

APPLICATION: MA/10/1391 Date: 3 November 2010 Received: 5 September 2012

APPLICANT: Mr K Taylor

LOCATION: 7- 8, ST HELENS COTTAGES, ST HELENS LANE, WEST FARLEIGH, MAIDSTONE, KENT, ME15 0JZ

PARISH: West Farleigh

PROPOSAL: Change of use of land from agriculture to a mixed use for a camp site, fishing and the keeping of horses, as shown on drawing numbers 11074 P 02 and 11074 P 04, supported by a design and access statement, planning statement and photographs received 5th December 2011 and Transport Statement and drawing number 11074 P 06 received 4th September 2012

AGENDA DATE: 14th March 2013

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by **West Farleigh and East Farleigh Parish Councils**.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, ENV46, ENV49, ED20, T13
- South East Plan 2009: CC1, CC6, T4, NRM2, NRM4, NRM5, NRM10, C4, TSR5
- Government Policy: National Planning Policy Framework 2012, PPS25 Development and Flood Risk – Practice Guide, Good Practice Guide on Planning for Tourism (2006), The Use of Conditions in Planning Permissions (Circular 11 of 1995)

2. HISTORY

MA/06/1571 - An application for a certificate of lawfulness for an existing development being the stationing of 2 no. Mobile Homes within the curtilage of 7/8 St. Helens Cottages for purposes incidental to the enjoyment of the dwelling house – APPROVED **NO PRE-COMMENCEMENT CONDITIONS DISCHARGED**

MA/06/0804 - Change of use of land to the keeping of horses as a small paying concern for a maximum of 9 no. horses (with no horse boxes on site) plus erection of 3 no. mobile field shelters – APPROVED WITH CONDITIONS

MA/06/0562 - An application for a certificate of lawfulness for an existing development being the use of the land for the stationing of 2 no. mobile homes (7 St Helens Cottages) – REFUSED

MA/77/0931 - Single storey rear extension and dormer window conversion - APPROVED

MA/76/0670 - Internal alterations and erection of garage – APPROVED WITH CONDITIONS

Enforcement:

ENF/11227 - Site being used as a new campsite – CASE REMAINS OPEN PENDING DETERMINATION OF MA/10/1391

ENF/9686 - Use of land to provide camping facilities for general public – CASE CLOSED (no breach) 10th October 2007

ENF/9128 - Advertisement for Grazing – CASE CLOSED (breach resolved) 11th January 2008

ENF/8685 - Alleged livery use on land - CASE CLOSED (no breach) 17th August 2006

ENF/8373 - Unauthorised stationing of a mobile home - CASE CLOSED (planning permission granted - MA/06/1751) 28th November 2006

414/4123 - Mobile home sited outside residential curtilage - CASE CLOSED (no breach) 14th June 1999

414/2829 - Use for camping/caravanning - CASE CLOSED (no reason given) 16th April 1997

414/2740 - Stationing of Mobile Home - CASE CLOSED (no reason given) 27th June 1996

- 2.1 The current application has been submitted in response to an enforcement investigation (ENF/11227) into an unauthorised change of use of the land for camping and caravanning. A previous enforcement investigation had been closed

as the breach at that time did not exceed permitted development for temporary uses (ENF/9686).

3. CONSULTATIONS

3.1 **West Farleigh Parish Council** wish to see the application refused, and raised the following concerns:

- The site is unsuitable for development.
- Highways safety as a result of traffic generation and the site access, and the suitability of St Helens Lane by use by additional and emergency vehicles.
- Visual impact on the Medway Valley.
- Harm to residential amenity by way of noise and disturbance from the use and additional traffic.
- Environmental issues including dealing with waste and other infrastructure provision.

3.2 **East Farleigh Parish Council** wish to see the application refused, and raised the following concerns:

- Highways safety as a result of traffic generation and the site access, and the suitability of St Helens Lane by use by additional and emergency vehicles.
- Visual impact on the Medway Valley.
- Harm to the character and amenity of the Medway Valley by way of noise, fires, etc.

