



APP 2

Directorate of Change, Planning and the Environment
Maidstone House, King Street, Maidstone, ME15 6JQ

DEVELOPMENT CONTROL

Mr M Cotterill
24, DICKENS CLOSE
LANGLEY
MAIDSTONE
KENT
ME17 1TB

My Ref: MA/10/1332
Date: 24 September 2010

TOWN AND COUNTRY PLANNING ACTS

Town and Country Planning (General Permitted Development) Order 1995
Town and Country Planning (General Development Procedure) Order 1995

TAKE NOTICE that **THE MAIDSTONE BOROUGH COUNCIL**, The Local Planning Authority under the Town and Country Planning Acts, has **REFUSED PLANNING PERMISSION** in accordance with the details set out below:

APPLICATION: MA/10/1332

DATE RECEIVED: 2 August 2010 DATE VALID: 2 August 2010

APPLICANT: Mr R Schroeder

PROPOSAL: Planning application to vary condition 2 of MA/09/2223 (stationing of 1no. mobile home for a full-time site warden) to allow occupation between 14th December and 31st October as shown on drawing number TF/06/10/6 and TF/06/10/3E, supported by a design and access statement, all received 2nd August 2010.

LOCATION: THE FINCHES, CHARTWAY STREET, SUTTON VALENCE, KENT
GRID REF: 583126, 150333

The reasons for this refusal are:

1. The proposal to vary condition 2 attached to planning permission MA/09/2223 would result in an unsustainable development that would exceed the terms of the previous planning permissions relating to the use of the land (MA/05/1592, MA/08/0333, and MA/09/1220), and in the absence of any over-riding need or justification relating to the caravan and camping site use would be harmful to policies of restraint of such development in the open countryside and be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and national planning policy

Continuation of decision : MA/10/1332

as set out in PPS1 Delivering Sustainable Development and PPS7
Sustainable Development in Rural Areas.

This application has been considered in relation to the following policies:

Maidstone Borough-Wide Local Plan 2000: ENV28, ED20

Signed

R.L.L. Jarman

Rob Jarman
Head of Development Management

Date 24 September 2010

Delegated Report

THE FINCHES, CHARTWAY STREET, SUTTON VALENCE, KENT

Planning application to vary condition 2 of MA/09/2223 (stationing of 1no. mobile home for a full-time site warden) to allow occupation between 14th December and 31st October as shown on drawing number TF/06/10/6 and TF/06/10/3E, supported by a design and access statement, all received 2nd August 2010.

Publicity Expiry Date: 07-Sep-2010

Has statutory consultation and neighbour notification been properly carried out? Yes

Has the application been properly advertised? Not applicable	
<input type="checkbox"/> the decision would not conform to the provisions of the Development Plan	<input type="checkbox"/> was accompanied by an EIA
<input type="checkbox"/> would affect a public right of way	<input type="checkbox"/> is a major development
<input type="checkbox"/> is of wide public interest	<input type="checkbox"/> affects a listed building
<input type="checkbox"/> affects a conservation area	
Is it necessary to consult the Sec. of State (GOSE) before determining this application? No	
<input type="checkbox"/> T&CP (Shopping Development) (England a& Wales) (No 2) Direction 1993	specified retail developments over 2,500m ²
<input type="checkbox"/> Circular 14/97 'Planning & Historic Environment' Appendix A	specified listed building consent applications
<input type="checkbox"/> T&CP (Development Plans & Consultation) (Departures) Direction 1999	specified major departures from Development Plan
<input type="checkbox"/> Circular 9/98 T&CP (Playing Fields) (England) Direction 1998	loss of specified playing fields
<input type="checkbox"/> Circular 8/00 T&CP (Residential Development on Greenfield Land) (Eng) Direction 2000	more than 150 dwellings or 5 hectares of housing
Do the matters considered in this report raise any unique Human Rights issues? No	

POLICIES

Maidstone Borough-Wide Local Plan 2000: ED20, ENV28

Government Policy: PPS1 Delivering Sustainable Development, PPS7 Sustainable Development in Rural Areas

