

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

5. Consultees:

- 5.1 PC: The PC note that the existing units are well maintained and that the site is benefitting from additional screening. However there are concerns about over development in the countryside. There is an additional site for 20 log cabins within a very short distance on Wateringbury Road. The PC are concerned that the cabins are being marketed and sold as second homes and not being used for holiday lets – do the LPA have any issues regarding the occupancy conditions and are the cabins subject to Council Tax?

[DPHEH: Although not a material planning consideration in this current case, I am able to advise that the park is registered for business rates rather than as residential. There are currently no ongoing enforcement investigations regarding the use of the cabins as dwellings.]

- 5.2 KCC (Highways): No objection.

- 5.3 Private Reps: 33 + site notice/0X/0R/0S.

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 to determine 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 only offers support for proposals which do not, either individually or cumulatively, detract from the character of the area in which they are located.
- 6.4 Eight of the permitted ten units are now in situ and (with two yet to be installed) are/will be 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 existing mature trees to the east, west and northern boundaries, gives the impression of log cabins fitting naturally into a 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 In contrast, the proposed development would add an additional unit to the existing parallel line to the west, and two additional units to the parallel line to the east. Five further units are also proposed at right angles to the rear of the site. The introduction of the additional units, particularly those at the rear, would result in a clear expansion of the site into the countryside which will undoubtedly have a detrimental impact on the overall appearance of the site. Although I appreciate that the park can only be glimpsed from The Heath, with the view mainly obscured by the existing boundary trees and shrubs, the main view of the park from the public domain is through the site entrance. The proposed units to the rear will significantly interrupt this existing vista from the entrance thereby eroding the rural character of the site and failing to respect the character of the countryside.
- 6.6 I consider that the increase in size of the park will also have a detrimental impact on the overall character of the site itself. The park has been developed to provide tourist accommodation located in a rural setting. The ambiance of the site is derived from its verdant setting and small scale, which allows holiday visitors to appreciate the local landscape and tranquil setting. The introduction of additional

units will inevitably erode this atmosphere and undermine the overall attractiveness of the site which would also impact upon the general character of the countryside at this point.

- 6.7 In support of the application, a statement has been made explaining that seven of the units on the site have been purchased and deposits have been taken for the remaining three units. The application also states that there is a waiting list for further purchasers should Members be minded to grant planning permission for the proposed expansion. This information is offered by the applicant as evidence of demand justifying the expansion of the park.
- 6.8 Information has also been provided in respect of an Appeal that was allowed in April 2013 for an extension to an existing holiday park in St Margaret's-at-Cliff, (Dover District Council). The Agent seeks to draw parallels between this appeal decision and the current planning application, noting that the Inspector attached significant weight to the benefits provided to the rural economy in respect of the increased visitor numbers and associated expenditure and employment within the local area. The agent believes it reasonable to conclude that the current planning application will generate increased local rural spending and underpin local employment, particularly as the park is well located in relation to many local visitor attractions and this, in his view, outweighs any harm to the countryside.
- 6.9 This supporting information is acknowledged, as is the general policy support for the expansion of existing rural enterprises and tourism uses such as this. However, both national and local planning policy is clear that such uses should only be considered acceptable if there is no adverse impact on the character of countryside. Indeed, such support is predicated on the basis that there will be no harm to the character of the countryside.
- 6.10 Moreover, I do not consider there to be any material comparisons to be drawn between the appeal decision in respect of the St Margaret's Bay case and the current application at Heath Park. Although the St Margaret's Bay Holiday Park is located within open countryside, it lies immediately adjacent to the village confines, a characteristic not shared with Heath Park. Furthermore, the St Margaret's Bay Holiday Park is a development on a wholly different scale, comprising a total of 150 static caravans, 124 chalet bungalows, and a 24 bed hotel complex, club bar, bistro/restaurant and health club. The proposal to which the appeal related involved the development of a relatively narrow strip of land alongside this significant established facility for just 12 further holiday lodges. In stark contrast, the proposals at Heath Park would almost double the number of lodges from the approved 10 to 18 which, in light of the significant different contexts and for the reasons given earlier in this report, would have a harmful impact on the amenities of the countryside.

6.11 In conclusion the broad policy support in principle does not outweigh the harm to the countryside and also to the character of the site and its setting within the countryside. The application is therefore contrary to paragraph 28 of the NPPF and policies CP14 and DC5 of the LDF. Consequently I recommend that planning permission be refused.

7. Recommendation:

7.1 Refuse Planning Permission for the following reason:

- 1 The proposed development would have a detrimental impact on the appearance and character of the existing site and the wider countryside by virtue of the specific siting of the proposed units and their overall number. The proposed development is therefore contrary to paragraph 28 of the National Planning Policy Framework (2012), policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC5 of the Managing Development and the Environment Development Plan Document 2010.

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