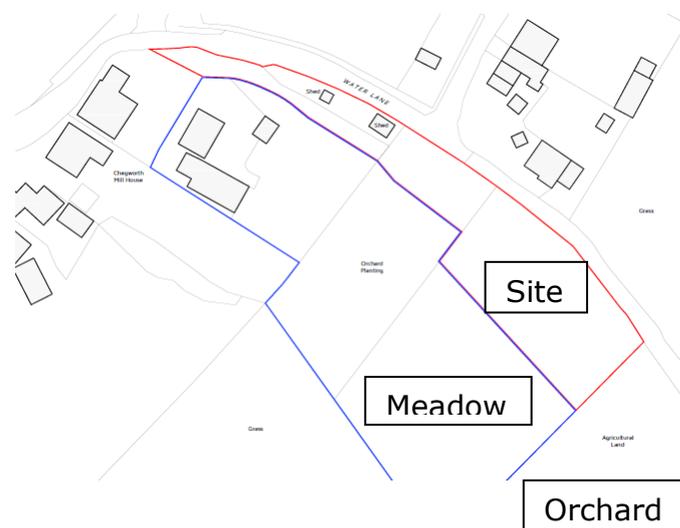


<b>REFERENCE NO - 20/502916/FULL</b>		
<b>APPLICATION PROPOSAL</b> Section 73A application for retrospective planning permission for use of land as a glamping site, comprising 3no. seasonal tents with associated shower facilities and parking.		
<b>ADDRESS</b> Chegworth Mill Farm, Chegworth Road, Harrietsham, ME17 1DD		
<b>RECOMMENDATION</b> Grant retrospective planning permission subject to conditions.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The principle of rural tourism is supported in both the Local Plan and the NPPF, subject to considerations including landscape impacts, neighbouring amenity, ecology and traffic implications.  The proposal is small in scale with just three tents and associated amenities. The tents and amenities are discretely located away from immediate boundaries with neighbours although further mitigation, including a definition of accessible areas for campers and visual screening are recommended in order to protect the amenities of neighbours to the north west of the site.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Contrary to the views of Ulcombe Parish Council.		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Ulcombe	<b>APPLICANT</b> Mr Pink <b>AGENT</b> DHA Planning
<b>TARGET DECISION DATE</b> 28/10/20		<b>PUBLICITY EXPIRY DATE</b> 06/08/20

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The application site comprises small area of open land (0.17ha) on the fringe of the hamlet of Chegworth. It forms part of a wider land holding owned by the Applicant that extends to 0.7ha (see plan below).
- 1.02 The site is broadly crescent shaped and shares a gated access off Water Lane with the Applicant's own house, then stretches up the hill, along the boundary with the Lane, which is marked by a tall mature hedge. To the south is a large fruit orchard