3.3 **Barming Parish Council** have not formally responded to the consultation, but support the position of the other Parish Councils.

3.4 **Councillor Stockall** has raised concerns over issues of highway safety, including traffic generation and the site access, and the suitability of St Helens Lane by use by emergency vehicles.

3.5 The **Kent County Council Highway Officer** initially raised no objection to the application (subject to the submission of details of the site access and turning areas), making the following detailed comments:

"The application for 10 tent pitches, fishing and the keeping of horses is not likely to generate a significant level of traffic along St Helens Lane, an unclassified highway and the junction with Lower Road is adequate in terms of visibility. There have been no recorded injury crashes along St Helens Lane or at its junction with Lower Road in the latest three year period."

The officer subsequently confirmed that no objection was raised on highway grounds subject to the imposition of conditions. However, following receipt of a detailed objection to the development from a Transport Engineer, which was commissioned by residents of St Helens Lane. The most recent comments received from the officer raise objection to the proposal on the grounds that the access of the site to St Helens Lane by reason of its restricted width and sub-standard junction with the public highway is inadequate to serve the development. The officer makes the following detailed comments:

"Access is to be made by means of a 3.2m wide access to the north of No. 7/8 St. Helens Cottages located off St. Helens Lane.

Access for emergency services is proposed via the existing access to the south of No 1 St Helens Lane which is privately owned and currently used to gain access to the rear of No.s 1-8 St Helens Lane and to access the land beyond which is currently used for the keeping of horses. Permission for the grazing of 8 horses was granted in November 2006 (planning application MA/06/0804).

In addition to the keeping of horses the application proposes the use of the land for up to 10 pitches for fishing purposes between June and March and up to 10 pitches for camping between April and October. The applicant has stated that there would be a maximum of 10 pitches in use at any one time and no motor home or caravans would be permitted on site.

Tracking diagrams have been provided to demonstrate the turning of a car to and from the proposed site access which is located to the north of No. 7/8 St Helens Cottages and this indicates that a vehicle 3.6m long and 1.72m wide is able to manoeuvre into and out of the site access without overrunning the verge. However I am concerned that a larger vehicle would not be able to access this site due to the narrow width of both the site access and St Helens Lane at the point of access. Indeed the Kent & Medway Vehicle Parking Standards indicates that an average car size is 4.4m long and 2.0m wide. I have also checked the dimensions of various cars from the manufacturers' websites which indicate that a Ford Focus is 4.574m long and 2.091m wide; a VW Golf is 4.213m long and 1.786m wide and a Honda CRV is 4.574m long and 2.091m wide.

Clearly the car shown in the tracking diagram is small and it would not be feasible to limit access to those with small cars. The access is therefore

considered to be unsuitable and this application would lead to congestion and obstruction in St Helens Lane where there is no turning area, this being detrimental to highway safety.

In view of the above I recommend that this application be refused."

3.6 The **Maidstone Borough Council Environmental Health Officer** raises no objection to the proposal subject to the imposition of conditions requiring the submission and approval of details of disposal of run-off and waste, and the imposition of informatives.

3.7 **Natural England** have no comment to make on the application.

3.8 The **Kent County Council Ecology Officer** raises no objection to the proposal, and makes the following comments:

"No ecological information has been submitted with this application. However as a result of reviewing the information submitted with the application and information on our GIS system we feel that the proposed development has minimal potential to impact on any protected species.

We require no additional information to be provided prior to determination of the planning application."

3.8 The **Environment Agency** raises no objection to the proposal, subject to the imposition of informatives.

3.9 The **Upper Medway Internal Drainage Board** did not respond to the consultation.

4. REPRESENTATIONS

4.1 **35** individual representations were received from **23** parties (households), together with three sets of pro forma representations from 14 parties (households), most of whom had provided individual representations as well. In addition, a petition with 47 signatories was received. These representations raised the following objections to the proposal:

- Highways safety as a result of traffic generation and the site access, and the suitability of St Helens Lane by use by additional and emergency vehicles.
- Harm to residential amenity by way of noise and general disturbance.

