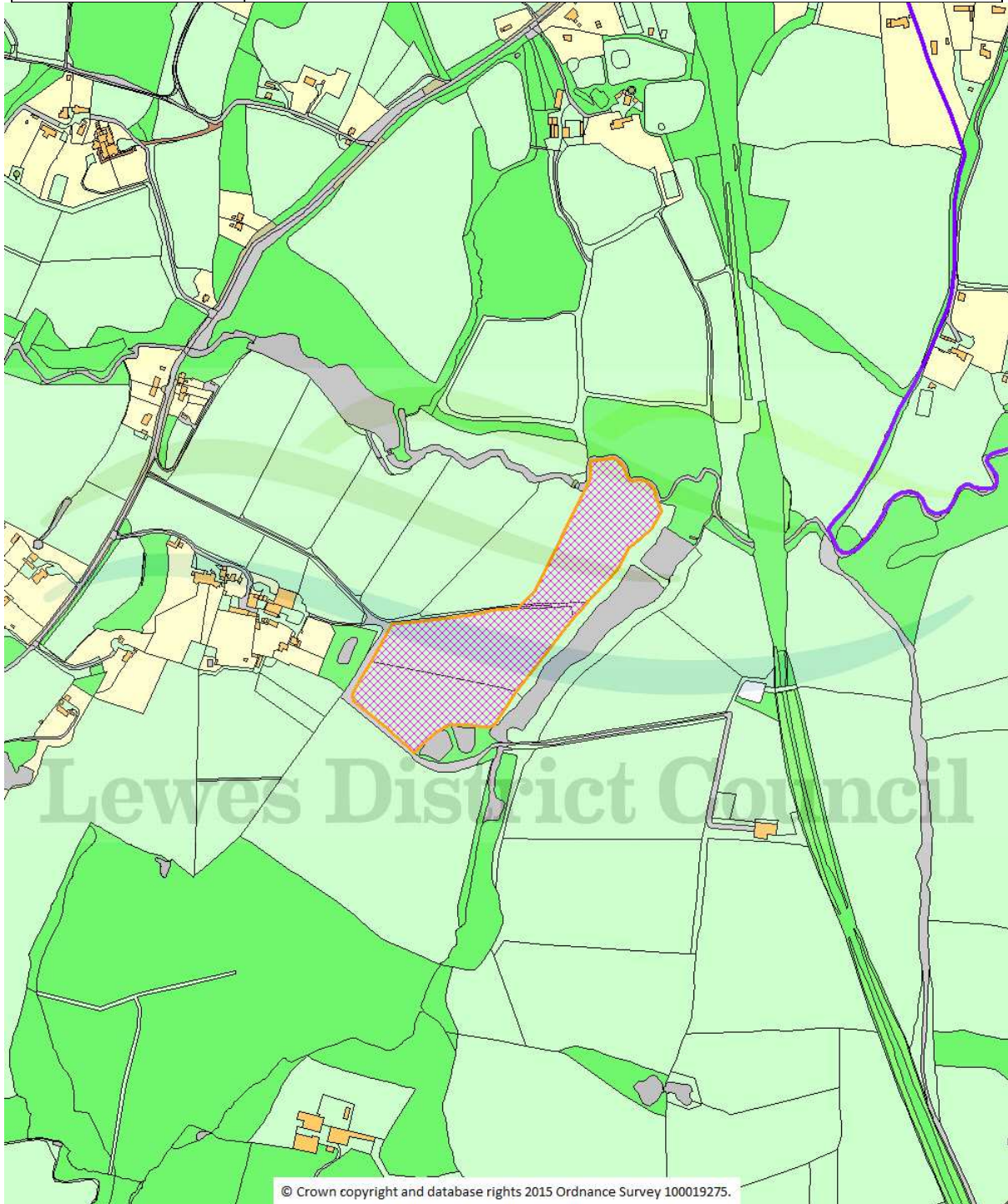


APPLICATION NUMBER:	LW/17/0767	ITEM NUMBER:	9
APPLICANTS NAME(S):	Mr P O'Conor	PARISH / WARD:	Chailey / Chailey & Wivelsfield
PROPOSAL:	Variation of Planning Condition for Variation of conditions 12 (time limit) and 15 (cycle storage) relating to planning approval LW/17/0353		
SITE ADDRESS:	Tomkins Farm Cinder Hill Chailey East Sussex BN8 4HP		
GRID REF:	TQ4019		



1. SITE DESCRIPTION / PROPOSAL

1.1 Earlier this year planning permission was granted for the change of use from agricultural land to a campsite for the summer seasons and the erection of barn style toilet and shower facilities at Tomkins Farm, Cinder Hill, Chailey (application LW/17/0353 refers). Permission was granted subject to a number of conditions and this application now seeks consent for the removal of conditions 12 and 15 of that consent.

