

Application Number	12/00044/AS				
Location	Silver Birches Caravan Site, Capel Road, Ruckinge TN26 2EJ				
Grid Reference	00151/35887				
Parish Council	Ruckinge				
Ward	Saxon Shore				
Application Description	Change of Use of the land for the siting of 26 holiday lodges				
Applicant	Crown Park (Estates) Ltd, Seaton Estate, Seaton Road, Seaton, Arbroath, Scotland, DD1 5SE				
Agent	Montgomery Forgan Associates. Eden Park House, Eden Park, Cupar, Fife KY15 4HS				
Site Area	1.7 ha				
(a)	28/10R	(b)	R	(c)	KH R EA X KCC PROW X

Introduction

1. This application is reported to the Planning Committee because it is a major application in relation to the site area, and at the request of both of the Ward Members.

Site and Surroundings

2. The site lies on the north side of Capel Road Ruckinge, within open countryside. There is an existing vehicular access into the site which lies between two residential properties fronting Capel Road. The site extends to some 1.7 ha to the rear of these properties and is roughly triangular in shape. On the east side of the access outside the red line are 4 authorised permanent residential mobile homes.
3. The land either side of the site is heavily wooded apart from where existing mobile homes are situated, the site has been cleared apart from a number of trees. Since the submission of the application various works have commenced on the site and there are now 3 site workers mobiles on site.

4. A public footpath runs along the eastern boundary of the site.
5. The site lies within the Low Weald landscape character area, where views are contained by the existing woodland.



Figure 1: Application Site and surroundings

6. A site location plan is attached as Annex 1.

Proposal

7. The application is for the change of use of land for the stationing of 26 holiday timber lodges (legally twin unit caravans). This is a reduction from the authorised 39 A frame units permitted on the site, reducing the amount of floor area from 2884 sq m to 2140 sq metres. This will allow a larger amount of amenity open space within the park, and approximately 6m of boundary tree planting along the eastern and western boundaries, adjacent to the existing woods. The units are single storey, with one of the lodges reserved for the site manager who will take care of the day to day running of the Park and provide a mini bus service to the occupiers which will incorporate a pick up and drop off facility in Hamstreet. The proposed layout has been designed around a new internal road. Each chalet would have its own parking area and the home would be sited on a concrete base. The site layout plan is shown on the next page.



Figure 2: Proposed Site Layout

8. The applicant proposes to sell the lodges as holiday homes and would accept a condition to ensure that they are only used for holiday purposes using the model conditions in the Good Practise Guide on Planning for Tourism.
9. The applicant would retain the freehold interest in the land, charging each individual owner an annual pitch fee to defray costs of maintaining the site and providing services. The site will also be subject to a caravan site licence and the 2008 model conditions will ensure that the site, the site infrastructure, services, health and safety etc are appropriately regulated. One of the units would be used for a site manager who will take care of the day to day needs of the occupiers and maintenance of the park.
10. A private sewage treatment plant will be provided on site. This will be self contained and will be operated using a biodisc system. Discharge to the adjacent water course will need to comply with Environment Agency Standards. The agent sees the installation of this facility as bringing to an end the previous short comings of the existing system.

Planning History

11. The Planning history is complex but is of considerable importance in determining this application.
12. The planning history for this site and the adjoining land goes back to 1969 when an application for an established use certificate was submitted alleging that a caravan use had been continuous on the site since 1963. A certificate was granted in respect to the stationing of two residential caravans on the land, stationing of touring caravans for winter storage and stationing of 60 holiday caravans. In 1973 planning permission was granted for the use of the land of the stationing of 64 caravan units subject to the occupation of 60 holiday units being restricted to between 1 March and 31 October in any year. This permission therefore allowed for four of the units to be permanently occupied. (These are the units on the eastern side of the access).
13. An application was refused in 1988 the change of use of 18 holiday homes to permanent residential park homes (for use over 12 months).
14. In 1989 planning permission was granted for the erection of 39 holiday chalets replace the existing mobiles subject to the following condition:

“The proposed accommodation should be used solely as rented tourist accommodation and should not be used for any other purpose other than that specifically applied for including use as separate dwelling houses or any other use in the same use class of the schedule to the Town and Country Planning Use Classes Order 1987”

