
Wrotham Wrotham	560892 159999	28 October 2013	TM/13/03329/FL
---------------------------	----------------------	------------------------	-----------------------

Proposal:	Removal of condition 1 of planning permission TM/83/376 (as last varied by permission TM/94/0931/FL) to allow year round use of the whole caravan park
Location:	Four Seasons Park, Labour In Vain Road, Wrotham, Sevenoaks, Kent, TN15 7PA
Applicant:	Mr Reuben Barney-Smith

1. Description:

- 1.1 The application seeks permission for the removal of condition 1 of planning permission TM/83/376 (which was last varied by planning permission TM/94/0931/FL) to allow year round use of the whole caravan park.
- 1.2 The proposal effectively seeks an extension of use of the site by an additional one month. The application details that the main reason for this proposal is to address customer demand; the owner is currently struggling to sell his caravans/lodges as potential purchasers wish to have the flexibility of when they use their holiday home and not restricted to certain times of the year. The current restriction is said to make it difficult to compete with other holiday parks in Kent that already benefit from year round holiday use.
- 1.3 In order to ensure that the caravan pitches are restricted to holiday use only (and are not therefore used residentially), the applicant has confirmed that he is happy to accept the imposition of the Model Conditions as set out in Annex B of the Good Practice Guide on Planning for Tourism (GPGPT), as part of any consent granted, as follows:
 - The caravans are occupied for holiday purposes only;
 - The caravans shall not be occupied as a person's sole, or main place of residence; and
 - The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Coffin in light of the concerns received and the complex planning history of the application site.

3. The Site:

- 3.1 Four Seasons Park is located in the Metropolitan Green Belt, in the Kent Downs AONB, on a water gathering area and is subject to a Woodland TPO. A PROW (MR222) runs beyond the eastern boundary of the site.
- 3.2 It is set within the remnant of chestnut coppice woodland with a large central clearing. It measures approx. 130m by 60m, a total of 0.8 ha (2 acres). Access is via a single width winding track as permitted to be altered in 1998. It has a junction with Labour In Vain Road just north of "The Pheasants".
- 3.3 Labour In Vain Road is also single track to the north/northwest until it meets the junction with Plaxdale Green Road/A20.
- 3.4 The site currently has 32 concrete bases on which a number of lodge-style caravans are located. There are also a number of other miscellaneous bases and outbuildings within the application site.
- 3.5 A number of trees were felled and coppiced in September 2005, primarily in the central and northern part of the site. Some of these fell outside the TPO and other work was in accordance with the 2003 TPO consent but 4 protected trees were felled without consent.
- 3.6 Land to the north and east is open farmland. Land to the south is paddock. To the west is scrub/woodland glade with three bungalows fronting onto Labour In Vain Road. One of these bungalows used to be the site manager's property but there was never a condition linking the two and it is now in separate ownership from the caravan site.
- 3.7 The site has been a lawful caravan site since 1954 when an application for 10 holiday caravans was allowed on appeal (reference MK/4/53/444). Conditions were imposed limiting the period of that planning permission to 5 years, the number of caravans being limited to 10 units and the caravans having to be moved off the site from November to February and the layout of the caravans having to be approved. In 1963, a further renewal was refused planning permission due to a new Metropolitan Green Belt designation, but was subsequently allowed on appeal (reference MK/4/63/239).
- 3.8 Planning permission TM/83/376 was approved in 1983 subject to a condition (condition 1) which stated "*No caravan shall be occupied outside of the period 1 March to 31 October in any year*".
- 3.9 Planning permission TM/91/0198 was approved in 1991 for the variation of condition 1 of permission TM/83/376 to enable occupation of caravans for 10 months (i.e. 1 February to 30 November) in any calendar year. Condition 1 of permission TM/91/0198 states "*No caravan shall be occupied outside the period 1 February to 30 November in any calendar year*".

