

<b>3.1 REFERENCE NO - 15/507497/FULL</b>			
<b>APPLICATION PROPOSAL</b> Change of use of holiday caravan park to residential caravan park (AS AMENDED BY DRAWINGS RECEIVED ON 21 <sup>ST</sup> OCTOBER 2015)			
<b>ADDRESS</b> Oakside Park, London Road, Dunkirk Kent ME13 9LL			
<b>RECOMMENDATION - REFUSAL - SUBJECT TO : Outstanding representations (closing date 28 October 2015)</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> Impact on the rural character of the area and on that of the Blean Woods Special Landscape Area			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Dunkirk Parish Council have supported the application			
<b>WARD</b> Boughton & Courtenay	<b>PARISH/TOWN COUNCIL</b> Dunkirk	<b>APPLICANT</b> Mr Guy Gibb <b>AGENT</b> BDB Design LLP	
<b>DECISION DUE DATE</b> 06/11/15	<b>PUBLICITY EXPIRY DATE</b> 28/10/15		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/11/0909	Change of Use of Land from a touring caravan park to a static holiday caravan site	Refused and dismissed at appeal	06/07/2012
	<b>Adjoining Site: Red Lion Caravan Park</b>		
SW/81/0909	Change of use of land to parking of overnight caravans	Approved	04.12.1981
SW/84/1172	Toilets & shower and change of use of land to permanent caravan park	Approved	23.01.1985
SW/05/0662	Change of use from touring caravan site with caravan storage and maintenance to static caravan site and demolition of workshop and toilet block.	Refused	12.07.2005
SW/05/1246	Change of use from touring caravan site with caravan storage and maintenance to static caravan site and demolition of workshop and toilet block.	Refused but allowed at appeal	03.07.06
SW/14/0601	Deletion of condition 2 which restricts the use of the manager's house on the site to a manager's only dwelling	Refused	03.11.2014
14/506434/FULL	Removal of condition 5 on planning permission	Refused	02.04.2015

	SW/05/1246 - (APP/V2255/A/06/2008142 allowed on appeal dated 3/7/2006) to allow all year use of caravans		
15/503633/FULL	Change of use of holiday caravan park to residential caravan park	Refused	25.09.2015

## 1.0 DESCRIPTION OF SITE

1.01 The application site lies within the open countryside and in the Blean Woods Special Landscape Area (SLA). The site is located on the north side of the Old London Road at the eastern end of Dunkirk. Although no planning permission has ever been granted on the site, the site is laid out with 5 gravel areas suitable for the stationing of touring caravans, these are accessed off a central access driveway which leads on to London Road. This use appears to have existed for less than ten years without planning permission. Also on the site are small office and shower buildings. Mature trees and hedgerow border the site to the western and northern boundaries beyond which is open countryside. Adjoining the site to the south is the Red Lion Public House and motel, and to the east lies the Red Lion Caravan Park which is a holiday caravan park accommodating 10 twin-unit static caravans with planning permission for 10 months holiday occupation.

1.02 On the current application site, application SW/11/0909 for “The Change of Use of land from a touring caravan park to a static holiday caravan site with ancillary service road and bases” was refused and subsequently dismissed at appeal in 2012, ref APP/V2255/A/12/2169264. I have included a copy of the full appeal decision in Appendix A to this item.

1.03 The appeal Inspector noted that *“there is no evidence to suggest that the structures and hard surfaced areas are necessary for the operation of the certificated touring caravan site and without this built development the site would have the appearance of an enclosed field.”* She further noted that *“Enclosed fields are an important characteristic of the SLA and in this instance the site contributes to the rural setting of the development to the south and provides a gentle transition between that development and the more open countryside to the north”*

1.04 Another decision of note is the recent refusal by Members of an application on the neighbouring site for the change of use of the holiday caravan park to a residential caravan park allowing full residential use on a permanent residential basis (15/503633/FULL). This was refused by Members at the September meeting. The reason for refusal stated that;

*“The site lies in a rural area outside of any built up area boundary as defined by the adopted Swale Borough Local Plan 2008, in a remote and unsustainable countryside location, and permanent residential use here is considered to be unacceptable as a matter of principle contrary to the rural restraint policies, which seek amongst other things, to resist permanent residential accommodation in the countryside. The proposal will also result in loss of high quality and well located holiday accommodation, and would in total be contrary to policies E1, E6, B5 and B7 of the Swale Borough Local Plan 2008”*

