

**East Malling & Larkfield TM/15/01023/FL
East Malling**

New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to and retain the existing septic tank at Orchard Farm Well Street East Malling West Malling for Mr John Fuller

DPHEH:

The Members Site Inspection took place on 10 July and allowed Members to view the access track and septic tank within the context of the immediate surroundings and rural landscape.

Neighbours raised two key questions during the Members Site Inspection, which are discussed in more detail below but I would take the opportunity to again stress that these matters are not material to the consideration of the planning application before Members for determination. The information provided below is therefore given in order to provide background context for Members.

Question was raised as to whether the installation of a septic tank necessitated any formal consent from other regulatory bodies and whether adherence to the requirements of other legislation could be required by condition in the event that planning permission is granted.

The grant of planning permission for the septic tank would not override the need for the applicant to obtain any other licenses required under separate legislation, these would need to be obtained in accordance with the relevant legislation in the normal way, but I must advise that the Council as Local Planning Authority is not legitimately able to seek to control these matters by way of planning condition. It can only remind the applicant of the potential need to obtain such separate approvals and this can be done by way of Informative.

Neighbours also questioned the fact that the historic access (granted by the Planning Inspector and subject to a condition restricting commercial activity) would be passed over by caravan club members to access an adjoining field for camping. As explained previously, the use of the adjoining field for camping by caravan club members (up to 5 pitches) does not require planning permission from the Council. As such, this matter does not form part of the application for determination.

Quite simply, passing over the land controlled by the Planning Inspector's condition restricting commercial activity does not in itself amount to a use of the land and therefore no breach of the planning condition would be occurring should this happen.

Similarly, the fact that the applicant may be "managing" the pitches from his property (which is controlled by the condition), does not amount to a commercial activity that would

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