- 3.10 Planning permission TM/91/1267 was approved in 1991 for the variation of condition 1 of planning permission TM/91/0198 to enable occupation of caravans for 10 months (1 March to 31 December) in any calendar year. Condition 1 of planning permission TM/91/1267 states that *“No caravan shall be occupied outside the period 1 March to 31 December in any calendar year”*.
- 3.11 Planning permission TM/93/1370/FL was approved in 1993 for the variation of condition 1 of permission TM/91/1267 to enable occupation of the caravans for 11 months (1 March to 31 January) and closed in February each year. Condition 1 of planning permission TM/93/1370/FL states that *“No caravan shall be occupied outside the period 1 March to 31 January in any calendar year”*.
- 3.12 Planning permission TM/94/0931/FL was approved in 1994 for the variation of condition 1 of TM/93/1370 to enable occupation of caravans for 11 months each year from 15 February to 15 January (and closed between 16 January and 14 February). Condition 1 of planning permission TM/94/0931/FL states that *“No caravan shall be occupied outside the period 15 February to 15 January in any calendar year”*.
- 3.13 Planning permission TM/05/02247/FL was approved in 2006 for the variation of condition 1 pursuant to planning permission TM/94/0931/FL (variation of condition 1 of TM/93/1370 to enable occupation of caravans (mobile homes) for 11 months each year from 15 February to 15 January (closed between 16 January and 14 February)) to allow year round occupation of the warden’s cabin. This permission sought to impose a number of detailed controls, namely: 11 month occupation, a maximum of 10 caravans on the entire site, periods of occupation being no more than 8 weeks, a scheme of landscaping/boundary treatment, the layout and surfacing of service roads, drainage and removal of PD rights. Reserved details were submitted in 2007 but this 2005 permission was never implemented by the applicant. Therefore, on this basis, it is claimed that the site still benefits from an unrestricted number of caravans (subject to Site Licence requirements) and 11 months use between 15 February and 15 January.

4. Planning History:

MK/4/53/444 Refuse Allowed on Appeal 30.04.1954

Site for 10 Holiday/Touring Caravans

MK/4/58/306 Refuse 20 August 1958

10 Additional caravans (5 Seasonal and 5 Permanent).

MK/4/59/74	Grant with conditions	18 March 1959
Renewal of permission for 10 holiday caravans		
MK/4/60/193	Refuse	3 June 1960
Extension of seasonal caravan site from ten to twenty caravans		
MK/4/61/242	Refuse	Appeal Dismissed 07.03.1962
The continued use of land for the stationing of caravans after the 31st October 1963		
MK/4/63/239	Refuse	Appeal Allowed 25.09.1963
Extension of period for seasonal caravan site		
MK/4/72/889	Refuse	17 November 1972
Seasonal Caravan Site (increase in number from 10 to 20)		
MK/4/72/1076	Grant with conditions	12 April 1973
The continued use of land for the seasonal stationing of residential caravans		
TM/75/1011	Refuse	3 March 1976
Removal of condition (i) pertaining to consent reference MK/4/72/1076		
TM/83/376	Grant with conditions	20 May 1983
Continuation of use of land as caravan site		
TM/87/0601	Refuse	26 June 1987
Extensions to existing holiday caravan site		
TM/89/1279	Grant with conditions	9 October 1990
Detached bungalow for short let holiday use in place of site for ten static caravans		

TM/91/0198 Grant with conditions 23 April 1991

Variation of condition (i) of permission TM/83/0376 to enable occupation of caravans for 10 months (i.e. 1 February to 30 November) in any calendar year

TM/91/10198/OLD Planning application not required 25 March 1991

Section 64 Determination: Upgrading of caravan park to a leisure park for holiday use, progressive replacement of caravans with Delta Lodge leisure units, and use throughout year

TM/91/1267 Grant with conditions 12 December 1991

Variation of condition (i) of planning permission TM/91/0198 to enable occupation of caravans for 10 month period in any calendar year (i.e. 1 March to 31 December)

TM/93/1370/FL Grant with conditions 23 December 1993

Application for variation of condition (i) of permission TM/91/1267 to enable occupation of caravans (mobile homes) for 11 months i.e. from 1st March to 31st January and closed in February each year

