

**Application No:** Y18/0984/FH

**Location of Site:** Running Waters Lydd Road New Romney Romney Marsh Kent TN29 9SE

**Development:** Change of use from an existing touring and camping caravan park to use for ten mobile chalets and twenty tourers (part of the site previously approved under application Y09/0456/SH).

**Applicant:** Miss Racheal Philips

**Agent:** Mr James Smith  
Drawing Services Ltd  
Hydene  
Barrack Hill  
Hythe

**Date Valid:** 22.08.2018

**Expiry Date:** 08.01.18

**PEA Date:** N/A

**Date of Committee:** 24.09.19

**Officer Contact:** Louise Daniels

## **SUMMARY**

The application is for a change of use from a touring and camping site to use for ten static mobile chalets and twenty tourers. Whilst the potential benefits to an existing rural tourism business have been given appropriate weight, the proposed development would cause significant visual harm within the countryside and a Local Landscape Area. In addition the potential flood risk associated with the proposed development has not been appropriately addressed within the application submission. On balance, the proposed development is considered to be contrary to policies TM4, TM5, CO1, CO5 and CSD4, and the NPPF. As such the application is recommended for refusal on these grounds.

<b>RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report.</b>
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## **1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the change of use from an existing touring and camping caravan park to use for ten chalets and twenty tourers. This part of the site was previously granted planning permission under application Y09/0456/SH for use as 40 touring / camping pitches. It is not confirmed within the application submission, in detail, how the chalets and tourer spaces would be occupied, in terms of months of the year or maximum periods of occupancy. The submitted proposed site plan is annotated with '11

months use/year'. A brochure of chalet building specifications has been submitted. This brochure includes three designs- 'Rivendale' (3 proposed), 'Glendale' (4 proposed) and 'Arrondale' (3 proposed).

## 2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Outside the settlement boundary
- Flood zone 3
- Moderate risk of flooding in 2115 on the Council's SFRA
- Local Landscape Area
- Area of archaeological potential

## 3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The site is adjacent to and part of the Running Waters site, a large detached house in spacious grounds which has a tourism use with log cabin accommodation on the site.

3.2 The area has an aesthetically pleasing rural character and appearance. The site is well screened to the south and east by tall trees and hedgerows with the Wallingham Sewer water course present upon the east boundary. Agricultural land expands out to the west and north. The existing gated vehicular access to this part of the site is at its southern end, from an access road which leads from the A259. The wider site has a main access from the A259 which leads up to the main house, and a secondary access from Spitalfield Lane.

## 4.0 RELEVANT PLANNING HISTORY

**Y17/1278/SH:** Change of use from an existing touring and camping caravan park to use for ten static caravans and twenty tourers (part of the site previously approved under application Y09/0456/SH). Refused. At the time of the previous application ref. Y17/1278/SH it was stated that the ten static caravans would have been available for holiday lets for eleven months of the year, and twenty tourers would have been parked on the site for up to 6 months of the year.

**Y09/0456/SH:** Change of use of the land for a touring and camping site together with erection of a single storey building. Approved with conditions.

This permission was conditioned to ensure the camp site is only used between the periods of the 1st May to 1st September in each year, with no individual tent or caravan to remain on

the site for more than 28 consecutive nights and when the site is closed all tents and caravans are to be removed.

**Y06/1267/SH:** Construction of a new access road to serve log cabins approved under Y00/1224/SH (re-submission of Y06/0933/SH). Approved with conditions.

**Y06/0933/SH:** Construction of a new access road to serve log cabins approved under Y00/1224/SH. Refused.

## 5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file. The main points raised are summarised below.

5.2 New Romney Town Council

Object and recommend refusal- contravenes policies TM4, TM5 and CO5.

5.3 Environment Agency:

No objection provided that conditions are applied to secure:

- All finished floor levels no lower than 1 metre above the existing site ground level.
- No tourers or mobile homes to be located within 8 metres of the bank top of the Wallingham main sewer.
- That the site must not be for permanent residential use.

