

APPLICATION: MA/13/0724 Date: 22 April 2013 Received: 26 April 2013

APPLICANT: Sines LLP

LOCATION: PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT, ME17 1NZ

PARISH: Frinsted, Harrietsham

PROPOSAL: Application to vary condition 4 of MA/96/1132 to allow an expansion of the area used for siting static caravans and operational development to alter land levels (partly retrospective) as shown on drawing number PR101a and supporting information received on 25/4/13 as amended by drawing number PR110a and supporting information received on 3/7/13.

AGENDA DATE: 8th August 2013

CASE OFFICER: Peter Hockney

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

- it is contrary to views expressed by Harrietsham Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV33, ENV34, ED20
- Government Policy: National Planning Policy Framework (2012)

## **2. HISTORY**

MA/12/1910	Advertisement consent for sign 3.2 metres wide by 3 metres high, to be no more than 1.5 metres above ground level and sign illumination not exceeding 100CD/sqr metre - UNDETERMINED
MA/12/0388	Extension to clubhouse to form indoor bowls facility - APPROVED WITH CONDITIONS
MA/12/0378	Erection of shop and offices building - APPROVED WITH CONDITIONS

MA/11/2190	Variation of condition 2 of permission MA/03/2343 (extension of the holiday park's season from 8 months to 10 months) to allow the use of touring caravans, tents and static caravans for holiday purposes all year round (excluding the 18 permitted residential static caravans) – APPROVED WITH CONDITIONS
MA/11/1753	Retrospective application for stationing of mobile home for residential accommodation by caretaker – APPROVED WITH CONDITIONS
MA/11/0897	Erection of a double garage – APPROVED WITH CONDITIONS
MA/11/0384	Advertisement consent for the installation of an externally illuminated freestanding sign (retrospective application) – REFUSED
MA/10/1620	An application a Certificate of Lawful Development for an existing use being the stationing of a mobile home for residential purposes – WITHDRAWN
MA/08/1128	Extensions and alterations to clubhouse – APPROVED WITH CONDITIONS
MA/07/0142	Variation of condition 1 of MA/96/1132 to increase the number of residential units on site from eighteen to twenty seven with reduction of holiday units from 180 to 171 – REFUSED & DISMISSED AT APPEAL
MA/03/2343	Variation of condition 2 of planning permission MA/96/1132 relating to Hogbarn Caravan Park, Harrietsham to extend the Park's season from 8 months to 10 months – APPROVED WITH CONDITIONS
MA/02/2056	Variation of condition 04 of planning application reference MA/96/1132 to enable static holiday caravans to be sited on an area of the southern part of the site restricted to touring caravans – APPROVED WITH CONDITIONS
MA/96/1132	Use of land for the siting of 180 holiday caravans and 18 residential caravans (including extension to currently permitted site) – REFUSED & ALLOWED AT APPEAL

MA/83/0934

Construction of internal roads, car parking and caravan hardstandings for 178 holiday caravans and 1 residential caravan – APPROVED WITH CONDITIONS

### **3. CONSULTATIONS**

3.1 **Harrietsham Parish Council** wish to see the above application refused due to the following reasons:

- 1) With reference to the appeal decision for application MA/96/1132 (paragraph 14 of the layout plan submitted with the application), the Inspector was satisfied the existing site was physically capable of taking the approved number of seasonal pitches without the removal of any further trees in any new areas.
- 1) With reference to paragraph 20 of the inspectors report, the Inspector commented:  
*"This is a very sensitive area of landscape that has already suffered visual damage through the existing caravan site which, because of the topography, is prominent over the south-western boundary planting in views from the footpath. Given the important planning objective of conserving the landscape in the AONB, I consider that any material increase in the visual prominence of the caravan site would be unacceptable."*
- 2) Paragraph 5 of the Inspector's conditions of approval stated:  
*"The western end of the site should not be used for siting of caravans until the local planning authority have indicated in writing their satisfaction that the planting required under condition 6 has matured sufficiently for the presence of caravans on that part of the site to be no longer visible from the public footpath to the south of the site."*  
As the photograph in Appendix A shows, the development and proposed extension is clearly visible from the public footpath.
- 3) The Tree Preservation Order was granted in 2003 and takes precedence over the permission granted in 1996 and the tree screening in woodland area 5, was considered of sufficient merit, to warrant the granting of a TPO. Removal of this tree screening and siting of caravan units, demonstrates unacceptable harm to the AONB. The photograph in Appendix B (an aerial view from Google Earth) shows the extent of screening in Woodland Area 5 prior to the applicants decision to remove the Trees covered by the TPO NO.10 of 2003

- 4) In Richard Timms' committee report dated 29<sup>th</sup> March 2012 paragraph 4.2.4 he stated:

*"The park is fairly well screened".*

*"The woodland area is protected under TPO No. 10 of 2003 as are areas of woodland in the south part of the site."*

This application now removes this screening.

