

APPLICATION: MA/09/0763 Date: 1 May 2009 Received: 27 July 2009

APPLICANT: Red Lion Associates

LOCATION: LAND NORTH OF, HILL GREEN ROAD, STOCKBURY, KENT, ME9 7UP

PROPOSAL: Proposed chemical toilet disposal point as shown on unnumbered site location and block plan and Planning Statement received on 7th May 2009.

AGENDA DATE: 3rd September 2009

CASE OFFICER: Andrew Jolly

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

- The decision is contrary to the views of the parish council

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV33  
South East Plan 2009: C4, C5, C6, BE1  
Government Policy: PPS1, PPS7.

### **HISTORY**

08/1707 - Change of use of land for the keeping of horses and erection of stables and tack room – REFUSED

01/1059 - Erection of 1 no. detached dwelling with detached triple Garage – REFUSED/DISSMISSED at APPEAL

98/1912 - Outline application for the erection of a single storey four bed dwellinghouse with all matters except for the vehicular means of access reserved for future consideration - REFUSED

98/0648 - An outline planning application for the erection of a twenty-four bed single storey care home (Use Class C2) with all matters except for the vehicular means of access reserved for future consideration – REFUSED

86/1446 - Outline Application for the erection of a dwelling - REFUSED

## **CONSULTATIONS**

STOCKBURY PARISH COUNCIL – Wishes to see the application refused for the following reason (summarised):

The site is located within the open countryside and specially designated Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA). To permit the development would represent unjustified development in the countryside. The installation of a chemical toilet disposal point would entail disturbance to the land with possible effects on the water table.

Environment Agency: None received as yet (future comments will be added as an urgent update)

Environmental Health Officer: No objections subject to conditions

'The letter from Caravanning and Camping Club to the applicant (included in the application) clearly sets out why new disposal facilities are required and the guidelines for the provision of chemical toilet disposal points states that septic tanks are not appropriate.

Attached to this application are details of a Titan septic tank. It is not clear if this is the type of facility proposed for introduction. This is not appropriate as stated above.

Provided the applicant installs a cesspool for the disposal of chemical toilet waste this department has no objections, but must re-iterate that the Titan septic tank is not suitable'.

CPRE: CPRE state that the application in itself is for a facility which would only be a small feature in the landscape as it would be mainly underground. The CPRE concerns are raised regarding the implications of the application in that its approval is key to the opening of a caravan park. The CPRE go on to state that the site would not be suitable for a caravan park given that no information has been provided regarding the proposed caravan park. Further objections are raised in relation to activities associated with caravan sites. The CPRE's final point states that 'in the absence of information about the management of the site to protect the countryside ... and given that there are a number of operational caravan parking sites already in the Stockbury area, CPRE Maidstone opposes this application and requests that it is refused'.

## **REPRESENTATIONS**

Six letters of objection have been received from local residents. The reasons for objection are summarised below:

- The chemical disposal unit will destroy the open countryside, Area of Outstanding Natural Beauty and Special Landscape Area
- Issues regarding noise and smells

A number of objections have been received in connection to a potential caravan site at the application site. These include issues surrounding:

- Increased noise and light pollution
- Increased traffic
- Visual affect to the area due to caravans
- Devaluation of neighbouring properties
- Impact upon wildlife
- Impact upon trees and woodland
- The use would encourage travellers onto the site

(Members are reminded that the use of the site as a caravan park does not form part of this application)

## **CONSIDERATIONS**

### **SITE AND SURROUNDINGS**

The application site is located on the north side of Hill Green Road in open countryside to the west of Stockbury. This is land within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA). The site is a roughly rectangular area of grassland bounded by a dense line of mature trees on the south and northeast boundary of the site. These trees are TPO protected.

Hill Green Lane runs along the south of the application site and there is an access to the highway in the south east corner of the site. A public footpath runs southwest to northeast across the field located to the east of the application site.

The surrounding area is characterised by fields and open countryside with sporadic residential development.

### **PROPOSAL**

This application proposes the installation of a chemical disposal point. The installations would be underground with the exception of the stand pipe and single course of brickwork, being some 750mm by 750mm square, defining the disposal point.

