

REPORT SUMMARY

REFERENCE NO - 14/0799			
APPLICATION PROPOSAL Timber wardens chalet			
ADDRESS Still Acres (formerly International Grasstrack Circuit), Longend Lane, Marden, Kent			
RECOMMENDATION: Permission be granted			
SUMMARY OF REASONS FOR RECOMMENDATION These are set out in the conclusions section of the report			
REASON FOR REFERRAL TO COMMITTEE It is contrary to the views expressed by Collier Street Parish Council			
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Collier Street	APPLICANT Mr K Still AGENT Synergy PPC Limited	
DECISION DUE DATE 23/07/14	PUBLICITY EXPIRY DATE 23/07/14	OFFICER SITE VISIT DATE 4 th June 2014 & 10 October 2014	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
<p>13/1837: Non material amendment involving relocation of the wardens mobile home –Approved 21 Nov 2013 being sited 10 metres to the south east of the approved position</p> <p>13/0316: Change of use of land for the keeping of horses for recreational use-A- Aug 20 2013 (excludes area of land the subject of 11/0009 below)</p> <p>13/0241: An application for discharge of conditions relating to MA/11/0009 (Change of use to caravan park for 30 tourist pitches with ancillary shower block and refuse store) - being details of condition 11 - Construction/surfacing roadways and hardstandings, condition 12 - lighting, condition 16 - materials and condition 17 - means of access.- Not determined</p> <p>11/0009 : Change of use to caravan park for 30 tourist pitches with ancillary shower block and refuse store- Approved - 28 June 2012 – to expire on the 28th June 2015.</p> <p>This permission was subject to conditions requiring, amongst other things, (a) cessation of the grass track racing use, (b) only one static caravan for wardens use only and no more than 30 touring caravans at any one time</p>			

(c) limitations on the time and type of occupation of the caravans

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1. The application site is located in open countryside south west of the small settlement of Collier Street. This is land is not subject to any specific landscape designation.
- 1.2. The site is bordered by Longend Lane to the south (with the Paddock Wood to Ashford Railway immediately to the south, with open land in agricultural/equestrian use to the north, east and west of the site. This is flat, open countryside characterised by large grassed fields, bordered and interspersed by established hedging and shaws of trees. There is sporadic residential development in the surrounding area, most notably to the south west of the site off Longend Lane and to the west with housing accessed from Collier Street (B2162).
- 1.3. Access from Longend Lane involves a large gated opening that leads to a hardcore access track running off northwards towards the site. Public Footpath KM246 shares the access point before diverting away north and west from the line of the track.
- 1.4. The track crosses grassland with hedging and trees to its west before arriving at a large oval racing track of grass/compacted earth. This motorcycle racing use operated on this site under permitted development rights applying to open land. It is understood that the site is no longer used for this purpose.

2.0 PROPOSAL

- 2.1 Permission is sought for the retention of a timber clad chalet having a length of just over 20 metres, a width of 7.5 metres, an eaves height of 3.7 metres and a ridge height of just over 5.5 metres.
- 2.2 It is situated in the same position as the resiting of the mobile home which was approved under application ref: 13/1837 as a non-material amendment to the original siting permitted under application ref: MA/11/0009. It is intended that it will perform the same function as the mobile home to provide wardens accommodation in connection with the use of the site as a caravan park.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV28
Government Policy: NPPF 2012, NPPG 2014

4.0 LOCAL REPRESENTATIONS

- 4.1** No objections received but one representation regarding alleged failure to display a site notice. (Records confirm that a site notice was posted at the site entrance on 5-6-14 but the duration of display is not known).

5.0 CONSULTATIONS

5.1 Parish Council: Object on the following grounds:

- No evidence that the business referred to in the previous application has commenced.
- In original application the siting of the mobile home was contingent on the existence of the caravan park and could be easily moved in the event of the enterprise ceasing.
- Appears to be no evidence of development at the site- in the absence of this no justification for a new dwelling in the countryside.
- Unless advised to the contrary are of the opinion that discharge of surface water will take place into an adjoining field adversely affecting the flood plain.

5.2 Environment Agency:

“Thank you for consulting us on the additional information. We have reviewed the submitted information and have the following comments to make:

It is correct we previously had no objection to the siting of a mobile home at this site, owing to the fact the area is shown to be in Flood Zone 2. This was based on information available at the time our response was made to MA/11/0009.

However, we now possess aerial photographs taken on 24th December 2013 (DSC_0674) showing part of the grass track circuit and surrounding area to be flooded. Based on submitted site plans 3766-103 and 3766-104 D, the proposed location of the timber chalet appears to be very close to, if not actually covered by the affected area.

We are therefore concerned the proposed chalet will be at risk to flooding if it is sited as indicated on the site plans. As the proposed chalet is single storey, future occupants could be at extreme risk if similar flooding is to be repeated.

We therefore recommend either:

an alternative location for the accommodation be found on the site where the risk of flooding is lower or the chalet is raised up approximately 600mm to minimise the risk of internal flooding.

In either case, we recommend a topographic survey be submitted to demonstrate the proposed dwelling will be approximately 600mm above the flood level as occurred on 24/25th December 2013. We hope to then be able to remove our objection”.

The Environment Agency has subsequently confirmed that it will accept a condition requiring the floor level of the chalet to be 600mm above ground level.

