

REFERENCE NO - 16/500338/FULL			
APPLICATION PROPOSAL Change of use from static holiday caravan park to residential park home site (Resubmission).			
ADDRESS Red Lion Caravan Park London Road Dunkirk Kent ME13 9LL			
RECOMMENDATION – GRANT SUBJECT TO completion of Section 106 Agreement			
SUMMARY OF REASONS FOR RECOMMENDATION Inclusion of a Section 106 Agreement with Parish Council nomination rights			
REASON FOR REFERRAL TO COMMITTEE Previous refusal by Members on this site and approval on the adjacent site.			
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Horace Gaskin AGENT TMA Chartered Surveyors	
DECISION DUE DATE 18/04/16	PUBLICITY EXPIRY DATE 09/03/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
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	14.12.2005 03.07.2006
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 (seasonal use restriction) of planning permission SW/05/1246	Refused	02.04.2015
15/503633/FULL	Change of use of holiday caravan park to residential caravan park	Refused	24.09.2015
PLANNING HISTORY ON THE ADJACENT SITE			

SW/11/0909	Change of use of land from a touring caravan park to a static holiday caravan site	Refused and dismissed at appeal	09.09.2011 06.07.2012
15/507497/FULL	Change of use of holiday caravan park to residential caravan park Delegated to officers 05.11.2015 to approve subject to a Section 106 Agreement to include Dunkirk Parish Council nomination rights and the imposition of suitable conditions.		

1.0 DESCRIPTION OF SITE

1.01 The application site lies within the open countryside and in the Blean Woods Special Landscape Area. The use of the site is currently approved due to a 2006 appeal decision as a static holiday caravan park for 10 months use, with additional conditions to secure holiday use. The full appeal decision is attached as an appendix to this report. The site is located on the north side of the Old London Road at the eastern end of Dunkirk. Currently located on the site are 10 twin-unit caravans which are accessed off a central access driveway which leads on to London Road. Mature trees border the site to the eastern and northern boundaries beyond which is open countryside. Adjoining the site to the west is the Red Lion Public House and motel.

1.02 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. 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”*. And additionally that *“a close down period would emphasise that the site is not appropriate for permanent residential accommodation and would be easily enforceable”*.

1.03 Planning permission was refused in 2015 by Members for the removal of condition 5 of SW/05/1246 which sought to allow all year round occupancy of the site. The reason for refusal stated:

‘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 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 and contrary to policies E1, E6, H2 and B7 of the Swale Borough Local Plan 2008.’

1.04 More recently, and in accordance with my recommendation, Members refused application 15/503633/FULL in September 2015 which applied for the “Change of use of a holiday caravan park to residential caravan park”. The reason for refusal stated;

“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."

- 1.05 During the course of determination of these applications it became clear that the static caravans here were in fact mostly, if not all, occupied as permanent homes in breach of the appeal conditions.
- 1.06 Another decision of note at the site is the recent refusal by Members of an application to remove a condition restricting occupation of the manager's house on the site.
- 1.07 Additionally, an appeal decision in 2012 on the adjacent land known as Oakside dismissed the establishment of an additional static holiday caravan park here. Despite this, in 2015, application 15/507497/FULL was submitted on that site for the "*change of use of holiday caravan park to residential caravan park*" with support from Dunkirk Parish Council. They considered that the site would give 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. It was subsequently resolved by Members in November 2015 against officer advice, that the application be "*delegated to officers to approve subject to a Section 106 Agreement to include Dunkirk Parish Council nomination rights and the imposition of suitable conditions*" This decision contradicted Members' previous decisions on the current application site, where enforcement action was then being considered. It has led to the submission of this application as a way of avoiding enforcement action, if Members are prepared to also grant permanent residential use here in similar terms to that agreed on the adjacent site, where a Section 106 Agreement is now well advanced in draft and includes Dunkirk Parish Council's nomination rights as a way of seeing the site provide affordable local housing.

2.0 PROPOSAL

- 2.01 Planning permission is now sought for change of use of the holiday caravan park to a residential caravan park allowing all year round residential use on a permanent basis. No changes to the number of units (currently 10) or park layout are proposed as part of this application.
- 2.02 The main difference with this application and the previous ones is the inclusion of an undertaking by the site owner to enter into a Section 106 Agreement which includes Parish Council nomination rights to ensure that when the park homes are subsequently sold or let they are initially offered to local residents.
- 2.03 The draft Section 106 sets out that each caravan is required to notify the Parish Council prior to commencing the marketing of their caravan and then to provide to the Clerk of Dunkirk Parish Council evidence that any prospective occupier is a Preferred Person. A Preferred Person criteria is set out below, and is either:

Part 1 Local Connection Criteria

A person

- (a) Whose mother was resident in Dunkirk at the time of his birth
- (b) Whose normal residence has been in Dunkirk for a continuous period of three years prior to the Notification to the Clerk

