
East Malling & Larkfield **569740 155884** **29 January 2015** **TM/15/00307/FL**
East Malling

Proposal: Change of use of land to extend existing static holiday log cabin (caravan) site with ancillary bases, roads, decking, verandas, lighting and drainage (resubmission of TM/14/03074/FL)

Location: Heath Park 45 The Heath East Malling West Malling Kent ME19 6JN

Applicant: Mr Garry Haffenden

1. Description:

- 1.1 Planning permission is sought for an extension to the Heath Park holiday park to increase the number of log cabin units by 5. The application also includes the construction of the ancillary bases, internal access road, lighting and drainage provision. Associated decking and verandas are proposed to each unit.
- 1.2 Members will recall that planning permission was originally granted in August 2012 for a static holiday log cabin (caravan) site comprising 10 units. A subsequent permission was granted in May 2013 to allow for an increase in the width of the units, and in May 2014 for the retention and introduction of steps and verandas to each of the units.
- 1.3 Members will also be aware that a similar application to extend the Park by 8 units was submitted under TM/14/03074/FL. That application was due to be heard at the APC3 in January 2015 but was withdrawn by the applicant prior to the meeting.
- 1.4 The site has been the subject of a planning enforcement investigation. Concerns were raised regarding the occupation of the units. As Members are aware the units can only be occupied as holiday accommodation and not as permanent residential dwellings. The investigation has found no evidence to suggest a breach of planning permission is occurring at the site.

2. Reason for reporting to Committee:

- 2.1 Owing to the controversial planning history connected to the site.

3. The Site:

- 3.1 The site lies within the open countryside to the south of East Malling village. All the site boundaries are of mature trees and shrubs. The layout and landscaping permitted in 2011 have been undertaken. The entrance signage, gates and bin store have been erected.

4. Planning History (relevant):

TM/10/02303/FL Approved 14 December 2010

Refuse bin store and chemical toilet waste disposal facility (including underground sealed tank) to serve use of land as a 'certified' site for Caravan Club members

TM/11/02493/FL Approved 31 August 2012

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

TM/12/03819/FL Approved 7 May 2013

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

TM/14/00289/FL Approved 19 May 2014

Retention of steps and verandas to units 1 and 3, and erection of steps and verandas to further 8 units

TM/14/03074/FL Application Withdrawn 5 January 2015

Change of use of land to extend existing static holiday log cabin (caravan) site with ancillary bases, roads, decking, verandas, lighting and drainage

5. Consultees:

5.1 PC: No objection on the basis of the revised plans showing a reduction in the number of lodges as shown including a landscaping scheme and the retention of the 'green' area at the south end of the site. We also ask that all the previous conditions be applied for the purposes of consistency.

5.2 KCC (H+T): No objection

5.3 Private Reps: 33 + site notice/0X/0R/0S: No responses

6. Determining Issues:

6.1 The creation of Heath Park as a static holiday log cabin (caravan) site was established through the grant of planning permission (TM/11/02493/FL) in August 2012 as it was considered to reflect the principles laid out in paragraph 28 of the NPPF 2012. This seeks to support economic growth in rural areas, to promote a strong rural economy and offers support for the sustainable growth and expansion of all types of business and enterprise in rural areas. It makes specific reference

to rural tourism and leisure developments which respect the character of the countryside. The current planning application before Members proposes the expansion of the existing rural tourist enterprise which is, in principle, acceptable when considering the requirements of paragraph 28 of the NPPF. The key determining factor therefore, in this instance, is whether the proposed expansion respects the character of the countryside.

- 6.2 The requirement to respect the character of the countryside is also reflected in policy CP14 of the TMBCS. The use of the site as a holiday log cabin (caravan) site was deemed to accord with policy CP14 as being development for which a rural location is essential. However, the policy also states that whilst in some cases development in the countryside can be beneficial and sustainable it needs to be appropriate to the character of the countryside.
- 6.3 Similarly, policy DC5 of the MDE DPD promotes the general principle of providing for new tourism and leisure facilities in the rural areas. The original change of use at Heath Park was found to accord with the policy. Again, the policy states that such in principle support must not, either individually or cumulatively, detract from the character of the area in which they are located.
- 6.4 The permitted ten units are sited in two parallel lines of five stretching southwards on either side of the entrance gates. A grassed amenity area with shrub planting has been created in front of the entrance gates, which has contributed to the creation of an appropriate setting within the countryside. This, in addition to the trees and shrubs that form the site boundaries, gives the impression of log cabins fitting naturally into their rural setting. The siting of the units to either side of the site maintains a view of the mature trees to the south. This has allowed the existing facility to retain the rural character of both the site and its setting in the wider countryside.
- 6.5 The scheme submitted under TM/14/03074/FL sought to add an additional unit to the existing parallel line to the west, two additional units to the parallel line to the east and a further five units at right angles to the rear of the site. Although the application was withdrawn prior to the meeting, the Committee Report recommended refusal on the basis that the additional units, particularly those at the rear, would have a detrimental impact on the character of the site and the wider countryside. In response the applicant has submitted the current amended application.
- 6.6 The current scheme proposes an additional 5 units – a reduction from the 8 previously sought. The intention is to provide holiday log cabins (caravans) to match the existing units in terms of size and appearance. Two additional units are proposed to extend the existing parallel line to the west and three additional units are proposed to extend the existing parallel line to the east. Two additional amenity grassed areas are proposed with Beech and Dog Rose hedges. A parking space is proposed for each unit together with 6 additional spaces. The

scheme also includes an additional bin store. The existing trees to the rear site boundary are to be retained with additional hedge planting and a Field Maple and two Scots Pine trees.

6.7 With the above policy context in mind (set out in paragraphs 6.1, 6.2 and 6.3), I consider that the specific siting of the 5 additional units proposed would ensure that the character of the site and wider countryside would not be harmed. Specifically, the addition of two units to the west and three units to the east will have minimal impact on the countryside when viewed from the site entrance at The Heath. Similarly the existing boundaries of mature trees provide screening which prevents views of the existing and the proposed additional units.

6.8 In light of the above assessment, I consider that the proposed development meets the requirements of the NPPF and LDF and as such the following recommendation is put forward.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 29.01.2015, Design and Access Statement dated 29.01.2015, Location Plan dated 29.01.2015, Site Plan 14/1192/01 Proposed dated 29.01.2015, Proposed Plans and Elevations 14/1192/02 Lodges 11 _ 13 dated 29.01.2015, Proposed Plans and Elevations 14/1192/03 Lodges 12,14 _ 15 dated 29.01.2015, 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. All materials used externally shall accord with the approved plans and match the external appearance of the existing/permitted holiday log cabins (caravans).

Reason: To ensure that the development does not harm the character and appearance of the locality.

3. The maximum number of log cabins (caravans) to be located at the site shall be no more than 15.

Reason: The siting of more than 15 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.

4. (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: The occupation of the log cabin (caravans) for permanent residential occupation which would constitute an inappropriate land use in the countryside.

5. 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.

6. Notwithstanding any of the provisions of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 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.

7. Notwithstanding any of the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 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.

8. 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.

9. 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.

10. 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.

11. The vehicle parking spaces shown on the submitted plans shall be provided and permanently retained prior to the use of the site.

Reason: To ensure no adverse impact on highway safety resulting from hazardous on-street parking.

Informatives

1. An application to vary the existing 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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