1.2 Condition 12 of application LW/17/0353 currently states:

"The use of the land as a campsite for 40 pitches shall be for a limited period until 31 August 2020 after which date the land shall be restored to its former condition.

Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012."

1.3 Condition 15 of application LW/17/0353 currently states:

"Before the camping facility is brought into use details of secure storage for cycles shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.

Reason: In the interests of encouraging more sustainable means of travel having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012."

1.4 The application has been submitted with a supporting statement setting out the applicants reasons for seeking the removal of these conditions, in brief these are:

- The conditions were added at the last minute at the committee meeting without discussion or the ability to comment, and represent a significant variation for what was actually sought in the first instance.
- The temporary condition is too restrictive and does not allow the applicant to build the business or any infrastructure or recoup any capital cost over a sensible time frame.
- Addition of a cycle store will increase the overall investment required.
- The temporary nature of the consent does not give the farming enterprise the financial security the campsite was intended to provide.
- Experience shows that campers who cycle to the site, who take bicycles to site prefer to keep them locked to their tents or close to where they have pitched. It is likely therefore that a dedicated cycle store will be unused and is an unnecessary addition.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – E17 – New Camping/Touring Caravan Sites

LDLP: – CP5 – The Visitor Economy

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/10/0442 - Installation of a wind pump for water extraction - **Approved**

LW/11/0139 - Erection of extensions to existing barn - **Approved**

LW/13/0516 - Solar farm -

LW/14/0027 - Discharge of conditions 1, 2, 3, 4, 5, & 6 attached to planning approval
LW/10/1441 - **Split**

LW/15/0292 - Temporary change of use from agriculture to a solar farm with continued agriculture and associated infrastructure - **Refused**

LW/17/0353 - Change of use from agricultural land to campsite summer seasons and erection of barn style toilet and shower facilities - **Approved**

LW/17/0767 - Variation of conditions 12 (time limit) and 15 (cycle storage) relating to planning approval LW/17/0353 -

APPEAL/15/0019 - Temporary change of use from agriculture to a solar farm with continued agriculture and associated infrastructure - **Dismissed**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Chailey Parish Council

4.1 Chailey Parish Council has the following comments on the application to vary conditions 12 and 15 of planning approval LW/17/0353:

4.2 Application to vary condition 12 (time limit): the Parish Council objects to the removal of this condition. However, it considers that a date of 31 August 2022 should be substituted for the date of 31 August 2020 currently included in the condition.

4.3 Application to vary condition 15 (cycle storage): the Parish Council supports the removal of this condition.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Five letters of support:

- Conditions are illogical.
- To require the applicant to invest in the provision of the associated infrastructure for such a short period of time would be financially unsustainable.
- Planning is meant to support rural businesses such as this.

- Will put the viability of the project at risk.
- Cycle shed is unnecessary and unlikely to be used

6. PLANNING CONSIDERATIONS

6.1 Members will recall that the recommendation to approve the original application was a balanced one, the concluding paragraph of the officer's report noting: *"The principle of the creation of new campsites is clearly permitted by both local and national policy. The creation of a campsite at Tomkins Farm will allow for diversification of the farm, boosting the rural economy, not only for the applicant but for local businesses as well. There are therefore clear economic benefits to this proposal. Against this the negative visual impact of the introduction of the campsite and its associated facilities has to be balanced, along with the (limited) impact on the living conditions of nearby residents. With appropriately worded conditions ensuring that these impacts are mitigated it is not considered that significant harm will result that would outweigh the benefits of the proposals. For these reasons, it is considered that on balance, the application can be supported, and is therefore recommended for approval."*

6.2 Whilst the applicant's concerns in relation to the restrictive nature of the temporary consent are noted, the purpose of the temporary condition (as set out in the stated reason) is to allow the Local Planning Authority "to review the situation in the light of the circumstances then pertaining" i.e. it allows a trial run. Once the three year period has expired it is open to the applicant to seek permanent consent. Government guidance in respect of the use of temporary conditions is that it is rarely justifiable to grant a second temporary permission. Therefore further permissions should normally be granted permanently or refused if there is clear justification for doing so. If the campsite is proven to run successfully without significant harm to highway safety, neighbour amenity, and visual amenity then it is quite possible that permanent consent would be forthcoming.

6.3 The applicant's arguments in respect of financial viability have been noted, however no actual evidence has been produced to demonstrate that the expenditure required to comply with the other conditions i.e. the implementation of a landscaping scheme and the implementation of the associated drainage works cannot be recouped over the three year temporary period granted.

6.4 In his discussions with officers, the applicant has pointed out that if he decides not to implement his planning approval, he would still be entitled to use his land for up to 28 days per calendar year for the purposes of camping under his permitted development rights (Class B, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015). Use of the land in this manner would be unrestricted and could potentially allow significantly higher numbers of pitches/campers than would be permitted by the consent granted. However this has to be balanced against the introduction of the permanent structures and more frequent and potentially continuous use of the land that the application permits.