- 5) Item 15 of the applicant's application form states that a full tree survey of the remaining trees should have accompanied this application and particular reference should have been made to the area of Ancient Woodland (Stede Wood) adjoining the application site.
- 6) As quoted by the applicant, ED20 suggests that sites "should be sited in well screened, un-intrusive locations, and sites surrounded by mature woodland or taking good advantage of concealing natural land forms." It is clear from the photograph in appendix A that the proposed landscaping would not prevent the site extension being clearly visible from the AONB and the only area of screening has already been removed by the applicant.
- 7) The proposed landscaping planting plan is insufficient in numbers and sizes to replace the tree coverage that has been lost by the removal of trees in woodland area 5 of TPO no.10 of 2003 and fails to successfully mitigate the proposed development.
- 8) The applicant has failed to address the replacement of any losses within the proposed maintenance programme for planting works.
- 9) The application is contrary to LLC8 of the AONB management plan:  
"Proposals which negatively impact on the distinctive landform, landscape character and identified special components of natural beauty, the setting and views to and from the AONB will be opposed and resisted."

Harrietsham Parish Council feels so strongly that this application should be refused that we request that this application be reported to the Planning Committee.

Maidstone Borough Council should continue to proceed with the enforcement action as the applicant has illegally removed healthy trees after they have given

protection via a Tree Preservation Order in an Area of Outstanding Natural Beauty.”

Following the receipt of amended plans increasing the new planting **Harrietsham Parish Council** reiterated their objections to the scheme.

3.2 **MBC Landscape Officer** has commented on the application stating:-

“The application site lies within an AONB and Tree Preservation Order (TPO) No. 10 of 2003 protects 5 areas of woodland, 7 individual trees and 2 groups of trees growing on the site. The application seeks the expansion of the caravan park with new road infrastructure and the proposed siting of 69 new caravans as positioned and numbered on the A3 Landscape Plan by Peter Lead, Planning Consultant (plan Ref: PR110a, dated 03/07/2013).

The sloping topography of the site has recently been remodelled into a number of flat terraces which has resulted in the removal of a large proportion of the protected trees within woodland areas designated as W4 & W5 on the TPO. The removal of the woodland trees that consisted primarily of Hawthorn scrub and self seeded Sycamores has resulted in a significant gap in the sylvan character of the area. A large proportion of woodland, W5, to the east has been retained and is shown on the Landscape drawing as existing coppice. Due to the dense nature of the Hawthorn very little daylight reaches the ground and as a result very little ground vegetation is present.

Clearly the planting shown on the submitted landscaping plan is insufficient to mitigate the loss of the areas of recently removed woodland. However, my comments relate to the planning application on which I have been consulted, relating to the siting of new static caravans. I am not in a position to comment on the planning considerations as to whether there is an overriding need for this development and, therefore, can only comment on the principles of the landscaping scheme put forward by the applicant.

The proposed landscaping scheme as shown on the above mentioned Landscape Plan proposes several new areas of 2m high whip planting that consist of Blackthorn, Damson, Field Maple, Hornbeam, Rowan and Pendunculate Oak. New hedgerows are proposed along the western boundary and part of the southern boundary as well on top of the recently formed embankments that divided the levelled escarpments. Plants within these new hedges consist of a mixture of Guelder Rose, Hawthorn, Spindle, Field Maple, Holly and Hazel, planted in double staggered rows of not less than 5 plants per metre. Further planting of Dogwood, Blackthorn and Damson whips are proposed towards the middle of the embankments whilst a planting mix of grass and wild flowers are proposed to the base of the banks nearest the new homes.

