

**Stansted**                              **559902 160887**    **17 September 2015**    **TM/15/03045/FL**  
Wrotham, Ightham And  
Stansted

Proposal:                                      Section 73 application for the variation of condition 1 of planning permission TM/13/00081/FL (to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans) to provide for year round use in line with other parks in the area and 1 (c) to be deleted

Location:                                      Thriftwood Caravan And Camping Park Plaxdale Green Road Stansted Sevenoaks Kent TN15 7PB

Applicant:                                      Mr S Sellers

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**1. Description:**

1.1 Planning permission is sought to vary condition 1 of planning permission TM/13/00081/FL which was itself the last in a series of s73 applications that sought to vary the terms of condition 4 of TM/01/02373/FL.

1.2 Condition 1 currently states:

*(a) The number of pitches on the site shall be restricted to a maximum of 150 for touring units (including touring caravans, campervans, motorhomes and tents) and 30 static caravan units;*

*(b) the 30 static caravan units shall be located only on that part of the site shown cross hatched on the drawing attached to this permission;*

*(c) the use of the site for occupation of the static units shall be restricted to the months of January and from March to December inclusive in any one calendar year;*

*(d) the pitches for touring units shall be located only on that part of the site shown single hatched or cross hatched on the drawing attached to this permission;*

*(e) any touring caravans being stored on the site shall be located either within that part of the site shown single hatched or cross hatched on the drawing or in the area annotated at "Storage Area";*

*(f) at no time shall the total number of caravans on the site (including those that are occupied, available for occupation and stored) exceed 180.*

1.3 Condition 2 aims to ensure the site is not used for unauthorised permanent residential occupation which would be inappropriate in the Green Belt or outside settlement confines, stating that;

*(i) the caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 pitches that may be occupied at any one time as temporary accommodation by locally employed workers on fixed term contracts of employment;*

*(ii) the caravans shall not be occupied as a person's sole, or main place of residence;*

*(iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.*

1.4 The applicant wishes to retain condition 2 but have 1(c) deleted to allow all the 30 statics to potentially be occupied during February, ie year round. In support the agent states (in summary) that:

- *the objective is to alter to the same season as the rest of the caravans on the park and to fall in line with other caravan parks in the general area, to reflect the more recent decisions which have allowed year round use of sites directly competing with Thriftwood.*
- *February is a surprisingly popular time of the year with visitors from abroad and given the school half term.*
- *The static caravan area is not obtrusive and will not appear any different when viewed from the public right of way or road but for a small number of additional vehicles near the statics during February, when the rest of the site is open for use in any event.*
- *will enable the site to operate in a similar year round way as other businesses in the area whilst the remainder of the conditions on the consent, as well as the requirements of the site licence, will enable the Council to ensure that the site is used appropriately and not as anyone's full time residence which is in line with general policy including the NPPF.*
- *Proposal should enhance the overall appeal of the park to the benefit of the business and wider local economy. The Planning Inspector acknowledged the benefits from increased use by visitors in saying 'Any increase in the use of the site, including extending the number of days when units are occupied, is likely*

*to have some benefits for nearby businesses and for employment within the site itself.'*

**2. Reason for reporting to Committee:**

2.1 The site has a complex planning history.

**3. The Site:**

- 3.1 It is an established camping park from the 1980s, featuring both static caravans and pitches for touring caravans and tents. It has ancillary facilities such as a club house and shower/toilet blocks etc. Following the 2013 planning permission, the camping and touring caravans can be occupied for holiday purposes year round but the 30 static caravans are conditioned to be not occupied residentially in the month of February.
- 3.2 The land slopes down from SE to NW. It is set in an elevated position above Plaxdale Green Road and surrounded by open farmland but with tourism accommodation at Hilltop and residential properties at Labour in Vain Road. The main caravan site includes some trees and there is a wooded area to the western side and also features tree screening along its boundaries subject to a long established Area TPO. The slope of the land means that new evergreen landscaping at the lowest NW corner does not hide the caravans sited on higher parts of the site.
- 3.3 The eastern side of the site is designated as ancient woodland and this is subject to a recently re-served and now confirmed Woodland TPO
- 3.4 The site is in the countryside and the MGB. It abuts the AONB but is not within it.
- 3.5 A Public Footpath runs N-S through the site, including through an approved caravan storage area. The site lies on a Water Gathering Area.

**4. Planning History (relevant):**

TM/81/00886/FL            grant with conditions            7 December 1981

Use of land for camping site including trailer tents, dormobiles, touring caravans, and winter storage incorporating site with existing permission for tented camping.

TM/89/00007/FL            Grant                                    20 March 1989

TM/90/00073/FL      grant with conditions      13 June 1990

Application to vary condition (v) of permission TM/81/886 (use of land as camping site) to extend season from 1st March to 31 January of the ensuing year.