15. This was on a site identical to the current application. Permission was only granted as an exception to normal restraint policies in view of the then adopted policies to encourage tourism and because of the planning history of the site. The permission was for 30 three bedroom units and 9 four-bedroom units giving a total of 126 bedrooms. The units were designed as two-storey wooden A frame structures which provided some accommodation at first floor within the roof.
16. Work commenced on the site and the conditions were complied with. One unit was completed and was used. A further unit was commenced however this was later burned down.
17. Enforcement action in relation to the permanent residential occupation of some of the caravans that were still on site was undertaken in 1999. An appeal against the enforcement notice was dismissed and the use of the mobile homes for permanent residential accommodation ceased and these units were removed from the site.
18. In 1999 a further application was submitted to the construction of 39 holiday homes comprising 9 two-bedroom and 30 three bedroom homes and associated access, parking and landscaping. The application was an alternative to the 1989 permission. The application was reported to Members on at least two occasions; however it was deferred for further information with regards to the drainage of the site. The application was eventually disposed of undetermined in March 2008.
19. In 2006 planning permission was sought for the one remaining A frame to be used as a permanent dwelling. This was refused planning permission, as the site lies in open countryside outside the confines of any village. This A-frame was removed from the site two years ago.
20. In 2009 planning permission was refused for the change of use of the site for the stationing of 39 holiday lodges (Mobile homes) in lieu of the 39 A frames. The reason for refusal was 'the proposed development, poorly served by public transport links and local services would rely solely on private car use and, as a result, would fail to minimise the number of new car journeys that the site will generate, resulting in a sporadic and unsustainable form of development harmful to the character and appearance of the landscape'.
21. The applicants appealed against the decision and in dismissing the appeal the Inspector first considered whether or not the 1989 permission was capable of being completed. At that time the applicants stated that the approved scheme was not viable and therefore the Inspector considered that there was no real possibility that the approved 1989 scheme could be completed in the full. He therefore dismissed the appeal on the grounds that the proposal would cause harm to the character and appearance of the countryside, be unsustainable in

terms of accessibility, be of questionable benefit to the local economy and offered no significant advantages in these respects over the approved scheme. He considered that a fallback position carried little weight in favour of the proposal.

Consultations

Ward Members: Request that the application be determined by Members.

Ruckinge Parish Council object stating:-there have been so many planning applications over the years that the parish council request that the application is determined by the planning committee and any decision is deferred until they have had a site meeting prior to any discussions. This request has the support of the Borough Councillor.

Kent Highway Authority recommend that this application be refused on highway grounds as the proposal, located remote from any services and other leisure opportunities as well as not being served by public transport, is contrary to key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

Environment Agency:-have no objection to the proposal subject to conditions on the need to submit a scheme for the disposal of surface water, a condition on the minimum finish floor level of the caravan to reduce the risk of internal flooding, and that they should be suitably tethered/ anchored in position to prevent movement during extreme flooding.

KCC footpaths- no objection subject to conditions as the footpath is outside the boundary of the site.

Neighbours:-28/10 R the objections are on the grounds that:-

- Work is already underway,
- The site is not in a sustainable location in relation to transport needs there is no public transport serving the site and the nearest shop is more than 2 miles away, there are no recreational facilities in the vicinity and every outing would need to be by car. The suggestion that holidaymakers would make use of a minibus therefore reducing the amount of traffic on Capel Road is risible. When planning permission was granted for the A frame units the traffic using Capel Road was very little, it is now much greater
- Capel Road is a narrow unlit curving country road and is unsuitable and dangerous for pedestrians, cyclists or walkers
- The site is open to views from a public footpath to the east of the site

- The size and positioning of the units would cover almost all the site in concrete and generally spoil the site for wildlife
- Landscaping will take years to grow and will be of little use for screening
- The access between two residential properties on Capel Road could cause noise and disturbance to those dwellings especially with traffic at all hours. Increasing noise emanating from the site,
- Discharge of water and sewage into the adjoining Ruckinge dyke could significantly increase the risk of flooding to nearby properties.
- All the issues were considered at the time the 2008 planning application which was refused and dismissed at appeal.
- An application for 6 to 8 permanent executive residential properties should be considered more favourably.
- There is no discernible benefit the local area
- Nothing has changed since the last application was refused and dismissed at appeal
- Question of land ownership/red line (DCM comments- this is not a planning issue, however the applicant has confirmed that the red line runs down the current boundary with the existing mobiles.

