



Appeal Decision

Hearing Held on 14 August 2019

Site visit made on 14 August 2019

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2019

Appeal Ref: APP/G2245/W/18/ 3209095

Knatts Valley Caravan Park, Knatts Valley Road, Knatts Valley, TN15 6XY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr J O'Connor against the decision of Sevenoaks District Council.
 - The application Ref. SE/17/03600/DETAIL, dated 13 November 2017, sought approval of details pursuant to conditions No's 5 and 7 of a planning permission Ref. APP/G2245/W/15/3097698, granted on appeal on the 15 August 2017. The decision was split and details pursuant to condition 7 (ecological management plan) were approved.
 - The application was refused in part by notice dated 20 July 2018.
 - The development proposed is the change of use of land for the provision of 8 Gypsy/Traveller pitches.
 - The details for which approval is sought are: Condition 5 – (a) drainage of the site; (d) refuse facilities; (f) landscaping; and (e) proposed amenity building.
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Decision

1. The appeal is allowed in part and the schemes/details submitted discharge the requirements of sections (a), (d) and (e) of condition No.5 imposed on permission APP/G2245/W/15/3097698; but the part of the appeal concerning section (f) of the condition regarding landscaping is dismissed.

Main Issues

2. The main issues are:
 - Whether the details submitted pursuant to satisfy condition 5 part (a) (surface water drainage), (d) (refuse facilities) and (f) (landscaping) are adequate to ensure an acceptable form of development; and
 - The effect of the amenity building proposed in (e) on the openness of the Green Belt and the character and appearance of the landscape including the Kent Downs AONB.

Reasons

Background

3. The appeal site is a long rectangular area of land which lies on sloping land rising up from Knatts Valley Road which runs along the valley bottom. The surrounding landscape is a mixture of undulating downland with open fields and woodland along the valley and in the vicinity of the appeal site there is a

ribbon of mainly detached properties with long gardens. The site falls within the Green Belt and the Kent Downs Area of Outstanding Natural Beauty (AONB). There are other local designations applicable to the site which are not relevant to this appeal. The site has an extensive planning history and appears to have been used as a caravan and chalet park since the early 1950s. This appeal relates to details submitted to discharge the requirements of condition No.5 imposed on a permission granted on appeal in 2017 as set out above.

Policy context

4. The development plan includes the Council's Allocation and Development Management Plan (ADMP) adopted in 2015. The Council is also preparing a new plan and this was submitted for examination earlier this year. At the moment the emerging plan only carries limited weight, as there are outstanding objections and it has not been found to be sound, but I note that the plan contains a proposal to allocate three further new pitches for Gypsy /Travellers on the appeal site. The Council does not put forward any policies from the development plan regarding the openness of the Green Belt but relies on the general guidance set out in section 13 of the National Planning Policy Framework (NPPF).

Surface water drainage details

5. Condition 5 (a) requires a scheme of surface water drainage to be submitted. Drawing GSS/004 indicates the disposal of foul sewerage from each pitch and the day room to a cesspit. The plan is annotated "surface water is achieved through soakaways" and the appellant says this reflects how the existing caravan site has been drained over many years. The agent's letter dated 13 November 2017, as accompanying the application, also described the existing French drain system on the site. The Council advised that there have been no recorded problems of flooding stemming from surface water disposal in the locality nor is there evidence before me that ground conditions are not suitable for soakaways.
6. Overall, I am satisfied that the submitted details form a reasonable scheme of surface water disposal given the position that the existing caravan site appears to be adequately drained by soakaways together with the proposed use of porous surface materials for the driveway and individual pitches. Although the proposed day room would have a large roof area leading to a likely rapid discharge of rain water, I saw at the site visit that in practical terms there is a similar extent of roofs of the static mobile homes in the same part of the site, and this does not appear to cause drainage problem. I will therefore discharge part (a) of condition 5.

Refuse facilities

7. While the site plan shows refuse (and recycling) facilities on each pitch, the Council is concerned that an acceptable scheme should make provision for a 'pick up' area near the site frontage together with its screening. However, at the Hearing the site residents present advised that at the moment the refuse lorry backs into the site and reverses to the top of the cul-de-sac and then collects the bins on the way back. On this basis the Council agreed that a frontage pick up point was not needed. This arrangement for refuse collection may change, but the submitted scheme has to take account of circumstances

as they are and I am satisfied that it is adequate to do this. I will therefore discharge part (d) of condition 5.