TM/94/01581/FL      grant with conditions      8 February 1995

Formation of hardstanding, variation of condition (ii) of TM/90/0073 to allow for siting of 150 touring units and 10 static holiday caravans, and variation of condition (iv) TM/81/886 to allow for the winter storage of 50 touring units and 10 static holiday caravans

TM/95/51654/FL      Application Withdrawn      4 February 1997

variation of condition 02 of planning permission TM/94/1581FL to allow caravan park to operate throughout the year

TM/98/01268/FL      Grant With Conditions      15 October 1998

variation of cond. (ii) of TM/90/0073 to allow for siting of 150 touring units and 20 static holiday caravans and variation of cond. (iv) of TM/81/886 to allow winter storage of 50 touring and 20 static caravans

TM/01/02373/FL      Grant With Conditions      14 December 2001

Variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans

TM/10/01069/FL      Refuse      18 June 2010

Variation of Condition 4 of planning consent TM/01/02373/FL (variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans)

TM/11/03055/FL      Approved      13 August 2012

Section 73 application to vary the conditions of TM/01/02373/FL to allow the use of touring units on a year round basis with the original condition 4 of TM/01/02373/FL remaining in force in respect of the 30 approved static caravans (TM/01/02373/FL being Variation to condition (v) of planning permission

TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans)

TM/12/02706/RD      Approved      16 October 2012

Details of landscaping submitted pursuant to condition 3 of planning permission TM/11/3055/FL (Section 73 application to vary the conditions of TM/01/02373/FL to allow the use of touring units on a year round basis with the original condition 4 of TM/01/02373/FL remaining in force in respect of the 30 approved static caravans (TM/01/02373/FL being Variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans))

TM/13/00081/FL      Approved      2 April 2013

Section 73 variation of condition 1 of TM/11/03055/FL to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans (Section 73 application to vary the conditions of TM/10/01069/FL)

TM/13/03923/FL      Refuse      7 November 2014  
   Appeal Dismissed      19 March 2015

Section 73 application to vary condition 1 of TM/13/00081/FL to increase number of static holiday caravans to maximum of 66 (Section 73 variation of condition 1 of TM/11/03055/FL to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans)

## **5. Consultees:**

- 5.1 Stansted PC: Objection: We do not believe that anything has changed in the planning permission that was granted with condition in 1990 to lengthen the period of occupation. If the site was given year round occupancy, this would be significantly increase the potential for full time occupation on the site and put pressure onto a small parish the size of Stansted. Please be advised that we are sympathetic to the applicant stating that they would like to be open during the February half term. We would not object if the one month of closure was varied so that instead of covering the month of February, it covered half of January and February instead. We refer to the decision notice dated 10 January 1990 for application TM/90/0073.
- 5.2 Wrotham PC: Under previous planning guidance Wrotham Parish Council would be minded to object, but under present legislation the Council can see no grounds for an objection.

5.3 Private Reps: 40/0R/0S/0X and site and press notices (Major development and Public Right of Way) No response.

**6. Determining Issues:**

6.1 In the period 2006 to 2012, applications such as these were determined in the light of the “The Good Practice Guide on Planning and Tourism”. However, that was revoked following the publication of the NPPF in 2012. There is nothing in terms of tourism in that Guidance that relates to this type of case so the national policy context is now just the NPPF.

6.2 The main national policies relevant to this application are as follows:

- Paragraph 17 (Core Principles) requires LPAs to protect the Green Belt, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- Paragraph 28 requires LPA support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres
- Paragraph 32 on transport states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraphs 80 and 81 on Green Belts state that one purpose of Green Belts is to assist in safeguarding the countryside from encroachment. Local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide for outdoor sport and recreation; to retain and enhance landscapes and visual amenity
- Paragraphs 89 and 90 on Green Belts states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These do not include change of use (which is the form of the original decision to which this application seeks a variation).
- Paragraph 125 requires LPAs to make decisions that limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 6.3 The main determining issues associated with the application are whether the variation of the condition would potentially encourage owners to permanently occupy the static caravans for 12 months, which would place a greater burden on local services, and whether such a proposal would create what would be tantamount to a conventional residential estate in the Green Belt and outside established settlement boundaries. In either of these scenarios, the development would be contrary to national Green Belt and countryside policy and the related TMBCS policies of CP3 and CP14 respectively.
- 6.4 The sustainability of the location is a consideration under policies CP1 and CP2 of the TMBCS. However, provided the use remains as a site with a holiday/tourism use, that is not contrary to policies that require new residential uses to be in environmentally sustainable locations.
- 6.5 The other consideration is whether such a proposal would reduce the number of pitches available for holiday purposes, which in turn would affect the holiday industry and increase pressure on health and education facilities. Policy DC5 of the MDE DPD is a criteria-based policy for tourism and leisure uses. Key criteria are that development should not detract from the character of the area, that it will support the local economy, there is adequate highway access, no hazard to road safety, and no adverse impact from lighting, traffic, activity at unsocial hours or noise.
- 6.6 The original proposals for the use of the site as a caravan site and for additional pitches/caravans had been justified on the basis that it would be used for tourism for 11 months of the year. Any proposal for year round *residential* use of a caravan within the MGB would be contrary to policy and should normally be refused (save for some exceptions such as agricultural/horticultural worker's accommodation). Members will be aware that in refusing the application in 2010, it was considered that the use of the site as a holiday park for 11 months of the year meant that a clear distinction could be retained between a permanent residential use and a tourist use.
- 6.7 The proposal would mean that the site would be used by all caravans (both touring and static) and camping during the month of February and thus enable the whole of the park to be open for business all year round. However, in this current application, the applicant has accepted the need for conditional controls as per those that exist on the touring caravans: namely condition 2 remains to cover the whole site and all tent/caravan types.
- 6.8 Year round holiday occupation as a matter of principle has already been accepted by the Council in regard of the touring units, which followed the applicant submitting a number of appeal decisions which indicated that Inspectors were imposing conditions in the manner applied for. Research on this matter confirmed