Planning Policy

22. The Development Plan comprises the Regional Spatial Strategy (The South East Plan, May 2009), the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010 and the Tenterden & Rural Sites DPD 2010. Following the passage of the Localism Act and the publication of environmental assessments, it is anticipated that the South East Plan will be revoked in the Spring.
23. The relevant policies from the Development Plan relating to this application are as follows:-

South East Plan 2009

CC1 – Sustainable Development

TRS5 – Tourist Accommodation

Ashford Borough Local Plan 2000

GP12 – Protecting the countryside and managing change

Local Development Framework Core Strategy 2008

CS1 – Guiding principles

CS7 – The economy and employment development

CS17 – Tourism

CS19 – Development and Flood Risk

Tenterden & Rural Sites DPD

TRS17 – Landscape Character and Design

24. The following are also material to the determination of this application:-

Government Advice

PPS1 – Delivering sustainable development

PPS4 – Planning for Sustainable economic growth

PPS7 – Sustainable development in rural areas

PPG13 – Transport

Good Practice Guide on Planning for Tourism

National Planning Policy Framework (Consultation Version 2011)

25. The coalition government, through the DCLG, published the consultation draft of the National Planning Policy Framework (NPPF), together with its associated consultation document, Impact Assessment and media summary on 25 July 2011. The NPPF is intended to bring together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. Whilst it is a consultation document and, therefore, subject to potential amendment, it nevertheless gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it would be a matter for the Committee's judgment in each particular case, bearing in mind the relevance of the draft advice to the particular application.
26. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Assessment

27. The main issues for consideration are:
- Principle of proposed development and sustainability
 - Impact on the countryside and residential amenity
 - Highway safety
 - Drainage/Flooding
 - Occupancy Conditions
 - Fallback position

Principle of proposed development and sustainability

28. The South East Plan supports the upgrading of existing mobile home parks. The core strategy encourages sustainable tourism and the local plan and Tenterden and Rural Sites DPD seek to protect the countryside.
29. PPS1 in paragraph 3 states 'sustainable development is the core principle underlining planning'. Paragraph 8 goes on to state that 'this plan led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise'.
30. Paragraph 27 also states that there is a need to reduce travel, ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car, while recognising that this may be more difficult in rural areas.
31. PPS4 and PPS7 likewise require all new development to be sustainable, and tourism developments should utilise and enrich, rather than harm, the character of the countryside. Policy EC7 of PPS4 states that Local Planning Authorities should ensure that new or expanded holiday and touring caravan sites and chalet developments are not prominent in the landscape and that any visual intrusion is minimised by effective and high quality screening.
32. The Good Practice Guide on Planning for Tourism states that new sites that are close to existing settlements and other services will generally be more sustainable as local services may be accessed by means other than the car.
33. The site is in a rural location outside the confines of any village and remote from any services. Although there is a bus route that passes the site this is infrequent, and the only other means of getting to the site would be by private

car. Hamstreet is approx 3km to the south, there is a railway station and a range of services here and this is the nearest location of any retail unit. Park Farm Tesco's is 6km to the north of the site. No facilities are proposed within the park and therefore the majority of journeys for leisure, provisions etc will be by private vehicle.

34. The agent has stated that the reduction in the number of units will mean that the overall car journeys will be reduced compared to the 1989 approved scheme. In addition the applicant is offering a minibus service to occupants of the Park.