HISTORY

- MA/09/2223 Planning permission for the stationing of 1no. mobile home for a full-time site warden - APPROVED WITH CONDITIONS
- MA/09/1220 Planning application to increase the number of permitted tents from 10 to 20 including associated works - APPROVED WITH CONDITIONS
- MA/08/0333 To increase the number of permitted caravan pitches from 10 to 20, involving revised access road and layout - APPROVED WITH CONDITIONS
- MA/05/1592 Change of use of land and existing barn to touring caravan and camping site with amenity building and new access - APPROVED WITH CONDITIONS.
- MA/04/2419 Change of use of land and existing barn to touring caravan and camping site with amenity building - REFUSED, DISMISSED AT APPEAL

SITE HISTORY CONSIDERATIONS

Planning permission was granted under MA/05/1592 for the use of the land as a caravan and camping site subject to conditions. This application overcame the highway safety reason for the refusal and dismissal at appeal of a previous application (MA/04/2419). Planning permission was subsequently granted for the increase in the

numbers of caravan and camping pitches from 10 to 20 under separate permissions, as detailed above.

Permission was then granted for the stationing of a mobile home for the purposes of accommodating a warden under MA/09/2223.

The current application is directly connected to the approved use as a touring and caravan site, and specifically related to the use of the mobile for occupation by a warden.

CONSULTATIONS

Newspaper Advertisement Expiry Date: Not applicable

Parish Council: Broomfield and Kingswood Parish Council ^{wish}with to see the application refused and reported to Planning Committee in the event of a recommendation for approval on the grounds that the use of the land is restricted to the period 1st January to 31st October inclusive. The Parish Council also raise attention to inaccuracies in the design and access statement relating to the facilities available locally.

Neighbours: No representations were received.

Other: CPRE raise objection to the proposal on the grounds that the use of the land is restricted to the period 1st January to 31st October inclusive, and that the use of the mobile all year could give rise to pressure for a permanent dwelling on the site.

Disabled Considerations: Not applicable

Environmental Health Considerations: Not applicable

Highways Considerations: Not applicable

Public Safety Considerations: Not applicable

CONSIDERATIONS

Site Visited: 16th August 2010

This is an application for the variation of condition 2 attached to planning permission MA/09/2223 (the stationing of 1no. mobile home for a full-time site warden). The wording of the condition as set out on the decision notice is as follows:

A mobile home shall initially only be stationed at the site and occupied when the camp site is open for use in the position shown on drawing no. TF/06/10/3 received on 4th December 2009, and thereafter shall only be occupied between 1st February and 31st October (inclusive) each calendar year when required for a site warden in connection with the operation and management of the camp site;

Reason: In the interest of visual amenity, to meet the terms of the permission and to ensure that the mobile home is not used as permanent residential accommodation pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

The current application seeks to vary the condition to allow the occupation of the mobile between 14th December to 31st October annually for the purposes of allowing an additional fortnight prior to the permitted period of opening to prepare the site for use by visitors.

Site Description

The site is in open countryside but has no environmental or economic designations in the Local Plan. Although the site has a Sutton Valence postal address it is located within the parish of Broomfield and Kingswood.

The site is a rectangular piece of land located to the north of Chartway Street which is roughly level. The site is laid out as a series of camping and caravan pitches, together with associated development. The site access is located centrally to the site's boundary with the highway, and there is substantial coniferous screening to the front of the site.

The Grade II* listed building, The Blue House, is located approximately 25m from the southern boundary of the site. This is the closest residential building.

The mobile home that is the subject of the current application is located centrally within the site, and is to the rear of the main amenity building.

Assessment

The condition was attached to the permission with the intention of preventing a full time residential occupation that would be unacceptable in policy terms. The reason for granting planning permission for the occupation of the mobile was the perceived need for an onsite presence, and therefore the principle of a presence on site whilst the site is open for operation has been accepted under the previous approval as set out below:

"it is reasonable for a warden to be on-site throughout the day and night to manage the site, enforce site rules, check hooking up, ensure separation distances, control noise and take control in emergencies and allow vehicles to enter the site potentially at night. Such management could obviously be carried out in the daytime without living on site, however issues with customers potentially arriving at night and other safety and security issues at this time could not be reasonably provided from another residence outside the site. Clearly, such management would also help reduce potential noise and disturbance. On this basis, I consider there is a reasonable functional need for full-time, on-site presence whilst the site is open." (Quoted from report of MA/09/2223, copy attached as appendix).