that the appeal examples given by the applicant in support of this principle of year round use did appear to represent the current norm in dealing with such matters.

- 6.9 It should be made clear that without conditional control on the nature of the occupation, the proposal would be contrary to the requirement of the NPPF and Policy CP3 of the TMBCS. In the light of the evidence that the Planning Inspectorate is, unsurprisingly, supporting the approach set out in national guidance to impose the log book style of restriction, that is a material consideration with significant weight in the Council's decision making. Therefore condition 2 needs to remain and the applicant accepts that position in this proposal.
- 6.10 The Council has granted year round occupation on other caravan sites in the Borough subject to the standard tourism/holiday use conditions. It has already allowed it for the touring units at Thriftwood and so to continue to resist year round use for the static units could be argued to be inconsistent and unreasonable in such circumstances.
- 6.11 Therefore, for the reasons given above, I am of the view that a refusal of the application cannot be justified in terms of the occupancy condition. The retention of the 11 month occupation restriction for the 30 static units should be waived provided that the conditional control as per condition 2 (as now habitually applied by Planning Inspectors) remains in force.
- 6.12 I recognise the concerns expressed by Stansted PC. However, the condition originally imposed to the 1990 permission (over 25 years ago) was in a different policy context. An applicant is within statutory rights to have conditions reassessed under s.73 of the Town and County Planning Act in the light of the planning policy prevailing. A condition needs to be reasonable and necessary and, as discussed above, it would be difficult to defend a policy that went against the spirit of both current Government policy and comparable Inspectors' appeal decisions.
- 6.13 CP24 is a general policy on development that requires amenity to be protected. The character of the locality is to be protected under policy SQ1 of the MDE DPD. Policy SQ8 of the MDE DPD requires that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. In terms of amenity, lighting, noise and traffic impacts, the existing situation represents the benchmark position and this application to vary the time of occupation for 30 static vans must be viewed in that context and in the context of the overall size of the site. The extra month as sought does not, in itself, worsen any of the considerations mentioned in a way that would warrant refusal or deviation from the approach now adopted by Planning Inspectors in light of current Government Guidance.



6.14 In light of the above considerations I consider the proposal should be granted planning permission, i.e. with an amended condition 1 but retention of condition 2 and condition 3 ( landscaping).

**7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan dated 17.09.2015, Design and Access Statement dated 17.09.2015, subject to the following conditions;

**Conditions**

- 1 (a) The number of pitches on the site shall be restricted to a maximum of 150 for touring units (including touring caravans, campervans, motorhomes and tents) and 30 static caravan units;  
(b) the 30 static caravan units shall be located only on that part of the site shown cross hatched on the drawing attached to this permission;  
(c) the pitches for touring units shall be located only in the storage area or on that part of the site shown single hatched or cross hatched on the drawing attached to this permission  
(d) any touring caravans being stored on the site shall be located either within that part of the site shown single hatched or cross hatched on the drawing or in the area annotated at "Storage Area";  
(e) at no time shall the total number of caravans on the site (including those that are occupied, available for occupation and stored) exceed 180.

Reason: In the interests of safeguarding the visual amenities of the site, which falls within the open countryside, the Metropolitan Green Belt and because an over intensive use of the site could give rise to additional undue highway hazards, in accordance with paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP1, CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 2 (i) the caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 pitches that may be occupied at any one time as temporary accommodation by locally employed workers on fixed term contracts of employment;  
(ii) the caravans shall not be occupied as a person's sole, or main place of residence;  
(iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure the site is not used for unauthorised permanent residential occupation which would be inappropriate in the Green Belt or outside settlement confines and so thereby contrary to paragraphs 17 and 28 of the National

Planning Policy Framework 2012 and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.

- 3 The scheme of evergreen landscaping as approved by the Authority under ref TM/12/02706/RD shall be fully implemented and should be retained as approved and any trees or plants removed, dying, being seriously damaged or diseased within 10 years of planting 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.

Contact: Marion Geary