- Harm to the character and appearance of the open countryside and Medway Valley.
- Concern that the application was retrospective.

4.2 A number of the representations requested that in the event of a recommendation for approval that various conditions be attached to the permission, which mainly related to restrictions on the use allowed and limits on vehicles which may access the site.

4.3 In addition to the above, an independent transport objection to the application was commissioned by some residents of St Helens Lane by DHA; DHA also provided a response to the rebuttal of the applicant to the transport assessment.

4.4 Ten representations in support of the application were received.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within a rural location in open countryside designated as being within the Medway Valley Area of Local Landscape Importance (ALLI). The northern third of the site is located within flood zone 3 (functional floodplain) and the southern two thirds of the site within flood zone 2, as recorded by the Environment Agency. The site is located within the Parish of West Farleigh, however the boundary of between the parish councils of East and West Farleigh runs along St Helens Lane in this locality, and as such comments were sought from both bodies.

5.1.2 The site comprises land to the north and north west of St Helens Cottages to the west of St Helens Lane. The land is mainly field/paddock land, which slopes to the north, down to the River Medway. Built development is restricted to the south east corner of the site, where the site boundary includes the residential property 7-8 St Helens Cottages, the northern most in a terrace of nineteenth century dwellings, as well as two caravans ancillary to the main dwellinghouse, two toilet blocks and a swimming pool. The site is currently being accessed via a shared access located to the south of 1 St Helens Cottages, and runs northwards to the rear of the properties which make up St Helen's Cottages. This access is not included within the scope of the red line on the site location plan, and the applicant intends to improve and use the access to the north of 7-8 St Helens Lane in the event of planning permission being granted.

5.1.3 The site is located on the southern slope of the Medway Valley, and in an elevated position relative to the river and the public footpath (the KM4) and

Medway Valley railway line which run along the opposite side of the river to the north of the site.

- 5.1.4 The site is bounded to the west by agricultural land, and to the north by agricultural land and land in equestrian use. To the east is agricultural land and agricultural buildings associated with Riverdale Farm, and the River Medway forms the northern boundary of the site. The closest residential properties are St Helens Cottages, which adjoin the site to the south.
- 5.1.5 The site is located to the west of St Helens Lane, an unclassified narrow single track public highway with no passing or turning areas, however the only points of the site which adjoin the highway is the proposed access to the site, which is located immediately to the north of St Helens Cottages. St Helens Lane is officially a through road between Barming Road in the north and Lower Road (the B2010), however Barming Bridge, approximately 185m to the north of the site, has been closed to vehicular traffic since 1996 although it remains open to non-motorised traffic. There is no realistic expectation that the necessary works to make the structure safe for vehicle transit will take place in the foreseeable future. The highway therefore effectively serves only the properties located to the south of the river, which include 18 dwellings to the south of St Helens Cottages; St Helens Cottages themselves which although built as 8 cottages, are in fact occupied as 5 residential units; and to the north of the site, three dwellings, Riverdale Farm and a pumping station.

5.2 Development

- 5.2.1 The application seeks planning permission for the use of the land for the keeping of horses, fishing, and for a camp site. The application is retrospective insofar as the land is currently being used for the keeping of horses and fishing, and also for camping and caravanning. Whilst it is noted that the current (unauthorised) use of the land for tourism accommodation has included use of the land by persons occupying caravans and motor homes, the application before Members is restricted in terms of the tourism use to the provision of ten camping pitches in the north of the site between 1st April and 30th October.
- 5.2.2 The use of the land for fishing would by its nature be largely restricted to areas in close proximity to the river bank, and the activity would be limited to between 16th June and 15th March inclusive, and to a maximum number of pitches of 10.
- 5.2.3 The land benefits in its entirety from planning permission for the keeping of horses under the scope of MA/06/0804.