In addition to the whip planting, 24 larger specimen trees of heavy standard size are shown to be planted. These consist of Field Maple, Hornbeam and Pendunculate Oak. In order to soften parts of the new road infrastructure, grasscrete is shown to be used.

All the new planting is to be protected by rodent damage using suitable tree protection and weeding/maintenance is proposed for at least 5 years post planting.

Overall, the landscaping scheme maximises the space available within the development for new planting with a mixture of approximately 300 new native trees and shrubs that are considered in keeping with the landscaping character of the area. The species mix chosen also seeks to provide a better biodiversity to the area than the previously removed Hawthorn scrub.

In conclusion, to reiterate, the proposed amount of planting as shown on the submitted landscaping plan does not mitigate the amount of tree removal that has taken place within protected woodland designated as W4 & W5 of TPO No. 10 of 2003. However in the context of the application, should you be minded to approve this scheme, I would want to see the following pre-commencement conditions applied:

- Full details of the future management of the retained coppice to the east of the development site and how the area is to be used as amenity for the local residents
- Existing trees shall be clearly marked on the Landscape plan as being retained
- Details of the type of weeding to be used around the newly planted trees (e.g. cultural, mechanical or chemical) together with a full maintenance programme specifying watering and weeding and replacement of failed stock
- Full details of the wildflower and grass mix
- Planting and staking details for the proposed selected heavy standard trees."

#### **4. REPRESENTATIONS**

4.1 **8 letters** of objection have been received on the following grounds:-

- The existing protected woodland has been cleared.
- Harm to the character and appearance of the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area.
- The development undertaken is unauthorised.
- No public transport to the site or pedestrian route.
- Loss of privacy from raised mobile homes.
- Noise, smells and disturbance from the sewage treatment plant.

- The design and colour diversity of the units will not reflect the traditional character of the buildings in the locality.
- Concern regarding the proposed landscaping scheme.

**CPRE Kent** raise objections of the fact that there has been significant clearance of the protected woodland.

**The Kent Downs Area of Outstanding Natural Beauty** raise concerns that caravan sites should not be in the AONB and advises that the AONB should be protected and enhanced.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The application relates to a large site which has a mixed permission as a holiday caravan and camping park (180 caravans or tents) and for 18 caravans for permanent residential use. The site dates back to 1967 when it was originally granted permission, albeit over a smaller area. Later permission was granted in 1997 at appeal under MA/96/1132 for a larger site and this allowed the 180 holiday pitches and 18 residential caravans. A revision to the layout was granted under MA/02/2056 to allow static caravans in part of the southern area of the site where only touring caravans were previously allowed. Application MA/11/1753 granted permission for an additional 19<sup>th</sup> residential unit, restricted by condition to caretaker accommodation only. Permission was granted under MA/11/2190 to allow the holiday accommodation (180 caravans) to be occupied at any time of the year.
- 5.1.2 The site is located on the slope of the North Downs, around 2km north of Harrietsham, and on the south side of the rural and unclassified Hogbarn Lane. It is within open countryside falling within the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area. There are a number of residential properties on Hogbarn Lane including houses directly adjoining both sides of the site.
- 5.1.3 The residential element of the park is contained in an area on the north-east side of the park, behind the site reception/office building and caretaker accommodation unit. This contains the maximum permitted permanent 18 residential units. The remainder of the site is taken up by caravans for holiday purposes including 'static park homes' mainly on the north and west sides, and centrally within the site and a row of mobile homes near the south boundary of the site. Buildings housing the clubhouse, bar, swimming pool, gym, changing rooms, and ancillary accommodation, are centrally within the site. A new shop

and office has been recently permitted under MA/12/0378 and an extension to the clubhouse was permitted under MA/12/0388.

- 5.1.4 The park is fairly well screened from Hogbarn Lane by a belt of woodland and other planting and vegetation on and around the entrance to the site, although broken views of the homes are possible in the winter. This woodland area is protected under TPO No. 10 of 2003 as are areas of woodland in the south part of the site. It is, however, quite exposed from the public footpath KH209A which runs to the south-west of the site, and from public footpaths KH288 and KH286 further to the south. Views of the site are also possible from Flint Lane at the junction of the footpaths.