## 2.0 PROPOSAL

- 2.01 Planning permission is sought for change of use of the land to a residential caravan park allowing full residential use on a permanent residential basis. Originally seven caravans were proposed, but amended drawings were received on 21 October which reduced the number of units from seven twin units to six. It is proposed that each caravan would measure 6m by 12m with two adjacent parking spaces per unit, two visitor parking spaces, bins located adjacent to the access onto London Road and additional landscaping and the construction of a new access road through the site.
- 2.02 The applicant’s Planning Statement notes that the site has been used for a number of years as a touring caravan site with hardstandings and buildings. It argues that Swale’s adopted local plan and many of its policies are out of date and carry no weight and that the new plan is likely to be found unsound, in its present form, on a number of grounds, including not meeting its Objectively Assessed Housing Need. They claim that as Swale does not have a five year housing supply, this site will make a modest contribution to the shortfall.
- 2.03 In support of the application is a Foul Water and Drainage Statement which concludes that the proposal is acceptable from a foul drainage and surface water drainage perspective. A Transport Statement concludes that the proposed development is neutral in terms of its transport impact.
- 2.04 They further argued that this is a sustainable development with no adverse impacts as it is a well screened site which would have no adverse impact on the character or landscape of the surrounding SLA and is within an “established cluster of village development”. Furthermore, it is suggested that the proposed Park Homes would widen the choice of high quality housing in the Borough and they also note they have the support of the Parish Council.

**3.0 SUMMARY INFORMATION**

	<b>Existing</b>	<b>Proposed</b>	<b>Change (+/-)</b>
Site Area (ha)	0.34	0.34	0
No. of Residential Units	0	6	+6

**4.0 PLANNING CONSTRAINTS**

The Countryside  
 Special Landscape Area.  
 Potential Archaeological Importance

**5.0 POLICY AND OTHER CONSIDERATIONS**

**5.01 National Planning Policy Framework (NPPF)**

The key theme running through the NPPF is the need for sustainable development. It explains in paragraph 7 that *“there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying*

*and coordinating development requirements, including the provision of infrastructure;*

- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'*

It further states at paragraphs 3 and 11 that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 states that:

*'This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.'*

Paragraph 17 states that: one of its core principles is that planning should;

*'Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.'*

Paragraph 49 states that:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

Paragraph 50 states that:

*'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such*

*policies should be sufficiently flexible to take account of changing market conditions over time.'*

Paragraph 55 states that:

*'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*

*For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (amongst other things):*

- *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.'*

Paragraph 110 states that:

*'In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.'*

## 5.02 **Swale Borough Local Plan (SBLP) (2008)**

The Development Plan principally comprises the saved policies of the Swale Borough Local Plan 2008. The saved policies of the Swale Borough Local Plan 2008 referred to below are relevant to this development.

When the NPPF was released in March 2012 with immediate effect, para 214 stated *"that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework."*

The 12 month period noted above expired and as such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

FAV1 (The Faversham and Rest of Swale Planning Area)

SH1 (Settlement Hierarchy)

E1 (General Development Criteria)

E6 (Countryside)

E9 (Protecting the Quality and Character of the Borough's Landscape)

E10 (Trees and Hedges)

E11 (Protecting and enhancing the Borough's Biodiversity and Geological Interests)

E19 (Achieving High Quality Design and Distinctiveness)

- H2 (New housing)
- RC1 (Helping to Revitalise the Rural Economy)
- T1 (Providing Safe Access to New Development)
- T3 (Vehicle Parking for New Development)
- T4 (Cyclists and Pedestrians)
- T5 (Public Transport)

5.03 Bearing Fruits 2031- Submission Draft-April 2015

- ST2- Development targets for jobs and new homes 2011-2031
- ST3- The Swale development strategy
- ST7- The Faversham area and Kent Downs strategy
- CP3- Delivering a wide choice of high quality homes
- DM8- Affordable Housing
- DM9- Rural Exception Housing
- DM14- General Development criteria
- DM19- Sustainable design and construction
- D 26- Rural Lanes

5.04 The site lies within the Blean Woods West character area according to the 2011 Swale Landscape Character and Biodiversity Appraisal which is described as ;

*To the east of Swale Borough one landscape character area, Blean Woods West, forms part of a wider band of woodland which extends eastwards into the adjoining Canterbury District. The Blean, situated on London clay and gravel drift deposits, supports one of the largest areas of continuous woodland in the UK, with ancient trees found amongst the enclosed pasture and arable fields providing variety and contrast within the wider agricultural landscape.*

*As a whole this area represents a mosaic of ancient seminatural woodland with mixed coppice with oak standards, sweet chestnut coppice and conifer plantation. The diverse ground flora includes some species indicative of a long history of woodland cover and on the most acidic, gravelly soils heather is present. The unusual close proximity of these large woodlands to the sea creates a distinctive sense of place, unique within the context of the Kent landscape.*

**6.0 LOCAL REPRESENTATIONS**

6.01 Four letters of support have been received from local residents, they comment;

- Would not be seen from the road
- Close enough to the bus stop and post box
- Beneficial to the local community
- Just the right number of retirement homes to create a nice community
- Releasing homes onto the housing market
- Better than mobile caravans going in and out at all hours
- Well suited to this idyllic rural location

**7.0 CONSULTATIONS**

7.01 Dunkirk Parish Council supports the application in principle and would approve the change to the arrangement from the seven to six units and the resultant changes to the layout, including the side by side parking rather than tandem parking, which they felt would be dangerous with the narrow service road.