Impact on the Countryside and residential amenity:

35. The proposed caravans would be lower than the permitted chalets reducing the height from 5.5m to 3.8m. The maximum legal size of a mobile home is 20m x 6.7m and 3.48m internal ceiling height. There is no external dimension for the height of the roof. The site is currently very well screened and would not be widely visible from the surrounding area. The surrounding woodland is not in the ownership of the applicant and therefore this screening cannot be controlled. The applicants are however proposing new planting along the boundaries of the site which can be controlled and consequently this proposal is unlikely to have significant visual impact if permitted.
36. There is a public footpath that runs along the eastern boundary and any development could be visible from this path, though the agent is proposing further landscaping down this boundary.
37. The local residents would be aware of the increase in traffic generation to the site together with noise emanating from the users of the Park. The proposed scheme however would not give rise to issues of overlooking of the surrounding dwellings, nor the existing mobiles. This revised scheme has moved the units further away from the existing mobiles leaving an area of amenity land around The Lodge in particular.

Highway Safety:

38. Whilst there has been an objection from the Highway Authority in relation to sustainability issues, they have previously not objected to the use of the existing vehicular access or site layout details. However they confirm that the access should be moved into the middle of the site frontage and the radii at the entrance should be increased to 6m in order that the access can accommodate vehicles bringing in the lodges.

Drainage/Flooding:

39. As part of the development of Silver Birches it is intended to provide a modern on site private sewage treatment plant. The plant is self contained and operates using a primary settlement zone; managed flow rotating biological contractor and a final clarifier with sludge return pump facilities. The discharge is via a sampling chamber to an adjoining water course where the purity of the discharge will comply with Environmental Agency standards. The agents consider that the provision of this facility will bring to an end the longstanding shortcomings of the existing system which has caused concern both for the Environment Agency and the Planning Authority in the past. It is confirmed that the Environment Agency and Project Office have no objection to this proposal.
40. In relation to the flooding, the Environment Agency has confirmed that they have no objection to the proposal. They consider that the risks are minimal.

Occupancy Conditions:

41. The 1989 planning permission was subject to a condition which stated:
- ‘The proposed accommodation should be used solely as rented tourist accommodation and should not be used for any other purpose other than that specifically applied including use as a separate dwelling house or any other use in the same use class of the schedule to the Town and Country Planning Use Classes Order 1987.’
42. There were no conditions limiting the period of occupation of the lodges nor any conditions prohibiting the lodges from being sold on and then rented as tourist accommodation on an individual basis.
43. The Good Practice Guide on Planning for Tourism recognises the need to secure holiday use of caravan parks and makes the suggestion that any planning permissions for holiday caravan parks, log cabins and chalets shall be normally the subject of following planning conditions:
- a. The caravans are occupied for holiday purposes only.
 - b. The caravan shall not be occupied as the person’s sole or main place of residence.
 - c. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site and of their main home addresses and shall make this information available at all times to the local planning authority.

44. The reasons for these conditions are to ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation.
45. The Good Tourism Guide makes reference to a possible seasonal occupancy condition. It is considered that this may be required to protect the local environment, for example a site may be an important breeding site for birds, and therefore should only be occupied outside the breeding season. It is therefore not considered to be good practise to limit occupation to certain months as a general rule. It is considered that the Local Authority will need to balance the need to impose seasonal occupancy conditions with the wish to avoid exacerbating the seasonal nature of tourism in the locality and its possible adverse effects upon local businesses and jobs.

Staff Accommodation

46. The Good Practise guide states that for many types of holiday parks a residential managerial presence is often essential, to achieve quality service to the customer, security and in this case the minibuss service. The existing permanent residential mobile homes adjacent to the site are privately owned but located on land owned by the applicant, and therefore these are unable to provide security. Provided that this unit is conditioned for use with the Park, then I consider that it will be acceptable to have a manager on site.

Fallback position:

47. The site has permission for 39 A frame chalets granted in 1989. this permission was lawfully commenced, however no chalets currently exist on site though part of the roadway remains. The 1989 permission was granted when there were policies in the Development Plan that supported tourism and issues of sustainability were not considered to be so relevant, and also considering the fallback position at that time, as the site was used for static caravans for holiday accommodation. As the permission was legally commenced, and conditions were complied with, consideration has to be given to the fallback position of this permission.
48. At the time of the last application the views of Counsel was sought over whether or not the 1989 permission was a material consideration and whether it provides a fallback position.
49. The view was that where such a right to complete a development is a material consideration it will be an error of law not to take it into account but the weight it would carry would be a matter for planning judgement.
50. The key consideration in this instance is the likelihood of the remainder of the development, authorised by the 1989 planning permission, actually being

carried out. This could range from a remote possibility to a near certainty the fact that this has not happened to date is a relevant factor but it is not in itself conclusive since circumstances change.