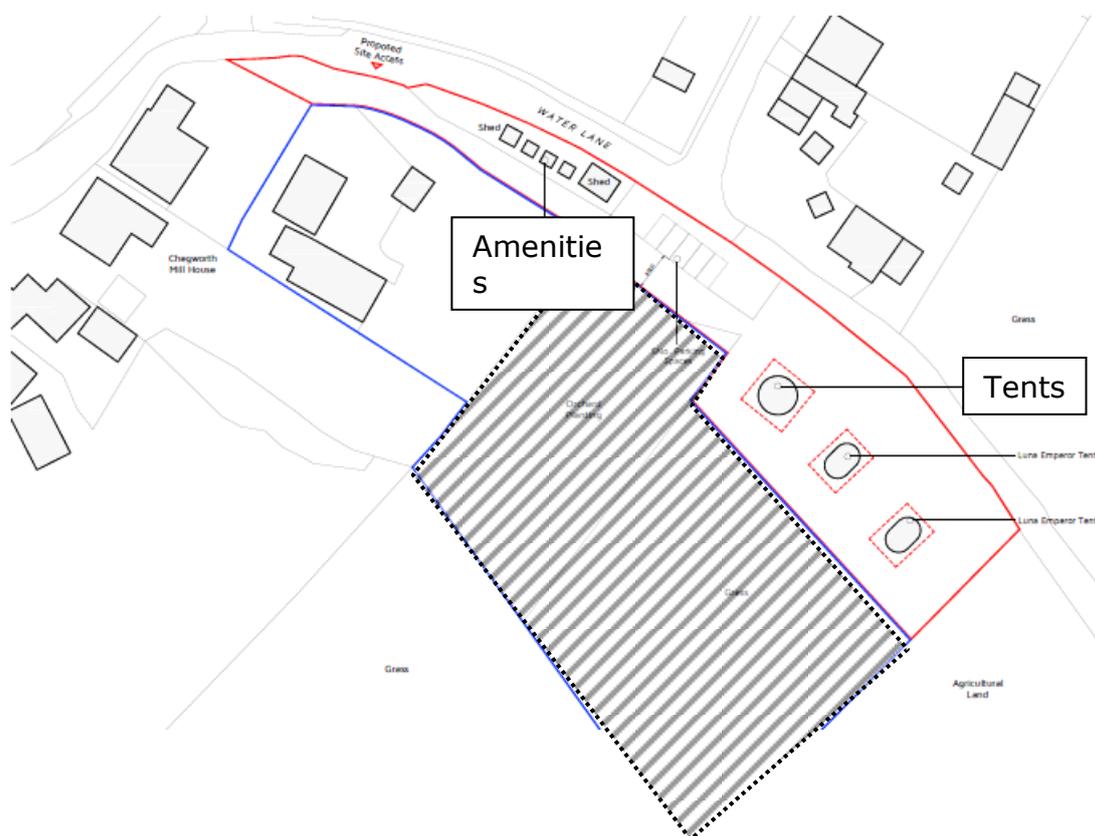


and to the south west a grass meadow. The area between the meadow and the residential boundaries is marked as 'orchard planting' on the OS plan above, but on the site inspection appeared as an open partly grassed area.

- 1.03 A number of residential properties lie to the north west, three of which are grade II listed and centred around the former Mill. The River Len runs through the hamlet and north of Water Lane lies within the Mill Meadows Local Wildlife Site.
- 1.04 To the east of the site across Water Lane are further residential cottages

## 2. PROPOSAL

- 2.01 The application is retrospective, in that the use is active and the tents and associated amenity buildings were in use during the summer. There are three tents of a typical canvass style, capable of accommodating 4-6 persons. They are sited on permanent bases, but the tents are designed to be removed out of season. The tents are sited on the wider south eastern part of the site. In addition to the tents, there are three shower units, circa 2m square, one for each tent, which are sited within timber garden buildings with green profile metal roofs.
- 2.02 Adjacent to the shower units is a communal space for campers (fridge/food prep etc) and a storage unit for the operators. These are again within timber 'shed' style buildings.
- 2.03 The submitted plan shows a parking area between the amenity area and the tents themselves. At the time of the site visit this had not been implemented and web pictures appear to show cars parked adjacent to the tents.
- 2.04 At the time of the site visit there appeared to be no clear boundary separation between the camping area and the meadow / lawned area shown hatched below and as such, campers, could easily access this area (see representataions below).



### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017, Policies:

- SP17 – The Countryside
- SP18/DM4 – Heritage Considerations
- SP21 Economic Development
- DM1 – Design Principles,
- DM3 – Natural Environment,
- DM30 – Countryside Design Principles
- DM38 – Holiday Camp Sites

National Planning Policy Framework (NPPF) 2019

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

4.01 One neighbour, which appears to share a boundary with land owned by the applicant, but not the red line boundary itself (see assessment below) has submitted a series of comments, which centre upon the following concerns:

- Overlooking of their house and garden by campsite users approaching the boundary.
- The associated loss of privacy and concerns regarding potential security risks
- Noise and disturbance, including evenings, from campers
- Poor / out of keeping signage
- Increased traffic through the hamlet

4.02 One neighbour has submitted comments that appear to support the application. However, as they have asked that their comments remain confidential and not published on the portal, these cannot be considered by Officers or Members. I can confirm that they have not been read through and have therefore not in any way influenced the assessment of the scheme.

### **5. CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

#### Ulcombe Parish Council

5.01 The PC has submitted a lengthy objection which makes the following points:

- Inappropriate use in a quiet hamlet
- Loss of neighbouring amenity
- Additional traffic generation
- Impact on the setting of the listed buildings
- The use does not make a positive contribution to the hamlet
- The use is visible and intrusive
- Impacts of noise and light cannot be adequately mitigated
- Adverse landscape impacts
- This is not a local plan site allocation

- The ecological impacts have not been adequately assessed.

#### Kent Police

- 5.02 Recommend an assessment of the boundaries and if necessary their reinforcement to protect neighbours.