- 7.02 They continue that, whilst they appreciate the site lies outside of the village envelope, the Boughton Hill boundary is drawn so tightly as to effectively preclude any new housing development.
- 7.03 They believe the application makes practical and beneficial use of the site where the use by touring caravans has slowly declined over the years. They question whether the site was known as a touring caravan site as the neighbouring site was not known to Swale's Tourism Officer. They acknowledge the site was originally granted consent as a tourist asset (Members will note the error in this understanding) but as there are many sites in East Kent this site has failed to maintain its level of business.
- 7.04 The Parish Council concludes that this site gives the community an opportunity to make the most of a windfall site to provide sustainable and affordable single storey housing for the young buyer or more elderly. They further comment that the entrance roadway, hard standings, shower/toilet block effectively means it can not be considered as a greenfield site and it makes sense to use it exceptionally to provide housing.
- 7.05 Following receipt of the amended drawings reducing the number of caravans, the Parish Council has confirmed its support for the proposal.
- 7.06 Southern Water requires a formal application for connection to the public foul sewer and noted that there are no public surface water sewers in the area and that alternative means of draining surface water is required.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 Application SW/11/0909 and Appeal APP/V2255/A/12/2169264
- 8.02 Application SW/05/1246 and Appeal APP/V2255/A/06/2008142 (see Appendix B to this item)

## **9.0 APPRAISAL**

- 9.01 The main areas to consider are, in my view, the acceptability of the development given the weight the NPPF places on sustainable development and whether this proposal could be judged as being such. But also whether, as the applicant argues, the lack of a five year housing supply provides sufficient justification for overriding national and local policy and accepting the development. Finally, I consider the impact of the proposal on the rural character of this part of the Blean Woods Special Landscape Area.
- 9.02 Initially a determination needs to be undertaken as to whether the proposed development comprises sustainable development, as the presumption in favour of development resulting from a failure to demonstrate a five-year supply only applies if the development proposed is sustainable. The development of six dwellings in this isolated location is inherently unsustainable, so the presumption in favour of development, whether or not there is a five year supply of housing land, does not in my view come into play.
- 9.03 The application site comprises land that falls outside, and some distance from, any defined settlement boundary. Dunkirk is a small hamlet which includes residential properties and no amenities or services and no centre. The village of Boughton is over 1.5 miles to the west, although slightly larger with shops, petrol station and a school it is still not within easy walking distance of the site.

- 9.04 The site is not allocated in either the adopted or the emerging local plans for any type of development and thus in planning terms the site lies in the open countryside where saved Policy E6 of adopted Swale Borough Local Plan 2008 applies.
- 9.04 Because of the isolated location of the site, the lack of connectivity to the nearby local villages and the reliance on car travel to access all the most basic of needs of work, school, food and leisure this makes it unsustainable and contrary to the provisions saved Policy S1
- 9.05 The applicant's argument is that as the Council does not have a five year housing supply it follows that residential development, on this site is acceptable; however the premise of the statement cannot be accepted.
- 9.06 Whilst it is indeed the case that the Council does not currently have a 5 year supply of housing land in accordance with paragraph 47 of the NPPF, paragraph 14 indicates that planning permission could be refused where adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate development should be restricted.
- 9.07 In this case, I do not consider that the development is sustainable or that it would enjoy the presumption in favour of sustainable development. The proposed development of housing on this isolated site will facilitate a dependence on car travel to any facilities or services and is therefore fundamentally unsustainable.
- 9.08 Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. None of the circumstances listed apply in this case. It seems clear therefore that even with the shortfall in housing land supply the specific circumstances under which planning permission could be refused, as set out by paragraph 14 of the NPPF apply here. As a result current and adopted policies intended to protect the countryside, should not be viewed as out of date.
- 9.09 Furthermore, whether the Borough Council can deliver the objectively assessed housing need remains to be tested via the soon to be commenced Local Plan Inquiry. The applicant is therefore wrong to assume that the new Local Plan will be found to be unsound for not meeting objectively assessed housing need, and he is wrong to assume this justifies the proposal.
- 9.10 I note the comments from Dunkirk Parish Council. However, the 'village envelope' of Boughton they refer to is over 1.5 miles from the site and as such the site remains in the defined countryside. Furthermore the site has never been approved as a touring caravan site and the lawfulness of this and of the works on site is yet to be established. The laying of the access road, hardstanding and shower/toilet block without the relevant permissions onto the site should not be seen as a reason to justify further development of the site.
- 9.11 Furthermore, the previous post-NPPF 2012 appeal decision on this site, (APP/V2255/A/12/2169264) rejected it as a suitable site for a holiday static caravan park, which would have had an almost identical appearance, albeit with some tourism benefits. The Inspector was clear also that this site should be viewed as separate to the neighbouring site as the fall back position here, without the previous touring caravans, is an enclosed, unspoilt green field. Furthermore she found that the siting of static units on this site would cause "serious harm to the character and appearance of the area". There are no differences to the site's situation now than from 3 years ago



and the siting of the six mobile home units would cause harm to the character and appearance of the rural area and the SLA.