## **5.2 Enforcement Background**

- 5.2.1 A large area of tree coverage was removed in the southern part of the site. These trees were covered by TPO 10 of 2003 and the Council considers this to be a breach of the legislation. Following the removal of these protected trees there were considerable excavations that took place in the same area to create terraces.
- 5.2.2 There was no masterplan available and no indication of what was being created and the Council took formal enforcement action in the form of an Enforcement Notice with accompanying Stop Notice. As a result work has ceased on the site.
- 5.2.3 The Enforcement Notice becomes effective on the 4 September 2013. This application has been submitted in the meantime in order for the Council to consider the proposed masterplan for the site including replacement planting. In the event that permission is granted then this would override the Enforcement Notice. If the application is refused then the Enforcement Notice would remain in force and would have to be complied with unless a successful appeal is made.

## **5.3 Proposal**

- 5.3.1 The development is partly retrospective and is for engineering operations to create terraces and the stationing of static holiday caravans in this area. The application involves the creation of roadways and bases to facilitate the stationing of the caravans. There would be a total of 69 additional caravans stationed within the area in question.
- 5.3.2 As part of the scheme there is a significant amount of landscaping proposed including boundary hedging, tree belts along the terraces, specimen trees and wildflower meadow planting.



5.3.3 The detail of the scheme and impact on the character and appearance of the area are the key considerations in this case

## **5.4 Principle of Development**

5.4.1 The application site is an existing caravan site, which has consent for up to 180 caravans for holiday purposes as well as the 18 residential caravans in the site being a total of up to 198 caravans. The introduction of the proposed 69 static caravans would take the total number of caravans on the site to 180, lower than the 198 approved.

5.4.2 Policy ED20 of the Maidstone Borough-Wide Local Plan (2000) deals with the provision of caravan and camping sites. It states that new sites should avoid the sensitive landscape areas of the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Areas. However, this is an existing site and the principle of the stationing of up to 198 caravans has already been established on this site.

5.4.3 Therefore I consider that in principle the stationing of caravans on the existing caravan site within the original numbers permitted to be acceptable in principle. The main considerations is how the arrangement of the site and positioning of the new caravans impact on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty.

## **5.5 Visual and Landscape Impact**

5.5.1 The site lies within the sensitive Kent Downs Area of Outstanding Natural Beauty and is an existing established caravan park that is characterised by wide internal roadways, large mobile homes, manicured lawn areas and substantial ancillary buildings. The existing development does not positively contribute to the character and appearance of the AONB. The areas of the sites that have the greatest positive impact on the area is the area of woodland adjacent to Hogbarn Lane and the area of woodland in the easternmost corner of the site these areas would be retained as part of the proposal.

5.5.2 The area where the engineering operations have been undertaken was previously covered with trees and vegetation. This area has been cleared, in the Council's view in breach of the TPO regulations, although the applicant considers that no breach of the regulations have occurred.

5.5.3 When viewed from the footpaths and Flint Lane the part of the site where the unauthorised development has taken place appears as a dominant scar on the slope of the Kent Downs Area of Outstanding Natural Beauty with the exposed clay soil being prominent. Before work began these views had trees and scrub in

the foreground with the large park homes and roads set above and it was these features that dominated the views.

- 5.5.4 The proposed terracing and the stationing of 69 mobile homes in this area do not enhance the landscape character of the area. However, as mitigation for the loss of the vegetation a new landscape scheme is proposed. There are areas of new tree planting around the proposed caravans pre-dominantly adjacent to the retained area of woodland in the easternmost corner and interspersed between the caravan plots. A new area of substantial tree planting would be along the southern boundary between the site and the footpaths. In total in these areas there would be 150 new trees planted 30 of which would be in the area adjacent to the southern boundary. The tree planting in these areas will comprise blackthorn (25%), damson (10%), field maple (15%), hornbeam (20%), rowan (15%) and pedunculate oak (15%). As well as these areas of trees there would be a minimum of 24 specimen trees comprising field maple, hornbeam and pedunculate oak within the site. The proposal includes landscape treatment of the banks to the terraces to reduce the engineered appearance. These include new hedgerow planting along the crest of the banks comprising Guelder Rose (10%) Hawthorn (80%) Spindle (10%) or Field Maple (85%) Holly (15%) or Hazel (100%) or a combination. Below the hedgerow planting would be ground cover planting in the form of Dogwood, Blackthorn and Damson and further down the slope of each bank would be a wildflower mix.
- 5.5.5 The new landscaping would be significant with a mixture of approximately 300 new native trees and shrubs that are in keeping with the landscape character of the area. The landscape officer has confirmed that the proposals would be appropriate in terms of the species used and that the species mix chosen also seeks to improve the biodiversity of the area from the previously removed Hawthorn scrub.
- 5.5.6 The creation of terraces would, once fully landscaped, integrate into the landscape and result in the caravans being set lower than if they were placed on parts of the existing slopes. This would be a benefit to the scheme, although under the terms of the current permission static homes would not be allowed in the whole of the southern area. In order to further soften the appearance areas of grasscrete are proposed instead of tarmac for the southernmost areas accessing the plots. I consider that in time these lower elements of the park would be less prominent from northward views from the footpaths and Flint Lane due to the lower terraces and the proposed landscaping.
- 5.5.7 The landscape loss that has occurred on site would not be mitigated by the proposed replacement species in terms of coverage. However, this must be balanced against the other issues, namely the improvement in biodiversity from the species proposed, the ability to secure continued management of the

