

OFFICERS REPORT

Application No: Y17/1278/SH

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

Proposal 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).

ASSESSMENT

Performance data:-

Date application valid: 11/12/17

Applicable 8/13/16 week target date: 05/02/18

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? N

If Yes, revised 8/13/16 week target date:

Is the application being determined after 26 weeks without a PPA or a PEA? N

SITE VISIT

Carried out site visit on 21/12/17.

SITE

The application site is located within the wider open countryside of the Romney Marsh on the periphery of the New Romney Town and outside of any settlement boundary. The site is located to the north of the A259, Lydd Road. The site is within flood zones 2 and 3 as defined by the Environment Agency flood risk maps. The Shepway District Council Strategic Flood Risk Assessment shows that part of the application site would be at moderate risk should flooding occur, at predicted 2115 sea levels. The site is also within a locally designated Local Landscape Area.

The site subject to this application 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.

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.

RELEVANT HISTORY

Running Waters has a long history mainly relating to the development of the site for a variety of tourist accommodation uses such as camp site, hotel and cabins.

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.

PROPOSAL

This application seeks consent for the 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).

The ten static caravans would be available for holiday lets for eleven months of the year, and twenty tourers would be parked on the site for 6 months of the year.

CONSULTATIONS

New Romney Town Council: No objection

Environment Agency: Object.

The FRA fails to appropriately demonstrate that the site will be safe throughout its lifetime. The Shepway SFRA lists the site at a moderate risk in a 1 in 200 year 2115 climate change breach scenario. No measures have been included in the FRA to mitigate against this residual risk.

The construction of static caravans on this site would directly contradict condition 8 of planning permission Y09/0456/SH that at no time shall static caravans be placed on the site. Our letter dated 14/06/2010 supported this decision and our position has not changed.

The applicant is considering a period of occupancy for the static caravans of between 11 months and 1 year. This also directly contradicts condition 10 of the previous decision notice that occupancy should be between 1st May and 1st September only. Again our position has not changed.

If static caravans were installed on this site, it would be difficult for SDC to enforce the standard condition that they are to be used for holiday or short-let occupancy in the summer months only. It would therefore be likely that the caravans could be used for permanent residential use. The site would therefore be classed as highly vulnerable. In accordance with technical guidance to the NPPF, highly vulnerable development in Flood Zone 3 should not be permitted.

Highways and Transportation: Development does not meet the criteria to warrant involvement from the Highway Authority.

PUBLICITY

Neighbour letter expiry date: 03.01.18

Site notice expiry date: 11.01.18

Press notice expiry date: 18.01.18

REPRESENTATIONS

One representation has been received objecting to the application on the following grounds:

- The access road which would have increased use would cause noise disruption, light pollution from headlights and loss of privacy to the occupiers of the neighbouring dwelling The Rosary, Spitalfield Lane.

POLICIES

Shepway District Local Plan Review Saved Policies: SD1, HO1, BE1, BE8, U1, CO1, CO5, CO19, TM3, TM4, TM5,

Shepway Core Strategy Local Plan 2013 Policies: DSD, SS1, SS3, CSD3, CSD4,

National Planning Policy Framework 2012: Chapters 6, 7

Planning Policy Guidance 2014

APPRAISAL

The issues to be considered in the assessment of this application are the matters of rural tourism, built form and landscape impact upon the wider Romney Marsh Local Landscape Area, flood risk, impact upon the residential amenities and highways factors.

PRINCIPLE OF DEVELOPMENT:

Paragraph 28 of the NPPF supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside and states that this should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy SS1 seeks to direct development to existing settlements together with policy SS3 to protect the open countryside.

Policy CSD3 relates to rural and tourism development in Shepway and seeks to protect tourism enterprises including existing tourist accommodation. The policy states that tourist, recreation and rural economic uses will be appropriately protected and new development allowed within defined settlements in the Settlement Network. The policy further states that where sites are unavailable within settlement boundaries, providing the development is propitiate in scale/impact and in a sustainable location, sites on the edge of Strategic Towns, such as New Romney (table 4.3 of the Core Strategy), may be considered.

Saved policy TM4 prevents the establishment of new static caravans or chalet sites, however proposals for the upgrading of existing holiday accommodation are acceptable subject to criteria in saved policy TM5, and provided they would not be at an unacceptable risk from flooding and would lead to an improvement in the range and quality of tourist accommodation in the area.

FLOODING:

In terms of flood risk, the site is identified as falling within Flood Zones 2 and 3 as defined by the Environment Agency. Paragraph 104 of the NPPF sets out that a change of use to a caravan, camping or chalet site, or to a mobile home or park home site, should be subject to the Sequential and Exception Tests as appropriate.