TM/94/0931/FL Grant with conditions 26 August 1994

Variation of condition (1) of TM/93/1370 to enable occupation of caravans (mobile home) for 11 months each year from 15 February to 15th January (closed between 16th January and 14th February)

TM/96/01772/FL Application Withdrawn 21 November 1997

removal of condition 1 of TM/94/931/FL to allow the timber lodges to be occupied for the period between 15th January to 15th February

TM/97/00266/WG No Objection 17 April 1997

General woodland management

TM/98/00497/FL Grant With Conditions 27 July 1998

Construction of a driveway and associated access onto Labour-in-Vain Road to serve holiday park and agricultural land

TM/03/03511/TPOC Grant With Conditions 15 January 2004

To fell all Wild Cherry and Sycamore. To re-coppice all multi-stemmed Chesnut, Ash, Hawthorne and Hazel trees. Remove all dead / dangerous and wind blown trees. All other standard trees to be dead wooded and thinned by 20%. To remove all small saplings which are overcrowded by other trees and to replant with native species

TM/05/02247/FL Grant With Conditions 19 July 2006

Variation of condition 1 pursuant to planning permission ref. TM/94/00931/FL (variation of condition (1) of TM/93/1370 to enable occupation of caravans [mobile homes] for 11 months each year from 15 February to 15th January [closed between 16th January and 14th February]) to allow year-round occupation of warden's cabin

TM/07/00172/RD Approved 11 April 2007

Details of landscaping and boundary treatment pursuant to condition 4 and surfacing/drainage of parking and access pursuant to condition 6 of planning permission ref. TM/05/02247/FL (Variation of condition 1 pursuant to planning permission ref. TM/94/00931/FL (variation of condition (1) of TM/93/1370 to enable occupation of caravans [mobile homes] for 11 months each year from 15 February to 15 January to allow year-round occupation of warden's cabin)

TM/10/01976/FL Approved 29 October 2010

Retrospective planning application for decking around caravan (No.5)

TM/10/02351/TPOC Approved 11 October 2010

Cut back branches of Hawthorn, Field Maple and Oak to clear door entrance to new lodge (TPO ref. 12-24-09)

TM/13/00962/TPOC Approved 7 May 2013

Coppice three Ash stems and allow to regenerate

TM/13/02259/FL Application Withdrawn 15 October 2013

Variation of conditions 1 and 3 of planning permission TM/05/02247/FL to allow year round holiday use of the caravans on site

5. Consultees:

- 5.1 Wrotham PC: Object to this application. In summary, Wrotham PC are implacably opposed to this application because we know the local conditions and they are invariably harsh between mid January and mid February and it would be extremely unusual not to have frozen ground, ice and snow during this period. It is clear from the applicant's marketing that they seek to create 33 permanent residences for elderly and disabled people in a totally unsustainable location. *[DPHEH: This is a summary. The full text of the representation can be viewed on TMBC's website, or a copy supplied to Members on request.]*

- 5.2 Stansted PC: Objects to this application. Although the site is in the Wrotham Parish, the access is through Stansted Parish and the site is of concern to Stansted residents. The Parish Council supports wholeheartedly the views and comments of Wrotham PC. We do not see any need to expand on the main reasons for objection given by Wrotham PC, but would like to comment further on the road access. The road is a narrow country lane and is a no through road. This means there is no alternative route either for Stansted Parish residents who live along the lane, or for occupiers of or visitors to the caravans. This part of the North Downs is high and this area suffers particularly badly during adverse weather conditions. Indeed, due to the altitude there can be snow or fog when there is none elsewhere in this part of Kent. It is ill considered for the site to be kept open during the worst months in the year for bad road and driving conditions. If the interpretation about the age of occupiers of the site is correct, people over the age of 45 are more subject to health problems. If the site is open permanently, there is nothing to stop people being on permanent “holiday” on the site and as they age, they will be more in need of various types of care, such as home visits from doctors, ambulances, carers, home deliveries of all sorts and other visitors. This increase in traffic would be unacceptable and inappropriate on the road.
- 5.3 KCC Highways: I understand that this proposal does not include any increase in accommodation numbers and proposes use for an additional month between 15 January and 15 February which will allow a year round use. Whilst this proposal will give rise to an increase in total traffic over the course of a year, it will not generate any further intensification over that already experienced or approved. I therefore have no objection to this proposal.
- 5.4 Private Reps (23/0X/6R/0S) + Press/Site Notice (PROW/Article 13). The following key points of objection have been raised:
- Have been a resident close by to the park for over 30 years. I have seen the gradual extending and change of the licensing in this time. The character of the park has changed greatly from a true holiday park to a residential development. I can see that we all have to move with the times in this challenging climate but this is not what the original conception of its planning was granted for;
 - Access is a major problem to the park and there is not enough road width directly in this area to accommodate the traffic, let alone the removal and delivery of existing or new mobile units;
 - Labour In Vain Road is very narrow and will barely take a fire engine – it has no places for overtaking or passing other vehicles;

