature of the present application the primary determining issues are:
- 6.2.1 The majority of the application site has already been deemed suitable for use as a caravan site. This means that the use of land for a caravan site has already been established. It is therefore the change of use from a *touring* caravan site to a *static* holiday caravan site only that is to be assessed for the majority of land within the application site.
- 6.2.2 The current application site is however larger than the existing touring caravan site. The current application site also incorporates an area of land to the north east. This land has previously been developed for equestrian purposes (private manege). The determining issue on this part of the application site is therefore the acceptability of a change of use from an equestrian use to that of a static holiday caravan site in conjunction with the adjacent land.
- 6.3 The starting point for decision making is the Development Plan which comprises the South East Plan (2009), the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD), adopted April 2010. For the avoidance of doubt, the saved policies of the Tonbridge and Malling Borough Local Plan (TMBLP) 1998 are also a material consideration, however none of these is directly relevant to the current case.
- 6.4 The Localism Act 2011 has been enacted, and a first round of consultation has taken place on reports which assessed the implications of the abolition or revocation of the various Regional Spatial Strategies, including the South East Plan. Following the conclusion of this consultation, these reports have been updated. Further consultation is currently being undertaken on the report for the revocation of the East of England Plan, and additional consultation is programmed

to take place shortly on the updated reports associated with the other plans (including the South East Plan). Orders will be prepared to formally abolish the various Strategies following the conclusion of this second round of consultation.

- 6.5 Members will recall that the original consideration of the application took place prior to the introduction of the NPPF in March 2012. This document must now be considered in the determination of the application. NPPF identifies that Development Plan policies remain relevant until March 2013 unless now fundamentally in conflict with NPPF. Such conditions do not apply in respect of Development Plan policies related to proposals such as this. The application includes an additional planning statement submitted by the Agent on 26 June 2012 which seeks to address this recently issued national planning policy.
- 6.6 Paragraph 7 of the NPPF states that there are three underlying dimensions to sustainable development: economic, social and environmental. The planning system has an economic role to ensure the creation of a strong, responsive and competitive economy, a social role to support strong, vibrant and healthy communities and an environmental role to protect and enhance the natural, built and historic environment. The application must therefore be assessed with regard to these three underlying themes.

The change of use of land from a touring caravan site to a static caravan site.

- 6.7 The site lies within the open countryside. Policy CP14 of the TMBCS 2007 seeks to restrict development within the countryside. However the change from touring caravan units to static holiday caravan units in the visual form of log cabins is unlikely to have a negative impact upon the character of the wider countryside. The change from a variety of towed caravans to a well planned arrangement of static units, designed to resemble log cabins, represents an improvement in the appearance of the site and therefore its setting within the wider countryside.
- 6.8 The potential impact of the change from touring caravan units to static caravan units must also be assessed with regard to Policy CP24 of TMBCS 2007. This policy seeks to ensure that all development is well designed and respects the site and its surroundings. Policy CP24 also seeks to prevent development that would be detrimental to the character of the countryside.
- 6.9 As noted the replacement of a mix of touring caravans with co-ordinated log cabin style units represents a visual improvement and is more appropriate within the rural setting of the site. The site is well screened to the north and east by mature woodland and additional planting has already been added to the western boundary and to the north of the access road. This will ensure the site is well screened and will further reduce any impact upon the wider area.

- 6.10 Policy DC5 of the MDEDPD 2010 refers specifically to tourist and leisure facilities in the rural area. However this policy refers specifically to the creation of new facilities. The application comprises an alteration and extension to an existing rural tourist facility only.
- 6.11 **Holiday only occupancy** - Local residents are concerned that the site remains for holiday accommodation only. Members will recall that a number of planning conditions were imposed on TM/10/01908/FL to address this issue. Members will also recall a similar application at land rear of 260 Wateringbury Road under planning reference TM/11/02493/FL where this issue was also of great concern to local residents. It is appropriate to recommend the imposition of similar planning conditions to ensure the caravans are occupied for holiday purposes only. This will require the site licence operator to maintain a record of visitor details and for inspection by the Council's Planning Enforcement Team.
- 6.12 Local residents have also raised concern over all year round use of the site. The Good Practice Guide on Planning for Tourism 2006 advises LPAs that the widest possible 'holiday season' is advantageous not only to the potential occupants and site operator but also to the wider local economy. In light of this Government guidance it is not therefore appropriate to restrict the opening season of the site as a way of ensuring holiday only use as this can be ensured by alternative planning conditions.

The change of use of land from an equestrian use (manege) in association with an existing caravan site.

- 6.13 The NPPF 2012 makes specific reference to the need to support a prosperous rural economy. Paragraph 28 places a duty upon LPAs to ensure development plans and decisions support the rural economy, and to:
- *“support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
  - *promote the development and diversification of agricultural and other land-based rural businesses;*
  - *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.”*
- 6.14 The NPPF clearly requires LPAs to support the expansion of existing tourist facilities. The change of use of land in the north east part of the site to provide an expansion to the existing caravan site accords with this aim. However this

element of the application must again be assessed with regard to CP14 and CP24 of the TMBCS 2007.

