

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/504241/FULL		
<b>APPLICATION PROPOSAL:</b> Section 73 application for variation of condition 3 (change from timber cladding to composite wood), condition 21 (ecological enhancements moved from caravans to the wider site) pursuant to 19/500271/FULL for the change of use of land for the stationing of 18 holiday caravans with associated works including laying of hard standing and bin store.		
<b>ADDRESS:</b> Oakhurst Stilebridge Lane Marden Tonbridge Kent TN12 9BA		
<b>RECOMMENDATION:</b> GRANT PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposed alternative cladding material sought through variation of Condition 3 has an acceptable visual appearance that would not be out of keeping in its surroundings. Thus, the variation of condition 3 can be accepted.  The Biodiversity Enhancement Plan has been reviewed by KCC Ecology and is acceptable such that a change to the wording of condition 21 can be accepted.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>  Call in from Cllr David Burton on the grounds that: 'The original permission granted by committee was a narrow decision and the conditions which the application seeks to revise were instrumental to making the application acceptable.'		
<b>WARD:</b> Marden & Yalding	<b>PARISH/TOWN COUNCIL:</b> Marden	<b>APPLICANT:</b> Mr P Body <b>AGENT:</b> Graham Simpkin Planning Ltd
<b>CASE OFFICER:</b> Jake Farmer	<b>VALIDATION DATE:</b> 31/10/22	<b>DECISION DUE DATE:</b> 01/12/2022
<b>ADVERTISED AS A DEPARTURE:</b> No		

### Relevant Planning History

19/500271/FULL - Change of use of land for the stationing of 18 holiday caravans with associated works including laying of hardstanding and bin store. – Approved subject to planning conditions.

22/502668/NMAMD - Non-material amendment to planning permission 19/500271/FULL: To move 6(no) mobile homes 5m southwards from originally approved location and for realignment of access road and roundabout, as shown on drawing reference: Proposed Block Plan 05 Rev I. – Approved

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 The application site is located to the north of Underling Green, on the eastern-most side of Stilebridge Lane. The site is to the south of the property known as Oakhurst.
- 1.02 The site benefits from planning permission allowing the stationing of 18 holiday caravans and associated works.

## 2. PROPOSAL

- 2.01 Section 73 application for variation of
- condition 3 (change from timber cladding to composite wood),
  - condition 21 (ecological enhancements moved from caravans to the wider site) pursuant to 19/500271/FULL.
- 2.02 Application 19/500271/FULL was for the change of use of land for the stationing of 18 holiday caravans with associated works including laying of hard standing and bin store.
- 2.03 In addition to conditions 3 and 21 the application as originally also sought to vary condition 24 of 19/500271/FULL. This related to how decentralised and renewable or low-carbon sources of energy would be incorporated into the development. This change has been removed from this application and the applicant has stated an intention to appeal against this condition.

## 3. POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, SP21, DM1, DM30, DM37, DM38
- Marden Neighbourhood Plan (2017-2031)
- Landscape Character Assessment (2012 amended July 2013)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015)
- National Planning Policy Framework & National Planning Practice Guidance
- MHCLG National Design Guide

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows

LPRSS1 - Maidstone Borough Spatial Strategy  
SPRSP9 – Development in the Countryside  
LPRSP15 – Principles of Good Design  
LPRQ&D4 – Design Principles in the Countryside

## 4. LOCAL REPRESENTATIONS

**Marden Parish Council Comments:** Councillors raised no objection to conditions 3 and 21.

**Local Residents:** 4 representations were received from local residents raising the following (summarised) issues.

- Concerns with the new material proposed under condition 3.
- Concerns over the applicant's intention to provide efficiency measures rather than providing renewable energy technologies as part of the proposed development.

## 5. CONSULTATIONS

- **Environmental Health**  
No objection.
- **KCC Ecology**  
No objection, accept reasoning for condition 21.

- **KCC Highways**  
No objections
- **Natural England**  
No objection.
- **Environment Agency**  
No objection to the proposed variation to condition 21.
- **Kent Police**  
No objections, comments made on application 19/500271/FULL remain valid.
- **Southern Water**  
No objections to the variation of condition. The comments in response dated on 18/02/2019 remain unchanged and valid.
- **KCC Drainage**  
No further comment

## 6. APPRAISAL

6.01 The variation of conditions 3 and 21 are assessed in turn below.

### **Condition 3 (Materials)**

- 6.02 Condition 3 states: *The development hereby approved shall only be occupied by caravans of a scale and design that accord with drawing ref: 06 Rev A and shall comprise a mixture of either black, white and natural timber clad caravans only. Each caravan shall be clad in timber and shall comprise of either black, white or natural timber only. Prior to any caravan being brought onto the application site, the external materials of each caravan, shall be submitted to and approved in writing by the local planning authority. 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 each caravan's time on the site. Reason: To safeguard the character and appearance of the countryside and to reflect the material palette for such a countryside location.*
- 6.03 The application proposals seek to amend the condition to allow composite wood to be used as a finishing material for the approved caravans instead of the approved timber cladding. The applicants have submitted a brochure for the proposed material provided by Can Excel.
- 6.04 The composite timber cladding offers a similar aesthetic to the natural timber cladding and has been shown to be an acceptable alternative to natural timber. An appeal against a condition requiring natural cladding was allowed at a separate site in Headcorn. The Inspector concluded "*...that the material is very similar in appearance to natural wood...*" and "*...the material can be supplied to the required colour, is rot proof and non-combustible*". (Ref: APP/U2235/W/18/3197910 Land West of Mill Bank, Maidstone Road, Headcorn, Kent TN27 9RJ)
- 6.05 With little material difference in the appearance of the composite timber cladding and the natural timber cladding, the composite timber cladding is acceptable in design terms. The caravans using this material would sit well in the site and maintain rural character, as such the variation of condition is acceptable.
- 6.06 Condition 3 is amended as follows: *The caravans hereby approved shall be clad in either black, white and composite timber cladding before being brought onto the*

