

REFERENCE NO: 19/500271/FULL		
APPLICATION PROPOSAL: Change of use of land for stationing of 18 holiday caravans with associated works including laying of hardstanding and bin store.		
ADDRESS: Oakhurst, Stilebridge Lane, Marden, TN12 9BA		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: At 5 th Dec 2019 committee, Members of the Planning Committee resolved to grant permission for this application, finding it to be acceptable in terms of its location; residential amenity; highway safety, flood risk; biodiversity; foul and surface water disposal; Ancient Woodland impact; and viability of business, subject to appropriate conditions/informatives.		
<p>At 5th Dec 2019 committee, Members of committee also found the proposal to be acceptable in terms of its potential landscape impact. However this finding was based, in part, on advice that was subsequently found to be unlawful that the Committee could not require appropriate design details of the lodges to be provided nor exercise planning control over their design, either by deciding whether or not to grant permission, or by the imposition of conditions on any permission.</p> <p>Responding to this error of law, this report now addresses the scale and design of the caravans and the acceptability of these, and it is advised that a suitable condition can be imposed to secure details so as to properly exercise planning control at this planning application stage, notwithstanding the operation of the Caravan Sites and Control of Development Act 1960. With these details secured, this must be considered alongside the previously proposed layout, comprehensive landscaping scheme, and the submitted Visual Impact Assessment (that concludes the proposal will have a minimal impact on the landscape from public vantage points), which Members previously found acceptable.</p> <p>With everything considered, and in accordance with the relevant provisions of the Development Plan and NPPF, it remains the view that the proposal would not result in harm to the appearance of the landscape and the rural character of the countryside hereabouts; and that it is acceptable in terms of all other material planning considerations. A recommendation of approval of this application is therefore made on this basis.</p>		
REASON FOR REFERRAL TO COMMITTEE: On 15 th July 2020, the High Court: <i>R (Patricia Shave) v Maidstone Borough Council v Mr and Mrs P Body [2020] EWHC 1895 (Admin)</i> , quashed the planning permission that was issued on 13 th December 2019. This application needs to be reconsidered by the Members of Planning Committee, as outlined in the report below.		
WARD: Marden & Yalding	PARISH COUNCIL: Marden	APPLICANT: Mr & Mrs P Body AGENT: Graham Simpkin
TARGET DECISION DATE: 30/11/20		PUBLICITY EXPIRY DATE: 05/11/20

Attached to this Committee report are the following appendices:

APPENDIX A:	Planning Committee report for 5 th December 2019
APPENDIX B:	Urgent update for 5 th December 2019 Planning Committee
APPENDIX C:	Planning Committee report for 30 th May 2019
APPENDIX D:	Urgent update for 30 th May 2019 Planning Committee
APPENDIX E:	Planning Committee Minutes for both Committees referenced

MAIN REPORT

1.0 BACKGROUND INFORMATION

- 1.01 This planning application was first presented to Planning Committee on 30th May 2019 and at this Committee, Members resolved to defer the application for the reasons as set out in APPENDIX E (published Minutes).

1.02 The applicant subsequently submitted the following information:

- Amended site location plan reducing the area of the planning unit
- Amended layout plan showing proposed caravans and associated works kept to the western (roadside) half of the site. Layout has reduced number of caravans to 18 instead of 20; and it shows an extension of new planting along the southern and northern boundaries
- Written statement responding to certain issues raised by Members
- Visual Impact Assessment (VIA)
- Business Plan
- Updated Surface Water Drainage Strategy

1.03 The application was then reported back to Planning Committee on 5th December 2019 and Members resolved to grant planning permission and the decision was issued on 13th December 2019.

1.04 On 15th July 2020, the High Court Judgement: *R (Patricia Shave) v Maidstone Borough Council v Mr and Mrs P Body [2020] EWHC 1895 (Admin)*, quashed this decision. Paragraph 66 of the High Court decision states:

The claim is allowed but only on the single legal error I have identified as to the power of the planning authority to control design. I reject all the other grounds advanced. The upshot is that the grant of planning permission dated 13th Dec 2019 must be quashed.

1.05 The 'single legal error', is in terms of design and is discussed in paragraphs 39-55 of the High Court decision. Of particular note:

Para 44 - *It is plain that there was some concern within the Planning Committee about the details of the design. At the meeting on 30 May 2019 the members resolved to defer their consideration of the application, so that details not only of the "actual layout" but also of the "scale and design parameters" could be obtained. The only information on that subject which was provided in the officer's report to the committee's meeting on 5 December 2019 was summarised in paragraphs 3.05 and 3.06 (quoted in paragraph 17 above). The members were told:-*

- (i) Maximum size of each lodge, reflecting the definition in s.13 of Caravan Sites Act 1968;*
- (ii) That it was not justified for the planning authority to seek more details of the lodges because planning permission was only required for the change of use of the land to station or accommodate the lodges for holiday purposes; and*
- (iii) That planning permission would be required for any additions to the lodges as defined in (i) above, for example, decking or verandas.*

Paras 45 & 46 - *Points (i) and (iii) had previously been set out in paragraph 2.02 of the officer's report to the committee meeting on 30 May 2019 and so plainly would have been taken into account by them when they asked for future information on design. In any event, strictly speaking point (iii) was irrelevant to the application which was before the members, the scope of which was defined by point (i). It was the design of the development the subject of the application about which the members sought more information. It was therefore solely point (ii) which sought to explain why that information was not being provided. In effect, the committee was told that it could not control design beyond the dimensions given in paragraph 3.05 of the officer's report when determining the planning application for the proposed change of use.*