- (c) Who has a spouse, child, parent or sibling whose normal residence has been Dunkirk for a continuous period of five years prior to the Notification to the Clerk
- (d) Whose permanent place or work has been in Dunkirk for a continuous period of three years prior to the Notification to the Clerk

or;

Part 2 Local Need Criteria

A person who

- (a) Has an essential need resulting from their state of health or a disability from which they suffer which may be addressed by residence in a Park home
- (b) Has an essential need resulting from their state of health or a disability from which they suffer which may be alleviated by residence close to family, friends or carers who have themselves lived in Dunkirk for a continuous period of three years prior to the Notification to the Clerk
- (c) Irrespective of whether he satisfies any of the other Local Need Criteria is regarded as a Preferred Person by Dunkirk Parish Council as evidenced by a statement written and signed on its behalf by the Parish Clerk

Part 3 – Application of the Council's Criteria and authorised disposals

In the event that no Disposal permitted by this Agreement is made to a Preferred Person within the Period of Active Marketing the Council shall take steps to locate an Occupier on the terms offered by the Owner or Park Home Owner as the case may be to persons within Swale and for a further period of three months from the end of the Period of Active Marketing the Owner or Park Home Owner as the case may be shall take further steps to seek an Occupier in parishes within Swale and adjacent to the Parish of Dunkirk. If no Disposal is made to an Occupier fulfilling the Criteria within 6 months of the date of the Notification to the Parish Clerk the Owner or Park Home Owner as the case may be shall be entitled to make a Disposal to any person for the remainder of the period of 12 months beginning on the date of the Notification to the Parish Clerk.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	00.40	00.40	0
No. of Residential Units	0	10	+10

4.0 PLANNING CONSTRAINTS

The Countryside and 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 Adopted **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- The Swale Borough Local Plan Proposed Main Modifications June 2016 contains similar policies in respect of the issues at stake here.

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 comments have been received from local residents (three of which have addresses within the application site) and their comments are summarised below:

- I see no reason why this application should not be approved as the site is well kept in fact its one of the best.
- Well run and has a good community spirit with the residents
- I fully support the application for change of use at The Red Lion Caravan Park to full 12 month residential status.
- The park homes are substantial and are suitable for habitation throughout the year.
- Immediately on the boundary of the Site there is another site called Oaklands Park which has been granted full 12 month residential status
- Less than 500 metres away as the crow flies there is a caravan site complete with outside facilities which has 12 month residential status.
- The caravans are not fixed or static
- The Red Lion Park is part of a small extension of Dunkirk, with a Garden Nursery, Public House, Industry, Farm Shop and several houses and bungalows within 200 metres of the ten Park Homes on the site
- Each home has its own parking area off road with parking for at least 2 cars available

7.0 CONSULTATIONS

- 7.01 Dunkirk Parish Council commented that they support this application based on the same reasons as the previous application (15/503633/FULL). I previously summarised this support as follows;

“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.”

- 7.02 The County Archaeological Officer has no objection, and no condition is recommended.
- 7.03 The Council’s own Tourism Officer comments that as the park has never formed part of Swale’s tourism offer they could not offer any relevant comments regarding the current planning application submission
- 7.04 Kent Highways commented that the development proposal does not meet the criteria to warrant involvement from the Highway Authority

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Application papers for applications SW/81/0909, SW/84/1172, SW/05/0662, SW/05/1246, SW/11/0909, SW/14/0601, 14/506434/FULL, 15/503633/FULL, 15/507497/FULL and 16/500338/FULL

9.0 APPRAISAL

Principle of Development

- 9.01 The main consideration here remains to be the principle of the change of the site from a seasonal holiday caravan park to an all year round permanent residential caravan park.

