

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

- **Item 5.1** – Willow Farm Caravan Park, Hansletts Lane, Ospringe, Faversham, ME13 0RS

A decision based on security management needs arising from the appellant selling off the original dwelling which supervised the caravan park, and in which he had failed to implement or update the advice of the police. As such I consider this to be a poor decision relying too heavily on the appellant's out-of-date evidence, and one in which I consider the Council's concerns have not been given adequate weight.

- **Item 5.2** – 8 Brogdale Road, Faversham, ME13 8SX

A disappointing and strange decision, seemingly based on the fact that the peculiar extension would not be too noticeable, especially to drivers negotiating a sharp double bend nearby.

- **Item 5.3** – Land adjacent to Acorns, Butlers Hill, Dargate, Faversham, ME13 9HG

Full support for the Council's decision.

- **Item 5.4** – 27, Hilton Close, Faversham, ME13 8NN

Support for the Council's decision on streetscene issues, although the Inspector accepted the design as acceptable, which I did not.

- **Item 5.5** – The Faversham Club, Gatefield Lane, Faversham, ME13 8NX

Full support for the Council's decision.

- **Item 5.6** – Site at 9 Ashford Road, Faversham, ME13 8XJ

A very welcome decision which fully supports the Council's decision.

I



Appeal Decision

Hearing held on 23 September 2014

Site visit made on 23 September 2014

by Kenneth Stone Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 October 2014

Appeal Ref: APP/V2255/A/14/2216836

Willow Farm Caravan Park, Hansletts Lane, Ospringe, Faversham, Kent ME13 0RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Openshaw against the decision of Swale Borough Council.
 - The application Ref SW/13/1153, dated 30 August 2013, was refused by notice dated 7 November 2013.
 - The development proposed is described as a 'new owner/manager's house and workplace'.
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Decision

1. The appeal is allowed and planning permission is granted for a new owner/manager's house and workplace at Willow Farm Caravan Park, Hansletts Lane, Ospringe, Faversham, Kent ME13 0RS in accordance with the terms of the application, Ref SW/13/1153, dated 30 August 2013, subject to the conditions contained in the schedule at the end of this decision.

Procedural matters

2. I held a hearing into the appeal proposals following a change in procedure required at the request of a previous Inspector. The appeal was originally commenced under the Written Representations procedure and appropriate notification was undertaken by the Council at that time. At the hearing I was provided with the Council's letter of notification of the hearing, however this only gave one week's notice of the hearing following an administrative oversight. The appellant commented at the hearing that although the timescales were tight they had managed to bring along third parties who supported the appeal and did not therefore believe they had suffered prejudice. Given the original notification undertaken when the appeal was proceeding under the Written Representations procedure had not resulted in representations and that the appellant and those supporting the proposals were in attendance I am satisfied that this has not resulted in prejudice to any party.
3. At the hearing a page of the Swale Borough Local Plan 2008 (LP) was submitted by the Council containing Policies B7 and B8, as the later policy had been referred to by the appellant and included a reference to the former in it. It was subsequently confirmed by the Council during the hearing that Policy B8 was previously deleted and was no longer a saved policy, it therefore no longer forms part of the statutory development plan and I have considered the appeal on this basis.

Main Issues

4. The main issues in this appeal are
 - Whether there is an essential need for a rural worker to live permanently at or near Willow Farm Caravan Park; and
 - Whether the proposed development would conserve or enhance the natural beauty of the Kent Downs Area of Outstanding Natural Beauty

Reasons

5. Willow Farm Caravan Park (the Park) accommodates 24 static caravans including a chalet currently occupied by the appellant. Two of the caravans are occupied as primary residence and have been so for in excess of 27 years. The remainder are based on seasonal occupation which runs from 1st April to the end of October. The caravans are owned by the occupants and the pitches are rented from the operator. The site is located in the open countryside and is in the Kent Downs Area of Outstanding Natural Beauty (AONB).
6. The area has a rural character with large areas of open agricultural land enclosed by mature hedges and narrow country lanes affording open views across wide stretches. Adjacent to the Caravan Park are the large farm buildings of the original farm now occupied as an equestrian centre.