6.0 APPRAISAL

- 6.1 The site lies in open countryside but is not subject to any specific landscape designation. There is an extant planning permission to use the site as a caravan park which was permitted in 2012 under ref: MA/11/0009. The main issue is whether the structure now stationed on site is materially different in terms of its environmental impact compared with the mobile home already permitted to provide wardens accommodation.

In addition the Environment Agency has raised concerns about the risk of flooding which were not identified at the time of application MA/11/0009 but have come to light following more recent flooding events. They have advised that any permission should be subject to a condition requiring the floor level of the timber chalet to be 600mm above ground level.

- 6.2 The applicant has argued that, given the prefabricated nature of the building which can be easily deconstructed and moved round the site, it has many of the characteristics of a mobile home and therefore falls within the broad requirements of what was originally intended for the site.

Section 29(1) of the Caravan Sites and Control of Development Act, 1960 defines a caravan as "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent.

- 6.3 Such a broad definition may apply to the existing timber chalet in the absence of a frame giving it structural integrity enabling it to be delivered on site as a single complete unit, rather than being of prefabricated construction, means that it falls outside the above definition. As such the applicant's arguments in this respect are not accepted. The planning merits of the replacement of the mobile home by a timber chalet therefore need to be considered.

Impact on rural character of area:

- 6.4 The planning permission for the wider development approved under ref: MA/11/0009 was approved subject to a number of landscaping conditions intended to screen and minimise the visual impact of the proposed caravan park.
- 6.5 The timber chalet has a low pitched roof profile, stained weatherboarding and granular felt roof tiles with dark stained joinery. Its visual impact compared to that of the previously permitted mobile home is considered to represent a net improvement in terms of its visual impact on the wider landscape. The

landscape screening required as part of planning permission MA/11/0009 will further ensure that its visual impact will be further reduced.

- 6.6 Concerns have been raised that the timber chalet represents a more permanent form of development that cannot be easily removed in the event of the use of the land as a caravan site ceasing. However the simple prefabricated construction of the building has no permanent foundations and is capable of being easily removed. As such given the circumstances of the case, it would be reasonable to require the chalet to be removed from the site in the event of the use of the land as a caravan site ceasing.

Flood risk:

- 6.7 The Environment Agency has raised concerns about the risk of flooding, having regard to the location within Flood Zone 2. This was reinforced by the widespread flooding which occurred in December 2013. The initial comments by the EA were made on the basis that the proposal was for a new dwelling. However as there was a previous permission for a static mobile home for wardens accommodation in the same position the EA has advised that the raising of floor levels by 600mm would minimise the risk of internal flooding.
- 6.8 Subject to an appropriate condition requiring the floor level of the timber chalet to be raised 600mm above ground level there would be no objections on flood risk grounds.

Highway and parking considerations:

- 6.9 Given that the use of the land remains the same as that permitted under ref: MA/11/0009 no new issues are raised in this respect.

Other matters:

- 6.10 The Parish Council contends that the planning permission granted under ref: MA/11/0009 has not yet been implemented and as such the timber chalet cannot be justified as being in support of the permitted use. However the permission granted under MA/11/0009 included wardens accommodation but did not include a phasing condition requiring the permission to be implemented in a particular sequence. As such there is no impediment to the wardens accommodation being provided as the first phase of the development.
- 6.11 Nevertheless, it acknowledged that apart from the erection of the siting of the timber chalet the subject of this application, at this stage there is little evidence that the 2012 planning permission has been implemented., the applicants have installed a sewage treatment works and internal roads representing an investment to date in excess of £70,000 in anticipation of the site opening in 2015.

6.12 It is considered that this provides some evidence to demonstrate permission MA/11/0009 has been implemented. However even if this was not the case, taking into account that planning permission MA/11/0009 does not expire until the 28th June 2015, there is still no evidence at this stage that it is not intended to carry out the permitted development.

6.13 It should be stressed that if the chalet was retained in isolation without the implementation of the caravan park it may be vulnerable to enforcement action.

7.0 CONCLUSION

7.1 In terms of size, design and siting, there is considered to be no material harm to the appearance and rural character of the area subject to the use of the building being tied to the use of the as a caravan park as permitted under ref: MA/11/0009. The timber chalet causes no material harm to the outlook or amenity of any dwellings in the vicinity compared to the mobile home previously permitted.

Subject to appropriate safeguarding conditions relating to flood risk no objections are raised on planning or highway grounds.

7.2 In the circumstances it is considered that the impact of the proposal is acceptable and that planning permission should be granted.

8.0 RECOMMENDATION – GRANT permission subject to the following conditions:

1. The timber chalet hereby approved shall only be used as wardens accommodation in connection with the wider use of the site as a tourist caravan park permitted under application ref: MA/11/0009 and for no other purpose whatsoever. In the event of the use of the site permitted under application ref: MA/11/0009 ceasing the chalet hereby approved shall be demolished, removed from the site and the site returned to its former condition.

Reason: To retain control over the use of the building and to maintain the rural character and setting of the wider area.

2. Within 3 months of the date of the permission hereby granted further details shall be submitted to show the timber chalet raised 600mm above ground level to minimise the risk of internal flooding. The development shall be implemented in accordance with the approved details.

Reason: in the interests of flood control

3. The timber chalet hereby permitted shall provide the only wardens accommodation on the site.

Reason: To retain control over development of the site in the interests of amenity.

INFORMATIVE:

You are advised that all outstanding conditions appended to planning permission MA/11/0009 remain in force.

Note:

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

Case Officer : Tim Bloomfield

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.