- 9.02 Members will recall that at the Planning Committee on 5 November 2015 application 15/507497/FULL sought planning permission for the change of use of the then touring holiday caravan park at the adjacent site Oakside, to a residential caravan park allowing full residential use on a permanent residential basis.
- 9.03 The main areas of consideration were the acceptability of the development given the weight the NPPF places on sustainable development and whether the proposal could be judged as being such. But also whether, as the applicant had argued, the lack of a 5 year housing supply was sufficient justification for overriding national and local policy and accepting this development in the defined countryside.
- 9.04 I took the view that the need to provide housing did not outweigh the undesirability of developing in this location. Taking the policy position and having assessed the proposal against all relevant considerations, I considered that the proposed residential development was fully at odds with established and emerging policy for sustainable development as the site is isolated and would not readily foster any strong links with any established community, exacerbated by the necessity for a car dependant population to access any services or facilities from the site. As such a recommendation of refusal was presented to Members. The sites are very similar with the same issues applying to the current application site in terms of those explored above.
- 9.05 However, with strongly expressed support from the Parish Council, Members supported the scheme as they decided it was an acceptable way to support the housing need in rural areas; that the scheme could help to maintain the vitality of the village; that the site cannot be seen from the road; that the site could not be compared to the holiday homes on the Isle of Sheppey; and that there is a clear demand for this type of accommodation in Dunkirk
- 9.06 The resolution by Members was for the application to be delegated back to officers to approve subject to a Section 106 agreement to include nomination rights for Dunkirk Parish Council.
- 9.07 There are very strong similarities between the two sites; not least that the sites are immediately adjacent and what was resolved to be approved on the Oakside site is essentially the current position at this application site albeit this presently has a 10 month occupancy restriction.
- 9.08 The NPPF makes it clear that planning applications should in principle be determined in accordance with the development plan unless material considerations indicate otherwise. Here previous applications and the subsequent appeal decisions on this site have shown there is a fundamental policy objection to the use of this site for permanent residential accommodation. However, I am mindful of the weight to be attached to Members' recent decision on the adjacent site Oakside, which I consider makes refusal of this application untenable.
- 9.09 I further note that the previous refusals have referred to the "*loss of high quality and well located holiday accommodation*". I note that the Council's Tourism Officer says that the park has never formed part of Swale's tourism offer; but that perhaps is a result of its recent manner of use rather than its inherent unsuitability. Additionally, with the submission from the applicant that the site is occupied by residents with long leases and that none of the park homes are offered as holiday accommodation I consider there would be little adverse impact on tourism in the district from approval of this application.

- 9.10 The draft Section 106 Agreement offered here attempts to mirror that now being finalised for the Oakside site next door, and has been produced in association with Dunkirk Parish Council to control future sales or lettings of caravans here so that those with a local connection have the first opportunity to purchase or occupy these homes.

Visual Impact

- 9.11 The site is established and has been for many years. There is to be no change to any physical feature on the site and as such the proposal will not result in a change to the current situation.

Residential Amenity

- 9.12 The site is an established caravan site and I do not consider the increase in occupation on this site is likely to cause harm to the amenity of the nearby residents.

Highways

- 9.13 The proposal will only result in a minimal change to the current situation with traffic movements being for 12 rather than 10 months of the year.

Landscaping

- 9.14 The proposal will not result in a change to the current situation in terms of the established landscaping surrounding the site and internally.

Other Matters

- 9.15 I am concerned that the acceptability of this scheme, and that approval ensures the retention of caravans, and that this does not alter in the future. As such I have included conditions that ensure the site retains its character of being a caravan park. The statutory definition of a caravan is in S 29(1) of the Caravan Sites and Control of Development Act 1960 and includes a park/mobile home, a caravan holiday home, touring caravan or Gypsy and Traveller home as all capable of coming within the legal definition of a caravan provided they retain the element of mobility and as such I have recommended a condition restricting the nature of the accommodation on the site to be such.
- 9.16 This legislation was expanded to cover twin unit caravans by S 13(1) of the Caravan Sites Act 1968, and the maximum dimensions under S 13(2) of the 1968 Act was amended in 2006 to metric dimensions by a statutory instrument to allow for external insulation to: a length not exceeding 20.00 metres; a width not exceeding 6.80 metres and an internal height not exceeding 3.05 metres.
- 9.17 It would be unacceptable in terms of impact on the character of the countryside were the caravans to be replaced by larger permanent buildings.

10.0 CONCLUSION

- 10.01 The NPPF makes it clear that planning applications should in principle be determined in accordance with the development plan unless material considerations indicate otherwise. In this specific case whilst the application should be determined on its own

merits the decision by members to approve a very similar scheme on the adjacent site is a material consideration here and as such I recommend that planning permission be granted subject to the completion of a Section 106 Agreement to tie the sales of any unit to the Parish Council nomination rights so that the site may provide affordable local housing.

11.0 RECOMMENDATION – GRANT Subject to the following conditions and the completion of a Section 106 Agreement to tie the sales of any unit to the Parish Council nomination rights so that the site may provide affordable local housing.

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The caravans/park homes on the site shall conform to the definition a caravan as set out within Section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 (1) of the Caravan Sites Act 1968 in the case of twin unit caravans. Furthermore they shall not exceed the sizes as stated within The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravans) (Amendment) (England) Order 2006 as being a maximum of 20m in length, 6.80m in width and 3.05m in internal height.

Reason: The site is intended to be a low-cost homes site and any variation in this use and appearance would run counter to the aims of approving permanent residential use here.

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:

- 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.

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 1



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

UK Planning
SW/05/1246

The Planning Inspectorate
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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.

APPENDIX 1

Appeal Decision APP/V2255/A/06/2008142

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.

APPENDIX 1

Appeal Decision APP/V2255/A/06/2008142

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

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 1st March to 31st 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

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