The proposal is for ten static caravans and the Environment Agency states that the standard condition that they must only be used for holiday or short-let occupancy in the summer months only would be hard to enforce and that in reality, the caravans would likely be used for permanent residential use. The National Planning Practice Guidance identifies caravans, mobile homes and park homes intended for permanent residential as being within a 'highly vulnerable' category which sets out that development should not be permitted' in Table 3: Flood risk vulnerability and flood zone 'compatibility'. Although the monitoring of a condition is considered likely to be difficult, it would not be impossible, and consequently the use of the static homes as holiday or short-term lets, subject to suitably worded condition if permission to be granted, would place them in the More Vulnerable category. Consequently, in accordance with technical guidance in the NPPF, the exception test would also need to be passed.

Applying the Sequential Test

Whilst the proposed development falls within a moderate risk area, the site is already operating to provide tourism accommodation, on this site and the land adjacent. The development therefore does not propose a significant change to the use of the land. The site is also well located upon the periphery of the town in close proximity to the town services and local attractions, enjoying good connectivity and vehicular access. There would appear to be no other sites more suitable and available for a camp site that would benefit from these positive factors that currently has a tourism use in this locality that are at a lower risk of flood being in either zones 2 or 1. As such it is therefore considered that sequentially there is no better site within the area and thus the requirements of the Sequential Test have been satisfied and the Exception Test should be applied to the development.

Applying the Exception Test

In order to comply with the exception test it must be demonstrated that:

- The development provides wider sustainability benefits to the community which outweigh flood risk.
- The development should be on developable, previously developed land or if it is not on previously developed land, that there are no reasonable alternative sites on developable previously developed land and
- A Flood Risk Assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere and where possible will reduce flood risk overall.
- The applicant has provided a detailed Flood Risk Assessment, together with an evacuation plan which concludes that the development is acceptable in terms of flood risk and also provides confirmation that the site will be registered with the Environment Agency's flood warning service as an additional means of protection.

In this instance, in response to the requirements of the exceptions test, the introduction of a camp site in such a location could provide a sustainable benefit to the area and local community and economy through a diversity in 'offer'. But, as previously stated, the reduction in overall numbers (40 touring pitches down to 20 with 10 static) could see a reduction in overall visitor numbers, with no economic justification submitted with the application to demonstrate otherwise. Consequently, at best, the impact would be neutral for the tourism base economy, local businesses, high street shops, pubs and restaurants. In this instance, the

contribution to the local economy that this development would provide is considered to be neutral.

The application site is not a previously developed brownfield site under the definitions of the NPPF. However as stated previously, there are considered to be, sequentially, few sites in the vicinity at a lower risk of flooding.

The applicant has accompanied the application with a flood risk assessment only. However, this does not make recommendations regarding the use of the site and is more of an assessment of risk. The document does not clearly state the development would be safe from flooding and there is no evacuation plan, or confirmation that the site will be registered with the EA flood warning service.

In consideration of neutral economic benefits from the proposal and insufficient information from the submitted FRA to demonstrate that the site would be safe, it is considered that there are no material considerations to outweigh the exceptions test, which the development fails. The proposal is also therefore contrary to saved policy TM4 in respect of flooding risk.

LANDSCAPE IMPACT:

The development comprising ten permanent static caravans, alongside 20 touring caravans, would introduce permanent built form into an otherwise undeveloped landscape.

Paragraph 109 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.

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.

No scheme of landscaping has been submitted to determine whether the impact of the development upon the local landscape and amenity would be acceptable. 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 static caravans present as additional permanent form, if permission were to be granted. The introduction of ten static caravans in an otherwise uninterrupted and undeveloped landscape, would be inconsistent with the objective of this policy to protect or enhance the landscape character.

The site 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 static caravans 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.

ECONOMIC DEVELOPMENT:

Although 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, and 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. Indeed, the previous consent was for up to 40 pitches and this is for 10 statics and 20 touring - 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. Further, the proposed development is considered to be contrary to the relevant local and national policies as set out above, particularly with regard to the impact upon the local landscape.

NEIGHBOURING AMENITY:

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 Cobhouse Lane, away from residential properties, and therefore there are not considered to be any detrimental neighbouring amenity impacts as a result of the development.

HIGHWAYS:

The access into the site is existing, and as such, there is not considered to be a likely detrimental impact upon highway safety. This was assessed as part of the previous consent and found to be acceptable.

RECOMMENDATION

In light of the above, it is considered that planning permission should be refused due to the proposed 'more vulnerable' nature of the ten static caravans within an area identified as at risk of flooding, contrary to the National Planning Practice Guidance and policies TM4 and TM5 of the Shepway District Local Plan Review which seeks to ensure that new or upgraded touring caravan and camping sites would not be at an unacceptable risk from flooding. In addition, planning permission should be refused due to the introduction of permanent built form into an otherwise undeveloped landscape contrary to policy CO5 of the Shepway District Local Plan Review which seeks proposals to protect or enhance the landscape character and functioning of Local Landscape Areas and policy TM5 of the Shepway District Local Plan Review which seeks to preserve the character and appearance of the countryside.

HUMAN RIGHTS

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.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Louise Daniels Position: Senior Planning Officer Date: 02/02/18

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: Robert Allan Position: Major Projects Team Leader Date: 05/02/18