- 6.15 This part of the application site is particularly well screened by the existing mature woodland to the north and eastern site boundaries. The change of use of this part of the site will therefore have no significant impact upon the character of the wider countryside. The change of use does not involve the loss of any agricultural land and will make no unacceptable impact upon the function of the wider countryside.
- 6.16 It is noted that two small areas to the south west are also included in the application site. One of these areas was originally required to site the proposed on-site sewage treatment plant. This no longer forms part of the application. The other area is required to site the LPG tank. However the tank is underground and therefore unlikely to make any impact upon the character of the countryside.
- 6.17 **Highway considerations** - No alterations are proposed to the access arrangements. Although the concerns of a number of objectors are noted KHS has raised no objection, commenting that the proposal will be likely to lead to a reduction in the number of vehicular trips to and from the site.
- 6.18 **LPG Tank** – Details are provided of the proposed siting and installation of the underground LPG tank. This is to be located close to the caravan site entrance. It is the responsibility of the LPG supplier to ensure that the underground tank installation meets with the relevant UK LPG Codes of Practice. The siting appears appropriate.
- 6.19 **Lighting** – Details are provided of the proposed lighting. This to be ‘park lighting’ - lighting designed specifically for use on caravan parks. The proposed height is 1250mm using a low energy fluorescent lamp. The use of such lighting is acceptable and will make no adverse impact upon the wider countryside.
- 6.20 **Foul drainage** – The application originally proposed the installation of a small on-site treatment plant. However the application has been amended and the intention is now to connect to the main sewer on Wateringbury Road. This is a preferable alternative.
- 6.21 The application accords with paragraph 28 of the NPPF 2012 and is the expansion of an existing tourist facility which will continue to contribute to the prosperity of the rural economy. The application will make no unacceptable impact upon the character of the site or wider countryside and therefore meets the criteria of CP14 and CP24. The application is likely to result in a betterment in terms of highway safety. It is therefore recommended that planning permission be granted subject to the following planning conditions.



**7. Recommendation:**

**7.1 Grant Planning Permission** in accordance with the following submitted details:

Letter dated 08.03.2012, Design and Access Statement dated 08.03.2012, Other UNDERGROUND LPG TANK dated 08.03.2012, Other LIGHTING dated 08.03.2012, Photograph CARAVAN dated 08.03.2012, Drawing LANDSCAPING dated 08.03.2012, Location Plan dated 08.03.2012, Letter dated 18.04.2012 subject to the following:

**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 The maximum number of caravans to be located at the site shall be no more than 20.

Reason: The siting of more than 20 caravans would lead to an over intensification of the use of the site which could potentially have an adverse impact upon the wider character of the countryside and be contrary to Policies CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 3 (i) The caravans shall be occupied for holiday purposes only and no trade or business shall be carried on from the site;

(ii) The caravans shall not be occupied as a person's sole, or main place of residence;

(iii) The caravan site licence holder or his/her nominated person shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, their arrival and departure dates and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: Having regard to Annex B of the Good Practice Guide on Planning for Tourism 2006 and to ensure that the caravans hereby approved are not used for permanent residential occupation which would constitute an inappropriate land use within the countryside and be contrary to Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 28 of the National Planning Policy Framework 2012.

- 4 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 which would potentially have an adverse impact upon the wider character of the countryside and be contrary to Policy CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 5 Notwithstanding any of the provisions of Parts 4 and 27 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the site shall not be used for the pitching of tents.

Reason: This would lead to an over intensification of the use of the site which would potentially have an adverse impact upon the wider character of the countryside and be contrary to Policy CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 6 The proposal for landscaping shown on the submitted layout shall be implemented in the first planting season following the first use of the site pursuant to this planning permission. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation

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 in accordance with Policy CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 7 The caravans hereby approved shall not exceed 13m in length and 6m in width and shall be externally finished to resemble a log cabin/chalet.

Reason: To protect and enhance the appearance and character of the site and locality in accordance with Policy CP14 and Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

### **Informatives**

- 1 During the construction/installation phase the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours, Saturday 08:00 to 13:00 hours with no working on Sundays, Bank Holidays or Public Holidays.
- 2 The applicant is advised that light has been added into the list of Statutory nuisance under the Environmental Protection Act 1990. It is thus in the applicant's own best interests to ensure that the lighting does not unduly affect neighbours and is maintained as such.
- 3 The applicant is advised to contact the Environment Agency's National Permitting Support Centre on 03708 506506 to discuss surface water disposal.

- 4 The Caravan Site Licence will require amendment to reflect the change in status of the site.
- 5 The LPG supplier must ensure that the underground tank meets with the relevant UK LPG Codes of Practice and all LPG supplied must meet with current Health and Safety Legislation.

Contact: Maria Brown