*site and shall be maintained as such for the duration of each caravan's time on the site. Reason: To safeguard the character and appearance of the countryside and to reflect the material palette for such a countryside location.*

**Condition 21 (Biodiversity):**

- 6.07 Condition 21 states: *Prior to the first occupation of the caravans hereby approved, details of the following shall be submitted to and approved in writing by the local planning authority: (a) owl boxes to be installed within the site (to include manufacturer, location, number and height from ground level); and (b) integral niches for wildlife within the fabric of the caravans, such as bat tubes. The development shall thereafter be carried out in accordance with the subsequently approved details, and the approved ecological enhancements 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.*
- 6.08 The applicants seek to vary the condition through proposing alternative ecological enhancements as detailed within the submitted letter by Native Ecology. Primarily the application seeks a variation of condition 21 to allow for bat and owl boxes to be placed in trees instead of attached to the caravans as well as planting of native hedgerows and shrubs.
- 6.09 The caravans by statutory definition are non-permanent structures and can be removed from the site for maintenance or upgrading. The trees around the site offer greater longevity and as such, bat and bird boxes will be secured for a longer period of time. In this context the amended condition is acceptable KCC Ecology have considered the proposed variations to the condition and found them acceptable.
- 6.10 It is recommended that the condition 21 is amended as follows "Prior to the first occupation of the caravans hereby approved biodiversity enhancement measures will be implemented in accordance with letter ref: 0984\_L01\_REV A and the Biodiversity Enhancement Plan (Drawing Reference: 0984\_DR01). Reason: To protect and enhance biodiversity".

**7. CONCLUSION**

- 7.01 For the reasons set out in this report, the proposed variation to conditions 3 and 21 are acceptable As such a recommendation of approval has been put forward.
- 7.02 All other relevant conditions associated with the original 19/500271 are re-attached to this decision except in the instance where any conditions have already been discharged, and this is clearly indicated within the list of conditions below.

**8. RECOMMENDATION**

**Application Permitted subject to the following conditions.**

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The development hereby permitted shall be begun before the 11 June 2024. 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) *The caravans hereby approved shall be clad in either black, white and composite timber cladding before being brought onto the site and shall be maintained as such for the duration of each caravan's time on the site. Reason: To safeguard the character and appearance of the countryside and to reflect the material palette for such a countryside location.*
- 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. At the end of each calendar year the operators of the site shall submit the up-to-date register of occupants to the Local Planning Authority (planningenforcement@maidstone.gov.uk) for review. 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 re-enacting 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) The development hereby approved shall be carried out in accordance with the submitted hard and soft landscaping scheme, as shown on drawing ref: 05 Rev H; and only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. 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 and hardstanding 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 the site, 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 (and not Sycamore) as detailed in the approved landscape scheme. Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

- 10) Prior to the first occupation of any static caravan, all of the fencing (as shown on drawing reference: 05 Rev H) 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) Tree protection shall be undertaken in accordance with 22/500493/SUB. 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) A sustainable surface water drainage scheme for the site shall be installed in accordance with 22/500608/SUB. 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 H)
- 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) The details of precautionary measures for reptiles and great crested newts (GCN), including habitat manipulation and creating/improving reptile and GCN habitat, shall be undertaken in accordance with 22/500611/SUB. 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) The site shall be managed in accordance with the Site Management Plan as per 22/500614/SUB. 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 occupation of the caravans hereby approved biodiversity enhancement measures will be implemented in accordance with letter ref: 0984\_L01\_REV A and the Biodiversity Enhancement Plan (Drawing Reference: 0984\_DR01). 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, future occupiers of the property other than blue badge holders shall not be permitted to apply for parking permits.
- 23) Prior to the first occupation of the development hereby approved, there shall be a minimum of six operational electric vehicle charging points on the site for low-emission plug in vehicles that shall be maintained as such thereafter. There shall also be a minimum of 2 electric vehicle charging points enabled for future use on the site for low-emission plug-in vehicles. Reason: To promote reduction of CO2 emissions through use of low emissions vehicles.
- 24) Prior to the first occupation of the caravans hereby approved, details of how decentralised and renewable or low-carbon sources of energy (e.g., ground mounted photovoltaic panels) will be incorporated into the development shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed and operational prior to first occupation of the caravans hereby approved and maintained as such thereafter. Reason: To ensure an energy efficient form of development.

- 25) The development hereby permitted shall be carried out in accordance with the following approved documents/plans references: 06 Rev A received 09/04/21; 05 Rev H received 27/01/21; 0397/21/B/1A received 01/03/21; 04 Rev A received 12.10.20; 2763 01 A received 14/10/19; and Ambiental Surface Water Drainage Strategy received 24/10/19. Reason: For then avoidance of doubt.

**Informative**

- 1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.