#### MBC Environmental Protection

- 5.03 Recommend approval subject to the submission of a noise management plan

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:

- Principle of Development
- Landscape and Ecology
- Residential Amenity
- Access
- Heritage

### **Principle Of Development**

- 6.02 Policy SP17 states that development will only be permitted in the countryside where it accords with other policies in the Plan. Both the NPPF (83) and the Local Plan offer support to rural enterprise, including tourism uses. Policies SP21 and DM38 of the Local Plan state that rural enterprise such holiday tents outside settlement boundaries will be permitted where they are of an appropriate scale, unobtrusively located, do not affect neighbouring amenity and are well screened by native planting.

- 6.03 In response, the accommodation, which is limited to three tents and associated amenities, is set well back from the access to Water Lane and the historic heart of the hamlet. Whilst Water Lane runs alongside the site boundary, the site is well screened by a mature hedgerow which sits high above the road surface. A PRoW, KH343, approaches the hamlet from the northeast, terminating at Water Lane, however, there are no significant views of the site, which is screened by existing cottages and mature planting.

- 6.04 Landscape impacts are considered in further detail below.

- 6.05 The applicant has demonstrated that they interact with a range of local attractions and amenities, directing guests to or booking them into a range of nearby attraction, pubs, restaurants etc. Whilst the net economic benefit of guests spending within the area is limited due to the small scale of the use, the interaction with other local business will nevertheless provide a positive economic benefit.

### **Landscape & Ecology**

- 6.06 The application site is located within the wider Len Valley Landscape Character Area, where development should seek to conserve the river valley's landscape importance.

- 6.07 It is a core expectation of the Local Plan that development will not adversely impact upon the character and appearance of the countryside. Policy DM1 requires development to respond to local character and protect local biodiversity, whilst DM3 seeks to protect areas of positive landscape character. DM30 states that outside settlement boundaries, the Council will expect development to ensure that the siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features. It also requires that any adverse impacts on the appearance and character of the landscape are appropriately mitigated.
- 6.08 The site's wider setting includes the hamlet to the east /north east, extensive orchards and beyond them poly tunnels to the south east. The River Len valley enters the Hamlet from the north, through the wildlife area and exits in the valley to the west. Longer distance visual connections to the north are truncated by the M20; although the Downs are visible in some glimpses.
- 6.09 The application site is screened to the east by the mature hedgerow lining Water Lane and to the south by extensive modern orchards. There are open views to the west along the valley, but these are from farmland and are framed by the Orchards. There are no public vantage points to the west, such that, in effect the site enjoys the westward valley views, but does not impact upon views from within them. Similarly, the site enjoys distant views of the Downs to the north, but due to the M20 and extended woodland to the south of the motorway, the site does not interrupt longer N-S views.
- 6.10 Visual interaction between the site and dwellings in the hamlet is principally limited to views from gardens and some rear windows towards the upper parts of the site, which are again set against the orchard and existing hedgerows.
- 6.11 The ProW to the east does not enjoy views across the site, so its enjoyment is not affected.
- 6.12 It is therefore considered that the site is discretely located, the accommodation is sited and scaled such that it will not adversely affect significant views of, or the character of the surrounding countryside.
- 6.13 In addition to the policies above, DM3 expects development to respect or conserve the Borough's natural heritage. In the context of this site, this expectation extends not only to the site, but also to assess whether, it respects the quality and ecological function of the River Len.
- 6.14 The application is accompanied by an ecological impact assessment, which was informed by a phase 1 habitat survey and bat roost survey. The assessment identifies the site as containing the following habitats characteristics; parkland and scattered tree, semi improved but poor grassland, native species rich hedgerow and limited areas of tall ruderal.
- 6.15 The assessment concludes that as the application site itself is regularly mown, the value of the habitat was limited, with the principal benefits being site boundaries and adjacent areas within the applicant's control which possess the potential for improvement. The assessment therefore concludes that the establishment of the use itself will have had limited impact upon existing ecology, but that opportunities exist for mitigating longer term impacts, together with enhancement measures.
- 6.16 Mitigation measures, to ensure that the continued operation does not adversely impact on the site's role within the wider area include:
- Avoiding unnecessary artificial lighting and limiting fires
  - Avoiding the unnecessary clearance of features such as wood piles

