

Officer Report

Application No.	20/1749/FH
Site Address	Camping and Caravanning Site, Romney Farm, Romney Road, Lydd, TN29 9LS
Officer Name	Ross McCardle
Proposal	Section 73 application for the variation of condition 5 (permitted time of use) on Y06/0727/SH (change of use of paddock for provision of additional 25 tent pitches).

Recommendation

Report Number	RD-424660
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	24 March 2021

Report

SITE

The application site comprises a camping / caravan paddock towards the rear of the Romney Meadow Camping and Caravan Site, situated on the Romney Road between Lydd and New Romney. The full site extends to approximately 287m x 82m but this application relates to the western paddock, which extends to approximately 90m x 80m.

The site is flat, enclosed by mature hedgerow, and surrounded by farmland. It has permission for seasonal touring caravan and camping use, with the eastern paddock allowed to be used 11 months of the year and the western paddock (the subject of this application) allowed to be used for four months of the year.

The site is outside of any defined BUAB; approximately 270m north of the Dungeness, Romney Marsh and Rye Bay SSSI; within flood zone 3 (but benefits from flood defences and not identified at being at any risk until 2115 under the adopted SFRA); and not near any conservation area, listed building, or TPO tree.

RELEVANT HISTORY

The planning history is summed up within the submitted Planning Statement:

Y08/0424/SH	Change of use from agricultural buildings to tea rooms (Class A3)	Approved
Y06/0727/SH	Change of use of paddock for provision of additional 25 tent pitches	Approved
Y05/0223/SH	Erection of a detached amenity block incorporating toilets and wash room facilities	Approved
Y03/0348/SH	Increase of camping pitches from 10 units to 25 units (non-compliance with condition 4 of planning permission 98/1156/SH).	Approved
Y00/0079/SH	Removal of Condition (iii) of planning permission WE/1/70/30 to allow the property to be occupied by residents not employed in agriculture	Approved
98/1156/SH	Change of use of agricultural building into two holiday units and land to the rear from agricultural use unto touring caravan site for 10no caravans.	Approved

Of particular relevance are 98/1156 (which establishes use of the land as a touring caravan site); Y03/0348/SH (which sets the occupancy period for the eastern paddock); and Y06/0727/SH (which granted permission for use of the western paddock as a touring caravan and campsite in addition to the eastern paddock).

Condition 2 of Y03/0348 allows 11-month use of the eastern paddock (1st March to 31st January), but the conditions on Y06/0727 only allow four-month use of the western paddock.

PROPOSAL

This application seeks consent under s.73 to vary the wording of condition 5 of Y06/0727/SH to allow 11-month occupancy of the site (to match the occupancy permitted on the neighbouring field as permitted by Y03/0348).

Condition 5 of Y06/0727 states:

The site hereby approved shall be restricted for the use of touring caravans and tent pitches only and restricted to 25 pitches in total. Occupation of these pitches shall be restricted to the months of May – August inclusive in any year. All touring caravans and tents shall be removed from the land by 1st September in each year. No individual touring caravan or tent shall remain on the site for more than 28 consecutive nights.

The proposed condition wording reads as follows:

The site hereby permitted shall be restricted for the use of touring caravans and tent pitches only and restricted to 25 pitches in total. Occupation of these pitches shall be limited to a period from 1st March to 31st January in each year. All touring caravans and tents shall be removed from the land by 1st February in each year. No individual touring caravan or tent shall remain on the site for more than 28 consecutive nights.

No expansion of the site or change in number of pitches is proposed.

CONSULTATION RESPONSES

Lydd Town Council support the application.

The EA has no objection subject to standard conditions as set out below.

REPRESENTATIONS

None received.

PUBLICITY

The application was publicised in accordance with the regulations. There are no immediate neighbours, but a site notice was posted.

RELEVANT POLICIES

Core Strategy Local Plan:

DSD (delivering sustainable development)

CSD3 (rural and tourism development)

CSD3 states that *“tourist, recreation and rural economic uses will be appropriately protected and new development allowed within defined settlements in the settlement hierarchy.”*

CSD8 sets out that *“New Romney should develop as the residential, business, service, retail and tourist centre for the Romney Marsh.”*

Core Strategy Review Submission Draft February 2020:

CSD3 (rural and tourism development)

CSD8 (New Romney strategy)

CSD3 states that *“tourist, recreation and rural economic uses will be appropriately protected and new development allowed within defined settlements in the settlement hierarchy.”*

CSD8 sets out that *“New Romney should develop as the residential, business, service, retail and tourist centre for the Romney Marsh.”*

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. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (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.

Places and Policies Local Plan 2020:

HB1 (quality places)

E3 (tourism)

E5 (touring and static caravan, chalet and camping sites)

NE3 (protecting landscapes)

E5 supports “*Proposals for the infilling, expansion and diversification of existing lawful touring and static caravan, chalet and camping sites*” subject to consideration of visual amenity, highway access, local amenity, and retention of BMV agricultural land, amongst others.

The PPLP was adopted by the Council on 16.09.20 after a formal Inspection and review process. It is therefore a material consideration and carries full weight.

NPPF and NPPG:

National guidance broadly supports tourist and economic development in the countryside, subject to amenity considerations and impact upon the natural environment.

APPRAISAL

The principle of using the land as a camping and caravan site has been established through the previous grants of permission, and does not fall to be reconsidered here. What does fall to be considered is whether the proposed extension to the occupancy period would be acceptable.