Para 48 - *I have reached the firm conclusion that point (ii) involved an error of law. The nature of the planning application before the council did not prevent the authority from exercising further planning control over the design of the proposed holiday lodges.*

Para 55 - *Accordingly, it was an error of law for the Committee to be advised that the planning authority could not require appropriate design details to be provided, and so could not exercise planning controls in relation to the design of the lodges, by deciding whether or not to grant permission or by the imposition of conditions on any permission.*

2.0 UP TO DATE POSITION OF APPLICATION

2.01 In light of the decision being quashed by the High Court, Members are now required to reconsider the application afresh, the legal error about the design of the lodges having been corrected. This report will therefore address this issue of design, and Members should be made aware that there is now proposed the ability to control the design of the caravans in planning terms. The report will also assess the previous reasons for deferral (in May 2019) and all other relevant planning matters.

2.02 For clarity, the relevant plans/documents for this proposal are:

- *Drawing ref: 2763 01 Rev A (received 14.10.19) showing reduced area of planning unit*
- *Drawing ref: 04 Rev A (received 12.10.20) showing reduced area of planning unit*
- *Drawing ref: 05 Rev F (received 12.10.20) showing layout of 18 caravans and extension of new planting along southern and northern boundaries*
- *Written agent statements responding to certain issues (Sept 2019 & Sept 2020)*
- *Visual Impact Assessment (received 23.10.19)*
- *Business Plan (received 24.09.19)*
- *Updated Surface Water Drainage Strategy (ref: 4957_3731 SWDS – Oct 2019)*
- *Flood Risk Assessment (ref: 3731 FRA – June 2018)*
- *Ambiental Environmental Assessment letter dated 13/02/19*
- *Design & Access Statement (dated: Jan 2019)*
- *Ecological Scoping Survey (March 2018)*
- *Reptile Survey and Bat Tree Assessment Report (Oct 2018)*
- *Great Crested Newt Risk Assessment (June 2018)*

2.03 The agent has confirmed the plans are accurate and reflect the location of the existing (retained) access, as well as making clear as to the extent of the site outline. Furthermore, the agent's response to the High Court decision states that the applicant provided references to the intended design of lodges in para 4.4 of D&A Statement, specifically the use of weatherboarding with wood stained finish; and they believe the decision is clear that the design of the lodges can be controlled by condition. The applicant has no objection to placing further control on the design of lodges by seeking details prior to the commencement of works.

3.0 PERMITTED DEVELOPMENT RIGHTS

3.01 Paragraph 61 of the High Court decision states:

The Claimant complains that paragraph 6.01 of the report to the Committee meeting on 30 May 2019 advised members that the site had permitted development rights for use as a camping site for up to 28 days in any year. It is pointed out by the Claimant that this right does not apply to the use of land as a caravan site. But the short answer is that the report did not suggest otherwise. It is impossible to say that the report was misleading, let alone significantly misleading in some way which was material to the decision. Ms. Olley was entirely right not to place any emphasis on this point.*

**This is an error - the paragraph being referred to is 6.05 of 30th May committee report*

4.0 CONSULTATION RESPONSES

4.01 A summary of the original consultation responses can be found in APPENDIX C to this report. The following is a summary of the responses received after this application was deferred in May 2019 and those received following public re-consultation on 15th October 2020. Responses will be discussed in more detail further on in this report where considered necessary.

	RESPONSES RECEIVED AFTER DEFERRAL IN MAY 2019	RESPONSES RECEIVED AFTER OCT 2020 RECONSULTATION
Local residents	<p>10 received raising concerns over:</p> <ul style="list-style-type: none"> - Impact upon character of area - Flood risk - Surface water/foul sewage disposal - Inaccuracy of submitted plans - Validity of submitted Business Plan - Location not appropriate for proposed use/no demand for tourist use here - Potential development to east half of site - Site to be used as permanent residential - Highway safety/traffic generation - Biodiversity impacts 	<p>15 received raising concerns over:</p> <ul style="list-style-type: none"> - Site not used by touring caravans - Highway safety/traffic generation - Flood risk/foul water disposal - Visual/landscape harm (inc. design) - No requirement for development - Impact on residential amenity - Site to be used as permanent residential - Unsustainable development - Biodiversity impacts - No employment benefit - Should be refused due to HC decision - Inaccurate plans - Impact: Ancient Woodland & SSSI

	RESPONSES RECEIVED AFTER DEFERRAL IN MAY 2019	RESPONSES RECEIVED AFTER OCT 2020 RECONSULTATION
Cllr Burton	No further comments received.	No further comments received.
Marden Parish Council	<p>Wish for application to be refused as:</p> <ul style="list-style-type: none"> - Residents expressed concern relating to water run-off/flooding risk - Site in flood zone ½, on narrow country lane known to flood - Business Plan does not appear robust to support application - Development contrary to DM38 	<p>Wish for application to be refused as:</p> <ul style="list-style-type: none"> - Local residents express concern relating to water run-off and flooding risk – Site is in flood zone 2. - Site entrance on narrow country lane and known to flood. - Business Plan not robust to support development – contrary to Policy DM38.
KCC Highways	Has no further comment to make.	Resident concerns over perceived use of site is acknowledged. However, we must assume existing worst case scenario, and feasibly site could be at maximum capacity under its license tomorrow and that would be perfectly permissible. We could not realistically sustain objection on anecdotal evidence of site being rarely used. In any case, holiday lets typically generate fewer vehicle movements than dwellings, and I would not expect proposal to generate significant number of car movements that could be considered to have severe or detrimental impact on highway safety on Stilebridge Lane or junctions that serve it. On balance I do not believe we have any further cause to object.
Env Agency	Has no further comment to make.	Has no further comment to make.
Env Protect Team	Has no further comment to make.	Continue to raise no objection.
KCC SUDS	Raise no objection subject to previously recommended conditions.	Has no further comment to make.
Landscape Officer	Raise no objection.	Original comments remain unchanged. In terms of JR, issues relating to design matters are not something normally commented on except in relation to visual/landscape character. In that context, I can only reiterate that extensive, large scale or visually intrusive