51. As part of this current application a study was undertaken to compare the cost of the typical A frame lodge, granted permission in 1989 with a typical holiday lodge now proposed. The cost of an A frame lodge was in the region of £53,000 whereas the type now proposed is £58,000 both excluding VAT. This information was not available at the time of the determination of the last application or appeal and the applicants have confirmed that if this current application is not permitted they will build out the scheme for what would be 39 cheaper units.
52. The applicant has stated that if they are not able to develop the site for 26 holiday lodges they will have no option but to continue with the 39 A frames. It should be noted that since the submission of this application work has recommenced on the site and a number of concrete pads have been laid in readiness for some of the 26 twin units. These have been installed using the current layout.

Other Matters

53. A number of neighbours have suggested that it would be preferable to have a small number of executive dwellings on the site. The proposal before Members is for mobile homes for tourist accommodation. There is no proposal for dwellings. In any event this is a countryside location, outside the confines of any village where new residential development is strictly controlled. Any such development would be contrary to the Policies in the development plan and Government Policy.

Human Rights Issues

54. I have also taken into account the human rights issues relevant to this application. In my view the "Assessment" section above and the Recommendation below represent 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).

Conclusion

55. The proposed development is large (26 mobile homes for tourist accommodation) and is in an unsustainable location, and all journeys would need to be by private vehicle. This is a significant issue and led in part to the previous appeal being dismissed, albeit for more units.

56. The proposal would not cause harm to the character and appearance of the countryside as long as suitable boundary planting is provided and retained.
57. The benefits to the local economy remains questionable as the nearest services are in Hamstreet which is 3Km from the site although there will be some additional spend in the area as a result of visitors.
58. The development will increase traffic on the rural roads in the area but to a level sufficient to result in impacts on highway safety.
59. The additional traffic may impact on the amenities of local residents to a degree.
60. In the light of the above and not, for the moment taking account of the extant permission for 39 units, this proposal is not one that should be supported. The implications of refusing the application may well be that the larger scheme for 39 A frame structures would then be implemented. Members should give this considerable weight in reaching a decision. Essentially the question that members need to ask is whether it would be preferable for a scheme of 26 single storey mobile homes for tourist accommodation with additional boundary planting to be placed on the site rather than the extant scheme of 39 A frame units which will generate more traffic on local roads and have a greater visual impact? I have concluded that it is not and consequently recommend that planning permission is granted subject to the original permission being voluntarily revoked by the applicants to ensure the larger scheme could not be implemented in the future. This would need to be achieved by an agreement under S106 of the Act.

Planning Obligations

61. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
62. I recommend the planning obligations set out in the recommendation be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given above (para. 61) it is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Accordingly, it may be a reason to grant planning permission in this case. .

Recommendation

(A) That for the following reasons the Planning Committee Permit this application:

1. The development will have a limited impact on the character of the countryside.
2. The development will have limited impact on the amenities of local residents.
3. The development will have no significant adverse impact on highway safety.
4. Any other impacts can be satisfactorily mitigated by appropriate conditions.
5. The potential fall back position of the extant permission for 39 A frame units on the site is a material and weighty consideration in the balance of the decision.

(B) Subject to the applicant first entering into a section 106 agreement in respect of planning obligations related to

- a. The voluntary revocation of the planning permission granted under reference 89/01213/AS, and
- b. Monitoring fee

in terms agreeable to the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.

Permit

Subject to the following conditions and notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The caravans shall be used for holiday accommodation only and shall not be occupied by any person as his or her sole or main place of residence

Reason: The establishment of a permanent residential use of the site would be contrary to Development Plan policies and detrimental to the character of the area

3. An up to date register shall be kept, in legible English, of the main or home address of each of the owners of (and, if different, each of the occupiers) and of any guests using each caravan or holiday let and shall make the register available for inspection by the Local Planning Authority at an address notified in writing to the Local Planning Authority at 48 hours notice.

