

East Malling & Larkfield **569862 155832** **2 January 2013** **TM/12/03819/FL**
East Malling

Proposal: Variation of condition 8 of TM/11/02493/FL: Change of use of land to static holiday log cabin (caravan) site, to alter the dimensions of the log cabins (caravans) from the permitted width of 4m to a maximum width of 6m with no change to the permitted length of 13m

Location: Land Adjoining 260 Wateringbury Road East Malling West Malling Kent

Applicant: Mr Garry Haffenden

1. Description:

- 1.1 Planning permission was granted on 31 August 2012 under planning reference TM/11/02493/FL for a static holiday log cabin (caravan) site. The permission was subject to a number of planning conditions. Planning condition 8 restricts the dimensions of the permitted log cabin (caravans) – the length not to exceed 13m and the width not to exceed 4m.
- 1.2 This application seeks to vary condition 8 to allow for the log cabins (caravans) to be increased in width from 4m to 6m. The application does not seek to alter the permitted length of 13m.
- 1.3 It is argued that the increase in size will “...enable the enhanced accommodation to be provided, which will improve the tourism offer for occupiers.” The agent has confirmed that the intention remains to provide a 2 bedroom unit, as in the 4m wide units, but with “larger lounge, kitchen and bedroom space, so that holiday makers can have a greater degree of comfort”.

2. Reason for reporting to Committee:

- 2.1 The application is brought to Committee in view of the level 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. Works have begun on site – the access roadways have been laid out.

4. Planning History (relevant):

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/11/02493/FL Approved 31 August 2012

Change of use of the land to static holiday log cabin (caravan) site

5. Consultees:

5.1 East Malling & Larkfield PC: Raise concerns – the increase in unit size will create over development resulting in a loss of open space and lessen the existing rural aspect. There is no fire point marked on the plan.

5.2 KCC (Highways): No highway implications.

5.3 Private Reps: 35/0X/0S/5R + site notice:

- Increase in size of cabins will make the density worse. It represents a 50% increase in the footprint. The increased size would appear as terraced houses.
- The increase would result in cramped development – a gross overdevelopment of the site which fails to protect and enhance the appearance and character of the site and locality. Contrary to Policy CP24 and SQ7.
- The density of the site is not in keeping with other properties in The Heath and increasing the width of the caravans will only add to this.
- No comparison between Hillberry Farm as this site is much smaller and therefore the cabins would be totally out of proportion to the plot and surrounding location.

- The caravans will be the same size as bungalows but pay no council tax.
- Dubious - applicant only seeking permission in incremental steps.
- The increase is not justified for holiday lets and seems more geared towards catering for permanent residents.
- Application should be a full application.
- Additional bedroom accommodation would result in denser level of occupation and therefore noise, activity and vehicle movements and be contrary to policy DC5.

5.4 East Malling Conservation Group: Objects for the reasons:-

“a. It will now have the appearance of a residential development not holiday accommodation, we are sure the “residents” will find a ways of showing non residence for periods of time by taking holidays etc. and therefore meet the requirements of holiday lets. Then in the fullness of time the Applicant will apply for full residential use which would probably be supported by the Inspector for the Secretary of State

b. The size of cabin (circa 800 sq ft) is equivalent to a small bungalow. Usually cabins of this size are set informally in “parkland” settings to attract tourists and to make the most of the locality. The cabins here, set in a regular grouping, will now be in closer proximity to each other and will have the appearance of a shanty town.”

Comment is also made about the size of caravans approved at the nearby site, Hillberry House.

6. Determining Issues:

- 6.1 The acceptability of this use of land as a static holiday log cabin (caravan) site was established under TM/11/02493/FL, permitted in August 2012. The current application relates solely to consideration as to whether a proposed increase in width of the previously permitted log cabins (caravans) would adversely affect the considerations underlying condition 8.
- 6.2 Planning condition 8 of TM/11/02493/FL limited the size of the log cabins (caravans) in order to *“protect and enhance the appearance and character of the site and locality in accordance with Policy CP14 of the TMBCS, Policy DC5 of the MDEDPD 2010 and paragraph 28 of the NPPF 2012.”* The practical effect of the condition is to enable the Council to have the ability to control the size of the log cabins (caravans), hence this application. The determining issue is therefore

whether the proposed increase in width of the log cabins (caravans) would result in an unacceptable impact upon the appearance and character of the site and its locality.

- 6.3 The development of the site as a holiday log cabin (caravan) site accords with CP14. Part (i) of CP14 permits development for which a rural location is essential. Paragraph 6.3.7 of the TMBCS leads to Policy CP14 and this acknowledges that in some cases development in the countryside can be beneficial and sustainable. The paragraph notes however that this development needs to be appropriate to the character of the countryside.
- 6.4 The development of the site as a holiday log cabin (caravan) site has been, in the previously approved form, accepted as according with the criteria in Policy DC5. DC5 (d) requires that *“the amount of any associated new built development is directly related to the proposed use and the minimum required to serve that use”*. It is acknowledged that the policy relates to built development and that caravans are not buildings. However the underlying thrust of the policy is to promote tourism and leisure facilities within the Borough whilst, as noted in paragraph 7.6.3, not harming the character of the area in which they are located. Similar principles apply in the case of caravan (log cabin) sites.
- 6.5 The development of the site as a holiday log cabin (caravan) site has been accepted as according with paragraph 28 of the NPPF in principle. This paragraph seeks to support economic growth in rural areas to promote a strong rural economy. Nevertheless paragraph 28 makes such support contingent on developments respecting the character of the countryside.
- 6.6 The proposed width of the units will increase the overall density within the site. Local residents have raised concerns about the impact of this increase in bulk, stating that it will reduce the space between the units from 8m to 6m.
- 6.7 The reduced space between the units will, to a limited degree, have a visual impact on the wider street scene. It is acknowledged that the visual impact of the site is mitigated by the trees to the northern boundary. However, the site can be viewed from the public domain, particularly in winter and most particularly through the access point on The Heath. The increased density and reduction in space between the units will alter the character of the site. On the other hand, the increase in width of the cabins, provided that it is suitably conditioned and controlled, is unlikely to intrude any further into wider views. A comparison of the illustrative layout plans submitted with the approved scheme and the current application bears this out. This is because the increased width of the log cabins can only be appreciated from limited viewpoints and not generally from the wider countryside. In this sense, I cannot support EMCG’s view that the increase in width of the caravan units, the only factor requiring the Council’s approval, will lead to the site having the *“appearance of a shanty town”*.