		development would be inappropriate; development should respect local vernacular in scale, density & materials; & cited specific landscape character attributes should be conserved/enhanced.
Biodiversity Officer	Advises sufficient info has been provided to determine application.	Previous response remains relevant and has no further comment to make.
Natural England	Continues to raise no objection.	Continues to raise no objection.
Agriculture Advisor	Has no further comment to make.	No further comments received.
Southern Water	Previous comments remain unchanged and valid – No objection raised.	Previous comments remain unchanged and valid – No objection raised.
Kent Police	Extended planting zone & new native hedgerow will offer additional defensive planting once established – Previous comments remained valid.	Has no additional comment to make.
Upper Medway Internal Drainage Board		No representations received.
Scottish Gas		No representations received.
UK Power Networks		Raise no objection.

5.0 LANDSCAPE IMPACT, LAYOUT, SCALE AND DESIGN

Landscape impact

- 5.01 In this respect, paragraphs 6.07 to 6.11 of the committee report presented on 30th May 2019 remains relevant and states:

6.07 - *Within the Maidstone Landscape Capacity Study: Sensitivity Assessment, the proposal site is in the Staplehurst Low Weald landscape character area (44) that is considered to be sensitive to change. This assessment also states that development in this area could support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.*

6.08 - *It is accepted that the proposal would change the character of what is an open field. However, the site benefits from a mature, well-established hedgerow to the roadside boundary; the southern boundary also benefits from a well-established hedge and several individual trees; and the eastern (rear) boundary is entirely enclosed by Ancient Woodland. To the north, the site is largely screened by Oakhurst and its associated outbuildings; existing hedgerows; and by more Ancient Woodland and Stilebridge Caravan Park. In general terms, the surrounding road network is also lined with hedges/trees; existing built development provides some screening; and no public footpath comes within 200m of the proposal site. As such, it is considered that views of the proposal would be limited to short range views, particularly when passing the site along Stilebridge Lane; and any medium to long distance views of the development from any other public vantage point would be glimpsed.*

6.09 - *To further safeguard the character and appearance of the countryside, a suitable condition will also be imposed to secure the retention of the existing hedgerows along the southern and western boundaries of the site; for the retention of the existing trees within the site, as shown on the submitted plan; for further native planting within the 15m buffer zone to the ancient woodland; and for a mixed native hedge to be planted along the northern boundary of the site.*

6.10 - *In accordance with the Maidstone Landscape Capacity Study, the proposal would conserve the existing Oak trees on the site; the landscaping scheme would seek new Oak tree planting; and existing hedgerows would be retained. External lighting could also be appropriately controlled by way of condition.*

6.11 - *It is therefore considered that the proposal would not appear prominent or visually intrusive in a landscape that is sensitive to change, and would not result in significant harm to the appearance of the landscape and the rural character of the countryside hereabouts.*

- 5.02 The submitted Visual Impact Assessment (VIA) concludes that the proposal would have a minimal impact on the landscape from public vantage points, and this conclusion is agreed with. The Landscape Officer is also satisfied that the VIA is an appropriate level study for this proposal. Whilst some of the landscape details in the VIA are not up to date, as it is not intended to be a full LVIA and only an assessment of public viewpoints, the Landscape Officer considers it to be an acceptable submission on this basis.
- 5.03 Furthermore, the Landscape Officer commented on the amended plans in November 2019 that: *Proposed soft landscaping is an improvement on original scheme with introduction of landscaped & extended native buffer to Ancient Woodland & new native hedgerow planting.* The proposed landscaping remains unchanged and will be secured by way of condition. In addition, the amended layout further safeguards the visual amenity of the countryside, by keeping the static caravans and associated built works away from the rearmost part of the site, where the land level does rise; by reducing the number of caravans; and by showing a more comprehensive landscaping scheme (as explained above) to further mitigate the visual impact of the development.