landscape areas (existing and proposed) and the fact that the site is a lawful caravan site with fewer caravans sited than the planning permission allows.

- 5.5.8 Taking all these matters into consideration I consider that on balance the visual and landscape impact of the development is acceptable. Conditions should be imposed to secure the future management of the woodland area in the easternmost corner and additional details in relation to the maintenance for the new planting. The applicant has confirmed that the intention is to undertake the planting within the next planting season and this should be conditioned. Consideration should be given to protecting the new trees by way of a Tree Preservation Order once planted.

## **5.9 Other Matters**

- 5.9.1 There are no significant highway safety impacts, there are no changes proposed to the access arrangements and no significant additional traffic generation. I note the fact that the site is unrelated to public transport and pedestrian access is unlikely. However, planning permission already exists for this as a caravan site and the introduction of the additional caravans would remain lower than overall permitted numbers.
- 5.9.2 The neighbouring properties would be a significant distance (in excess of 200m) from the proposed caravans and the development would not result in any harm to the residential amenity of the occupiers. The sewage treatment plant is permitted development and does not form part of this planning application. Any pollution or other disturbance would be dealt with under other legislation.
- 5.9.3 The site is a caravan site and as such all the mobile homes have to comply with the legal definition of a caravan. However, there is no control over the design or colour of the units through the planning legislation.

## **6. CONCLUSION**

- 6.1 The development is partly retrospective and the subject of an Enforcement Notice and Stop Notice. Works have been undertaken to clear trees and scrub that were protected by a Tree Preservation Order.
- 6.2 The scheme as proposed includes the stationing of 69 additional caravans which when combined with those already on site would be below the 198 permitted for the site. The proposal includes a significant amount of landscaping with a mixture of approximately 300 new native trees and shrubs that are in keeping with the landscape character of the area. The mix of new species would result in an enhancement in biodiversity from the previous hawthorn scrub.

- 6.3 This application would allow unambiguous control over the remaining landscape areas through conditions and landscape management and maintenance regimes.
- 6.4 The site is an existing caravan site which is visible and out of place in the Kent Downs Area of Outstanding Natural Beauty. The proposal, whilst extending the site southwards, due to the extensive new landscaping and changes to the banks to soften their appearance would not result in significant additional harm to the character and appearance of the Kent Downs Area of Outstanding Natural Beauty.
- 6.5 Overall, on this balanced case I consider that the harm caused is not so significant to warrant refusal when balanced against the landscape replacement, biodiversity improvements and future control over the site and permission is recommended.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. Within 2 months the following details shall be submitted to and approved in writing by the Local Planning Authority:-

Full details of the wildflower and grass mix.

Planting and staking details for the proposed selected heavy standard trees

Details of the type of weeding to be used around the newly planted trees (e.g. cultural, mechanical or chemical) together with a full maintenance programme specifying watering and weeding and replacement of failed stock.;

Reason: No such details have been submitted.

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following this approval; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

3. Prior to the occupation of any of these units full details of the future management of the retained coppice to the east of the development site and how the area is to be used as amenity for the local residents shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details;

Reason: No such details have been submitted and to ensure the woodland is appropriately maintained.

4. All accommodation units permitted at the site shall be occupied for holiday purposes only. 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 of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

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

#### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 there are no overriding material considerations to indicate a refusal of planning consent.