The purpose of the condition is to prevent the occupation of the mobile at times when a residential presence on site is not required for operational purposes. The current application asserts that the occupation of the mobile is required annually prior to the opening of the site in January for an additional two weeks.

The purpose of allowing occupation of the site for an additional fortnight each year during a period when the site is closed for business is not justified in the application documentation. No detail is submitted of the preparations that would be required prior to the 1st January which would necessitate occupation of the mobile outside of the currently permitted period, however given that the purpose of allowing occupation of the mobile was to secure appropriate management of the site during the permitted periods of occupation by customers it is not considered that there has been demonstrated any need for a permanent presence on the site outwith the permitted period.

The applicant has made reference to the occupation reducing vandalism on site, however given the nature of the business it is considered that a technological solution and off site monitoring would be sufficient to secure the site outside of the operational period.

The design and access statement refers to the opening dates of the site as being 14th December to 31st October annually, which is contrary to the opening details as

permitted under the previous applications listed above, and therefore does not support the current application.

Other matters

The proposed amendment would not have any other planning implications such as harm to amenity, the character or appearance of the open countryside, highway safety or the setting of the listed building.

Conclusion

For the above reasons, I consider the proposal to vary the condition as set out in the application description to be contrary to the provisions of the Development Plan and national planning policy and guidance, and I therefore recommend the application for refusal.

RECOMMENDATION (Please type CAREFULLY – Approved, Approved with conditions or Refused)

My recommendation is refusal (R).

DECISION

~~Conditions~~ or reasons for refusal

1. The proposal to vary condition 2 attached to planning permission MA/09/2223 would result in an unsustainable development that would exceed the terms of the previous planning permissions relating to the use of the land (MA/05/1592, MA/08/0333, and MA/09/1220), and in the absence of any over-riding need or justification relating to the caravan and camping site use would be harmful to policies of restraint of such development in the open countryside and be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and national planning policy as set out in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.

Informative

1. For the avoidance of doubt, the permitted opening periods for the site as a caravan and camping facility are 1st January to 31st October inclusive. All other conditions relating to operational restrictions attached to planning permissions MA/05/1592, MA/08/0333, and MA/09/1220.

REASON FOR APPROVAL (if appropriate)

This application has been considered in relation to the following policies:

Maidstone Borough-Wide Local Plan 2000:

Agreed by PPO

P. H. [Signature]

Date

26/1/10

App. to MA/10/1332.

DUE THURS 28th

File ref: 09/2223

Case Officer: Richard Timms

Date: 27-Jan-2010

Delegated Report

Dec 28/01/10

THE FINCHES, CHARTWAY STREET, SUTTON VALENCE, KENT

Planning permission for the stationing of 1no. mobile home for a full-time site warden as shown on drawing no. TF/06/10/3 and TF/06/10/6 received on 4th December 2009.

Publicity Expiry Date: 13-Jan-2010

Has statutory consultation and neighbour notification been properly carried out? YES

Has the application been properly advertised? N/A
<input checked="" type="checkbox"/> the decision would not conform to the provisions of the Development Plan <input checked="" type="checkbox"/> was accompanied by an EIA <input checked="" type="checkbox"/> is a major development
<input checked="" type="checkbox"/> would affect a public right of way <input checked="" type="checkbox"/> is of wide public interest <input checked="" type="checkbox"/> affects a listed building <input checked="" type="checkbox"/> affects a conservation area
Is it necessary to consult the Sec. of State (GOSE) before determining this application? NO
<input checked="" type="checkbox"/> T&CP (Shopping Development) (England & Wales) (No 2) Direction 1993 specified retail developments over 2,500m ²
<input checked="" type="checkbox"/> Circular 14/97 'Planning & Historic Environment' Appendix A specified listed building consent applications
<input checked="" type="checkbox"/> T&CP (Development Plans & Consultation) (Departures) Direction 1999 specified major departures from Development Plan
<input checked="" type="checkbox"/> Circular 9/98 T&CP (Playing Fields) (England) Direction 1998 loss of specified playing fields
<input checked="" type="checkbox"/> Circular 8/00 T&CP (Residential Development on Greenfield Land) (Eng) Direction 2000 more than 150 dwellings or 5 hectares of housing
Do the matters considered in this report raise any unique Human Rights issues? NO