- 5.2.4 The applicant proposes that access for the proposed uses be restricted to between the hours of 0730 and 2100 daily, with a key holder being on site at all times.
- 5.2.5 Proposed operational development is restricted to improvements to the proposed access and the introduction of a waste storage area adjacent to the existing ablution and toilet facilities.

5.3 Principle of Development and Planning Policy Context

- 5.3.1 The site is located in open countryside and is therefore subject to strict control over new development. However, Local Plan policy ED20 allows for the provision of caravan and camping sites in rural locations subject to criteria including the visual and amenity impact on the surrounding area, the capability of the site for adequate landscaping, there being no detrimental impact upon neighbouring land uses or residential amenity, and there being no objection to the proposal on highways grounds. This policy is supported by policy TSR5 of the South East Plan which encourages the provision of a range of holiday accommodation. This policy is supported by the National Planning Policy Framework, which requires Local Planning Authorities to seek to achieve sustainable tourism development, including the provision of tourist facilities in appropriate locations.
- 5.3.2 Good Practice Guide on Planning for Tourism, which remains in place as national planning policy guidance on development of this nature, supports the provision of tourist accommodation, subject to consideration of the impacts of applications in respect of environmental considerations and those of sustainability.
- 5.3.3 In addition to the above, policies CC1 and CC6 seek to achieve sustainable forms of development, whilst policy C4 seeks to protect and enhance the diversity and local distinctiveness of the landscape of the open countryside. In addition, proposals within the ALLI should be assessed under the provisions of Local Plan policies ENV35 which requires proposals for development to be considered in terms of the maintenance of open space, and the impact on the character of the landscape.
- 5.3.4 These policies are in accordance with central government planning policy and guidance as set out in the National Planning Policy Framework 2012.
- 5.3.5 The principle of the use of the land for the provision of tourist camping accommodation clearly accords with local, regional and national planning policy and guidance which seeks to encourage the provision and expansion of rural tourism accommodation facilities, subject to detailed consideration of the impact of the use in respect of highway safety, impact upon the character and

appearance of the open countryside, the ALLI and the Medway Valley; residential amenity and the biodiversity and water quality of the River Medway.

5.4 Planning Considerations

5.1 Highways

5.4.1.1 As set out above, the Kent County Council Highway Services Engineer objects to the proposal on the grounds of the standard of the proposed access, and considerable opposition to the application has been expressed by local residents and other parties including West Farleigh Parish Council, East Farleigh Parish Council and Barming Parish Council. An independent report on the implications of the development has been commissioned by some occupiers of St Helens Lane, and the findings of this report have been fully considered.

5.4.1.2 The main issues raised are the suitability of St Helens Lane for additional traffic; the safety of the junction between St Helens Lane; the standard of the proposed access to the site to the north of St Helens Cottages; and the accessibility of the site in respect of emergency vehicles. Whilst I note that objection has been raised on the grounds of the use of the private access to the south and rear of St Helens Cottages, this is not proposed as the principle access to the site under the scope of the current application, and has not been used as such for some time; as such is not relevant to consideration of the application.

5.4.1.3 Whilst it is recognised that St Helens Lane is a single track unclassified highway of variable quality, to my mind the level of additional traffic which would result from the uses currently under consideration is not such that it would result in conditions detrimental to highway safety, and the Highway Engineer has raised no objection to the proposal on the grounds of intensification of the use of the public highway by private vehicles.

