

**East Malling &
Larkfield**
East Malling

1 November 2017

TM/17/03088/FL

Proposal: Change of use of land to extend existing caravan site for holiday static caravans
Location: Land Adjoining Hillberry House 353 Waterringbury Road East Malling West Malling Kent
Applicant: Hilden Enterprises
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1. Description:

1.1 This planning application seeks to site an additional 26 caravans at the existing static holiday caravan park. The caravans are to resemble log cabins to match the external appearance of the existing caravans. The units are designed to group around a central amenity space and parking area, with 29 parking spaces. A separate bin store is proposed to the north west corner of the site. Additional landscaping is proposed to the eastern site boundary and bin store, with additional tree planting within the application site.

2. Reason for reporting to Committee:

2.1 Requested by Cllr Oakley to consider the impact on the countryside and whether the development would promote urbanisation of the area.

3. The Site:

3.1 The site lies within the countryside to the south of East Malling village. The site is accessed from Waterringbury Road and lies to the west of Hillberry House, and immediately to the south of the existing holiday caravan park.

4. Planning History (relevant):

TM/10/01908/FL Approved 10 February 2011

Continued use of land as caravan site to accommodate up to 20 touring caravans

TM/11/00506/RD Approved 26 April 2011

Details of landscaping submitted pursuant to condition 6 of TM/10/01908/FL:
Continued use of land as caravan site to accommodate up to 20 touring caravans

TM/11/01269/FL Approved 22 August 2011

Removal of condition 4 (the site shall only operate between 1st March and 31st October) on TM/10/01908/FL (continued use of land as caravan site to accommodate up to 20 touring caravans)

TM/12/00797/FL Approved 8 October 2012

Change of use from touring caravan site to static holiday caravan site with ancillary road, bases, drainage, LPG storage, and bin enclosure

TM/15/03687/FL Approved 11 January 2016

Change of use of land to extend the existing static holiday caravan park

TM/16/01045/FL Approved 19 May 2016

Installation of 3 underground vessels for storage and distribution of LPG to serve approved static holiday caravan site with access road

TM/16/01946/NMA Approved 15 July 2016

Non Material Amendment of planning permission TM/15/03687/FL: approval for the variation of the site layout submitted with the application

TM/17/00283/FL Approved 30 March 2017

Change of use of land to extend existing holiday static caravan park for the same purpose

5. Consultees:

5.1 PC: No objection in principle but the following comments are made:

5.1.1 There are currently 45 existing holiday lodges on this site and the proposal is to extend the site by a further 26 lodges;

5.1.2 The site lies to the south of East Malling on a flat area but is generally screened from view. There are extensive woods to the east and houses along the frontage to Watringbury Road. As stated in the application there are sweet chestnut trees

also along the frontage of Wateringbury Road which have re-grown following coppicing but these are not on land owned by the applicant;

- 5.1.3 The site is within an "ordinary" rural area and is not subject to any national countryside protection policy such as A.N.O.B or Green Belt. Although this is somewhat a subjective matter the land is not of local landscape value and does not stand out in general countryside views;
- 5.1.4 The Parish Council is concerned about any proliferation of such sites in the countryside and rural areas south of East Malling. However, given its location and the existing 45 lodges with the added landscaping that has taken place it considers that no objection in principle should be made to this extension in this particular location;
- 5.1.5 In order to improve the screening of the site it considers the landscaping along the trackway leading up to Hillberry House should be strengthened. This is because the site is most easily seen from Wateringbury Road travelling south across land not in the applicant's ownership, especially in the winter months or when coppicing has taken place;
- 5.1.6 It is noted the land immediately behind the houses in Wateringbury Road is left undeveloped and therefore represents a separation between them and the new extension;
- 5.1.7 If permission is granted all the previous conditions that apply to the existing site should be imposed for the sake of consistency and on the basis these are holiday lodges not permanent residences and to include landscaping, parking, and rubbish storage area conditions.
- 5.2 KCC (H+T): No objection
- 5.3 Private reps: 12 + site + press notice/0X/0R/3S. Support summarised as follows:
- The current static caravan park does not cause any problems and is not really visible from the road;
 - The site is developed to a very high standard and it is an ideal location for a holiday lodge site;
 - The site fits neatly into the surrounding landscape;
 - The site is well landscaped and has its own recreation areas;
 - Holiday makers seem very happy at the site and also happy with its management.