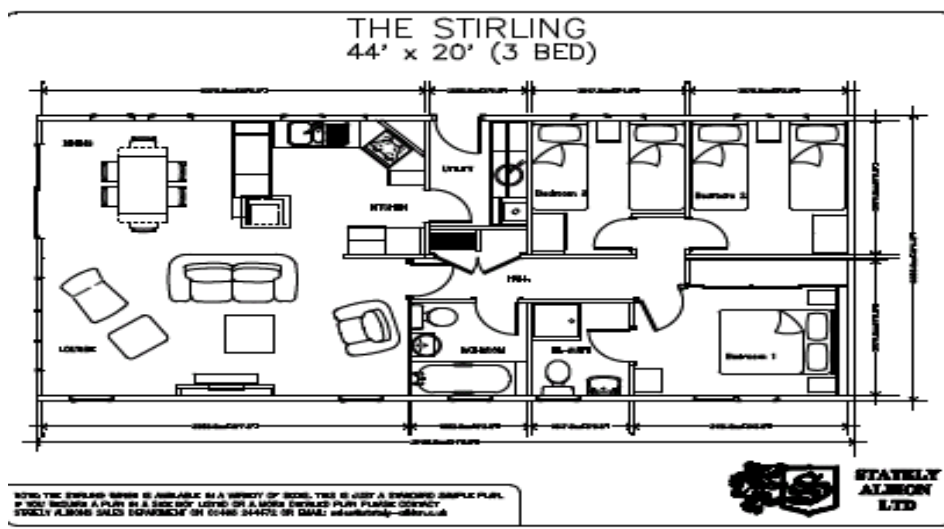
Layout

- 5.04 The submitted plans show the proposed layout, including the location of the 18 static caravans (and not 20 caravans as previously proposed); the hardstanding/parking; the bin store location; retained and new landscaping; and where external lighting will be positioned. The application site has also been reduced in size (from 2ha to 1.18ha), with the paddock area to the east no longer part of the proposal.
- 5.05 To be clear, any future development outside the red outline would require planning permission. The proposed layout would now restrict development to the front of the site, preventing the sprawl of development across the site and retaining a sense of openness at the rear. The level of hardstanding has been restricted to the access road and the caravan bases, with all parking areas being of grasscrete to further soften the appearance of the development. The layout also provides a significant buffer from the proposal to the Ancient Woodland beyond (over 65m away). For these reasons, the layout is considered to be acceptable.
- 5.06 No details of a lighting strategy have been submitted. However, the agent has confirmed the location of the external lighting and stated that it would be of low level lighting bollards (125mm high). The Environmental Protection Team and the Biodiversity Officer continue to raise no objection on this matter, and there is no reasonable justification to refuse the application on this basis. As previously recommended, and to safeguard the character and appearance of the countryside, as well as to mitigate against the potential adverse effects on bats, specific details of external lighting can be appropriately controlled by way of condition.

Scale and design parameters

- 5.07 It remains the case that the static caravans proposed will be within the lawful definition of a caravan as set out under Section 29 of the Caravan Sites and Control of Development Act 1960. For reference, a caravan under this definition can be up to 20m in length and 6.8m in width; with the overall internal head height being 3.05m.

- 5.08 The sole reason why the previous decision was quashed was because Members were previously advised it was not justified for the local planning authority to seek more design details of the caravans because planning permission was only required for the change of use of the land to station or accommodate them for holiday purposes. The High Court decision found that this advice amounted to an error of law and the Committee should not have been advised that they could not require design details or exercise planning control over the design of proposed caravans.
- 5.09 This single error of law will now be considered. The applicant has chosen not to submit specific design details of each caravan at this stage, as such details are unknown to them. Indeed, for example five of the caravans will be sold to private owners who will reasonably want to select their own caravans. Notwithstanding this, the agent has submitted an **indicative** caravan layout (relating to a 3-bed 'Stirling Lodge (measuring 13.4m x 6.1m); and a 3D drawing of a 2-bed 'Stirling Lodge' (measuring 11.5m x 6.1m), to give an idea of the design, scale and appearance of the caravans. This detail is shown below. Furthermore, in general terms the agent has confirmed that all caravans will be clad in weatherboarding with a wood stained finish. This choice of external finish is considered to be traditional and subdued, and in keeping with the rural context of the site; and with the benefit of existing and proposed planting, the caravans would blend into the landscape and would not appear so visually incongruous or dominant from any public vantage point as to warrant refusal.



- 5.10 To safeguard the scale and appearance of the caravans, in terms of securing the weatherboarding cladding (and appropriate finish), an appropriate condition will be imposed; and this is agreeable to the applicant. This is considered to be an acceptable approach, and in line with the High Court decision where it states:

*Para 53 - Mr. Atkinson referred to Esdell Caravan Parks Limited v Hemel Hempstead Rural District Council [1966] 1 QB 895 for the analysis by the Court of Appeal of the overlapping nature of the controls available under planning legislation and the 1960 Act. But there is no authority, nor is there anything in the legislation, to support the proposition that design (other than overall dimensions) cannot be taken into account and controlled when determining an application for planning permission to allow land to be used for the stationing of "caravans", whether by refusing it **or by granting it subject to the imposition of conditions on the permission.***

*Para 55 - Accordingly, it was an error of law for the Committee to be advised that the planning authority could not require appropriate design details to be provided, and so could not exercise planning controls in relation to the design of the lodges, by deciding whether or not to grant permission **or by the imposition of conditions on any permission.***

Summary

- 5.11 The Landscape Officer reiterates that extensive, large scale, or visually intrusive development would be inappropriate here; that development should respect local vernacular in scale, density & materials; and that cited specific landscape character attributes should be conserved/enhanced.

- 5.12 It is understood how many caravans there will be on the site; where they will be located; and what scale they will be. It is also known that the caravans will be clad in weatherboard with a timber stain, and that this appearance can be secured by way of an appropriate condition and retained for the lifetime of the development. Furthermore, the recommended landscaping condition will ensure the retention of the existing hedgerows along the western and southern boundaries of site; the planting of new trees (including Oak); the retention of existing trees (including Oak); and the planting of new mixed native hedgerows. The proposal also conserves the existing field pattern. This would be in accordance with the Council's Landscape Character Area guidelines for the Staplehurst Low Weald Area (44), which advises (inter alia):

- *New development should respect local vernacular in scale, density and materials*
- *Conserve abundance of oak as dominant species, and plant new oaks within pasture*
- *Conserve & enhance hedgerows, ensuring they are correctly managed and gaps replanted*
- *Conserve & enhance small scale field pattern and sense of enclosure*
- *Encourage native hedgerows around commercial developments*

- 5.13 For the reasoning set out in the 30th May 2019 committee report along with the additional considerations as stated above, the layout, scale and design of the proposal is considered to respect the local vernacular of the area; the positive attributes of this landscape character area would be conserved and enhanced; and it remains the view that the proposal would not appear cramped, prominent or visually intrusive. As such, it is considered that the proposal would not result in significant harm to the appearance of the landscape and the rural character of the countryside hereabouts.

