

- a) **DOV/21/00628 – Siting of a static caravan for residential use (temporary for a 3-year period) (retrospective) - Land at Fir Tree Farm, Chapel Lane, Ashley**

Reason for report: Number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted for a temporary period.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1, DM11, DM15, DM17

National Planning Policy Framework 2021 (NPPF)

- Section 12 is relevant as the proposal should seek to achieve well-designed places
- Section 15 seeks to conserve and enhance the natural environment

The Kent Design Guide (KDG) (2005)

National Design Guide (2019)

Regulation 18 Consultation on the Draft Local Plan

The Draft Local Plan has undergone its first public consultation exercise, which expired in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

- d) **Relevant Planning History**

20/01546 - Granted, outline application for the erection of a detached dwelling (with all matters reserved) on Chapel Lane.

21/01360 - Approved for reserved matters application for approval of layout, access, scale, landscaping and appearance pursuant to outline permission DOV/20/01546 for the erection of a detached dwelling.

- e) **Consultee and Third-Party Representations**

Sutton Parish Council: “The Council support the application on the basis that a legal condition is attached to the consent to ensure that the mobile home is removed by April 2023 and the land is returned to its original condition.”

Environment Agency: Objects to the risk to groundwater.

Environmental Protection Officer: Comments will be reported at the meeting.

Public Representations: There have been 11 responses received from the public consultation. Six raise objections and four support the application

The objections can be summarised as follows:

- The site is not sustainable
- Lack of privacy
- The proposal does not meet an agricultural need
- Alternative locations should be explored and used
- The use will continue to grow and give rise to more residents on the land
- There is an increase in static caravans in the local area
- The proposal is contrary to the Development Plan and NPPF
- There are inaccuracies with the application submission
- A previous application was refused.
- The proposal is seeking permission through the 'back door'.

Some objections have been raised against how the land within the 'curtilage' of the garden of the caravan is being used, as this is a cause for concern in terms of loss of light, fire hazards and rat infestation. One response received makes comments, but does not object or support.

The responses in support can be summarised as follows:

- There would be no environmental or visual impact
- The use does not affect nearby neighbours
- The need is for a limited period while the house is built
- Located on the farm there is no need to travel and there will be security for the farm
- The location is well screened
- The previous application that was refused related to a barn conversion

f)

1. **The Site and the Proposal**

- 1.1 The application site comprises a rectangular parcel of land on and within a wider site in use for farming – Fir Tree Farm. The site is accessed from Chapel Lane, through a working area of the farm and between farm buildings and along an unmade farm track. The site is quite well screened by boundary vegetation, but is fully visible from the track.
- 1.2 The site is located within the countryside and along with the farm forms part of the hamlet of Ashley. The built development in Ashley predominantly follows a linear pattern of development along Chapel Lane and Waldershare Road.
- 1.3 There are no public rights of way close to the application site and as such the site is not visible from the public highway or other public vantage points.
- 1.4 The application proposal is to site a caravan on the land for a period of 3 years to accommodate a residential use. The caravan is required by the applicants while their house along Chapel Lane is constructed. The approved house is referred to in the above section of the report, with reserved matters approved in November 2021.

- 1.5 The caravan is already in situ and is located in the centre of the site. It measures 11.6m x 3.7m, with a height of some 2.8m. The caravan has a flue and a shed with a plastic roof providing shelter between the shed and caravan – this is located to the rear of the caravan. There are outbuildings and other domestic paraphernalia within the ‘garden area’ that has been created around it – within the plot. Prior to the site being used for residential purposes, it formed part of the farm and contained agricultural storage.

2. Main Issues

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- Risk of groundwater pollution
- Other material considerations
- Planning Balance

Principle of Development

- 2.2 A new dwelling within the countryside, outside any rural settlement confines, would be contrary to Policy DM1 of the Core Strategy, unless it was considered to be functionally required in this location, or if it was ancillary to existing development or uses.
- 2.3 The applicant’s functional and ancillary need for a dwelling in the countryside formed part of the assessment for the recently approved outline planning permission for the dwelling along Chapel Lane. As such, strictly in accordance with the Policy, the principle of a new, or in this case an additional dwelling in this location is unacceptable and contrary to Policy DM1.

Impact on Character and Appearance

- 2.4 The application site is within the countryside, but is not otherwise designated or identified for its landscape value or ecological/habitats importance. It falls relatively close to the linear development along Chapel Lane and Waldershare Lane and is not in a location separate or visually isolated from other buildings.
- 2.5 The site and caravan are effectively screened from views from the highway and other public vantage points
- 2.6 In view of the proximity of other buildings, the boundary screening, the modest scale of development and limited public visual impact, it is considered that the proposal has a moderate harmful impact upon the character, appearance and beauty of the countryside. The proposal is therefore considered to be contrary to Policy DM15 of the Core Strategy and paragraph 174 of the NPPF.
- 2.7 The location of the caravan on the working farm, connected to the applicants’ family, means that there is no material demand by the applicants for travel to and from work. However, there would remain a

need for travel by private car for matters such as school trips, shopping and access to other public facilities and amenities. This would have an adverse impact upon the rural character of the area and to an extent would be contrary to Policy DM11 of the Core Strategy, which seeks to manage the demand for travel outside the settlement confines.

