

East Malling & Larkfield **569023 156904** **10 April 2015** **TM/15/01023/FL**
East Malling

Proposal: New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to existing septic tank
Location: Orchard Farm Well Street East Malling West Malling Kent ME19 6JW
Applicant: Mr John Fuller

1. Description:

1.1 The planning application relates to the construction of a new access roadway. The roadway has been put in place to provide access to an existing septic tank. The application is retrospective. A Temporary Stop Notice was served by the Council on 1 May 2015 as a result of works commencing in advance of any planning permission having been granted.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Oakley and former Councillor Woodger.

3. The Site:

3.1 The application site comprises the access roadway only. The application site does however lie within a wider complex all in the ownership of the applicant. The site of the access roadway lies to the north of an existing mobile home and ancillary buildings, and to the east of an existing stable block and sand school. A mature hedge exists to the north of the site.

3.2 The site lies to the south west of East Malling in the open countryside. The application site is accessed via an existing access roadway leading from Well Street.

4. Planning History (relevant):

TM/10/00502/FL Refuse 19 August 2010

New agricultural building and access

TM/10/01011/FL Application Withdrawn 8 February 2012

Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank)

TM/10/03441/FL Refuse 25 March 2011

New agricultural building and access

TM/11/02655/FL Granted at Appeal 26 March 2013

Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank)

TM/11/03558/FL Approved 14 June 2012

Construction of stables and outdoor sand manege

TM/13/01029/RD Approved 16 December 2014

Details of surface water disposal, storage and disposal of manure, habitat assessment and landscaping and boundary treatment pursuant to conditions 3, 4, 7 and 9 of planning permission TM/11/03558/FL (construction of stables and outdoor sand manege)

TM/13/01885/RD Approved 5 December 2013

Details of landscape proposals and landscape specification and management plan pursuant to the release of condition 5 (i) of appeal decision TM/11/02655/FL (Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank)

TM/14/04147/FL Application Withdrawn 7 April 2015

Erection of a detached outbuilding to accommodate a tool store, garage and kennel with office above

5. Consultees:

- 5.1 PC: It is understood the 5 caravan pitches do not require planning permission under the Caravan Club licence rules and are outside the land covered by the Appeal decision which has a condition precluding commercial development. It is noted the new drive is internal to the site to serve the septic tank and the above 5 pitches. The Parish Council agrees with local residents concerns about the lanes being unsuitable for caravans being brought along them and is frustrated the Caravan Club rules appear not to take access issues into account. It is felt this system of exemption needs review at national level. The Parish Council feels this development should not be taking place in this countryside location.

5.2 Private Reps: 20 + site notice/0X/4R/0S. 4 letters from residents raising the following objections:

- The Secretary of State excluded any commercial activities from taking place at the site, which would include the site being used under a Caravan Club agreement/Certified Location. The Council and local residents have already been put through the expense of an appeal and all further applications for commercial activities should be rejected.
- The Caravan Club rules require safe access for caravans and motor caravans. The surrounding roadways are narrow with uneven surfaces and are therefore unsuitable for large vehicles. Additional traffic would be hazardous to road safety, cause lengthy delays and reduce the quietness of the surrounding lanes. Are TMBC or KCC consulted by the Caravan Club? This will devalue the area to its residents and prospective buyers.
- The septic tank is already in use and must therefore already be accessible. If not this questions the approval already in place for the existing drainage facilities.
- The consultation has been insufficient.

6. Determining Issues:

- 6.1 This planning application seeks to regulate the existing access roadway which has been constructed using recycled aggregate and roadstone. The application states that the reasons for the access roadway are twofold. The access roadway will provide vehicle access to the existing septic tank. This will facilitate maintenance and emptying. Secondly, it would provide access to land intended to be used for the stationing of up to 5 touring caravans operated as a Caravan Club Certified location, which in itself comprises permitted development and does not require planning permission, a matter I will return to in more detail later within this report.
- 6.2 The key factor in the determination of this case centres on the physical impact of the access track on the countryside. In countryside locations such as this, the NPPF requires decision making to recognise the intrinsic character and beauty of the countryside. In addition, policy CP14 of the TMBCS seeks to restrict development in order to preserve the open nature and character of the countryside.
- 6.3 The roadway has been constructed of recycled aggregate and roadstone which is similar in nature to many other similar roadways and tracks constructed on agricultural land. The site is extensively screened by mature planting and is also shielded from direct public view by the existing stables to the north west and the mobile home to the south. The site can be glimpsed from the east along Stickens Lane, but the roadway itself, given its minor extent and nature combined with the topography of the land, is not readily visible. Consequently the development has a

negligible visual impact and does not compromise the open nature or character of the countryside in any way. The application therefore accords with the aims of the NPPF and CP14.

- 6.4 A number of objections have been received from local residents in connection with this application. They are concerned that the use of the site as a Caravan Club Certified location constitutes a commercial activity and therefore breaches the terms of the planning permission granted on appeal in March 2013 for a change of use of land for the stationing of two caravans for residential occupation with associated hardstanding, access, septic tank and utility shed. Condition 3 of that planning permission prohibits any commercial activity at the site to which the appeal related other than the keeping of horses and other items related to the farrier business. The condition controlling the adjacent land therefore has no material bearing on the consideration of this case despite the fact that the land lies within the same ownership. As I have explained, the use of land for the stationing of up to 5 touring caravans operated as a Caravan Club Certified location is permitted development and cannot be the subject of a planning application.
- 6.5 I am aware that a very small portion of the new access roadway lies within the previous application site for the mobile home, the subject of the earlier appeal decision. This does not mean that the entire roadway is controlled by the previous planning condition preventing commercial activity. The development requires planning permission solely because it is an engineering operation in its own right. The fact that caravans may pass over a small portion of the earlier appeal site has no bearing on the determination of this current application and is not a material planning consideration.
- 6.6 It has been brought to my attention that the existing septic tank is in a different location to that permitted by the Inspector at appeal under planning reference TM/11/02655/FL and the subsequent reserved detail application TM/13/01885/RD. Again, this does not have any direct bearing on the determination of the current application; this issue is currently being investigated and any further information in this regard will be reported as a supplementary matter.
- 6.7 Local residents are also concerned about the impact of the touring caravans on the local highway network. However, as I have explained earlier within this report the use of adjacent land for such purposes does not form part of the current application; indeed the use of land for the stationing of up to 5 touring caravans operated as a Caravan Club Certified site does not require the submission of a planning application at all. I would reiterate again that such a use falls beyond the control of the planning system and does not form part of the current application. The development currently before Members for determination cannot therefore be considered in respect of this issue.

6.8 I am keenly aware of the concerns of local residents. However the objections raised to the application do not constitute material planning considerations that can have any bearing on the determination of the application for the roadway itself, which has, in my view, a negligible impact on the landscape and thus accords with national and local planning policy. Consequently, I recommend that planning permission is granted.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter covering letter fm agent dated 25.03.2015, Letter Fm agent dated 10.04.2015, Supporting Information dated 10.04.2015, Location Plan dated 10.04.2015, Site Plan OF/15/1002 Proposed dated 25.03.2015.

Contact: Maria Brown