6.0 OTHER MATTERS STILL RELEVANT

Further details of landscaping and ecological enhancements

- 6.01 As set out in the committee report for 30th May 2019 committee, the Biodiversity Officer has advised that sufficient information has been provided to determine the planning application; and they continue to raise no objection to the proposal in biodiversity terms (subject to appropriate conditions as previously recommended in

terms of external lighting, precautionary measures for reptiles and Great Crested Newts, and ecological enhancements).

- 6.02 As well as the already proposed additional planting along the 15m buffer to the Ancient Woodland, the proposal has now removed the eastern part of the site from the application, and it has extended the area of new planting along the southern boundary of the site. The now removed paddock to the east of the site, and this new planting will be managed by appropriate timber post and rail fencing to deter public access in this area. This not only goes above and beyond what is required to protect the adjacent Ancient Woodland, but creates a wildlife corridor around the boundary that also extend westwards to provide a habitat link to the pond and ditch network on the road frontage. With the planted buffer zone along the eastern and southern boundaries, the retained front boundary hedge, and the new native hedge along the northern boundary, the connectivity around the whole site for wildlife is a significant enhancement. The proposal also continues to include the retention of the mature Oak trees close to the southern boundary, and the recommended landscaping condition will help secure their retention. The Landscape Officer is also of the view that the proposed soft landscaping is an improvement on the original scheme.

Viability of proposal

- 6.03 Whilst relevant policy and guidance does not require applicants to set out the future commercial viability of such a proposal, key points taken from the submitted Business Plan are as follows:
- 5 caravans will be sold to private owners in order to recoup capital spend
 - 13 caravans will be owned and operated as hire fleet by site owner
 - Caravans to be sold on 50yr leasehold for which there will be annual service charges of £3,000 per caravan (to cover maintenance and management)
 - Layout will be in accordance with fire regulations and site licencing
 - In terms of marketing and managing, site owners will be assisted by Hoseasons
 - Visit Britain believes tourism sector will grow at annual rate of 3.8% through to 2025
 - Holiday parks had strong years of trading given improvements in wider economy
- 6.04 Furthermore, in terms of the local market, the Business Plan argues that within Kent there is an obvious demand for tourist facilities. The proposal site is in proximity to Tunbridge Wells, Tonbridge and Maidstone that all have their own draw; the site is also close enough for visitors to explore the High Weald AONB and the Kent Downs AONB if they so wish; and there is also a wide range of outdoor leisure activities in the locality, such as golf courses; public rights of way; fishing; horse riding facilities etc. The Business Plan also understands there to be limited sites in close proximity to the proposal site that offers high quality self-catering accommodation. The Business Plan then calculates development potential over a 3yr period, and this predicts a capital return on development in 2yrs, with the annual rental income for the site being circa. £375,000 once established by year 3. There is no clear evidence to dispute the findings of the Business Plan and it is considered unreasonable to object to the proposal on these grounds, particularly when applicants are not required in policy terms to set out the future viability of such tourist uses in the countryside.
- 6.05 It should be stressed again that Local Plan policy seeks to support small scale employment opportunities to help the rural economy (be it for individuals or larger businesses where other staff are employed), including holiday caravan sites (subject to certain criteria); and the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses, by supporting the expansion of existing tourism related businesses in the countryside.

Sustainability in terms of location

6.06 Paragraph 3.16 of the 5th December 2019 Committee report stated:

The site is also not considered to be so unsustainable, in terms of its location, given that it is only some 0.5miles from the A229; and the NPPF does state that planning decisions should recognise that sites to meet local business in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The NPPF is also clear that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside, which this proposal is considered to do.

6.07 The view remains that the proposal is not objectionable on location grounds; and for reference, the submitted criticisms of this matter was rejected by The Honourable Mr Justice Holgate and relevant references to the High Court decision are set out:

Paras 34 - The fact that one councillor happened to say during the committee's debate "we haven't looked at the sustainability of this site" would appear to be referable to that person's view on the discussion on that topic which had so far taken place during the meeting. It certainly could not be taken as an indication of any lack of understanding on the part of members about the principles of sustainable development. Nor could it be treated as a valid criticism of the officer's reports, because paragraph 3.16 of the report to the meeting on 5 December 2019 did address sustainability:-

"The site is also not considered to be so unsustainable, in terms of its location, given that it is only some 0.5miles from the A229; and the NPPF does state that planning decisions should recognise that sites to meet local business in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The NPPF is also clear that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside, which this proposal is considered to do."

Para 35 and 36 - Paragraph 40 of the Claimant's skeleton complains that the officers misled members of the committee into thinking that a permanent development could be "sited anywhere in the countryside, whereas policy expects such sites to be adjacent to or well related to a sustainable settlement." That is a most unfair reading of the officer's report. It did not do any such thing. It adequately and fairly summarised the broad effect of the NPPF, including the reference to development sometimes being located "beyond existing settlements", something which the criticism in paragraph 40 of the Claimant's skeleton overlooks. There was no legal requirement for the report to refer also to the types of development which is encouraged in the last sentence of paragraph 84 of the NPPF, "where suitable opportunities exist." Unfortunately, this and other complaints raised typify the excessively legalistic criticism of officer's reports which is deprecated in many of the authorities. Furthermore paragraph 3.16 should not be read in isolation, but in the context of the further information which on 30 May 2019 the committee resolved to seek and which was subsequently provided. Such matters were summarised in paragraph 3.14 of the officer's report to the meeting on 5 December 2019. Sustainability takes into account the nature of the development proposed.