POLICIES

Maidstone Borough-Wide Local Plan 2000: ED20, ENV28

The South East Plan 2009: CC6, NRM5, C4

Government Policy: PPS1, PPS7, PPS9

HISTORY

MA/09/1220 Planning application to increase the number of permitted tents from 10 to 20 including associated works - APPROVED WITH CONDITIONS

MA/08/0333 To increase the number of permitted caravan pitches from 10 to 20, involving revised access road and layout - APPROVED WITH CONDITIONS

MA/05/1592 Change of use of land and existing barn to touring caravan and camping site with amenity building and new access - APPROVED WITH CONDITIONS.

MA/04/2419 Change of use of land and existing barn to touring caravan and camping site with amenity building - DISMISSED AT APPEAL

SITE HISTORY CONSIDERATIONS

This application is directly connected to the approved use as a touring and caravan site.

CONSULTATIONS

Newspaper Advertisement Expiry Date: N/A

Parish Council: Broomfield & Kingswood Parish Council raise no objections to the proposals subject to a condition restricting the occupancy of the mobile home to the times the site is open.

Neighbours: No representations received.

Other:

Environmental Health Project Manager: No objections to a 24 hour on-site presence.

"As this is a touring and camping site it is advisable that that it is staffed during its open period which can be a very long time in the summer months. It would be better if Tourers and RV were able to enter the site at night rather than park outside. Overall a full time warden to manage the site, enforce site rules, check hooking up, ensure separation distances, control noise and take control in emergencies is a sensible option. This should ensure that the site operates with little disturbance to the surrounding community. It will also aid compliance with licence conditions."

CPRE: Have some concerns and consider the application should be refused. The application for a mobile home must not lead to any permanent occupation of the site; The application mentions that the site manager would be resident from Feb 1st to 30th Nov, longer than the camp is open, and within the closure period; The mobile home would have three bedrooms, so its occupation serves as a residence, yet one person cannot be on duty for 24 hours, and the application mentions 2 full-time employees, without indicating how the labour will be deployed; There should be a daytime and night time manager thus reducing the residential element; The mobile home should be removed for the period the site is shut.

Disabled Considerations: None specific.

Environmental Health Considerations: None specific.

Highways Considerations: None specific.

Public Safety Considerations: None specific.

CONSIDERATIONS

Site Visited: 27th January 2010

This is an application for the stationing of a mobile home for a full-time site warden at the Finches Camping Site, Chartway Street, Sutton Valence. Whilst, the site has a postal address of Sutton Valence it falls within the parish of Broomfield & Kingswood. The application site is within the countryside for Development Plan purposes but not upon land with any special landscape designation.

Site Description

The site is located on the north side of Chartway Street some 140m west of the junction with Charlton Lane. It is roughly rectangular in shape and amounts to approximately 2ha in area with a road frontage of some 240m and depth of around 80m. The site is currently being developed for use as a camping site for which permission was granted under applications MA/09/1220, MA/08/0333 and MA/05/1592 for 20 caravan and 20 camping (tent) pitches from January to October each year. The new site entrance approved under previous applications has been constructed, phased clearance of the spruce trees has begun as has the laying down of site access roads, levelling and seeding of grassed areas and the conversion of the barn to an amenity facility. The west part of the site is open, the single storey steel building is within the centre of the site and there are a number of spruce trees formerly cultivated for Christmas trees still in situ on the east part of the site. The access is within the centre of the site frontage.

Opposite the site on the south side of Chartway Street lies Blue House, a grade II* Listed Building. This is the nearest residential dwelling at 25m from the front

boundary of the site and others to the southeast are over 45m from the edge of the site.

Planning History

Planning permission was granted at Planning Committee in 2006 for a change of use of land and existing barn to a touring caravan and camping site with an amenity building and new access under application MA/05/1592. This allowed for 10 caravan and 10 camping pitches. More recently in June and November 2009, permission has been granted at Planning Committee for an increase in the number of caravan and camping pitches from 10 to 20 under applications MA/08/0333 and MA/09/1220. The site can only be open from 1st January until 31st October each year.