Landscaping details

8. The landscaping scheme shown on layout plan GS002 refers to "Laurel Planting to be undertaken in gaps of existing planting". The Council submits that this is inadequate to ensure proper hedge planting that can also be monitored and enforced if necessary. The Council also says that there is no landscaping shown within the site and refers to the previous Inspector's view (in paragraphs 23 and 24 of the appeal decision letter) that in order to seek a high quality layout, the development permitted would be a less intensive layout. This would allow with more scope for grass and soft planting and landscaping could also augment the hedges and trees around the site boundaries to help soften the effect of the use on the surroundings of the site.
9. On behalf of the appellant Mr Woods explained the type of planting that was proposed with two lines of shrubs and the distance between new plants. However, even if I set out the details orally put forward on behalf of the appellant, this does not result in a scheme that the Council could monitor and enforce if necessary. I am also not satisfied that the layout put forward makes adequate provision for soft planting within the site as envisaged by the previous Inspector when he concluded that the proposed scheme would not adversely affect the character and appearance of the AONB.
10. At the site visit I noted that laurel hedge planting appeared to have been undertaken by a neighbour on land outside but alongside the part of the boundary of the site shown for thickening of the gap in the hedge. This may result in the screening of the site but as this landscaping appears to be beyond the control of the appellant/owner it cannot be relied on.
11. Overall on this aspect I conclude that the landscaping scheme submitted is not adequate and I will not discharge the requirements of part (f) of condition 5.

The effect on openness

12. The guidance in section 13 of the NPPF indicates that the fundamental aim of Green Belt policy is to keep land so designated permanently open and prevent urban sprawl. This issue relates to the size and scale of the communal amenity building/day room put forward and its effect on openness. Taking account of the needs of the intended pitch occupiers, the appellant considers that the openness of the area is best served by consolidating the need for day facilities in a communal building rather than have individual smaller buildings gathered around the site on the 8 pitches permitted.
13. The Council accepts the principle of a communal amenity building but consider that the one put forward is of a considerable scale and unnecessary size. The building is shown to have an overall footprint of about 140 sq.m, which is the size of a large bungalow. Nevertheless, the Council also accepts that while there is no adopted standard on the size of an amenity building, the floor area of an acceptable individual building could be about 30 sq.m. Therefore, as the development permitted is for 8 pitches, the individual provision of day rooms on separate pitches is likely to result in a greater volume of new building in the Green Belt. Moreover, I agree with the appellant's agent's submission that the location proposed for the communal day room fits in better with the grain of

development along the floor of the valley along Knatts Valley Road and would not result in permanent buildings sited in more isolated positions on the valley slope. I have also had regard to the stated needs of the intended users. The space set aside for a disabled wash room and for a medical equipment store is understandable given the special needs. Also, it does not appear to me to be unreasonable for each resident family on site to wish to have their own washing machine.

14. Overall, I find that the amenity building/day room proposed is not of an unreasonable size and its communal form and location would result in less harm to the openness of the Green Belt than a dispersed solution of a smaller day room building for each of the 8 pitches permitted. I conclude that the submitted scheme would not conflict with the guidance in the NPPF on the protection of the Green Belt.

Effect on character and appearance

15. In terms of the effect on the character and appearance of the landscape of the Kent Downs AONB similar impacts arise as with openness. I considered this impact at the site visit and in particular the scale and height of the building and its design. The building is similar in design and scale to other permanent buildings in the vicinity of the site. The structure would be well screened in the landscape and there would be very limited views of it from Knatts Valley Road. The alignment of a public footpath on higher land to the east of the site was pointed out at the site visit. However, from this elevated position I consider that the building proposed would be seen in the context of the existing neighbouring residential buildings of a similar scale and the proposal would not appear prominent or out of place.
16. Overall, I am satisfied that the day room meets the requirements of ADMP Policy EN5 as it would conserve the character of this sensitive landscape and I have placed great weight to this requirement.
17. Bringing together the issue of the effect on openness and on the landscape of the AONB, I am satisfied that the scale, design and location of the amenity building/day room as put forward in the scheme would result in an appropriate form of development on this site and would accord with the relevant provisions of the development plan and national policy. The submitted scheme therefore discharges the requirements of part (e) of condition 5.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed in part and sections (a), (d) and (e) of condition 5 can be discharged, but in respect of section (f) the appeal is dismissed.

David Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr B Woods, BA (TP) MRTPI WS Planning and Architecture

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Sperring, BA (Hons) Dip TP & MRTPI Principal Planning Officer, Sevenoaks District Council.

Ms L Cane Planning Officer, Sevenoaks District Council.

INTERESTED PERSONS:

All residents of existing site

B O'Connor

M O'Connor

E O'Connor

A Harty

P Harty

DOCUMENTS HANDED IN AT THE HEARING

1. Letters from two Headteachers of local schools and a local Doctor expressing support for the extra space in the day room for children's facilities.