Reason: To enable the Local Planning Authority to monitor the occupation of the caravans and holiday lets to ensure that the establishment of a permanent residential use of the site, which would be contrary to Development Plan policies and detrimental to the character of the area, does not take place.

4. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and subsequently retained and maintained in an effective condition.

Reason: To ensure adequate disposal of surface water, and to ensure the risk of surface water flooding is appropriately managed

5. Finished Floor Levels of caravans should be a minimum of 41.26ma ODN

Reason: To reduce the risk of internal flooding to caravans

6. Caravans should be tethered/ anchored in position, details of this shall have been previously submitted to and approved in writing by the Local Planning Authority and the works shall be carried out, retained and maintained in accordance with the approved details.

Reason: To prevent movement of caravans during an extreme flood event.

7. Prior to the commencement of any development hereby approved, details of access roads including levels and materials to be used shall be submitted to and approved by the Local Planning Authority in conjunction with Environment Agency, and the works shall be carried out in accordance with the approved details.

Reason: To ensure there is no increase in flood risk elsewhere

8. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority of an improved vehicular access into the site, re-aligning the access to the middle of the site to achieve 6m radii. The works shall then be carried out in accordance with the approved details prior to the installation of any mobile homes on the site, and thereafter maintained available for use.

Reason: In the interests of highway safety

9. Prior to the installation of the mobile homes full details of their design and appearance shall be submitted to and approved in writing by the Local Planning Authority, and only mobile homes which are in compliance with the agreed specification shall be sited on the application site.

Reason: As this is an alternative to an existing planning permission there is a need to ensure a satisfactory standard of design in this rural wooded location.

10. Prior to the commencement of use full details of the minibus scheme, hours of operation, size of vehicle and availability to the residents, shall be submitted to and approved in writing by the Local Planning Authority. The vehicle or a similar substitute, subject to the written authority of the Local Planning Authority, shall be available for use by the residents in accordance with the agreed scheme.

Reason: This is an unsustainable rural location, with inadequate pedestrian facilities. This facility will reduce the reliance on private transport

11. The occupation of the site manager's mobile home as shown on plan 1 35701M shall be limited solely to a person whilst employed to manage the site and run the minibus service and his or her dependents and at no time shall be used as separate unit of residential accommodation for any other person. Should the use of the application site as a caravan site cease, then the site manager's mobile home shall be removed from the site within 3 months of the cessation of the use of the site unless the Local Planning Authority have previously consented in writing to any variation.

Reason: This mobile home is only justified in terms of the operation of the caravan park and if occupied independently, would be contrary to Development Plan Policy.

Notes to Applicant

1. The applicant is reminded that any decking, porch, brick skirt or extension requires the benefit of planning permission
2. Public Footpath AE 552 runs along the eastern side of the site. No furniture

may be erected on or across Public Rights of Way without the express consent of the Highway Authority

3. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development
4. The granting of this planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
5. The Ruckinge Dyke is a designated 'main river' and under the jurisdiction of the Environment Agency for the purposes of its land drainage functions. Written consent is required under the Water Resources Act 1991 and associated Byelaws prior to carrying out any works in, over, or under the channel of the water course or on the banks within 8 metres of the top of the bank, or within 8 metres of the landward toe of any flood defence, where one exists. For maintenance reasons the E.A will not normally consent works which obstruct the 8 metre Byelaw margin.
6. Any other watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the E.A or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Any culvert, diversion, weir, dam, or like obstruction to the flow of the watercourse requires the consent of the Environment Agency, under the Land Drainage Act 1991. For nature conservation reasons, they seek to avoid culverting and will not normally consent such works except for access.