Proposed Development

Permission is sought for a mobile home to provide permanent accommodation for a site warden whilst the site is open. It would be located to the north and at right angles to the amenity building within the centre of the site. The height of the mobile home would not exceed 3m in height and will measure approximately 11.8m x 3.6m. The walls would be pastel coloured with smooth cladding. It is submitted that for management, safety, security and vandalism reasons, a full-time warden needs to be available on site from 1st February until 30th November.

Assessment

As the proposals do not represent permanent all year-round accommodation, I do not consider they should necessarily be subject to the tests set out at Annex A of PPS7 for temporary dwellings in the countryside. However, I do consider the proposals pass the test here where relevant.

The fact that works have begun at the site and recent planning permissions for expansion have been gained to my mind indicates a firm intention and ability to develop the camp site. I also note that under the previous application the applicant stated that there has been considerable interest in the site from preliminary advertising.

I agree with the Environmental Health Project Manager who deals with caravan site licensing that it is reasonable for a warden to be on-site throughout the day and night to manage the site, enforce site rules, check hooking up, ensure separation distances, control noise and take control in emergencies and allow vehicles to enter the site potentially at night. Such management could obviously be carried out in the daytime without living on site, however issues with customers potentially arriving at night and other safety and security issues at this time could not be reasonably provided from another residence outside the site. Clearly, such management would also help reduce potential noise and disturbance. On this basis, I consider there is a reasonable functional need for full-time, on-site presence whilst the site is open.

I do not consider the test as to whether the enterprise has been planned on a sound financial basis is entirely relevant in this case. Clearly, if the enterprise fails, the accommodation will not be required and the warden would have to seek alternative arrangements. The accommodation can be conditioned so that it is only required when the site is in operation.

Visual Impact

The visual impact of the mobile home would be limited in the context of the camp site, where there will be other touring caravans and camper vans etc. In addition, it would be sited behind the existing amenity building so largely screened from Chartway Street. As such, there would be no significant harm to the landscape. With this limited visual impact and being over 80m from the Blue House, there would be no effect upon the setting of this listed building.

Residential Amenity

The mobile home would have no significant implications for local residential amenity in terms of noise and disturbance and will potentially help reduce/control this at the camp site.

Highway Matters

The provision of the mobile home and the limited increase in vehicle movements would have no significant implications for highway safety.

Other Matters

I note the CPRE mentions that the planning form refers to 2 full-time employees and considers that there should be a daytime and night time manager thus reducing the residential element. I have spoken to the agent who states that the two employees would be one at the office in the amenity building and the other would be the warden. I consider the proposals to be acceptable for the reason outlined above and do not consider it necessary to insist on a daytime and night time worker. Occupation can be restricted to the annual site opening period.

On this matter, I note the application documents seek occupation from 1st February until 30th November which overlaps the beginning of the closure period (1st November to 31st December) and the agent has verbally explained that this is in order to close down the site. I do not consider it is necessary for someone to live on site in order to close it down and consider occupation should cease on 31st October. I note that the applicant has proposed occupation not occurring again until the following 1st February, which does mean that no one can live on the site during January when the site can in theory be open. This has been put forward by the applicant so I consider 1st February until 31st October should be the period of occupation.

Conclusion

For the reasons outlined above, I consider it is reasonable for a site warden to reside on site whilst the site is open and clearly an approval of this application would not result in a permanent year-round residential use. On this basis, I recommend that permission is granted subject to an occupancy condition.

RECOMMENDATION (AC)

My recommendation is **Approved with Conditions**

DECISION**Conditions or reasons for refusal**

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. A mobile home shall initially only be stationed at the site and occupied when the camp site is open for use in the position shown on drawing no. TF/06/10/3 received on 4th December 2009, and thereafter shall only be occupied between 1st February and 31st October (inclusive) each calendar year when required for a site warden in connection with the operation and management of the camp site;

Reason: In the interest of visual amenity, to meet the terms of the permission and to ensure that the mobile home is not used as permanent residential accommodation pursuant to policy ENV28 of the Maidstone Borough-wide Local Plan 2000.

Informative**REASON FOR APPROVAL (if appropriate)**

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.

This application has been considered in relation to the following policies:

Maidstone Borough-Wide Local Plan 2000: ED20, ENV28

South East Plan 2009: CC6, NRM5, C4

Agreed by PPO



Date

28/10/10