- Sensitive and timely management of hedgerows and adjacent meadow
- 6.17 Enhancement works are recommended, principally, the creation of new native hedgerow habitat around the applicant's wider site boundaries.
- 6.18 In addition to the above, Officers consider that some tree planting could be incorporated at targeted sections of the hedgerow to further enhance its ecological and screening role.
- 6.19 Having regard to the fact that the site attracts visitors due to its rural location, it is also considered that the site could incorporate educational elements for guests, including information packs regarding local landscape and ecology, examples of habitat that are where possible, interactive. This can be sought through condition.
- 6.20 Whilst the Mill Meadows Local Wildlife Site extends north of Water Lane, having regard to the separation and the small scale of development proposed, it is not considered that the proposals would cause harmful pressures on this area, but again, its location could inform any educational material that is prepared for guests.

### **Residential Amenity**

- 6.21 Residential properties are sited to both the east and north west of the site. Those to the east are separated from the site by Water Lane and mature hedgerow. There is no significant visual interaction, but having regard to the dark skies quality of open countryside and the peaceful natures of the area (M20 background permitting) there could be adverse impact from artificial lighting and noise if not adequately mitigated.
- 6.22 The historic core of the hamlet to the north west contains a series of residential properties. The buildings themselves are located some distance from the glamping accommodation and benefit from mature substantial planting. At least one neighbour shares a common boundary, not with the glamping site itself, but the applicant's wider holding.
- 6.23 Representation suggest that there have been incidences of privacy and peace being affected. The former may be a result of guests walking through the meadow and adjacent areas owned by the applicant, which separate the defined glamping area from neighbours.
- 6.24 It is not within the scope of this application to prevent the landowner from allowing guests to walk their land and indeed, this could enhance the rural experience, particularly if it incorporates educational experiences. However, as this land is within the control of the applicant, we can require mitigation measures within it.
- 6.25 Policies DM1 and DM38 require development to respect neighbours and to avoid an unacceptable adverse impact on nearby properties. The area where the tents are located is on higher ground than the historic core of the hamlet, which may contribute to overlooking and noise transmission. Whilst the horizontal separation is significant it is therefore recommended that a number of conditions are imposed which serve to:
- Limit louder evening music
  - Limit artificial lighting
  - Require hedgerow planting to extend the buffer between accessible areas and the neighbours and to offer additional screening
  - Seek submission of a site management plan
  - Limiting the extent of the glamping season and limiting the use to short stay guest accommodation.

### **Access**

- 6.26 Rural uses such as this inevitably require locations that are not necessarily sustainably located. However, having regard to the small scale of the use and its proximity to nearby attractions such as Leeds Castle, it is considered that the broad location provides good access to a range of nearby attractions and will therefore enable guests to make short distance local trips within the area.
- 6.27 Access to the site is from Water Lane, off Chegworth Road. Chegworth Road is a B-road which carries principally local traffic from the A20 southwards. The northern section of Water Lane principally serves the hamlet, plus a range of agricultural and commercial sites, plus a limited number of dwellings to the south east.
- 6.28 It is not considered that the very limited levels of traffic associated with a small scale use such as this would adversely affect the safety of other highway users or the amenity of neighbours.
- 6.29 Comments have been made regarding the adequacy of signage from Chegworth Road to the site. This is not a matter that can be controlled through this application, but an informative is suggested advising the applicant to further review whether the signage is adequate. Separate advertisement consent may be required subject to size and location.

### **Heritage**

- 6.30 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.31 There are three listed buildings to the west of the site, namely Chegworth (Water) Mill, Chegworth Mill House and The Cottage; all grade II listed. These together with other listed buildings west of Chegworth Road appear to be principally focussed around the commercial activity that would have been associated with the Mill and the commercial connectivity to Chegworth Road / the Mill Pond focal point. Historic mapping does not appear to show any functional link between these buildings and the application site, which appears as an orchard and fields, with similar boundaries to those which exist today dating back to at least the 1890's.
- 6.32 Whilst visual relationships are not the sole determiner of setting, there is a strong natural screen to the aforementioned boundary such that the proposed use does not have any significant visual interaction with these heritage assets. It is noted that until recently, the Mill was used for tourist accommodation, a use that has enhanced appreciation of its heritage.
- 6.33 Having regard to the separation of the heritage assets from the application site, the proposal's low scale character and the absence of any clear functional, visual or historic link between them that would be in any way harmed; it is not considered that the proposal has any adverse impact upon the setting of these heritage assets.
- 6.34 There is therefore no conflict with Policies SP18 and DM4 of the Local Plan.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.35 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7. CONCLUSION**