- 9.12 The Inspector noted that the “*physical and environmental differences between the use of the site for 5 touring caravans and 8 static caravans (whilst this application proposes six static twin caravans) is significant due to the permanent built nature of the caravans and the associated built infrastructure*” she referred to the site adjacent to the east which gives the “*appearance of an intensively developed residential twin unit park. It appears domestic and suburban...*”. I suggest that this is the likely result of what is now proposed here.
- 9.13 The Inspector drew a distinction between the two neighbouring sites as this site would not replace any structures or hard surfaces on land that benefits from either planning permission or a Certificate of Lawfulness, unlike the neighbouring site, and this remains the case today.
- 9.14 Whilst every application must be treated separately and on its own merits and circumstances, Members should note that on the neighbouring site (The Red Lion Caravan Park) planning permission for the change of use from a touring caravan and caravan storage/hire site to a static holiday caravan site was refused under SW/05/1246 and subsequently approved under appeal ref APP/V2255/A/06/2008142 in 2006 only for holiday use. Planning conditions imposed on the appeal decision seek to ensure that the caravans are used exclusively for holiday use and not as permanent full time residential accommodation. I have attached the full appeal decision as Appendix B to this report so that Members can see the reasons behind the original decision and the full set of conditions. Conditions 3 to 5 inclusive are the pertinent conditions which Members will note from paragraphs 19 and 20 of the appeal decision that these conditions were imposed “*in order to ensure that the site remains for tourist accommodation rather than permanent or semi-permanent residential accommodation having regard to the planning policies for the area*”. Condition 5 was imposed specifically as the Inspector said that “*a close down period would emphasise that the site is not appropriate for permanent residential accommodation and would be easily enforceable*”.
- 9.15 I have considered all the information submitted by the applicant and am advised by the responses from statutory consultees and I have also considered the comments made from all interested parties in coming to my determination of the application.

## **10.0 CONCLUSION**

- 10.01 Whilst it is accepted that there is a need to provide for adequate housing within the Borough, the Strategic Housing Land Availability Assessment has shown that there is potential for more than enough sites available in far more sustainable locations than this site.
- 10.02 I do not consider the need to provide housing outweighs the undesirability of developing in this rural location. Taking the policy position and having assessed the proposal against all relevant considerations, the proposed residential development here is fully at odds with established and emerging policy for sustainable development. The site is isolated and has the necessity for a car dependant population to access any services or facilities from the site.
- 10.03 Furthermore it is likely to be seen as an alien and harmful form of development at odds with the maintenance of the special character of the SLA and the countryside as identified by the previous Inspector. Importantly, landscape policies cannot be

said to be related to housing supply, seen to be affected by housing supply issues, and I suggest that they retain full force and effect.

10.04 The NPPF makes it clear that planning applications should in principle be determined in accordance with the development plan unless material considerations indicate otherwise and that is what my recommendation is based on.

**11.0 RECOMMENDATION – REFUSE** for the following reason.

1. The proposal does not represent sustainable development because of its isolated location outside any well-defined urban boundary, the lack of the prospect of residents being able to integrate with existing communities due to their isolated location, and the limited public transport to service the site which will result in a car dependency by the residents. Furthermore the development will detract from the intrinsic character and beauty of the countryside by developing a small field characteristic within the Blean Woods Special Landscape Area. This harm both significantly and demonstrably outweighs any benefits from the proposal (including its contribution to the overall supply of housing in the Borough). Development is therefore contrary to policies SP1, FAV1, SH1, E1, E6, E9, E19, H2 and RC1 of the Swale Borough Local Plan 2008; and to policies ST3, ST7, DM9, DM10, DM14, DM19 and D26 of Bearing Fruits 2031, the Swale Borough Local Plan. Development would be contrary to paragraphs 14, 17, 49, 55, 110 and 134 of the National Planning Policy Framework.

**The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

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 to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

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

It is noted that the applicant/agent did not engage in any formal pre-application discussions.


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.

APPENDIX A

UKP SCANNED

UKP  
X



The Planning  
Inspectorate

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## Appeal Decision

Site visit made on 7 June 2012

**by Elizabeth Lawrence BTP MRTPI**  
an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 6 July 2012**

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**Appeal Ref: APP/V2255/A/12/2169264**  
**Red Lion Caravan Park, Old London Road, Dunkirk, Faversham, Kent, ME13 9LL.**

- 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 & Mrs S Beany against the decision of Swale Borough Council.
- The application Ref SW/11/0909, dated 14 July 2007, was refused by notice dated 9 September 2011.
- The development proposed is for the change of use of land from a touring caravan park to a static holiday caravan site with ancillary service road and bases.