6. Determining Issues:

Background information:

- 6.1 Planning permission was granted in 2011 under TM/10/01908/FL for the continued use of land as a caravan site to accommodate up to 20 touring caravans. In 2012 planning permission was granted under TM/12/00797/FL for a change of use from a touring caravan site to a static holiday caravan site. The scheme comprised the siting of 20 caravans around a central landscaped area. The caravans were designed to resemble log cabins.
- 6.2 In 2015 planning permission was granted under TM/15/03687/FL for an extension to the existing static holiday caravan park. The scheme comprised the siting of 10 additional caravans to the west of the existing site, and included the creation of an additional amenity space, bin store and car parking spaces.
- 6.3 Planning permission was granted in 2016 under TM/16/01045/FL for an access road and the installation of 3 underground LPG storage vessels to serve the existing static holiday caravan park.
- 6.4 Planning permission was granted in March 2017 under TM/17/00283/FL for an extension to the existing static holiday caravan park. The scheme comprised the siting of 15 additional caravans to the west of the existing site, and included the creation of a further amenity space, bin enclosure and 17 vehicle parking spaces.
- 6.5 The site currently has permission for a total of 45 caravans, most of which have been installed.

Principle of development:

- 6.6 The application states that the existing static caravan holiday park has proved to be a considerable success and the need and demand for more holiday units remains high. The current application seeks to expand the existing rural enterprise to meet this demand.
- 6.7 In this respect, paragraph 28 of the NPPF requires that planning decisions support the rural economy, and the expansion of all types of business and enterprise in rural areas which respect the character of the countryside. Specific reference is made to the need to support sustainable rural tourism and leisure developments that benefit businesses in rural areas. As the application seeks to expand an existing and successful rural enterprise it meets the broad aims of paragraph 28 of the NPPF. However this paragraph is clear that such development must also respect the character of the countryside which is a matter I return to later in the assessment.
- 6.8 Policy CP14 of the TMBCS restricts development in the countryside to certain types of development including that for which a rural location is essential. The

application relates to the expansion of an existing and successful tourist facility. Visitors are attracted to the holiday park because of its rural location. In this regard the siting of the holiday park in the countryside is essential. The application therefore accords with CP14.

Character of countryside and visual impact:

- 6.9 CP24 of the TMBCS requires that all development is well designed and respects the site and its surroundings. More specifically, policy DC5 of the MDE DPD which relates to tourism and leisure facilities in the rural areas requires proposals, either individually or cumulatively, to not detract from the character of the area in which they are located.
- 6.10 The boundary to the north of Hillberry Park comprises a stand of mature trees. The site is well landscaped and further landscaping is proposed. The existing units are low rise, single storey timber structures and do not cause unacceptable visual impact. On the contrary, the existing units blend well into their surroundings, their impact being further mitigated through the introduction of successful landscaping.
- 6.11 The application site represents a logical infill between the existing holiday park and the access roadway. The introduction of the proposed additional units would not therefore result in any unacceptable visual impact. The location of the site, the design of the units and the existing and proposed additional landscaping will ensure the scheme makes little visual impact when viewed from the public domain. The change of use and the siting of the additional units will therefore respect the character of the countryside and consequently accord with the relevant national and local planning policies.
- 6.12 Policy DC5 of the MDE DPD sets out further criteria relating to the provision of tourism and leisure facilities in rural areas. The policy requires the re-use of existing buildings where possible, or the minimum new build required to serve the use. In this instance there are no existing buildings at the site and the introduction of a small bin enclosure, amenity space and car parking spaces is acceptable. In addition, the proposed development must support the local economy. In this regard the application is also policy compliant in that it is intended to meet the continuing economic demand for holiday accommodation.
- 6.13 Policy DC5 also seeks to prevent the irreversible loss of the best and most versatile agricultural land, and to prevent the fragmentation of an operational agricultural holding. The current use of the site is for the grazing of horses and will not therefore result in a loss of prime agricultural land or the fragmentation of an existing agricultural holding.
- 6.14 It is also important to ensure full account is taken of the biodiversity at the site. However, the loss of an existing paddock will make no unacceptable impact on the biodiversity of the site or the wider area.