## 6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 12.10.18

6.2 Site notice displayed. Expiry date 26.10.18

6.3 Advertised in press. Expiry date 25.10.18

## 7.0 REPRESENTATIONS

7.1 None received

## 8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, HO1, BE1, U1, CO1, CO5, TM4, TM5

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, CSD3, CSD4

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- 8.4 The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

The following policies of the Places and Policies Local Plan (PPLP) Submission Draft apply: HB1, E5, T2, NE3, NE5, HE2

- 8.5 The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

The following policies of the Core Strategy Review Submission Draft 2019 apply: SS1, CSD3, CSD4

- 8.6 The following paragraphs of the National Planning Policy Framework 2019 apply in particular: Paragraphs 12, 83, 84, 108-111, 124, 127, 148, 155, 157-164, 170, 175, 180.
- 8.7 The following paragraphs of the National Planning Policy Guidance 2019 apply in particular:

Design

Paragraphs 001, 002, 004, 012, 041

Planning and flood risk

Paragraphs 001, 002, 003, 018, 019, 029, 030, 031, 032, 033, 034, 050, 051, 079, 080, 081, 082, 083, 084, 085, 053, 054, 059, 060

Natural environment

Paragraphs 004, 007, 016, 017, 018, 020

## 9.0 APPRAISAL

- 9.1 The main material considerations in the determination of this application are:
- a) Principle of Development and Visual Impact

- b) Flooding
- c) Economic Development
- d) Neighbouring Amenity
- e) Highways
- f) Biodiversity
- g) Archaeology
- h) Environmental Impact Assessment
- i) Local finance considerations

## **a) Principle of Development and Visual Impact**

- 9.2 Paragraph 83 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, and sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils and minimising impacts on biodiversity.
- 9.3 Policy SS1 seeks to direct development to existing settlements together with policy SS3 to protect the open countryside. Policy CSD3 seeks to protect tourism enterprises and uses will be appropriately protected and new development allowed within defined settlements in the Settlement Network. Where sites are unavailable within settlement boundaries, development should be appropriate in scale/impact and in a sustainable location.
- 9.4 Saved policy CO1 states that the District Planning Authority will protect the countryside for its own sake and only permitted where proposals meet a set of criteria set out in CO1. Saved policy TM4 prevents the establishment of new static caravans or chalet sites. Policy TM5 states that proposals for new or upgraded touring caravan and camping sites will be permitted subject to criteria.
- 9.5 The existing site is undeveloped, with only a small washing facilities building and an access road in situ. Touring caravans and tent pitches are transient features rather than permanent buildings which would have a greater impact upon the character of the site and the surrounding countryside. It is considered that the proposed chalets, due to their location, number, appearance and permanency would alter the undeveloped character of the site and have a harmful impact upon the landscape character of the surrounding area. As such the proposal would fail policy C01.
- 9.6 All of the proposed chalet designs are of basic chalet style, which are of typical form and do not represent a high standard of design. The chalets would be raised a metre off the ground supported by jacks upon a concrete base. As single storey structures with shallow pitched roofs they are of a single storey nature but would still have a significant impact upon the character of the site and the surrounding landscape. The submitted brochure shows the three chalet designs finished in white, grey and wood effect cladding. The roofs are proposed as Metrotile metal finish (colour unconfirmed). The proposed chalets would be of prominence when viewed from the open land to the west and north of the site. As such the chalets would not be sympathetic in scale and

appearance to their setting. It is also considered that the proposal would conflict with policy TM5 (a) in this respect too.