6.5 The Parish Council has suggested that the temporary condition could be extended to 2022 to allow a five year trial period instead of the current three. This could clearly allow more time for landscaping to mature, give the business longer to establish and would also allow the applicant additional time to recoup his initial financial outlay. This application has however indicated that this would still not be acceptable to him and that his preference is for permanent consent.

6.6 With regard to the condition in relation to the provision of cycle storage it is considered that the applicant's comments are reasonable. This potentially requires the

addition of further structures at the site, which the applicants experience suggests would be little used. Provision of the barn will allow for some storage therefore those campers who prefer to lock their bikes away will have this as an option, therefore removal of this condition is not considered a significant issue.

Conclusion

6.7 The applicant's concerns in relation to the temporary nature of the consent that has been granted have been noted, however this was a balanced recommendation in the first instance and it is considered that a temporary approval is an appropriate way of allowing a better understanding and assessment of the impacts of the intended use of the land. Planning legislation allows for the use of such conditions which in this instance is considered reasonable and necessary and there are not considered to be any overriding reasons to remove a condition that has only recently been applied to an approval. The removal of the cycle storage condition on the other hand is considered acceptable on the basis that it removes the need for further structures at the site.

7. RECOMMENDATION

7.1 Recommend that, condition 15 of application LW/17/353 be removed but all other conditions originally attached to the consent be retained as below.

The application is subject to the following conditions:

1. Hours of operation at the site for the purposes of constructing or maintaining site infrastructure shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries or collections shall be made at the site outside of these specified times.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

2. The development hereby permitted shall be limited to a maximum of 40 separate campsite pitches, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with Policies ST3 & CT1 of the Lewes District Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or as amended in the future, no areas of hardstanding or additional structures (including any form of children's play equipment) or means of enclosure shall be formed or erected at the site unless planning permission is specifically granted by the Local Planning Authority.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with Policies ST3 & CT1 of the Lewes District Local Plan

4. The campsite hereby approved shall only be operational between Easter Bank Holiday and 1st October. Outside of these dates all the temporary structures associated with the use of the land as a campsite shall be removed from the site.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with Policies ST3 and CT1 of the Lewes District Local Plan.

5. Details of any lighting to be provided to illuminate the premises should be submitted to and approved in writing by the Local Planning Authority prior to its installation and shall thereafter be installed in accordance with the approved details. Such details shall ensure any lighting is directed so as to avoid causing a nuisance to the public or to private residents and no additional lighting shall be erected at the site without prior approval of the Local planning Authority.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

6. No amplified sound shall be permitted at any time.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

7. No fireworks shall be permitted at any time.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

8. Commercial waste collections from the site should be restricted to 07.00 hours until 17.30 hours Monday to Saturday only. No collections should be made on Sundays or Bank and Public Holidays.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

9. Within three months of the date of this decision a Waste Management Plan should be submitted to and approved in writing by the Planning Authority. The plan should identify all waste streams and confirm how wastes shall be collected, stored and disposed of. All waste collected at the site shall thereafter be collected and disposed of in accordance with the approved plan.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

10. Within three months of the date of this decision details of soft landscape works to the southern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To mitigate the visual impact of the proposed use on the wider locality having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. The use of the land as a campsite for 40 pitches shall be for a limited period until 31 August 2020 after which date the land shall be restored to its former condition.

Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining having regard to Policy ST3 of the Lewes District Local Plan and

to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. Development shall not begin until details of providing drainage/sewerage disposal to the toilets; shower and washing up facilities have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented prior to the commencement of the use on site.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. No part of the development shall be first occupied until visibility splays of 2.4 metres by 85 metres to the North and 2.4 metres by 102 metres to the South have been provided at the proposed site vehicular access onto Cinder Hill in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Mixed use of the land for livestock grazing and camping could expose campers to public health hazards such as E. coli O157. Published guidance currently recommends that livestock should be removed from the land three weeks prior to use of the land for recreational purposes. Further information can be found on the Health and Safety Executive website:
<http://www.hse.gov.uk/event-safety/venue-site-design.htm>.

3. The applicant is encouraged to contact the Environmental Health Department if they intend to produce a noise management plan for the campsite.

4. The applicant is advised that it is their responsibility to apply for a separate campsite licence. Further details are available here:
<http://www.lewes.gov.uk/environment/1638.asp>

5. Local information should be provided to all visitors of the campsite on arrival to make it clear what local facilities are available and to highlight the local footpaths within the vicinity.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	19 July 2017	

Photographs	20 April 2017	AERIAL PHOTO
Proposed Elevation(s)	20 April 2017	AMENDED DRAWING
Proposed Floor Plan(s)	20 April 2017	AMENDED DRAWING
Other Plan(s)	3 August 2017	VISIBILITY SPLAY NORTH
Other Plan(s)	3 August 2017	VISIBILITY SPLAY SOUTH