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**Preliminary matters**

1. Currently there is a hard surfaced access road, caravan hard-standings, a facilities/office building and two portacabins used for showers on the Appeal site. It would appear from the evidence submitted that these hard surfaces and structures were constructed and/or placed on the land in or around 2007, in association with the change of use of the land to a caravan site. However, neither the structures nor the hard surfaced areas benefit from planning permission, or a Certificate of Lawfulness. Accordingly for the purposes of this Appeal very little weight is give to their existence.

**Decision**

2. The appeal is dismissed.

**Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the surrounding rural area.

**Reasons**

4. Policy E1 of the Swale Borough Local Plan 2008 states that all development proposals are expected to accord with the policies and proposals of the Plan unless material considerations dictate otherwise. A proposal should respond positively by reflecting the positive characteristics and features of the site and the locality; protect and enhance the natural and built environments; and be both well sited and of a scale, design and appearance that is appropriate to the location, with a high standard of landscaping.

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

**PLANNING SERVICES**

09 JUL 2012

Appeal Decision APP/V2255/A/12/2169264

5. The Appeal site is located outside any defined built-up area and within the Blean Woods Special Landscape Area (SLA). It is in an area where Policy E6 of the Swale Borough Local Plan states that development proposals will only be permitted in certain circumstances specified in the policy. It does not include the formation of new or the extension of existing static caravan parks. At the same time policy E9 states that within SLA the priority is the long term protection and enhancement of the quality of the landscape, whilst having regard to the economic and social well-being of communities.
6. The Appeal site is registered with the Camping and Caravan Club and is used as a touring caravan site for up to 5 caravans, in accordance with the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). At the time of the Appeal site visit there were 5 caravans on the land and the Exempted camping adviser has confirmed that the site is relatively well used.
7. This indicates that the site helps meet the current demand for certificated touring caravan sites in the area and there is no evidence to suggest that vehicular access to the site is seen to be unduly difficult for visitors, or has an adverse impact on highway safety. It also indicates that the existing touring site supports local services and facilities and local employment. This is consistent with the rural economic policies and advice set out in the National Planning Policy Framework (NPPF) and the *Good Practice Guide on Planning for Tourism* produced by the Department for Communities and Local Government.
8. There is no evidence to suggest that the structures and hard surfaced areas are necessary for the operation of a certificated touring caravan site. Without this built development the site would have the appearance of an enclosed field, as shown on the aerial photographs submitted by the Council. Enclosed fields are an important characteristic of the SLA and in this instance the site contributes to the rural setting of the development to the south and provides a gentle transition between that development and the more open countryside to the north.
9. With the proposal the Appeal site would be intensively developed with 8 twin unit caravans that would be permanently sited and served by a permanent access road, parking spaces and paths. As a result the proposal would completely change the rural character and appearance of the site, having an urbanising effect. It would be totally out of keeping with its rural surroundings, the low key linear development along the north side of Old London Road and the landscape quality of the area. This is irrespective of whether or not the existing built development on the Appeal site is taken into account.
10. The physical and environmental differences between the use of the site for 5 touring caravans as opposed to 8 static caravans is significant due to the permanent built up nature of 8 static caravans and associated built infrastructure. This is illustrated by the existing static holiday caravan site immediately to the east, which due to its layout, boundary treatments, landscaping and the appearance of the twin units has the appearance of an intensively developed residential twin unit park. It appears domestic and suburban, when viewed from Old London Road, the public house, the countryside to the east and the Appeal site.

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Appeal Decision APP/V2255/A/12/2169264