- 9.7 With regard to saved policy TM5, it is considered that the proposed development and change of use fails to comply with criteria a) of this policy which states that proposals should not harm the character and appearance of the countryside or coastline or conflict with other countryside and environmental protection policies. In addition, criteria c) states that development should be situated so as to minimise their effect upon local amenity, and should as far as possible, be screened from public roads, open spaces or footpaths and where necessary a scheme of landscaping should be submitted with the proposal to achieve this.
- 9.8 No detailed scheme of landscaping has been submitted, with just a hedge line indicated to the north of the proposed chalets. The application site is on the edge of the settlement with little existing screening around the north eastern around to western boundaries. PROW HM121 runs roughly east to west approximately 135 metres to the north at the closest point to the site. The flat, open landscape typical of the area would allow views into the site, with the chalets present as additional permanent form, if permission were to be granted. The introduction of ten chalets in an otherwise uninterrupted and undeveloped landscape, where clear views of the chalets would be available from the open land to the north and west of the site, would be inconsistent with the objective of this policy to protect or enhance the landscape character.
- 9.9 Following on from policy CO1, the site also falls within a Local Landscape Area and policy CO5 states that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas and that development will not be permitted if proposals are inconsistent with this objective unless the need to secure economic and social well-being outweighs the need to protect the area's local landscape importance. There has been no economic argument submitted with the application, nor does the application secure social well-being. As such, it is considered that the development proposed, which includes the introduction of ten chalets in an otherwise uninterrupted and undeveloped landscape, would be inconsistent with the objective to protect or enhance the landscape character and functioning of the Local Landscape Area. As such, the proposed development fails to comply with saved policy CO5 of the Local Plan.
- 9.10 The proposed development would have a harmful visual impact upon the undeveloped countryside character of the site and the surrounding landscape, contrary to policy CO1. No exceptional circumstances set out in (i) to (iii) have been put forward that would justify the proposals or demonstrate exceptional circumstances.
- 9.11 It is noted that no details of management proposals have been provided, however it appears that the operators reside within the existing dwelling at the site and would therefore be on site. Details of management measures could be secured by planning condition, were the scheme to have been considered acceptable in all other regards.

- 9.12 The requirement as set out in TM5 (g) is to ensure the temporary nature of caravan and camping sites. The proposed chalets would not comply with this restriction as they are proposed as permanent structures. It is acknowledged that the proposed touring caravan spaces could be restricted to March-January and no more than 28 consecutive night's occupancy by any one party. These detailed matters could be resolved through the application of planning conditions requiring further details of measures and their implementation, were the scheme to have been considered acceptable in all other regards.
- 9.13 Overall, it is considered that the proposed permanent chalets would have a harmful impact upon the undeveloped character of the site, and would harm the character of the surrounding area, contrary to policies CO1 and TM5, and policies CO5 and CSD4. As the proposal would introduce static/ permanent accommodation, it would also fail the criteria of policy TM4 as well. The principle of the proposed development and its visual impact is therefore unacceptable.

## **b) Flooding**

- 9.14 In terms of flood risk, the site is identified as falling within Flood Zone 3, in an area benefitting from flood defences, as defined by the Environment Agency. Paragraph 163 and footnote 50 of the NPPF require that the application proposal be accompanied by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, it can be demonstrated that certain criteria can be met and the sequential and exception test passed where applicable.
- 9.15 In addition, the development proposed requires that a Sequential Test be carried out to search for and assess alternative sites of lower flood risk which could contain the proposed development. Were it to be demonstrated that the proposed development could not be sited in a location of lower flood risk, it would then be necessary for the development to comply with the Exception Test.
- 9.16 The only document submitted to address the above requirements is a Flood Risk Opinion Report, which identifies the flood risk of the site. No appraisal of alternative sites has been submitted, and as such the application fails the sequential test.
- 9.17 It is noted that the Environment Agency do not object to the application subject to conditions to secure all finished floor levels no lower than 1 metre above the existing site ground level, no tourers or mobile homes to be located within 8 metres of the bank top of the Wallingham main sewer and that the site must not be for permanent residential use. However the EA do not assess the sequential test and as such the lack of objection does not mean the application is acceptable on these grounds or policy compliant.
- 9.18 The application submission does not include a Sequential Test, does not address the Exception Test, and does not fully address the requirements of para 163. In regard to the Exception Test, it is not clear that the development would deliver wider sustainability benefits and no sustainability appraisal has been submitted. Furthermore, the submission fails to demonstrate that the

scheme would incorporate sustainable drainage methods, and does not evidence that such drainage measures would not be appropriate. Overall it is considered that the application submission fails to demonstrate that the proposed development would not be at an unacceptable risk of flooding, contrary to Policy TM4 and the NPPF.