5.4.1.4 Whilst the use would inevitably result in inconvenience as a result of the necessity of vehicles to pass, this is not in itself justification for refusal of the application. I note that documentation has been provided from objectors which indicates the issues that have previously arisen as a result of the use of the lane by motorhomes and caravans, however the current application excludes such vehicles from the scope of the use. I propose a condition restricting the tourism use to campers. Whilst I note that such a condition would not restrict horse boxes and associated trailers, etc. from accessing the site and the request by objectors to prohibit the use of horse boxes and similar vehicles on the site, given the existing permission for the keeping of horses on the land I do not consider that to condition such chattels would be reasonable, or satisfy the tests as set out in Circular 11 of 1995.

- 5.4.1.5 I also note complaints that vehicles have parked on the public highway, however St Helens Lane is not subject to parking restrictions, and as such, whilst parking on it is not desirable, it is not prevented through any mechanism such as the introduction of yellow lines. It is also the case that whilst vehicles visiting the site may have resulted in inconvenience for occupiers of the lane, no serious traffic incidents have resulted, and are unlikely to do so by virtue of the limited number of properties which this highway serves.
- 5.4.1.6 For these reasons, as well as the historic use of the lane by larger agricultural vehicles serving the farms which are accessed from this highway, it is not considered that a refusal on this ground would be sustainable.
- 5.4.1.7 In respect of the junction between St Helens Lane and Lower Road, vehicles exit St Helens Lane on the outside of the bend of Lower Road at this location, and the visibility splays, which serve the existing junction between the two public highways are considered to be acceptable in terms of highway safety. I note that a single serious accident has occurred at this location in the last three years, which was due to a car overtaking a cyclist and not attributable to the safety of the junction itself. Again, no objection has been raised by the Highway Engineer in this regard, and as such it is not considered that this represents a reason for refusal of the application.
- 5.4.1.8 The access of the site to St Helens Lane is recognised not to be ideal, and the Kent County Council Highway Services Engineer has raised objection to the proposal on the grounds that the access could not be adequately used by larger cars. Whilst this is accepted, the tracking diagrams provided indicate that an average sized vehicle could successfully use the access, and given that no planning permission would normally be required for the introduction and use of such an access, and the circumstances of this case, which are that the highway is effectively a no through road, and serves only a small number of properties beyond the application site, it is considered that this does not justify refusal of the application. It is noted that the use of the access has been active for some time, the original enforcement case relating to the use having been opened in 2007, and that no serious incidents or apparent damage to verges or highways have resulted.
- 5.4.1.9 I note that concerns have been raised in respect of the visibility splays achievable, although not by the Highway Engineer. Given the limited traffic past the site, it is considered in the circumstances of this case that this issue could be satisfactorily resolved through the introduction of a mirror on the opposite side of the highway to enable egressing traffic to have sight of oncoming road users, although this could not be secured by means of a planning condition as the land is outside the control of the applicant.

5.4.1.10 It is noted that concern has been raised in respect of the accessibility of the site by emergency vehicles. As has been demonstrated, it is possible for emergency vehicles to access the site and adjacent properties in the event of an emergency using the public highway, and turning for such vehicles is available within the site which can be accessed via the alternative entrance to the rear of neighbouring properties fronting onto St Helens Lane (although the use of this access would be restricted to use by emergency vehicles in respect of the use for which planning permission is sought). As such, there is no objection to the proposal on this ground, and this has not been raised as a concern by the Highway Engineer.

5.4.1.11 For these reasons, whilst having consideration for the comments of the Highway Engineer and third parties, I consider it unreasonable to refuse the application on the grounds of highway safety.

5.4.2 Residential Amenity

5.4.2.1 Concerns have been raised in respect of the implications of the change of use on the residential amenity of the occupiers of properties fronting onto St Helens Lane. As set out above, the application proposes a change to the current arrangement for site access, which would result in all customer vehicles entering and exiting the site via the proposed access to the north of St Helens Cottages; as such I will not go into the implications of the current (unauthorised) use of the shared access to the west of St Helens Cottages in any detail.