Need for rural worker

7. The Park has been an on-going business enterprise for many years and there is no dispute between the parties that it is not a financially viable enterprise. Similarly the Caravans on the Park are predominantly static and have been situated on the park for many years with only a small number of touring caravans being able to be accommodated at the site. On this basis it is a secure and permanent enterprise.
8. The appellant has lived on a chalet on the site for a number of years but the lawfulness of this occupation is disputed by the Council. The issue of the lawfulness of the existing occupation of the appellant on the Park is not a matter that is before me. However, it is evident from the appeal documents and representations that he has been there for a number of years and therefore his presence is a material consideration in the determination of this appeal.
9. The appellant has suggested that during the season his work load was more intense than out of season and would include general maintenance, ensuring bins were emptied, the cesspit was working, grass cutting, tree management and leaf picking. The duties would also include general security of the site which would include a final walk around at the end of the day to make sure everything was in order; this would be around 11:00pm. Out of season more disruptive maintenance would take place such as ditch digging/repairing, tree removal, significant repairs etc. I agree with the Council in that the nature of these works could be undertaken during the day and would not necessitate an on-site presence 24 hrs a day.
10. A number of the Caravan Owners from the site attended the hearing and gave evidence which highlighted the importance of an on-site presence in their decision to move their Caravan to the Park and their continued occupation and

retention of their caravan at the site. It was obvious that the perceived security and additional support that was provided by the owner/manager being resident on-site and accessible 24 hrs was an important factor in their decision to base their caravans at the park. It was contended that during the season this provided them with a sense of added security and comfort not least as many were of the older generation. The additional benefit of having a responsible party in charge of the Park available during an emergency situation was also mentioned in support. During the closed season they relied on the appellant's occupation of the site to protect their caravan's and to inform them of any issues. Although anecdotal there was evidence from their occupation on other sites where they had placed their caravans, where there was not a warden or manager on site, that break-ins or damage was more common. I have no reason to doubt the sincerity of the evidence and in association with the social and community spirit that was evident the appellant plays an important function in the success of the Park, not least because of his presence.

11. Whilst I was provided with a Police report, which made reference to an on-site presence being of assistance in terms of security this did not include that as one of its recommendations and it was from some time ago. I have therefore not placed significant weight on that report. The Council were concerned that the appellant had not sought to improve the security of the site through the implementation of some of the measures in that report. However, I have some sympathy with the appellant in that significant fencing and lighting could be obtrusive particularly given the sensitivity of the location in the AONB.
12. The appellant has introduced mounding and there is some fencing and tree planting on the boundaries such as to ensure it would be difficult to get an unauthorised vehicle onto the site other than through the main entrance. Other than this however there were limited attempts to secure the site. The introduction of CCTV cameras would only be effective if they were monitored and of sufficient quality and number. However given the tree coverage, location of the Caravans and the extent of the site it would be difficult to fully cover the site unless many of the trees and shrubbery were removed. On balance therefore given the sensitive location it seems to me that an on-site presence for a manager/owner provides a vital role in giving the necessary security and confidence to the Park's occupants. This provides an important positive contribution to the continued success of the Park.
13. An on-site presence is also recognised by the Council as being of a benefit in terms of management and security albeit they do not consider that this outweighs the protection of the countryside. The Council in the reason for refusal refer to the appellant living nearby however this appears to be based upon when the appellant resided at the original farm house and the Park was part of that one holding. It would appear that there has been an on-going manager/owner presence on the site including when the Park was part of the larger farm albeit that this changed in form and location when the sites were divided. The appellant does not live nearby but on the site and has submitted evidence of the limited availability of other premises nearby that could fulfil this function. Not only were there limited properties available but they were, according to the appellant, prohibitively expensive. The Council did not provide any evidence to dispute this point.
14. On balance therefore I conclude that there is an essential need for an owner/manager to live permanently on-site and that this could not be

accommodated in other premises nearby. As such, the proposal is consistent with paragraph 55 of the National Planning Policy Framework (the Framework) which seeks to promote sustainable development in rural areas and inter alia allows for isolated homes in the countryside where there are special circumstances including the essential need for a rural worker to live permanently at their place of work in the countryside, such as I have found in this case. Policies E6, RC2, RC3 and H2 of the LP which amongst other matters seek to protect the countryside for its own sake unless there is a proven need are consistent with the Framework insofar as they seek to protect the countryside unless special circumstances exist. However, those circumstances are more tightly drawn than the Framework especially with regard to agricultural workers rather than rural workers which would include a broader definition. I have therefore concluded that the proposals do not conflict with the intent of the policy insofar as they are consistent with the Framework.