11. The proposal would almost double the size of the existing static caravan site and would be far in excess of a small extension to it. The proposed additional static caravans would be visible from both Old London Road and the Public House garden area to the south. Due to its siting, layout and form the extended static holiday caravan site would fail to respect or relate to the positive rural characteristics and features of the site and locality. Both on its own and together with the existing static caravan site the proposed scheme would seriously detract from and would appear as a discordant feature within the surrounding built and natural environment. Accordingly the proposal would conflict with policies E6 and E9 of the Local Plan
12. Paragraph 3.91 of the Local Plan advises that there is a particular need for new high quality serviced holiday accommodation and cites guest houses, inns, bed and breakfast establishments and farmhouse accommodation as becoming increasingly popular, particularly in rural areas. Against this background policy B5 of the Local Plan states that existing tourist accommodation should be retained and that new serviced and self-catering accommodation will be permitted in accordance with the Local Plan. Policy E1 similarly requires new development to accord with the policies and proposals of the Plan unless material considerations indicate otherwise.
13. Policy B6 of the Local Plan goes on to specifically address holiday parks. It states that planning permission will not be granted for any new static holiday caravans and chalets outside the holiday park areas shown on the Proposals Map. Any upgrading or improvement of existing static holiday caravan and chalet sites should take place within existing site boundaries wherever possible. Schemes will not be permitted where they would result in an increase in the number of accommodation units, or where they would have an unacceptable impact on the local environment.
14. The proposal would amount to an extension of the existing static caravan park, as opposed to its upgrading or improvement. It would also result in additional units of accommodation and as stated above would have an unacceptable impact on the local environment. As such the proposal would be contrary to policies B5 and B6 of the Local Plan.
15. At the same time the scheme would result in the loss of the existing touring site and little empirical evidence has been submitted to demonstrate a need for additional static holiday caravans in the area. For instance whilst it is stated that the existing static caravan site caters for those seeking a higher degree of quiet and refinement away from the coast, little evidence has been submitted to demonstrate this. Whilst it is not a policy requirement to submit such evidence, given the conflict with policy and environmental harm that would result from the scheme, it would require strong evidence in the form of other material considerations to outweigh that harm and conflict.
16. The Appellant has referred to the appeal decision which relates to the existing static holiday site to the east. However it is clear from paragraph 10 of the Inspector's decision letter that in coming to his conclusions on the merits of the scheme he found that the proposed static caravan park would not have a significantly greater effect on the character and appearance of the area than the existing authorised uses on the site. At the same time the proposal involved the replacement of existing structures on "previously developed" land,

Appeal Decision APP/V2255/A/12/2169264

which is permitted under policy RC1(4) of the Local Plan. Likewise the approved development at the red Lion PH has taken place on a "previously developed" site and is not subject to policy B6.

17. Conversely the current Appeal scheme would not replace any structures or hard surfaces on the land that benefit from either planning permission or a Certificate of Lawfulness. It has not been demonstrated that the site is "previously developed" and the proposal would cause serious harm to the character and appearance of the area. As such the schemes are not directly comparable.
18. The Council's Local Development Framework is at an early stage and so currently little weight can be given to it. Notwithstanding this the extracts from the *Options Consultation* and *Ambitions for Swale: Swale's Sustainable Community Strategy* documents submitted by the Appellant would not weigh in favour of a scheme because it would harm the character and appearance of the surrounding area and the SLA, even if it could achieve Green Tourism Accreditation.
19. Finally I have taken into account the letters written in support of the scheme, which indicate that the scheme would help support local businesses and provide affordable homes. However the scheme is for static holiday caravans not permanent homes and it has not been demonstrated that the community benefits arising from the scheme would outweigh those resulting from the existing touring caravan site and the harm that would be caused to the character and appearance of the locality. As such these factors do not outweigh the concerns outlined above.
20. I conclude that the proposal would seriously and unacceptably detract from the character and appearance of the site, the surrounding rural area and the SLA. It would also conflict with policies RC1, E1, E6, E9, B5 & B6 of the Local Plan, the NPPF, the GPGPT and the emerging Local Development Framework. Collectively and amongst other things these policies and advice encourage tourism and its associated economic and social benefits, whilst seeking to respect and enhance the character and appearance of the built and natural environments.

*Elizabeth Lawrence*

INSPECTOR

APPENDIX B



**Appeal Decision**

Site visit made on 30 May 2006

by **Ray Yorke BA Dip TP MRTPI MRICS**

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

*OK Parker*  
SW/05/1246

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Date: 3 July 2006

**Appeal Ref: APP/V2255/A/06/2008142**

**Red Lion Caravan Park, Old London Road, Dunkirk, Faversham, Kent, ME13 9LL**

- 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 and Mrs S. Beaney against the decision of Swale Borough Council.
- The application (Ref SW/05/1246), dated 09 September 2005, was refused by notice dated 14 December 2005.
- The development proposed is described in the application as *use of land as a static holiday caravan site with service road and demolition of existing workshop and toilet block.*

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

**Main Issue**

1. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the countryside which is designated as a Special Landscape Area (SLA).

**Development Plan and other Planning Policies**

2. The development plan for the area includes the Kent Structure Plan adopted 1996 (SP) and the Swale Borough Local Plan adopted 2000 (LP). SP Policy ENV1 protects the countryside for its own sake and resists development which will adversely affect it unless there is an overriding need. Policy ENV4 defines SLAs and says that long term protection will be given to these areas with priority given to the conservation and enhancement of natural beauty of the landscape over other planning considerations, whilst having regard to economic and social wellbeing. Policy RS1 expects development at villages and in the open countryside to be well designed and to be appropriate in such matters as location and appearance. Policy RS5 normally resists development in rural Kent, with certain exceptions which include a land use essentially demanding a rural location.
3. LP Policy G1 is a general policy relating to all development proposals which are expected, among other things, to avoid an unacceptable impact on the natural and built environment and to have a high standard of landscaping. Policy E9 takes a similar approach to SP Policy ENV1 in protecting the countryside for its own sake, but lists a number of exceptions. Policy E14 takes a similar approach to SLAs as SP Policy ENV4. Policy T6 seeks to impose restrictions on the period of occupation of new holiday caravans, or the redevelopment of existing sites. Policy T9 permits touring facilities at sites and defined holiday areas shown on the Proposals Map and well related to the main road network but subject to the criteria of Policy G1 and to accessibility criteria. The parties have not supplied me with relevant extracts from the Proposals Map.