6.15 It is also essential to ensure that there is no unacceptable adverse impact arising from lighting, traffic generation, activity at unsocial hours or noise. It must be noted that the application site does not abut the rear gardens of the dwellings fronting Wateringbury Road, but an area of grazing land is to be retained. This will provide a buffer which will prevent any unacceptable impact on the residential amenity of the existing dwellings.

Highway safety, access and parking provision:

6.16 Paragraph 32 of the NPPF relates to development that generates traffic movement and seeks to optimise the opportunities for sustainable transport modes. However, the paragraph also states that development should only be refused on transport grounds where the impacts are severe. The need to ensure that a proposal is adequately served by the highway network and does not create a hazard to road safety is also included in policy DC5. The proposal does not involve the alteration of the existing access onto Wateringbury Road. Whilst it is acknowledged the proposed caravans will result in an increase in visitor traffic movements, this is not a level which would result in harm to the wider highway network. On-site parking spaces are provided and the level of provision is adequate to accommodate the needs of holiday makers. In light of the requirements of paragraph 32 of the NPPF and the absence of any objection from KCC (H+T) I conclude that the proposal is acceptable in terms of highway safety. In addition, the levels of traffic movement are limited and will not adversely affect the residential amenity of the nearby dwellings.

6.17 Policy DC5 also requires suitable provision for the protection is made, and where practicable, the enhancement of existing rights of way. A public footpath is located to the north and east of the site. However the works will make no direct impact on the PROW. On the contrary the presence of the PROW enhances the holiday park's appeal as a rural holiday destination.

Conclusions:

6.18 The proposal meets the aims of national planning policy, specifically the aims of paragraph 28 relating to encouraging a prosperous rural economy. The visual impact of the proposal, when considered individually and in conjunction with the existing holiday park, is acceptable. The application therefore accords with policy CP24 of the TMBCS. The appeal of the holiday park is its rural location which is essential to its success. The siting of the application within the rural area is therefore in accordance with policy CP14 of the TMBCS. In addition, the impact of the proposal on highway safety, the residential amenity of nearby dwellings and the general amenity of the area is acceptable and therefore meets the criteria of policy DC5 of the MDE DPD in all respects. It will be necessary to impose planning conditions which suitably restrict how the use operates and these should be consistent with the previous planning permissions related to the site and use. I

therefore recommend that planning permission is granted subject to the following planning conditions.

7. Recommendation:

7.1 Grant planning permission in accordance with the following submitted details: Location Plan dated 01.11.2017, Site Survey Existing dated 01.11.2017, Proposed Layout dated 01.11.2017, Design and Access Statement dated 01.11.2017, Letter Covering dated 01.11.2017, subject to the following conditions:

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 application site shall be no more than 26. The maximum number of log cabins (caravans) to be located at the wider site known as Hillberry Park shall be 71.

Reason: The siting of more than 26 log cabins (caravans) at the application site and more than 71 at the wider site would lead to an over intensification of the use 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 would constitute an inappropriate land use in the countryside.

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

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

7. 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.

8. 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.

9. 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 and in the interests of visual amenity.

10. The log cabins (caravans) hereby approved shall be limited to a maximum of 2 bedrooms.

Reason: To protect and enhance the appearance and character of the site and locality.

11. All hardstanding must be constructed using porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site.

Reason: To ensure surface water run off does not discharge onto land outside the ownership of the applicant.

Informatives

1. 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.
2. 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.
3. 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.
4. The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents.

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