5.4.2.2 In respect of the implications of disturbance to the occupiers of properties adjoining St Helens Lane, one anonymous complaint has been received by the Council's Environmental Enforcement team in relation to traffic noise, however the Council's Environmental Health Officer has confirmed that no objection is raised in this respect, making the following detailed comments: "given the size of this development and the fact that the route is already open to local farm traffic it is not of sufficient scale to cause us concerns within the Environmental Health remit."

5.4.2.3 Whilst I am aware that concern has been raised in regard to disturbance from campers, the area for camping is located approximately 125m from the nearest residential properties, and it is my understanding that were there to be significant levels of noise and other disturbance, conflict would arise between campers and fishermen. In any case, tourist camp sites are not normally subject to excessive levels of noise.

5.4.2.4 For these reasons, it is not considered that there is any objection to the application on the grounds of harm to residential amenity.

5.4.3 Impact on the Character and Appearance of the Open Countryside and the Medway Valley

- 5.4.3.1 The extent of operational development associated with the application is limited, and the structures associated with the camping and fishing activities are by their nature, transient non-permanent structures. Although there would be a visual impact as a result of activities on the site, these would be temporary in nature and similar in character to those carried out on the opposite side of the River Medway in this location by a local angling club, and as such there is not considered to be any objection to the application on the grounds of visual impact.
- 5.4.3.2 I note that concern has been raised over impact of the application on the overall character of the open countryside in this location and that of the Medway Valley. However it is not considered that the application would be detrimental to the openness of the ALLI. Furthermore, camping, fishing and the keeping of horses are considered to be activities which are not out of keeping with the countryside setting or strikingly dischordant in this settling, which whilst rural in character, is set in the context of the ribbon development along St Helens Lane and the Medway Valley Line and River Medway itself, which are transport arteries running east – west to the north of the site.
- 5.4.3.3 Notwithstanding the above, I recognise that the habitual use of fires by campers would have potentially have an impact during the hours of darkness, and also public safety implications, and as such I propose a condition restricting the use of any open fires on the land.

5.5 Other Matters

- 5.5.1 The northern two thirds of the site are located in an area prone to flood. Whilst fishing and the keeping of horses are not vulnerable uses, tourism accommodation is, however this has been addressed in the application documentation which refers to the temporary nature of camping and the actions of subscribing to the Environment Agency's Floodline and placing warning signage within the site. The Environment Agency has raised no objection to the proposal on this ground, and it is considered appropriate to impose a condition requiring these actions to be carried out.
- 5.5.2 The site is located in open countryside in a sensitive riverside location, albeit not formally given any such classification either locally or nationally, and no objection to the proposal is raised by the Kent County Council Biodiversity Officer in this respect.

5.5.3 The proposal would not have any impact upon the trees either within or adjacent to the site, which are not protected. There are no neighbouring heritage assets.

5.5.4 Ablution and waste storage facilities are provided on site, and whilst the Environmental Health Officer has requested further details of the management of waste in respect of the animals to be kept on the land, given that this use would simply continue that which already has consent on the land and has been operating for the last 6 years, and such details have already been provided in the application documentation, I do not consider that to require the submission of such details is necessary in this case.

6. CONCLUSION

6.1 For the reasons set out above, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide, Local Plan 2000 and South East Plan 2009, and national planning policy as set out in the National Planning Policy Framework 2012, having regard to all other material considerations, and it is therefore recommended for approval subject to conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. No more than ten pitches, each with no more than one tent, shall be occupied at any one time, and at no time shall campervans, motorhomes, caravans or any such vehicles be stationed or occupied on the land;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

2. No more than ten fishing pitches shall be in use at any one time;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and

central government planning policy as set out in the National Planning Policy Framework 2012.

