



Appeal Decision

Hearing held on 27 June 2023

Site visit made on 27 June 2023

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/G2245/W/21/3279355

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr J O'Connor against the decision of Sevenoaks District Council.
 - The application Ref 21/00911/CONVAR, dated 23 March 2021, was refused by notice dated 19 May 2021.
 - The application sought planning permission for the creation of an additional 3 Gypsy/Traveller pitches without complying with conditions attached to planning permission Ref 20/02635/FUL, dated 7 December 2020.
 - The conditions in dispute are Nos 6 and 7 which state that:
 - 6. The use hereby permitted shall cease within 3 months of the date of failure to meet any one of the requirements set out in i) and ii) below.
 - i. Within 6 months of the date of this decision a soft landscaping scheme, comprising details of tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities, shall have been submitted for the written approval of the local planning authority.
 - ii) The soft landscaping scheme shall be implemented in full in accordance with the approved details no later than 6 months from its written approval by the local planning authority
 - 7. Within 6 months of the date of this decision the following approved details shall be implemented on the site: a) the means of surface water drainage of the site b) proposed external lighting within the site c) the internal layout of the site d) arrangements for the storage of refuse and recycling; and e) the amenity building to be erected on the site. As part of the implementation all caravans and hardstanding's not to be retained as part of the approved internal layout shall be removed from the site. Upon implementation of the approved details specified in this condition the scheme shall thereafter be maintained. No lighting, hardstanding or buildings other than those forming part of the approved details above shall be constructed or erected on the site.
 - The reasons given for the conditions is:
 - 6. In the interests of the character and appearance of the Area of Outstanding Natural Beauty in accordance with the National Planning Policy Framework.
 - 7. In the interests of the character and appearance of the Area of Outstanding Natural Beauty and to prevent unacceptable surface water run-off in accordance with the National Planning Policy Framework
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Decision

1. The appeal is dismissed.

Preliminary matters

2. After the hearing, I sought the views of the parties in relation to the planning history of the site and the implications for the consideration of this appeal. I have taken account of their views in my decision.

Reasons

3. The appeal site has a long planning history. Planning permission was granted in 1951 to retain the existing camp with its layout of caravans and chalets for holiday use subject to several conditions including a seasonal occupancy condition restricting occupation to 8 months of the year from 1 March to 31 October.
4. In 2017 planning permission was granted on appeal for the change of use of the land for the provision of 8 Gypsy/Traveller pitches (Application ref 14/03569/FUL).
5. The above permission lapsed, and a resubmitted scheme was granted planning permission by the Council on 10 June 2020, planning permission reference 20/01052/FUL. This permission has not been implemented in that the 8 pitches have not been laid out as proposed. Furthermore, condition 6 of the permission required the submission of the details of a soft landscaping scheme within 6 months of the decision and if that failed to take place, the use was to cease within 3 months of the date of the failure. These details were not submitted so the use should have ceased after 9 months.
6. Given the above, the 2020 permission does not lawfully allow the provision of 8 Gypsy and Traveller pitches on the site. Therefore, 3 additional pitches, the subject of application ref 20/02635/FUL, cannot be added to a development that does not benefit from planning permission. In this context, the current appeal for the variation of conditions attached to the 3-pitch scheme, permission ref 20/02635/FUL, cannot lawfully be considered.

Conclusion

7. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Brian Woods

Managing Director, WS Planning and
Architecture

J O'Connor

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Nicola Furlonger

Principal Planning Officer
Sevenoaks District Council

DOCUMENTS SUBMITTED AT THE EVENT

1. Summary of Final Report Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2022.
2. Appeal Decision Ref APP/G2245/CX/22/3304192 and 3303974 dated 5 June 2023, Land at Seven Acres Farm, Hever Road, Edenbridge, Kent.