- The site is very open from nearby properties due to trees being removed. The site is higher up than surrounding properties and sound regularly travels to neighbouring properties. The rural peace and quiet will be further ruined with more people;
- I understand Government legislation wants to promote holiday parks being open longer, but granting 12 months of the year status to this development will just result in problems in the future. Who will have the time or finances to police this legislation that will be required to control this development?
- The applicant has not presented any evidence to back up its claim that this site is suffering to compete with other holiday parks due to the 11 month occupation requirements. Similarly, the applicant has not provided any proof to show that there would be an increase in tourism and the associated benefits that would outweigh the disadvantage to a small Parish and its local residents inflicted by a year round licence;
- “Yellow” housing directional signs have been erected at the entrance to Labour In Vain Road off the A20 (these are normally used for new housing developments) highlighting the park. Surely this shows the intention to run this site, not as a holiday park, but as a full time residential development “pretending” to be a holiday park;

6. Determining Issues:

- 6.1 The Good Practice Guide on Planning for Tourism (GPGPT) was published in 2006 and remains extant as national planning policy guidance on tourism following the introduction of the NPPF. The GPGPT is, therefore, currently a material consideration in the determination of planning applications for tourism related development.
- 6.2 The GPGPT identifies the economic importance of tourism. It acknowledges that appropriate development in the countryside for tourism is essential for both the local and national economy. However, such development will need to be sensitive to the local environment and local people. The GPGPT recognises the important role holiday and touring caravan parks play in the self-catering holiday sector. However, the need for such accommodation should be reconciled with the protection and preservation of the environments within which they are located.
- 6.3 Specifically, the GPGPT states (in paragraph 23) that Local Planning Authorities may attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only. However, with better caravan standards and the trend towards tourism as a year round activity, authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions.

- 6.4 The GPGPT also sets out a number of best practice model conditions (in Annex B) for securing holiday use of caravan parks, stating that permissions for holiday caravan parks will normally be subject to the following conditions:
- the caravans are occupied for holiday purposes only;
 - the caravans shall not be occupied as a person's sole, or main place of residence; and
 - 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.
- 6.5 Annex B of the GPGPT advises that in some circumstances seasonal occupancy conditions (such as that currently in operation at Four Seasons Park) may be used, perhaps to protect the local environment. Suggested situations in which a seasonal occupancy condition might be used include, where the use of the premises or the site might affect an important species of bird during its breeding season or when it is winter feeding. Annex B goes on to state that Local Planning Authorities will need to balance the need to impose seasonal occupancy conditions with the wish to avoid exacerbating the seasonal nature of tourism in the locality and its possible adverse effects upon local businesses and jobs.
- 6.6 The applicant has submitted that there is no overriding requirement to maintain the seasonal restriction currently imposed on the Park and that allowing year round use will extend the economic benefits throughout the quieter part of the season, both through additional visitor spend and through the retention of jobs on the park for the whole 12 months of the year.
- 6.7 The NPPF sets out the Government's overriding economic, social and environmental policies. Specifically, the NPPF states (in paragraph 28) that to promote a strong rural economy, plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- 6.8 Paragraphs 79-92 of the NPPF set out national Green Belt policy, essentially stating the importance of Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Similarly, TMBCS Policy CP3 seeks to apply national Green Belt policy. It should be noted that the proposals presented here do not result in any operational development (i.e. any additional caravan pitches or caravans/lodges themselves), instead seeking to allow the caravan park to be open all year round as opposed to its current 11 month operations. On this basis, the proposed development in this