In that regard I give weight to the fact that the neighbouring field, which forms part of the same camping/caravan site, has 11-month occupancy as established by condition on Y03/0348. This condition only requires the site to be vacated for the month of February. This establishes, in my mind, that the principle of holidaymakers using the land for the majority of the year is acceptable.

Permission was granted to expand the site onto the field the subject of this application under reference Y06/0727. The online case file is patchy, and I have not been able to determine exactly why a four-month occupancy period was considered necessary for the additional pitches; there is nothing to suggest that the case officer had particular concerns about 11-month occupancy (to match existing) or whether that is what was applied for by the applicant. The reason given for condition 5 of that permission does refer to protecting site occupants in the event of a flood, however, so I suspect this to be at least part of the reason for the condition.

In that regard: while the site does lie within flood zone 3 it is protected by sea defences and is not identified as being at any risk up to 2115 by the adopted SFRA. The current site circumstances therefore indicate that a restriction on the grounds of flood risk is no longer required, relevant, or justified, and I also note that the EA has no objection to this application.

Varying condition 5 of the 2006 permission (which allowed use of this extra field) as proposed would bring the whole site in line, and under the control of a single overarching occupancy period. This is sensible, to my mind, enabling both the applicant and the Council (from an enforcement perspective) to clearly understand what is allowed at the site.

I do not consider that extending the occupancy period for this field would give rise to any serious harm over and above the existing situation. The site is isolated from any neighbouring dwellings and there are unlikely to be any serious amenity issues as a result of an extended occupancy period. The

site is screened by existing mature boundary planting, and the character and appearance of the area would not be seriously affected by an extended occupancy given that the neighbouring field already benefits from a longer occupancy period; the character of the site is already that of a camping/caravan site. There is an existing access to the site and access, sight lines, and parking would not be affected.

The submitted Planning Statement includes an assessment of overnight tourist stays within the area and sets out that, while there are seasonal peaks, there is relatively constant demand for accommodation in this area that justifies the extended occupancy period. I have no reason to doubt this evidence.

Taking this into account I have no particular concerns in regards the proposed condition wording, and do not consider the extended occupancy period on this part of the site would be harmful to the character, appearance, or amenity of the local area or the wider countryside.

The site lies close to the SSSI, but this development is unlikely to negatively impact the aims of the designation or the protected species therein, either on its own or in cumulation with other nearby uses/developments, given the existing permitted use of the land.

The site is not in the Stour catchment.

Financial contributions are not required as a result of this development.

Case law on s.73 applications is clear that it's good practice to carry across all other conditions of the previous permission in the interest of clarity. In this instance, however, only two conditions (including condition 5) remain relevant (following implementation of the original permission); these have been set out below.

The EA has recommended a new condition to prevent surface water drainage through infiltration, which I consider to be reasonable given that there may be additional numbers of people using the site and thereby putting additional pressure on the current site drainage systems. They have also recommended a condition requiring details of a foul drainage scheme to be provided, but the site is already in use and the existing facilities would remain - it is only the length of time people can stay on the site that is being affected. I therefore do not consider this condition to be reasonable or justified in this instance.

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.

PUBLIC SECTOR EQUALITY DUTY

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.

DUTY TO COOPERATE

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance the application was acceptable as submitted.

RECOMMENDATION

Taking the above into account I recommend that planning permission should be

CONDITIONS

The site hereby permitted shall be restricted for the use of touring caravans and tent pitches only and restricted to 25 pitches in total. Occupation of these pitches shall be limited to a period from 1st March to 31st January in each year. All touring caravans and tents shall be removed from the land by 1st February in each year. No individual touring caravan or tent shall remain on the site for more than 28 consecutive nights.

Reason: To enable the Local Planning Authority to retain control over future uses of the site, and in the interests of the visual amenities of the countryside.

No caravans, commercial vehicles, boats or other forms of external storage shall be stored on the land at any time.

Reason: To protect the visual amenities of the countryside.

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Development shall be carried out in accordance with any formally agreed details.

Reason: To ensure that the development does not contribute to, put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants.

INFORMATIVES

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface

water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Please note that there is insufficient information to assess whether the current private sewage system in place for the campsite will require a permit of is covered by the general binding rules. The applicant is advised to contact the Environment Agency (03708 506506, www.gov.uk/environment-agency) and provide details on the current private sewage system in place for the campsite, the calculations on volumes currently experienced throughout the year, and the expected increase in volume if the permit change proposal succeeds this.

Case Officer: Ross McCardle

Recommended Conditions (3)

1

The site hereby permitted shall be restricted for the use of touring caravans and tent pitches only and restricted to 25 pitches in total. Occupation of these pitches shall be limited to a period from 1st March to 31st January in each year. All touring caravans and tents shall be removed from the land by 1st February in each year. No individual touring caravan or tent shall remain on the site for more than 28 consecutive nights.

Reason: To enable the Local Planning Authority to retain control over future uses of the site, and in the interests of the visual amenities of the countryside.

2

No caravans, commercial vehicles, boats or other forms of external storage shall be stored on the land at any time.

Reason: To protect the visual amenities of the countryside.

3

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Development shall be carried out in accordance with any formally agreed details.

Reason: To ensure that the development does not contribute to, put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants.

Suggested Informatives (2)

1

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

2

Please note that there is insufficient information to assess whether the current private sewage system in place for the campsite will require a permit of is covered by the general binding rules. The applicant is advised to contact the Environment Agency (03708 506506, www.gov.uk/environment-agency) and provide details on the current private sewage system in place for the campsite, the calculations on volumes currently experienced throughout the year, and the expected increase in volume if the permit change proposal succeeds this.