

**East Malling & Larkfield TM/11/02493/FL
East Malling**

**Change of use of the land to static holiday log cabin (caravan) site at Land
Adjoining 260 Waterringbury Road East Malling West Malling Kent for Mr Garry
Haffenden**

Private reps: Letter of **support** received 29.08.12 giving 7 reasons:

- reduction in sites from 15 to 10,
- probability of fewer traffic movements,
- no caravans causing congestion, danger and damage to the village and lanes,
- the log cabins would be easier to control,
- will be an improvement,
- present access is quite acceptable and
- conditions could be attached to alleviate anxiety about future development.

Letter of **objection** received 23.08.12 commenting on a similar application made by the same Agent in the Maidstone Borough Council area. It is alleged that the caravans that were granted planning permission there are now being sold as dwellings – the objector's investigations have revealed that the site owner is of the opinion that, as no one actually checks, the caravans could be occupied all year round. Therefore the objector asks the following questions.

Would this applicant be allowed to sell individual plots? If not, which particular planning limitation in the Planning Committee's report prevents it? If it is allowed and plots are sold to new owners how would TMBC ensure that they would continue to be used as the Committee intended when it granted permission?

DPTL comment: Although the specific details of the MBC site are not relevant to the current case, the questions posed by the objector can be answered thus. The aim of my recommended condition 4 is to ensure that the site has adequate management supervision. It is the management of the site, rather than the actual ownership of the individual caravans, that is likely, in my opinion, to have a greater influence on the way in which the site is operated, such as to ensure no adverse impact upon adjacent residential amenity or the character of the wider area. In addition, the ownership of the site and/or

individual caravans will not obviate the requirement to comply with condition 3 – ie that the caravans shall only be occupied for holiday purposes. As with any other condition on a planning permission, any material deviation will comprise a breach of planning control which would be potentially liable to enforcement action. There is commitment by the Enforcement Team to visit all holiday caravan sites in the Borough to inspect log books to ensure the sites are being operated in accordance with their permitted use.

Following further consideration, I consider that a minor rewording of the recommended conditions 2, 3 and 8 would lead to greater clarity.

AMENDED RECOMMENDATION:

Amend conditions 2, 3 and 8 to read:

- 2. The maximum number of caravans (log cabins) to be located at the site shall be no more than 10.**

Reason: The siting of more than 10 caravans (log cabins) 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, Policy DC5 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 28 of the National Planning Policy Framework 2012.

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

(ii) the caravans (log cabins) 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 (log cabins) 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 (log cabins) 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, Policy DC5 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010, paragraph 28 of the National Planning Policy Framework 2012.

- 8. The caravans (log cabins) hereby approved shall not exceed 13m in length and 4m 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 of the Tonbridge and Malling Borough Core Strategy 2007, Policy DC5 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 28 of the National Planning Policy Framework 2012.