instance will not adversely impact upon the openness or visual amenity of the Green Belt and therefore accords with advice contained in the NPPF and the requirements TMBCS Policy CP3.

- 6.9 For the same reasons as discussed in paragraph 6.8 above (i.e. that no operational development is being proposed in this instance), there will be no adverse impact as a result of this proposal upon the wider landscape and scenic beauty of the Kent Downs AONB and, therefore, the development accords with the advice contained in paragraphs 115-116 of the NPPF and the requirements of TMBCS Policy CP7.
- 6.10 Members will note that local concerns have been expressed by both Wrotham and Stansted PCs, as well as a number of nearby residents, relating to the seemingly inadequate highway access (Labour In Vain Road) which serves the site. Having visited the site and noted the local conditions, as well as consulted with the County Council (as the relevant Highway Authority), I am well aware of the narrow site access road. That said, the development proposed in this instance does not seek any further development at the site per se; instead it seeks permission to use the caravan park on a continuous year round basis as opposed to the currently permitted 11 month usage.
- 6.11 Four Seasons Park was historically consented as a holiday caravan site, with the first planning permission dating back to 1954. The caravan park site area is capable of housing up to 32 caravan pitches (as dictated by current Caravan Site Licence requirements). The operation of the site for this level of usage is, in planning terms, already consented and, therefore, it is not possible to consider the merits of the access road in highway capacity or road safety terms afresh in this case despite the reservations held by the local community. In highway terms, whilst the proposals will give rise to an increase in total overall traffic using the site over the course of 12 months (as opposed to the currently consented 11 months), it will not generate any further intensification over and above that already consented. On this basis, I am of the view that an objection on highway grounds purely on the basis of one month's additional use cannot be sustained in this case.
- 6.12 Similarly, concerns raised regarding the allegedly unsustainable location of the caravan park, specifically in terms of proximity to local services, the way the caravan park has been developed in the past, and the general marketing of the caravan park, are all not matters which can be considered afresh in this case.
- 6.13 Members will note that a number of operational requirements were placed on the caravan park at the time when planning permission was granted in 2006 (application reference TM/05/02247/FL) as discussed in paragraph 3.13 above. That said, this permission is stated not to have been implemented and has since expired. In the case of the current application which is purely to extend the time period for occupation of the site, having considered the merits of placing fresh operational controls on the Park (such as the number of caravans,

landscaping/boundary treatment, layout, surfacing and drainage schemes and the removal of PD rights) I consider that under the requirements of Circular 11/95 relating to the use of planning conditions, the imposition of such operational controls on this Section 73 application would not meet the relevant legal tests for the use of planning conditions.

6.14 On the basis of the broader national support for allowing these types of facilities to be operational all year round, in recognition of wider changes in domestic tourism patterns and general support for rural economic development (as set out in both the NPPF and GPGPT), I have concluded that there are no overriding grounds for refusal of planning permission in this instance. I therefore recommend approval in accordance with the best practice conditions as set out in the GPGPT.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 02.12.2013, Letter dated 05.12.2013, Location Plan dated 28.10.2013, Planning Statement dated 28.10.2013, Other APPENDIX 1 Appeal Decisions dated 28.10.2013 and Other APPENDIX 2 Correspondence dated 28.10.2013, subject to:

Conditions / Reasons

1. The caravans shall be occupied for holiday purposes only and not as any person's sole or main place of residence.

Reason: In order to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

2. 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: In order to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

Informative:

1. The register required in condition 2 shall normally be collected by the Caravan Site Licence holder or his/her nominated person.

Contact: Julian Moat