Paras 37 - There is no merit at all in the complaint that the officer's report was inconsistent with the officer's delegated decision to refuse permission on 6 December 2019 for an application at Romany Stables at another location off Stilebridge Lane for permission to expand a traveller site, on the basis that that location was not sustainable. In her oral submissions Ms. Olley said that she was not trying to rely on the consistency principle in North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137, yet that is precisely what paragraph 40 of her skeleton alleged. If that was not the point, it is difficult to see what other legal error could have been pursued. The short point is that the Romany Stable proposal was for a form of permanent residential occupation and the report stated that the location would have been treated as being sufficiently sustainable if the intended occupants had had "gypsy and traveller status", but it was determined that they did not. This was not a comparable set of circumstances engaging the consistency principle.

Para 38 - For all these reasons the complaints in relation to the treatment of sustainability must be rejected.

Highway safety

6.08 The submission has confirmed the layout of the static caravans, and has seen a reduction in the number of static caravans on the site to 18 from that originally submitted. The Highways Authority has reviewed the new information, considered what is possible in terms of permitted development rights, and continues to raise no objection on highway safety grounds, subject to the retention of the shown turning area and the imposition of their previously recommended conditions.

6.09 It should be noted here that paragraph 65 of the High Court decision states:

Although, it forms no part of the challenge, or indeed my decision, I have also noted paragraph 6.13 of the officer's report to the meeting on 5 December 2019. The highways authority considered that a significant factor in favour of the proposal was that it was for lodges in situ and so there would no longer be touring caravans going to and from the site. This reflects a point relied upon by the developer in the Design Access and Planning Statement. The highway authority envisaged that a condition would be imposed to ensure that the "caravans" to be stationed on site would exclude the "touring" variety and be restricted to lodges. So far as I can see that was not reflected in the permission granted and so the quashing of the decision will enable the control of that aspect to be considered as well.

6.10 At Planning Committee on 5th December 2019, it was resolved to delete such a condition given the reduction of the red line boundary to the application site. On reflection, restricting touring caravans on the site is considered to be in the interests of highway safety.

Environmental Impact Assessment (EIA) development

6.11 The proposal falls within Schedule 2 of the EIA Regulations 2017. As previously confirmed, a Screening Opinion has been adopted on behalf of Maidstone Borough Council on 3rd December 2019 and an EIA is not required for the development. The submitted criticisms surrounding this issue were rejected by The Honourable Mr Justice Holgate and relevant references in the High Court decision are set out:

Para 23 - On 3 December 2019 duly authorised officers issued a screening opinion that the harm from the proposal "is considered to be localised and... therefore... the development is not so significant or wide ranging as to warrant an ES". Ms. Olley confirmed that the Claimant does not challenge the legality of that opinion or suggest that there has been any breach of the 2017 Regulations. The fact that the negative screening opinion was not issued until 3 December 2019 does not give rise to any error of law.

Para 24 - Ms. Olley drew attention to paragraph 6.27 of the officer's report in May 2019, which stated that "the proposal is not Environmental Impact Assessment development." She pointed out that no screening opinion had been issued at that stage, but accepted that that statement in the officer's report did not vitiate MBC's decisions in December 2019 to grant planning permission. The key point is that the requirements of the 2017 Regulations for a lawful screening decision to be made were satisfied by 3 December 2019, before the decision to grant planning permission was taken and the decision notice issued.

Paras 25 - Ms. Olley pointed to the "urgent update" provided to the Planning Committee for its meeting on 5 December 2019 which stated that a negative screening opinion had been adopted on behalf of MBC. She pointed out that the Council's pre-action protocol response dated 6 January 2020 had incorrectly said that the screening opinion had been put before members, whereas in fact they had been told nothing more than that a negative screening opinion had been issued. But Ms. Olley accepted that there was no legal requirement for the members to be given any details about the screening opinion. This was a delegated decision for officers to take and, as the Claimant accepted, that decision is not open to legal criticism. The error in the letter of 6 January 2020 is unfortunate, but, as Ms. Olley accepts, does not render the grant of permission unlawful. Ultimately, she made, as I understood it, a generalised assertion that there had been a public law error because of the manner in which this aspect had been reported to members. In my judgment it is impossible to say that the members were misled in any relevant, let alone any significant way which could possibly have

affected their determination of the application for planning permission, applying the principles set out in [28] below.

Para 26 - *Ground 1 must be rejected.*

Miscellaneous

- 6.12 There also remains no objection to the proposal in terms of residential amenity, for the reasons previously set out in the 30th May 2019 committee report. In terms of flood risk and surface water drainage, the finished floor levels of the caravans in Flood Zone 2 will still be raised 150mm above surrounding ground levels. To clarify, KCC as the Lead Local Flood Authority, has reviewed the amended Surface Water Drainage Strategy Report by 'Ambiental' (dated Oct 2019) which updates the strategy to reflect the proposed layout, and they have no objections to make subject to the previously recommended conditions that have been duly recommended. All other matters addressed in paragraphs 6.25-6.27 of 30th May Committee report remain relevant; and to clarify, a condition has been recommended to seek details of the proposed method of foul sewage treatment prior to the occupation of any caravan.
- 6.13 The representations received from Marden Parish Council and local residents, as a result of re-consultation, have been considered in the assessment of this application. It should be noted here that the proposal has been considered on its own merits, based on the submission for tourism use. If approved and there is a reported breach of the permission, then it would be a matter for the Planning Enforcement Team to investigate at that time.