- 7.01 It is considered that the proposed use offers benefits in terms of rural tourism and is of a scale where, with appropriate conditions, its impact upon neighbours can be adequately controlled.
- 7.02 It is not considered that the use, by virtue of its small scale, would adversely affect the character and appearance of the countryside. The glamping tents themselves are designed to be removed during the seasons when not in use, whilst the more permanent amenity buildings are discretely located and small in scale.
- 7.03 Whilst a number of built heritage assets lie nearby, it is not considered that their setting is adversely affected by either the use and associated activities, or the structures themselves.
- 7.04 The proposed scheme of landscape and ecological mitigation provides the opportunity to deliver biodiversity benefits.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The camping pitches hereby approved shall be used solely for the purposes of short stay holiday accommodation and not as a permanent unit of accommodation, person's sole or main place of residence. The operators of the campsite shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units 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: The site and location is not suitable for the provision of residential accommodation and in order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.
- 2) The glamping tents hereby approved shall not be erected prior to the first day in March in any calendar year and shall be dismantled prior to the end of October in the same calendar year.  
  
Reason: To prevent the establishment of permanent structures and to preserve the setting of the countryside.
- 3) Prior to the first opening following the grant of this permission, a scheme for the biodiversity enhancement of the site shall be submitted to and approved by the local planning authority. The scheme shall include the mitigation measures identified within the Ecological Impact Assessment submitted by PJC Consulting dated 18 June 2020. The scheme shall also include native hedgerow planting/enhancement and specimen trees between the glamping area and neighbouring properties to the north west, plus a scheme of educational related ecological enhancement measures and features within areas accessible to guests. The submission shall include an implementation and maintenance programme that secures implementation within the first available planting season.  
  
Reason: To ensure that the adverse ecological impacts are avoided and to secure biodiversity enhancement in accordance with the NPPF.
- 4) Any tree or hedgerow planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to

February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area.

- 5) All trees and hedgerow planted must be effectively protected against damage by grazing stock and rabbits immediately upon planting and such protection must be maintained as long as is necessary to prevent such damage;

Reason: To safeguard the replacement tree/s against damage to maximise its/their amenity value and contribution to the character and appearance of the local area.

- 6) Prior to the first opening following the grant of this permission the car parking areas shown on the plans hereby approved shall be installed and available for the use of guests and retained for such uses thereafter. The parking shall be installed incorporating measures as necessary to protect the adjacent hedgerow from construction impacts or longer term soil compaction.

Reason: To ensure that adequate parking facilities are available for guests which are delivered in a manner which ensure that the screening and ecological value of the adjacent hedgerow is protected and maintained.

- 7) The ancillary / amenity buildings shall only be used for purposes incidental to the tented guest accommodation and not as any form of overnight sleeping accommodation.

Reason: To prevent the uncontrolled intensification of the use.

- 8) Prior to the first season opening following the grant of this permission a site management plan shall be submitted to and approved by the local planning authority. The management plan shall provide details of site management measures designed to ensure that the amenity of neighbours is not adversely affected, including directions to guest on respecting neighbours, which areas outside of the glamping area are not for guest access, the use of artificial lighting and noise impacts, as well as clear guidance to guests arriving and departing through the hamlet. The management plan shall record any incidents of complaints from neighbours or measures taken by site management and shall be made available to the LPA upon request.

Reason: To ensure that the operation of the site and the management of guest behaviour minimises the risk of adverse impacts on neighbours.

- 9) Notwithstanding the site management plan approved pursuant to condition 8 above, no live, streamed or recorded music shall be played at volumes that are audible at the site boundaries after 8pm.

Reason: To protect the amenities of residential neighbours.

- 10) The development hereby permitted shall be carried out in accordance with the following approved plans:

14288/01 - Site Location Plan.

14288/02 -Existing Site Layout.

14288/03 - Proposed Site Layout.

14288/04 - Proposed shower Block Plans and Elevations.

4269E/20 Preliminary Ecological Statement PJC Consultancy.

Reason: To clarify which plans have been approved.

**INFORMATIVES**

- 1) The applicant is advised to review off site signage to ensure that it provides effective guidance to arriving guests. Any new or altered signage may require separate advertisement consent.

Case Officer: Austin Mackie