Background Papers

E mail from Kent Highways 31/1/2012

Correspondence from Mrs A Batty 9/2/2012

Correspondence from G & H Andrews 13/2/2012

Correspondence from ML Bailey 16 /2/2012

Correspondence from Mr & Mrs Oliver 16/2/2012

Correspondence from S & G Steel 16/2/2012

Correspondence from W Roper 16/2/2012

Letter from KCC PROW 17//2/2012

Correspondence from GK & SE Steel 20//2/2012

Correspondence from M West 20//2/2012

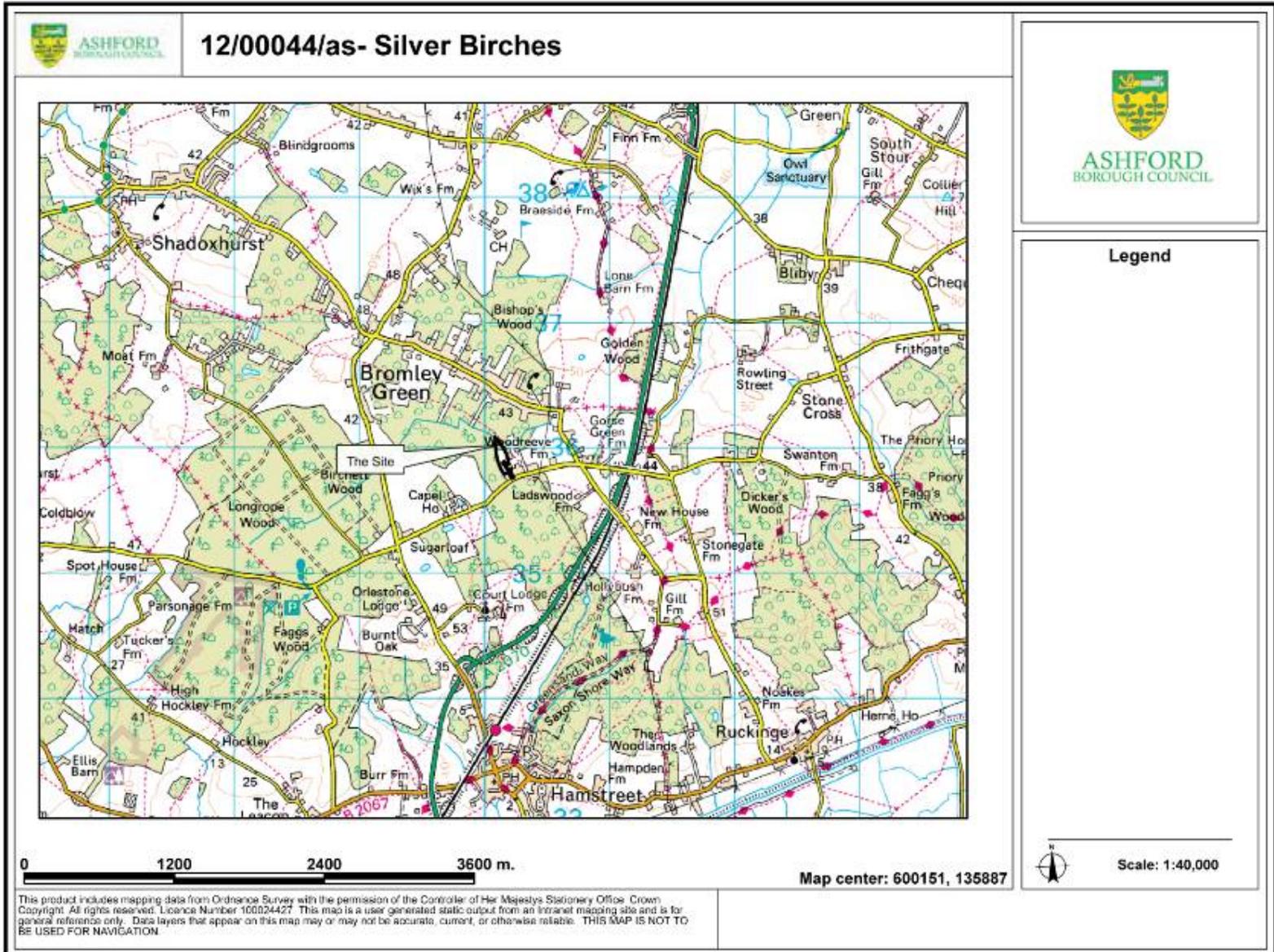
Correspondence from S Holt 20/2/2012

Correspondence from Ruckinge PC 22/2/2012

Correspondence from M Brown 29/2/2012

Letter from Environment Agency 1/3/2012

Contact Officer: Carol Ridings – Telephone: (01233) 330247



2.20