7.0 CONDITIONS AND HEADS OF TERMS

- 7.01 The submitted criticisms relating to the imposed holiday occupation condition was rejected by The Honourable Mr Justice Holgate, as set out in paragraphs 59 and 60 of the High Court Decision which state:

Para 59 - Ms. Olley stated that she was not contending that the condition was legally uncertain. Instead, she maintained that the condition was irrational and the officer's report misled the members about its effect.

Para 60 - There is no merit in these arguments. The condition did not need to define "holiday" or duration of stay in order to avoid irrationality or to be otherwise lawful. It is impossible to say that condition 3 fails the third test of validity set out in Newbury District Council v Secretary of State for the Environment [1981] AC 578, namely that it is so unreasonable that no reasonable planning authority could have imposed it. The condition makes it clear that no lodge may be occupied as the sole or main residence of the occupier. An occupier must reside wholly or mainly elsewhere. The register provides a suitable mechanism to enable the local authority to check on compliance with the condition and take enforcement action.

- 7.02 Please note that this holiday occupation condition, and those conditions (and informatives) as previously imposed are still recommended, including the following as resolved by the planning Committee on 5th December 2019:
- *Further amendment of condition 3 (originally condition 4) (Holiday Occupancy) to include mechanism to effectively record use of the caravans;*
 - *Add condition requiring provision of owl boxes to protect/enhance biodiversity; and*
 - *Add informative reminding applicant/future occupiers this is tourist not permanent residential development and explaining that it cannot be for full time residential occupation.*
- 7.03 Furthermore, for the reasons set out above, further conditions are also recommended to restrict touring caravans using the site; and to control the design/appearance of the caravans on the site.

- 7.04 The applicant has also voluntarily agreed to enter into a legal agreement that removes permitted development rights under Schedule 2, Part 5, Class C, of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), on the 'blue land' as outlined on drawing reference: 04 Rev A received 12th October 2020.

8.0 CONCLUSION

- 8.01 Since the deferral of this application at committee on 30th May 2019, the proposal site area has been significantly reduced (with layout, surfacing, and lighting shown); the number of caravans proposed has been reduced from 20 to 18; the proposal has shown more landscaping, provided a Visual Impact Assessment, and addressed the issue of Ancient Woodland protection; and a Business Plan has been submitted.
- 8.02 At the 5th December 2019 committee, Members of the Planning Committee resolved to grant permission of the application, considering there to be no grounds to object to the proposal in terms of its location; residential amenity; highway safety, flood risk; biodiversity; foul and surface water disposal; Ancient Woodland impact; the viability of the business, subject to appropriate conditions/informatives. This resolution to grant planning permission is still material and as it stands, there is considered to be no reasonable justification to refuse planning permission. Furthermore, it still remains acceptable to impose a holiday occupancy condition to any permission, preventing use of any unit as a permanent encampment.
- 8.03 At the 5th December 2019 committee, Members of the committee also considered there to be no grounds to object to the proposal in terms of potential landscape impact, but this was based on the advice that it was not justified for them to seek more design details of the caravans. Addressing this advice, which the High Court found to be erroneous, this report now sets out the scale and design parameters of the caravans and the acceptability of these parameters, and it is advised that a suitable condition can be imposed to secure these details. With these details secured, this must be considered alongside the previously proposed layout, comprehensive landscaping scheme, and the submitted Visual Impact Assessment (that concludes the proposal will have a minimal impact on the landscape from public vantage points) .
- 8.04 With everything considered, and in accordance with the relevant provisions of the Development Plan and the NPPF, it remains the view that the proposal would not result in harm to the appearance of the landscape and the rural character of the countryside hereabouts; and that the proposal is acceptable in terms of all other material planning considerations. A recommendation of approval of this application is therefore made on this basis.

8.0 RECOMMENDATION:

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the head of terms set out below;

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms:

1. To remove permitted development rights under Schedule 2, Part 5, Class C, of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), on the 'blue land' as outlined on drawing reference: 04 Rev A received 12th October 2020.

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No more than 18 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time;

Reason: To safeguard the character and appearance of the countryside and in the interests of highway safety.

3. Prior to any caravan being brought onto the application site, the scale, appearance, and design details of each caravan shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate that each caravan meets the legal definition of a caravan, as defined in Section 29 of the Caravan Sites and Control of Development Act 1960; and that each caravan will be timber clad and dark stained. The development hereby approved shall be carried out in accordance with the approved details, and shall be in place before being brought onto the site, and maintained as such for the duration of its time on the site.

Reason: To safeguard the character and appearance of the countryside.

4. All caravans permitted at the site shall be occupied for bona fide holiday purposes only and no such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all the owners/occupiers of each individually occupied caravan on the site, and this information shall be made available at all reasonable times upon request to the local planning authority. Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the caravan park, who will keep the register and make it available for inspection, shall also be submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to the first occupation of any of the approved caravans with the relevant contact details subsequently kept up to date at all times;

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), and except for what is shown on the approved plans, no fencing, walling and other boundary treatments shall be erected within or around the site;

Reason: To safeguard the character and appearance of the countryside.

6. If the use hereby approved ceases, all caravans, buildings, structures, hardstanding, and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed within 2 months of cessation of the use, and the land shall be restored to its condition before the development took place;

Reason: To safeguard the character and appearance of the countryside.