## **c) Economic Development**

- 9.19 The proposed development would be located on an existing tourist accommodation site and could encourage the rural diversification of a tourism enterprise located in a relatively sustainable location on the edge of New Romney town, which is defined as a service centre in the Settlement Hierarchy. Although the site is accessible by a choice of means of transport and would potentially lead to an improvement in the range and quality of tourist accommodation in the area, there is not an increase in the level of tourism offered on site.
- 9.20 Indeed, the previous consent was for up to 40 pitches and this is for 10 chalets and 20 touring, occupied for up to 11 months per year - a reduction in overall numbers. Consequently, there is likely to be no significant difference, possibly a reduction in economic benefit, although a neutral benefit has been assumed. No justification has been submitted to suggest that there would be any significant benefits accrued, and as such this cannot be used to override the concerns identified

## **d) Neighbouring Amenity**

- 9.21 The NPPF requires that existing and future occupiers benefit from a high standard of amenity; developments which would cause significant harm to neighbouring amenity are not therefore supported. It is considered the site is positioned a sufficient distance away from neighbouring dwellings to not have a negative impact in terms of loss of privacy or negative noise impacts. A representation was received objecting to the application in relation to increased use of the access road into the site from Spitalfield Lane however, the access for this application site is from Cobbhouse Lane, away from residential properties, and therefore there are not considered to be any detrimental neighbouring amenity impacts as a result of the development.

## **e) Highways**

- 9.22 The application site is not ideally located in sustainable transport terms, but is within walking distance of New Romney and the amenities and public transport links available. The access into the site is existing, and as such, there is not considered to be a likely detrimental impact upon highway safety. The previously approved scheme proposed 40 pitches on this area of the site, the proposed scheme of 10 chalets and 20 touring spaces, for 11 months of the year, could therefore result in a reduced transport impact in comparison to the previous scheme. Policy TR12 requires that development provides adequate parking provision. The proposed site layout does not confirm the location of parking spaces for the proposed chalets, it appears most likely that parking would be provided alongside each chalet and full details of a parking layout could be secured by planning condition.

## **f) Biodiversity**



9.23 The proposed erection of ten chalets and formation of concrete bases would have some harmful impact in biodiversity terms. The application site is grassed with no significant areas of planting or scrub. It does not therefore appear that protected species would be harmed, however therefore it is considered that the harm could be mitigated through the securing of landscaping measures / biodiversity improvement measures were the scheme to have been considered acceptable in all other regards.

## **g) Archaeology**

9.24 The site is within an area of identified archaeological potential. The KCC Archaeologist has not commented upon the application. The proposed chalets would require shallow excavation to form the proposed concrete bases. It is considered that this matter could be addressed through a watching brief secured by planning condition were the scheme to have been considered acceptable in all other regards.

## **h) Environmental Impact Assessment**

9.25 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

## **i) Local finance considerations**

9.26 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

9.27 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL rate for residential development in the area is £0.

## **HUMAN RIGHTS**

9.28 I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

## **PUBLIC SECTOR EQUALITY DUTY**

9.29 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

9.30 This application is reported to Committee at the request of Cllr Wimble.

## 10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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**RECOMMENDATION – That planning permission be refused subject to the following conditions/for the following reason(s):**

### **Reason(s) for Refusal.**

1. The proposed construction of ten permanent chalet buildings, by virtue of their size, siting, appearance, form and prominent location, would introduce an intrusive and permanent type of development into an otherwise undeveloped landscape, which would harm the special visual character and appearance of the countryside and the Local Landscape Area. The proposal is therefore contrary to the aims and objectives of the NPPF, saved policies BE1, TM4, TM5, CO1 and CO5 of the adopted Shepway Local Plan First Review, emerging policies SS3 and CSD3 of the adopted Core Strategy, draft policies SS3 and CSD3 of the emerging Core Strategy Review Submission Draft and draft policies HB1, NE3 and E5 of the emerging Places and Policies Local Plan Submission Draft. These seek to protect or enhance the character of the countryside which should be protected for its own intrinsic value, and the character and appearance of Local Landscape Areas.

2. The development would be sited within Flood Zone 3 and the application submission fails to address the Sequential Test, the Exception Test and the requirements of paragraph 163 of the NPPF. The application therefore fails to demonstrate that the proposal would not result in an unacceptable flood risk, contrary to Local Plan Review Policy TM4, emerging Policy CC3, and the NPPF.

**DC/19/15**