Appeal Decision APP/V2255/A/06/2008142

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4. National planning policy guidance is a material consideration in planning decisions. My attention has been drawn to PPS7: *Sustainable Development in Rural Areas* and to PPG21: *Tourism*.

**Reasons**

5. The appeal site is located within the countryside outside the confines of any village and within an SLA. There is a certain amount of development in the vicinity, including the Red Lion public house and modern motel development associated with it immediately to the west of the appeal site, modern commercial development opposite, and other sporadic development including some dwellings in the vicinity.
6. The existing site is well screened by mature landscaping along its eastern boundary and relatively well screened from the road by landscaping and by the appellants' dwelling and office building, which immediately adjoins the appeal site. There are oblique views into the site from the road towards the existing toilet block. Views of the site from the west are obscured by the public house and motel buildings. The proposal would involve the loss of a group of relatively young trees in the centre of the site and a slight reduction in the landscaping to the front of the site, but there would be scope to improve the landscaping on the western boundary.
7. Currently permitted uses at the appeal site include use as a touring caravan site and for caravan storage and hire, and the use of the workshop building to the rear of the site for the cleaning and maintenance of caravans. At the time of the site visit, there were seven touring caravans on the site, but 16 caravans were being stored on the western part of the site and a further 5 caravans were being stored at the northern end of the site within the compound associated with the workshop building.
8. The proposal would involve the removal of the toilet block close to the site entrance and the large workshop building to the rear of the site. The submitted plan shows that provision would be made for 10 twin unit static caravans, car parking and a service road generally on the line of the existing track. Removal of the toilet block would be likely to increase views into the site from the road to some extent.
9. The Council has not submitted a statement in relation to the appeal but the Council's officers' report expresses concern that the proposed use would be more suburban in appearance than the existing use of the site and would be harmful to the countryside because of its permanent nature. Whilst I accept that the use of the site by touring caravans will tend to fluctuate depending on the time of year, it seems to me that the other uses of the site particularly for caravan storage and the use of workshop would be likely to be of a more permanent nature. The appearance of the development could be improved by new landscaping and careful control of the materials for the service road and parking areas.
10. Twin unit static caravans would be larger than touring caravans and would be permanently located on the site. However, I have taken into account that the site is generally well screened from view, that there is existing development in the immediate vicinity, and that the proposal would involve the demolition of two buildings, including the visually unattractive workshop. It seems to me that the proposed use would not have a significantly greater effect on the character and appearance of the area than the existing authorised uses of the site.



Appeal Decision APP/V2255/A/06/2008142

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11. I consider that provision of a small static holiday caravan site within this area of countryside would be consistent with SP Policy ENV1 and LP Policy E9 and that it would be appropriate in location consistent with SP Policies RS1 and RS5 in that the use essentially demands a rural location. It seems to me that it would not be likely to have an unacceptable effect on the natural environment and would not cause demonstrable harm to residential amenity consistent with LP Policy G1. In my view the proposal would also be consistent with SP Policy ENV4 and LP Policy E14 in that it would not adversely affect the SLA. I consider that it would also be consistent with national policy planning guidance in PPG21 which generally supports development in the countryside to meet the needs of visitors subject to criteria being met. Furthermore, I consider it would be consistent with the more recently issued PPS7 which recognises that in areas designated for their landscape qualities, there will be scope for tourism and leisure development, subject to appropriate control.
12. I conclude on this issue that the proposal would not be likely to have a significantly adverse effect on the character and appearance of the countryside and the SLA.

#### **Other Considerations**

13. The Council's officers' report expresses concern that the proposal will result in the loss of a touring caravan site and says that there are only a limited number of these within the borough. The report points out that there are a considerable number of static caravan places in the borough. However, I note that most of these are on the island of Sheppey rather than on the mainland, where the officers' report suggests there are few static sites.
14. Although I have noted the officers' comment regarding the relatively recent change of ownership of the site and what they consider to be a lack of marketing of the site as a touring caravan site, it seems to me that road access to the site has become less easy to find for those unfamiliar with the area following the construction of the new A2. This may have made the site less attractive for owners of touring caravans. In my view, the site would provide a small static holiday caravan site which might well appeal to those who do not wish to visit what are generally much larger sites at Sheppey.
15. The appellants consider that the present use of the site for touring caravans is uneconomic and they have submitted financial information in support of this argument. The Council has not commented on this information. I do not find this information fully convincing but in my view the question of the comparative financial viability as a touring caravan site or for the use proposed is not central to the main issue which I have discussed above.
16. The appellants have referred to the possibility of use of adjoining land in their ownership as a touring caravan site for up to 5 caravans for use by exempted organisations. However, this does not form part of the application the subject of this appeal and I have not therefore considered it.
17. My attention has been drawn to the planning history of some other sites including an appeal decision relating to a site in Yorkshire. The full circumstances of these other cases are not before me and I have determined this appeal on its own merits, having regard to relevant planning policies and other material considerations.
18. These other considerations do not lead me to a different conclusion than I have reached in respect of the main issue set out above.