7. The finished floor level of the caravans shall be no less than 150mm above surrounding ground levels;

Reason: In order to reduce the risk to occupants from flooding.

8. In accordance with drawing ref: 05 Rev F, and prior to the first occupation of any caravan on the site, details of a scheme of hard and soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The site falls within Landscape Area 44 (Staplehurst Low Weald), and the landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- a) Location, species (to include Oak) and size of all new native trees and shrubs to be planted within the 15m buffer zone to the ancient woodland and the extended planting zone as shown on submitted plans;
- b) Retention of existing hedgerows along western and southern boundaries of site;
- c) Retention of existing trees within site as shown on the submitted plans;
- d) Details of a mixed native hedgerow that includes Hazel, to be planted in a double staggered row (45cm between plants in row and 30cm between rows) along the northern boundary of site;
- e) Details of grasscrete and how it would be laid for all of the parking spaces on site.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any caravan. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of ancient woodland.

10. Prior to the first occupation of any static caravan, all of the fencing (as shown on drawing reference: 05 Rev F) shall be erected and retained as such for the duration of the development hereby approved;

Reason: To protect existing trees, new planting, and ancient woodland; and in the interests of biodiversity.

11. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS5837:2012 has been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No caravans, equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas or within the 15m buffer zone from the ancient woodland (as shown on drawing ref: 05 Rev D); and no alterations shall be made to the siting of the barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site;

Reason: To ensure the protection of existing trees and hedges and to avoid compaction of ground within the 15m buffer zone.

12. The development hereby approved shall not commence until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate of 1.7l/s (unless otherwise agreed with the Local Planning Authority and Lead Local Flood Authority) and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

13. Prior to the first occupation of any caravan on the site, details of a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to and approved by the local planning authority. This report shall demonstrate the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled

waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.

14. Prior to the first occupation of any caravan on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to;

Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Beult Site of Special Scientific Interest and the adjacent Ancient Woodland.

15. Prior to the first occupation of the caravans hereby approved, details of the external lighting scheme (temporary and/or permanent), shall be submitted to and approved in writing by the local planning authority. These details shall include:

- a) Measures to shield and direct light from light sources so as to prevent light pollution;
- b) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance to routes used to forage and commute;
- c) Show where external lighting will be installed (in accordance with drawing ref: 05 Rev F)
- d) so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To safeguard the character and appearance of the countryside and to mitigate against potential adverse effects on bats.

16. Prior to the commencement of the development hereby approved (including site clearance), details of precautionary measures for reptiles and great crested newts (GCN), including habitat manipulation and creating/improving reptile and GCN habitat, shall be submitted to and approved by the local planning authority. The approved details will be implemented prior to the occupation of the caravans and thereafter retained as such thereafter;

Reason: To safeguard protected species.

17. Prior to the commencement of the development hereby approved (including site clearance), a Site Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall include details of:

- (a) Routing of construction and delivery vehicles to and from the site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries, with special provision for the proposed caravans
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management/signage

The development shall be carried out in accordance with the approved details;

Reason: In the interests of highway safety.

18. The vehicle parking spaces and turning facilities as shown shall be permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety and parking provision.

19. Any gates at the vehicular access to the site must be set back a minimum of 5 metres from the highway boundary;

Reason: In the interests of highway safety.

20. Prior to the first occupation of the caravans hereby approved, the first 5 metres of the vehicle access from the edge of the highway shall be of a bound surface and shall be maintained as such thereafter;

Reason: In the interests of highway safety.

21. Prior to the first use of the site as a holiday park, details of owl boxes to be installed within the site (to include manufacturer, location, number and height from ground level) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details, and the owl boxes shall be installed prior to the first use (occupation) of any caravans hereby approved and maintained as such thereafter;

Reason: To protect and enhance biodiversity.

22. The application site shall not be open to touring caravans and motorhomes at any time;

Reason: In the interests of highway safety.

23. The development hereby permitted shall be carried out in accordance with the following approved documents/plans references: 05 Rev F and 04 Rev A received 12.10.20; and 2763 01 A received 14/10/19; and Ambiental Surface Water Drainage Strategy received 24/10/19;

Reason: For then avoidance of doubt.

Informative(s):

1. In order to protect future occupants at times of flood risk, the applicant is strongly advised to sign up to the Environment Agency's flood warning service prior to the occupation of any caravan on the site. This can be done via the following link: <https://www.gov.uk/sign-up-for-flood-warnings>
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent and has shown that nesting birds are not present.
3. In terms of lighting and to mitigate against potential adverse effects on bats, the applicant is advised to refer to the Bat Conservation Trust's Bats and Lighting in the UK guidance.

4. Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
5. The applicant is advised to consult a local Designing Out Crime Officer (DOC0), or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.
6. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highwayboundary-enquiries>
7. The applicant is reminded that any additions to the caravans, such as decking and verandas, would then take the caravans out of the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960, and planning permission would be required for each structure.
8. The applicant/future occupants are reminded that the development permits tourist accommodation only and cannot therefore be used for full time residential occupation. For example, individuals cannot live on the site for 6 months say and then go travelling for 6 months, as essentially this would be their permanent home. Condition 3 requires the caravans to be occupied for bona fide holiday accommodation only and not occupied as a person's sole or main place of residence.
9. Southern Water advise that no new soakaways, swales, ponds, watercourses, associated attenuation tanks or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main. For further advice, please contact Southern Water at: SouthernWaterPlanning@southernwater.co.uk

Case Officer: Kathryn Altieri