### **Caravan Site considerations**

A number of the objections received relate to the use of the application site as a holiday caravan site. I believe this issue should be addressed before the above

proposal, 'installation of a chemical disposal point', can be fully assessed in relation to relevant planning policy.

The applicant has indicated that the proposed chemical disposal point would serve a holiday caravan park at the application site. The use of the application site as a caravan park would constitute permitted development under Schedule 2, Part 5, Class A, of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO). Therefore, the use of the site as caravan park is not under consideration within this application.

In order for a caravan site to be deemed permitted development under the above schedule of the GPDO the criteria within the 'The Caravan Sites and Control of Development Act 1960 must be adhered to. The First Schedule of the said Act relates to 'Cases where a Caravan Site Licence is not required' and in particular where 'a site is approved by exempted organisations'.

The applicant is a member of 'The Camping and Caravanning Club', who are an exempted organisation for the purposes of the 1960s Caravan Sites Act and the GDPO. Further, the applicant has confirmed that the subsequent caravan site would adhere to the constraints within 1960s Caravan Sites Act and would therefore be deemed permitted development under Schedule 2, Part 5, Class A of the GDPO.

The 1960 Caravan Acts restricts the use of a caravan park, inter alia, to purely recreational uses and restricts the number of caravans at the site to no more than five caravans at any one time.

Whilst the Council understand that there is a degree of concern from local resident and the Parish Council regarding a future caravan site at the application site, it must be noted that the use of the site is not under consideration within this planning application as it would indeed constitute permitted development. If, at any time, the site does not adhere to the strict controls set out in the 1960s Caravan Sites Act it would be in breach of the license. Further, planning permission would be required to station in excess of five holiday caravans at the site.

Members are therefore asked purely to assess the proposal under this application, being the installation of a chemical disposal point.

## **POLICY ASSESSMENT**

Development in the open countryside is strictly controlled by the terms of Development Plan Policy and Central Government Guidance. The landscape qualities of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area need to be afforded particular protection.

### **Scale and impact on the open countryside**

The application proposal relates to development that would be located underground with the exception of a stand pipe and single course of brickwork, measuring some 750mm by 750mm square. As a result the proposal would not appear significantly dominant within the open countryside. In addition, the minor nature of the over ground development would be very well screened by the aforementioned trees, particularly on the highway frontage and from the public footpath to the east of the site. I do not consider that the development would have a significant negative impact on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area.

### **Amenity Considerations**

Whilst there are residential properties scattered around the site, notably Hill Green Cottage to the south and Green Acre Farm to the north east, I consider that the distances involved between the proposed chemical disposal point and the nearest residential properties would be great enough as to avoid any significant amenity problems from noise and disturbance, smells, etc. In addition the proposal is akin to existing residential cess pools at nearby neighbouring properties and common throughout rural areas.

The Environmental Health Officer has been consulted and raises no objections to the application subject to conditions and providing that a cess pool is installed in connection with the disposal unit, as apposed to a septic tank. The applicant has submitted additional information (received on 27/07/2009) indicating that a cess pool would indeed be installed. The applicant has also indicated that a septic tank would not be accepted by 'The Camping and Caravanning Club' when issuing a Certificate for the site. I am satisfied with this evidence and details pertaining to drainage can be addressed via a condition, as requested by the Environmental Health Department.

The proposal is positioned on the proposed plans such that the protected trees on the boundary of the application site would not be adversely affected.

There are no highways implications to this development.

### **Conclusion**

In conclusion, I consider that the proposal accords with the development plan and Government policy and is acceptable in all other respects and is therefore recommended that planning permission be granted subject to the imposition of suitable safeguarding conditions.

## **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following 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. Prior to the commencement of the development, details of the drainage works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be completed in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure adequate drainage arrangements in accordance with policy ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and C4, C5 and C6 of the South East Plan 2009.

3. In the event that the use as a holiday caravan park ceases, the chemical toilet and disposal point shall be removed and the land upon which they are sited shall be restored to its previous condition within 3 months unless otherwise agreed in writing by the Local Planning Authority;

Reason: To prevent unjustified development in the AONB and to safeguard the character and appearance of the countryside in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and C4, C5, and C6 of the South East Plan 2009.

### **Informatives set out below**

Installed drainage facility must be maintained in accordance with the manufacturers' specifications in order to avoid any future pollution events or odour and pest nuisances occurring.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.