Area of Outstanding Natural Beauty

15. The proposed dwelling would be discreetly located in one corner of the site well screened from outside the site. The size of the unit proposed is a small two bed detached house and the Council have confirmed that they do not object to the size or scale of the unit. The property is designed to accommodate an office and has views across the caravan park to the main entrance and car park as well as across the remainder of the site. It is located adjacent to an existing store building and in this regard creates a small group of buildings for the management and maintenance of the site.
16. The building has the bedrooms in the roof void and is a chalet bungalow of modest proportions with a low eaves level and long raking roof slopes. The materials for the walls and roofs, weatherboarding and clay tiles are consistent with the local vernacular and are evident in other buildings in the area. As such the building in terms of size, scale, design and siting would be appropriate and in keeping with the countryside location. Given the tree screen surrounding the site there would only be very limited views of the building from longer views. Closer in the building would be seen in the context of the existing caravan park, chalet and existing store building and would not appear excessively large or obtrusive in the surrounding landscape. It would not therefore detract from the wide views of the open agricultural land enclosed by mature hedges and narrow country lanes within which the site presently sits.
17. For the reasons given above I therefore conclude that the proposed development would conserve the natural beauty of the Kent Downs Area of Outstanding Natural Beauty. Consequently it would not conflict with policies E6 and E9 of the LP which seek to protect the quality, character and amenity value of the open countryside and the wider landscape including the Kent Downs Area Of Outstanding Natural Beauty. This is consistent with the Core planning principles in the Framework in particular bullet points 5 and 7 and paragraph 115 which give great weight to conserving the scenic beauty of Areas of Outstanding Natural Beauty, recognise the beauty of the countryside and the importance of conserving the natural environment.

Conclusions and conditions

18. For the reasons given above I conclude that the appeal should be allowed.

19. I have considered the suggested conditions provided by the Council in the context of the advice in the Planning Practice Guidance (PPG) and the wording of the suggested models of acceptable conditions in appendix A to Circular 11/95 'The use of conditions in planning permissions' which remains extant. I have imposed, with some alterations and amendments, the suggested conditions in the light of that advice as detailed below.
20. I have added condition 2 specifying the approved plans which is required for the avoidance of doubt and in the interests of proper planning as advised at paragraph 21a-022 of the PPG. Condition 3 is required in the interests of wildlife and biodiversity in the rural area. Conditions 4, 5 and 6 are required in the interests of the character and appearance of the area. It was suggested by the appellant that these conditions could be amalgamated however I am persuaded by the approach adopted by the Council in seeking to contain the conditions in terms of their function and applicability to the programme for the implementation of the development.
21. I am also persuaded that it is necessary to remove permitted development rights restricting external alterations and extensions as suggested by the Council as otherwise the property may be altered not to be commensurate with the rural operation. The PPG at paragraph 21a-017 advises such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. I am satisfied however it would be required in this instance to safeguard the open and rural character of the area and restrict the size of a dwelling which has been allowed only because in its present form it fulfils an essential need for a rural worker at this site which would be exceptional circumstances.
22. At the hearing the Council requested that an occupancy condition be added to the list of suggested conditions restricting the occupation to the purpose for which permission was sought. The appellant had previously in their grounds of appeal confirmed that they would be happy with such a restriction. Given the reasons for my conclusions I agree that such a restriction is necessary and I have added this as condition 8.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Helen Whitehead MRICS Price Whitehead Agent for the appellant

Mr Richard Openshaw Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Tracey-Ann Day Senior Planning Officer, Swale Borough Council

Gianni Simone Planning Officer, Swale Borough Council

INTERESTED PERSONS:

Rene Rampley Caravan Owner

Carol and Joseph Joy Caravan Owners

Brenda and Kenneth Parsfield Caravan Owners

Documents submitted at the Hearing

- 1 Notification letter of the Hearing submitted by the Council
- 2 Page 61 of the Swale Borough Local Plan 2008 containing Policies B7 & B8 submitted by the Council.

SCHEDULE OF CONDITIONS FOR APPEAL REF: APP/V2255/A/14/2216836

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Affinis Design Drawings 1302/2; 1302/31A; 1302/32 and 1302/44.
- 3) Prior to the commencement of development hereby approved, a report demonstrating how the proposal will incorporate measures to encourage and promote biodiversity and wildlife, including where required a programme for implementation of any such measures, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details and shall thereafter be retained.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include existing trees, shrubs and other features; planting schedules of plants, noting species, plant sizes and numbers where appropriate; means of enclosure; hard surfacing materials and an implementation programme.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details under the terms of condition 4. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 6) If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, in the next available planting season, unless the local planning authority gives its written approval to any variation.
- 7) Notwithstanding the provisions of Classes A to E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby approved shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling.
- 8) The occupation of the dwelling shall be limited to a person solely or mainly working, as the manager/owner of the Willow Farm Caravan Park, or a widow or widower of such a person, and to any resident dependants.

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