- 6.8 Whilst it is not directly material to the Committee's decision, I understand that the illustrative layout indicates that there is adequate space to enable compliance with any provisions of a Caravan Site Licence (which will include the provision of fire safety measures – which will cover the issue of the Fire Point mentioned by EMLPC; the fire authority will have a part to play in this) which will be dealt with by Environmental Health colleagues under separate legislation. (See also Informative 1.)
- 6.9 The increase in size of the units will have some impact on the internal ambience of the site which might be considered to be somewhat counterproductive in terms of the appeal of the rural character of the development. The increase in size of the units constitutes an increase in overall development. The siting of caravans, in this case with the visual character of a log cabin, is a use of land and not 'built development' as such. However the aims of Policy DC5, particularly paragraph (d), are to minimise the built form of development in the countryside. Planning permission has been granted for the siting of caravans with a maximum width of 4m, as sought by the Applicant in the original application. An increase in the size of unit is suggested by the applicant to provide an enhanced tourism offer which could be seen as proposing a 'minimum' level of development as referred to in Policy DC5.
- 6.10 Local residents have also raised concern regarding the potential increase in general disturbance resulting from the increased number of visitors which will, in turn, result from the increase in unit size. It must be borne in mind that the applicant is not proposing the introduction of additional bedrooms which could involve increased occupation densities. Under such circumstances, I do not consider the potential impact on levels of adjacent residential amenity to warrant refusal on such grounds. I consider that a planning condition should be attached, in light of the larger size of the caravans, limiting bedroom numbers, so as to avoid the possibility of the density of occupation increasing in the future, by the later introduction of additional bedrooms. That is not to say that this would not be acceptable, but it should not occur without the Council being able to assess the implications thereof, for instance in terms of the impact on outdoor facilities space or the land to be devoted to parking and any consequent wider impacts. Such controls can be justified on this site in light of the space to caravan size relationship where it might not be justified on other sites of a different configuration.
- 6.11 The applicant, Parish Council, East Malling Conservation Group and local residents make reference to the recent case at Hillberry House. Members will recall that planning permission was granted in October 2012 under planning reference TM/12/00797/FL for a change of use from a touring caravan site to a static holiday caravan site. The units at Hillberry House are limited by planning condition to a maximum width of 6m. The Applicant's agent advances the opinion that there is no material difference between the Hillberry House site and the current application site at 260 Wateringbury Road. His point is recognised but I

cannot agree with him - the size of units permitted at one site does not necessarily have a bearing on the suitability or otherwise of the size of units at another, wholly different, site. It is imperative that each site, and indeed each application, is judged solely on its own merits.

6.12 The matter of regulation of occupation mentioned by EMCG has been extensively aired previously and the proposed condition 3. below deals with control in accordance with current Government Guidance and expectations.

6.13 I recognise the fear in ECMG's mind that, as they see it, this may be the "thin end of the wedge" to a residential use in due course. Whilst it is not possible to say that this will never be the case, I think that it is crucial to bear in mind that the principle for the release of this site is to do with the provision of tourism facilities. The risk that EMCG raises does not turn on the increase in width of the approved caravans by 2m. This is not a suitable location in itself, in planning policy terms, for standalone residential development.

6.14 In conclusion it must be recognised that the increase in size of the units changes the nature and impact of the development but to a limited degree in the way explained above. Equally, the provision of desirable tourist accommodation is a proper aim in rural areas and that principle has been clearly supported on this site. On balance, bearing in mind all factors set out above and given the limited impact when viewed from the key viewpoint at the access point on The Heath, a closely controlled planning permission could be granted. I therefore recommend the application be approved.

7. Recommendation:

7.1 **Grant Planning Permission** subject to the following conditions:

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 log cabins (caravans) to be located at the site shall be no more than 10.

Reason: The siting of more than 10 log cabins (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, 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 log cabins (caravans) shall be occupied for holiday purposes only and no trade or business shall be carried on from the site;

(ii) the log cabins (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 log cabin (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 log cabin (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, 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.

4 The use hereby permitted shall only be carried out, and the site shall be operated, by the occupiers of 260 Watringbury Road.

Reason: To ensure the continuing relationship between the host dwelling and the application site in order to provide adequate management supervision for the site to ensure that neither the levels of adjacent residential amenity nor the character of the wider area suffer from an adverse impact, in accordance with 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.

5 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 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.

6 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 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.

- 7 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 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.

- 8 The log cabins (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 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.

- 9 The log cabins (caravans) hereby approved shall limited to a maximum of 2 bedrooms.

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.

Informatives

- 1 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.

- 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 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.
- 4 The applicant is advised of the need to maintain adequate vision splays. A splay of 2m x 43m is recommended which should be maintained with no obstruction over 900mm.

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