3. The camping pitches hereby permitted shall only be used as holiday accommodation and shall not be occupied continuously by any person or persons for a period in excess of 28 days in any one single letting. There shall be no consecutive lettings beyond four weeks to the same person, family or group and a written record of all lettings shall be kept and made available for inspection by the Local Planning Authority at their reasonable request;

Reason: To ensure the use of the building is effectively restricted to tourist accommodation as the introduction of a permanent residential use would be contrary to policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

4. No lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: To preserve the character and visual amenity of the open countryside and the River Medway Area of Local Landscape Importance and neighbouring amenity in accordance with policies ENV28 and ENV49 of the Maidstone Borough-Wide Local Plan 2000, CC6 and C4 of the South East Plan 2009 and central government policy advice as set out the National Planning Policy Framework 2012.

5. No additional hardsurface shall be placed or allowed to remain on the land, unless the prior written approval of the Local Planning Authority has been obtained;

Reason: To preserve the character and visual amenity of the and the River Medway Area of Local Landscape Importance and to prevent flooding elsewhere in accordance with policies ENV28 and ENV46 of the Maidstone Borough-Wide Local Plan 2000, CC6, NRM4 and C4 of the South East Plan 2009 and central government policy advice set out the National Planning Policy Framework 2012.

6. The use of the land for camping will not take place outside of the period 1st April to 30th October inclusive, and the use of the land for fishing outside of the period 16th June to 15th March inclusive, and at no other time;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone

Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

7. Within 3 months of the date of this decision the operators of the land shall sign up to the Environment Agency Floodline and introduce appropriate signage warning users of the land in respect of flood events;

Reason: to safeguard human life in accordance with NRM4 of the South East Plan 2009 and central government planning policy as set out in the National Planning Policy Framework 2012 and PPS25 Development and Flood Risk - Practice Guide.

8. At no time shall open or camp fires be lit on the land;

Reason: To safeguard the character and appearance of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

9. The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing number 11074 P 04, design and access statement and planning statement received 4th September 2012;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

10. No vehicle will enter or exit the site between the hours of 2100 hours and 0730 hours inclusive on any day;

Reason: In order to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

11. No more than nine horses shall be kept on the site at any time for the purpose of commercial livery.

Reason: To prevent an inappropriate increase in the scale and effects of this economic activity and to restrict the number of vehicle movements resulting from the use so as to safeguard highway safety and the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

12. Excepting the four fields shelters already on the land, no additional buildings or temporary structures including horse jumps or fields shelters, shall be erected, placed or allowed to remain on the land unless the prior written approval of the Local Planning Authority has been obtained;

Reason: To safeguard the character, appearance and openness of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

13. The approved details of the parking/turning areas shall be completed within 3 months of the date of this decision and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policy T13 of the Maidstone Borough-Wide Local Plan 2000 and T4 of the South East Plan 2009.

14. The use of the land hereby permitted shall only be used in connection with the occupation of the dwelling known as '7 & 8, St Helens Cottages' outlined in red on the attached plan, and when no longer used for these purposes shall cease and all associated paraphernalia removed from the land;

Reason: To ensure that adequate security and supervision is provided to the animals kept on the land and to safeguard the security of campers and fishermen in the event of a flood, and safeguard against an otherwise unjustified pressure for new residential development in what would otherwise be an

inappropriate and unsustainable location in accordance with policies ENV28 and ENV46 of the Maidstone Borough-Wide Local Plan 2000 and SP3, CC1, CC6 and NRM5 of the South East Plan 2009 and central government planning policy and guidance as set out in the National Planning Policy Framework 2012 and PPS25 Development and Flood Risk - Practice Guide.

Informatives set out below

Please note that the River Medway is a designated 'main river' and under the jurisdiction of the Environment Agency for the purposes of its land drainage functions. Written consent is required under the Water Resources Act 1991 and associated Byelaws prior to the carrying out of any works in, over or under the channel of the watercourse or on the banks within 8m of the landward toe of any flood defence, where one exists.

Please note that planning permission is required for any further built development associated with the use hereby approved.

Please make all customers aware that there are no facilities on the site for the use or disposal of the contents of chemical or other personal toilet facilities, and that no toilets of any kind other than those contained in the existing ablution facilities should be used.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.