Appeal Decision APP/V2255/A/06/2008142

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### Conditions

19. In framing conditions, I have had regard to the provisions of Circular 11/95: *The Use of Conditions in Planning Permissions*. The Council has not suggested any conditions but there appear to have been some discussions between the parties and in the officers' report regarding the period of occupancy. I have noted the appellants' comments regarding possible conditions. In addition to the standard time condition relating to the period in which the development may commence, I shall impose conditions to restrict the number of caravans that may be accommodated on the site to the number shown on the submitted plans and to restrict them to holiday purposes only, to require the site owner or operator to maintain a register of the permanent residential addresses of the owners/occupiers of the caravans and to limit the period of occupation. I impose these conditions in order to ensure that the site remains for tourist accommodation rather than permanent or semi-permanent residential accommodation having regard to planning policies for the area.
20. LP Policy T6 seeks to limit occupation of holiday caravans to 1<sup>st</sup> March to 31<sup>st</sup> October plus the Christmas period. However, it seems to me that Policy T6 is unduly restrictive and not consistent with the guidance in paragraph 9 of Annex B of PPG21. A 10 months period of occupation seems to me to be appropriate taking into account that guidance. The appellant has pointed out that in the Yorkshire appeal the inspector did not consider a close down period to be necessary in view of other conditions. However, it seems to me that a close down period condition would emphasise that the site is not appropriate for permanent residential accommodation and would be easily enforceable.
21. The officers' report expresses a preference for a 28 day limit of consecutive occupation and refers to the current restriction on touring caravans to a consecutive period of not more than 14 days. However, unlike touring caravans, static caravans would remain on the site for long periods of time, and it seems to me that enforcement of a 28 day limit would require intrusive checks on occupiers. In my view, the other conditions proposed would be adequate to ensure that the site is not used as permanent residential accommodation.
22. I shall impose a condition to restrict commercial and storage activities in the interests of the amenity of occupiers of the site and nearby residents. I regard conditions relating to the landscaping of the site and for approval of the materials to be used for the access road, parking areas and hardstandings as necessary to achieve a satisfactory appearance. A condition regarding foul and surface water drainage is also necessary to ensure proper provision. I shall impose a condition to require the removal of the existing workshop and toilet buildings in the interests of achieving a satisfactory development, and a condition to ensure the parking and turning areas are kept available for that purpose in the interests of highway safety and the amenity of the occupiers of the caravans.

### Conclusion

23. For the reasons given above and having considered all other matters raised including the representations received from third parties, I conclude that the appeal should be allowed.

### Formal Decision

24. I allow the appeal and grant planning permission for the use of land as a static holiday caravan site with service road and demolition of existing workshop and toilet block at Red Lion Caravan Park, Old London Road, Dunkirk, Faversham, Kent, ME13 9LL in

Appeal Decision APP/V2255/A/06/2008142

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accordance with the terms of the application, Ref. SW/05/1246 dated 09 September 2005, and the plans submitted therewith, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. Not more than ten caravans shall be accommodated on the site at any time.
3. The caravans on the site shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.
4. The site owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
5. No caravan shall be occupied at any time between 10 January and 10 March (inclusive) in any year.
6. No goods, commercial or trade vehicles, nor any trade or commercial plant, machinery, equipment, materials or stock shall be brought onto or stored on the site.
7. No development shall be carried out until full details of both hard and soft landscape works, including means of enclosure, hard surfacing, including the materials and method of construction of the service road, parking areas and any hardstandings for the caravans, trees and other landscaping to be retained, and proposed planting, together with a programme for their implementation, have been submitted to and approved in writing by the local planning authority. These works shall be carried out in accordance with the approved details prior to the occupation of any caravan on the site or as may be otherwise agreed in writing by the local planning authority.
8. The development hereby approved shall not be commenced until details of the works for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. No caravan shall be occupied on the site until the approved works have been carried out.
9. No development shall be carried out until the existing workshop and toilet buildings have been demolished and all materials arising from the demolition have been removed from the site.
10. The areas shown on the submitted plans for parking and turning of vehicles shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

*R J Yorke*

INSPECTOR