Risk of Groundwater Pollution

- 2.8 The requirements of Policy DM17 seek to ensure that adequate safeguards are in place (from a development) against possible contamination of the groundwater source.
- 2.9 The Environment Agency has objected to the application on the basis that the applicants have not provided adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed.
- 2.10 At the validation stage of the application, the applicants were asked to provide an explanation as to how foul water was proposed to be disposed of. The proposal is to operate a 'dry' toilet system – where no water is used in the disposal of waste. Sawdust is used within a 'container' that is located outside the caravan. The container is removed and emptied and the waste is composted along with the farm's cow manure.
- 2.11 It seems likely that the applicants' submission on foul water disposal was not considered by the Environment Agency. As such, a further response from the Environment Agency is sought and this will be reported to the Planning Committee.

Other Material Considerations

- 2.12 The applicants are seeking to build a new house (which has planning permission) on the other side of Chapel Lane, opposite the access to the Farm. In the interim, they have a requirement to live in temporary accommodation and preferably as close to the site of the new house as possible, as it is their intention to be involved with the building of the house.
- 2.13 The application was submitted in May 2021 and was held in abeyance at the request of the applicants until approval was granted for the detailed (reserved) matters. The approval of reserved matters for the new dwelling was given in November 2021. At the time of the application, a 3 year permission for the caravan was sought – which would mean that the use should cease by May 2024. A three year build time is anticipated by the applicants, but this is dependent on relying on materials and the progress of building the approved house themselves.
- 2.14 Reference is made in some of the objections to a previous decision relating to this site (under 18/01380). That application sought 'prior approval' to change the use of an agricultural building into a residential use – and related to the building fronting onto the working farmyard, next to the current application site. That application was refused and does not have a material bearing on how the current application should be determined.

Planning Balance

- 2.15 The Core Strategy policies important to the determination of this application are considered to be DM1, DM11 and DM15. However, policies DM1 and DM11 are in tension with the wording of the NPPF and therefore are considered to be 'out of date' with the NPPF, notwithstanding, the requirement for sustainable development is an important component of these policies – which would be in line with the NPPF. In view of the conflict with the NPPF, less weight should be given to these policies in the determination of the application.
- 2.16 Policy DM15, in substance, meets the requirements of the NPPF for development within the countryside and should not be considered out of date. Full weight should be given to this policy in the determination of the application.
- 2.17 It is considered that, overall, the proposal conflicts with the requirements of DM1 and DM11, but the visual harm arising from the development is moderate.
- 2.18 In view of the particular personal circumstances of this case – with a temporary permission being sought while the family house is being constructed, close-by, the degree of harm is considered to be outweighed by the need for the temporary accommodation in this location.
- 2.19 When the application was first submitted in May 2021, permission for a three year temporary period was sought. In view of the delay in determining this application, and the recent approval of reserved matters for the new house, it is considered more appropriate to only grant permission for a further two years to May 2024 – which was the original date sought by the applicants.

3. Conclusion

- 3.1 The proposal is for the siting of a residential caravan on the land, with the creation of a domestic garden around it, for a period to May 2024. The temporary period is sought to coincide with the construction of the applicants' home, close-by, on the other side of Chapel Lane – for which detailed approval has been granted.
- 3.2 The caravan is not proposed in a suitably sustainable location and the site falls within the countryside. There is therefore conflict with the development plan and the NPPF. However, it is considered that the personal circumstances of the applicants are material considerations which outweigh the conflict with the development plan and the harm to the character and appearance of the countryside. Subject to suitably worded conditions to cease the residential use of the land and to remove all domestic paraphernalia associated with the use, by May 2024, the application is supported by Officers.
- 3.3 With regard to the mitigation measures to prevent harm to the groundwater source, those put forward by the applicants appear to

address the concern, on their face, subject to further comments to be received from the Environment Agency.

g)

Recommendation

- I SUBJECT TO the satisfactory resolution of issues relating to potential impacts on groundwater, as set out in the report, planning permission BE GIVEN with the imposition of the following conditions:
 - i) The residential use of the land should cease by or before 31 May 2024
 - ii) The caravan and all domestic paraphernalia associated with the residential use of the caravan shall be removed from the site by or before 31 May 2024.
 - iii) The caravan shall only be occupied by the applicants - Mr & Mrs Cannon and their children.

- II Powers be delegated to the Planning and Development Manager to settle any necessary matters and wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester