

PLANNING COMMITTEE MEETING

Date: Thursday 25 July 2019
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, English (Chairman), Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Round (Vice-Chairman), Spooner, Vizzard and Wilby

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 1 August 2019
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 27 June 2019 1 - 9
11. Presentation of Petitions (if any)
12. Deferred Items 10 - 11
13. 18/505541/FULL Land Opposite St Anns, Chapel Lane, Thurnham, Kent 12 - 27

Issued on Wednesday 17 July 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	18/506270/FULL The Oaklands, Lenham Road, Headcorn, Kent	28 - 45
15.	18/506271/FULL 1A Martins Gardens, Lenham Road, Headcorn, Ashford, Kent	46 - 62
16.	18/506272/FULL 1B Martins Gardens, Lenham Road, Headcorn, Ashford, Kent	63 - 79
17.	18/506273/FULL 2 Martins Gardens, Lenham Road, Headcorn, Ashford, Kent	80 - 95
18.	18/506275/FULL 3 Martins Gardens, Lenham Road, Headcorn, Ashford, Kent	96 - 111
19.	18/506276/FULL 4 Martins Gardens, Lenham Road, Headcorn, Ashford, Kent	112 - 127
20.	19/500200/FULL Little Paddocks, Stilebridge Lane, Linton, Kent	128 - 137
21.	19/500811/FULL The Site of Previous Maple Leaf Garage, Ashford Road, Hollingbourne, Kent	138 - 154
22.	19/501025/FULL 22 Goldstone Walk, Boxley, Chatham, Kent	155 - 172
23.	19/502182/FULL The Paddock, Grove House, Old Ashford Road, Lenham, Maidstone, Kent	173 - 181
24.	19/502299/SUB & 19/501763/SUB Land South Of Forstal Lane, Coxheath, Kent	182 - 186
25.	Appeal Decisions	187 - 189
26.	Enforcement Tracker	190 - 194

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change. The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website. For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 JUNE 2019

Present: Councillor English (Chairman) and
Councillors Adkinson, Bartlett, Harwood, Kimmance,
Munford, Parfitt-Reid, Spooner, Vizzard, Wilby and
Young

Also Present: Councillors Brice, B Hinder, J Sams and Springett

23. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Eves, Perry and Round.

24. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Young was substituting for Councillor Eves.

25. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Brice had indicated her wish to speak on the report of the Head of Planning and Development relating to application 19/500705/FULL (Hen and Duckhurst Farm, Marden Road, Staplehurst, Kent), but would be late in arriving at the meeting.

Councillor B Hinder indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/501025/FULL (22 Goldstone Walk, Boxley, Chatham, Kent).

Councillor J Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/506223/FULL (Parkwood House, West Street, Harrietsham, Maidstone, Kent).

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 19/501221/FULL (Land to the South of Cross Keys, Bearsted, Kent).

26. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

27. URGENT ITEMS

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development and the updates to be included in the Officer

presentations should be taken as urgent items because they contained further information relating to matters to be considered at the meeting.

28. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 19/501025/FULL (22 Goldstone Walk, Boxley, Chatham, Kent), he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

Councillor Spooner said that, with regard to the report of the Head of Planning and Development relating to application 19/501221/FULL (Land to the South of Cross Keys, Bearsted, Kent), he was a Member of Bearsted Parish Council, but had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

Councillor Parfitt-Reid said that since she had pre-determined application 18/506223/FULL (Parkwood House, West Street, Harrietsham, Maidstone, Kent), she would not participate in the discussion or the voting on the proposed development.

29. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

30. MINUTES OF THE MEETING HELD ON 30 MAY 2019

RESOLVED: That the Minutes of the meeting held on 30 May 2019 be approved as a correct record and signed.

31. 18/506657/FULL - RESIDENTIAL DEVELOPMENT OF 53 NO. TWO, THREE AND FOUR BEDROOM TRADITIONAL TWO STOREY HOUSES AND APARTMENTS INCLUSIVE OF 40% AFFORDABLE HOUSING INCLUDING PROVISION OF FOUL PUMPING STATION, OPEN SPACE WITH ECOLOGICAL POND, PLAY AREA AND LANDSCAPING WITH VEHICULAR/PEDESTRIAN ACCESS VIA LODER CLOSE OFF HAM LANE, LENHAM - LAND WEST OF LODER CLOSE AND WESTWOOD CLOSE, HAM LANE, LENHAM, KENT

The Committee considered the update report of the Head of Planning and Development seeking clarification of its decision relating to application 18/506657/FULL (Land West of Loder Close/Westwood Close, Lenham, Kent).

The Major Projects Manager said that:

- When this application was considered at the meeting of the Committee held on 30 May 2019, both the Officer's report and the Officer's verbal presentation referred to the proposed development providing a policy

compliant level of affordable housing. As clarified verbally by the Officer, this comprised a 40% level of affordable housing with a 70/30 tenure split in favour of affordable rented.

- In considering the application, Members acknowledged the priority afforded to the provision of affordable housing.
- Unfortunately, in paragraph 8 of the written report where the heads of terms were summarised under the recommendation, there was an inconsistency in that the affordable mix was presented as "12 shared ownership and 9 affordable rented."
- Members were asked to confirm that it was on the basis of the policy compliant mix of affordable housing, as presented in the main body of the report and as clarified in the Officer's presentation, that the recommendation was accepted by Members and that the Head of Term of the proposed S106 legal agreement relating to affordable housing should read:

Provision of 21 units of affordable housing in compliance with Policy SP20's target mix to a size to be agreed by the Housing Officer

RESOLVED: That with regard to application 18/506657/FULL, the Head of Term of the proposed S106 legal agreement relating to affordable housing should read:

Provision of 21 units of affordable housing in compliance with Policy SP20's target mix to a size to be agreed by the Housing Officer

Voting: 11 – For 0 – Against 0 – Abstentions

32. PRESENTATION OF PETITIONS

There were no petitions.

33. DEFERRED ITEMS

18/505541/FULL - ERECTION OF A CHALET STYLE RESIDENTIAL PROPERTY WITH DETACHED GARAGE AND LANDSCAPING - LAND OPPOSITE ST ANNS, CHAPEL LANE, THURNHAM, KENT

The Development Manager said that he hoped to be in a position to report this application back to the next meeting of the Committee.

19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 20 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

The Development Manager said that Members had asked for a lot of additional information to enable them to determine this application, but he

would endeavour to address the issues as thoroughly and as quickly as possible.

34. PLANNING COMMITTEE MEMBER AND SUBSTITUTE MEMBER TRAINING

The Development Manager presented a report setting out a proposed training programme to enable Members and Substitute Members of the Planning Committee to fulfil their responsibilities under the Council's Constitution and their individual responsibilities to maintain their knowledge and understanding of local and national planning policy and legislation while serving on or supporting the Committee.

During the discussion, it was suggested and agreed that Parish Council Members should be invited to attend the planning training sessions.

RESOLVED:

1. That new Planning Committee Members and new Substitute Members (*to include Councillor M Burton*) must complete Planning Training by the end of August 2019 covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements and Legal Training including Pre-determination of Planning Applications (General and Constitution background) and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution.
2. That existing Planning Committee Members and Substitute Members (*excluding Councillor M Burton*), due to attendance at the training sessions in January, February and March 2019 which covered annual refresher training on recent changes to Planning Policies & Guidance, Legislation, Procedures and Legal Training including Pre-determination of Planning Applications (General and Constitution background) and Planning Judicial Reviews (General process) are not required to undertake further refresher training on the above matters this financial year but must complete refresher training covering Planning Conditions and Grounds of Refusal in order to fulfil the requirements in the Constitution and that this be completed every two years thereafter.
3. That Planning Committee Members and Substitute Members are strongly recommended to complete the following optional training sessions:
 - Between 3-4 specialised/best practice subject area sessions covering S106 Agreements, Maidstone Building for Life 12, NPPF – Housing, NPPG, Landscape and Ecology and Enforcement.
 - Design Tours - to include neighbouring Boroughs and Maidstone Borough.
4. That Parish Council Members should be invited to attend the planning training sessions.

Voting: 11 – For 0 – Against 0 – Abstentions

35. 18/506223/FULL - INSTALLATION OF SEWERAGE PACKAGE TREATMENT PLANT AND ASSOCIATED DRAINAGE FIELD, PIPEWORK AND EQUIPMENT - PARKWOOD HOUSE, WEST STREET, HARRIETSHAM, MAIDSTONE, KENT,

All Members except Councillor Young stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mrs Davis, an objector, Councillor Powell of Harrietsham Parish Council and Councillor J Sams (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report, with
 - (a) An additional condition to ensure that chlorinated water from the swimming pool is not discharged into the sewerage package treatment plant until details have been submitted to and approved in writing by the Local Planning Authority demonstrating that the plant can manage this flow and is designed to handle chlorinated water without adverse impact on the surrounding environment;
 - (b) An additional condition requiring the submission of a landscaping scheme which includes willow tree planting to help with the absorption of the by-product of the sewerage package treatment plant; and
 - (c) An additional informative encouraging the applicant to provide a back-up emergency power supply in the form of a back-up generator or a renewable energy solution such as solar PV in case of a power supply failure which could affect the sewerage package treatment plant and result in contamination of the surrounding environment.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional conditions and informative and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 0 – Abstentions

FURTHER RESOLVED: That the Planning Enforcement Team be asked to investigate whether the pond at Parkwood House has been filled in without consent as an engineering operation.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Having stated that she had pre-determined this application, Councillor Parfitt-Reid did not participate in the discussion or the voting.

36. 19/501221/FULL - SECTION 73 APPLICATION (MMA) TO AMEND APPROVED PLANS CONDITION TO INCLUDE ALTERING ROAD LAYOUT, LAYOUTS TO PLOTS 17, 18, 19, 20 AND DESIGN OF PLOTS 16, 17, 25, 27, 28, 31-39, 43 AND ASSOCIATED WORKS OF PLANNING PERMISSION 14/504795/FULL (ERECTION OF 30 NO. OPEN MARKET HOMES AND ASSOCIATED GARAGING, AND ERECTION OF 20 NO. AFFORDABLE HOMES, CONSTRUCTION OF ACCESS ROAD AND BRIDGE, AND PROVISION OF OPEN SPACE, ECOLOGY PARK AND NEW PUBLIC FOOTPATH. DEMOLITION OF 24 BAY GARAGE COURT AND REDEVELOPMENT TO PROVIDE A 16 BAY GARAGE COURT AND AMENITY STOREROOM) - LAND TO THE SOUTH OF CROSS KEYS, BEARSTED, KENT

All Members except Councillors Parfitt-Reid and Young stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Flisher, for the applicant, and Councillor Springett (Visiting Member) addressed the meeting.

During the discussion on the application, the Major Projects Manager confirmed that the Officers would be prepared to facilitate a meeting with local residents, representatives of the Parish Council and Ward Members to explain the proposed changes to the previously approved scheme and to provide a schedule detailing all of the conditions which have been imposed on previous planning permissions and identifying those which have been discharged already and those which have not.

RESOLVED: That subject to:

- (a) The prior completion of a variation to the S106 legal agreement in relation to planning permission 14/504795/FULL to link it to this permission; and
- (b) The conditions set out in the report as amended by the urgent update report, with:
 - The amendment of condition 13 (Landscaping) to require the submission of revised landscaping details taking into account the proposed amendments to the layout and the inclusion of an electrical substation; and
 - The amendment of condition 21 (Biodiversity Enhancements) to require the incorporation of bee bricks for solitary bees,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads

of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 8 – For 0 – Against 3 – Abstentions

FURTHER RESOLVED:

1. That the Officers be requested to facilitate a meeting with local residents, representatives of the Parish Council and Ward Members to explain the proposed changes to the previously approved scheme and provide a schedule detailing all of the conditions which have been imposed on previous planning permissions and identifying those which have been discharged already and those which have not.
2. That as part of the discussions referred to above, clarification be sought as to the scope of the existing Delivery Group.

Voting: 11 – For 0 – Against 0 – Abstentions

37. 19/500705/FULL - VARIATION OF CONDITION 20 OF 14/502010/OUT (OUTLINE APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT FOR UP TO 250 DWELLINGS WITH ACCESS AND GARAGING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) TO ALLOW SATURDAY WORKING HOURS START TIME TO BE CHANGED FROM 9:00 A.M. TO 8:00 A.M. (TOTAL WORKING HOURS 8:00 A.M. TO 13:00 P.M.) - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, KENT

The Committee considered the report of the Head of Planning and Development.

In presenting the report, the Major Projects Manager advised the Committee that:

- The developer had breached the planning condition controlling working hours during the construction period; indeed, the previous weekend, the developer had carried out intensive works outside the approved hours, including the construction of roads with no reason other than development timing.
- The Officers were advising that the planning condition was not the most effective way of dealing with issues of noise and disturbance during the construction period. For example, under the Control of Pollution Act 1974, the Council could require the developer through a notice to accord with hours of work and noise levels and other measures relating to equipment and dust control not only outside hours but within the approved hours as well. It was the view of the Officers that having regard to the legal and policy tests for planning conditions, the retention of the condition could not be justified and that there were other measures that the Committee could rely on in terms of the Council enforcing against future breaches.

- The applicant had acknowledged that there had been some shortcomings in terms of their working practices and relationships with neighbours, and had indicated that they would accept a deferral of the application in order to engage with local residents, the Parish Council and Ward Members.
- In addition to deferral for further discussions, the options available to the Committee were to:

Accept the Officers' recommendation and remove the condition in its entirety and in so doing request the Environmental Protection Team to deal with the issues under other legislation such as the Control of Pollution Act 1974 and the Environmental Protection Act 1990;

Refuse the application if the additional hour was considered to be unacceptable; or

Approve the request to retain the condition with an additional hour, but it would be necessary to identify why it should be retained as the Courts had advised that there must be unique circumstances pertaining to a site that justify a planning condition going above or duplicating legislation.

RESOLVED: That consideration of this application be deferred for further discussions to determine the most effective mechanism to control issues of noise and disturbance during the construction phase of the development i.e. whether legislation such as the Control of Pollution Act 1974 and the Environmental Protection Act 1990 would provide sufficient remedy to deal with the issues such that the condition can be removed in its entirety or whether the condition still serves a useful planning purpose.

Voting: 8 – For 1 – Against 2 – Abstentions

38. 19/501025/FULL - ERECTION OF ONE DETACHED 3-BEDROOM HOUSE WITH GARAGE AND PARKING - 22 GOLDSTONE WALK, BOXLEY, CHATHAM, KENT

The Chairman and Councillor Harwood stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development.

Councillor B Hinder addressed the Committee as a Boxley Ward Member and as a representative of Boxley Parish Council.

RESOLVED: That consideration of this application be deferred to:

- Investigate the ownership of the land over which the access will pass, whether the correct certificates have been served, whether the red line boundary is correct and whether there are any impacts on the footpath over which the access will pass; and

- Seek to negotiate additional conditions requiring the provision of gaps under new fencing to allow the movement of wildlife, the incorporation of integrated niches for wildlife (bird bricks etc.) and renewable energy measures such as solar PV panels.

Voting: 11 – For 0 – Against 0 – Abstentions

39. 19/500341/SUB - SUBMISSION OF DETAILS PURSUANT TO CONDITION 11: SCHOOL TRAVEL PLAN (ORIGINAL APPLICATION REFERENCE 16/506320/FULL - ALLOWED ON APPEAL) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

There were no disclosures of lobbying.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That the details submitted to discharge condition 11: School Travel Plan (original application ref: 16/506320/FULL – allowed on appeal ref: APP/U2235/W/17/3188248) be approved.

Voting: 11 – For 0 – Against 0 – Abstentions

40. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. The Development Manager said that he intended to submit a report to the next meeting of the Committee reviewing the Council's performance at appeal and whether there are any particular trends. This would include a review of current working practices.

Members considered that the absence of public/affordable G&T sites might be a factor in appeal decisions and it was noted that the need for such sites was being taken forward as part of the Local Plan review.

RESOLVED: That the report be noted.

41. DURATION OF MEETING

6.00 p.m. to 9.00 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

25 JULY 2019

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 20 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <p>Seek further information to assess the visual impact, the potential level of harm, the details of the mitigation and the benefits arising, this to include:</p> <ul style="list-style-type: none">• Details of the actual layout of the site including hard and soft landscaping and any associated facilities and lighting;• Details of the scale and design parameters;• Further detail in terms of demonstrating both local and longer distance views and how these can be mitigated;• More details in terms of landscaping, including a net gain for biodiversity with the incorporation of hedgerow trees reflecting the Council's Landscape Character Assessment Guidance in the proposed mixed native hedgerow along the northern boundary of the site, extension of the Ancient Woodland buffer westward to provide a habitat link to the pond and ditch network on the Stilebridge Lane frontage and fencing along the Ancient Woodland buffer (Chestnut spile);• Details of the lighting strategy; and• Clarification in terms of sustainability (role of rural tourism), the economic benefits and the business model, including identification of the need for this type of use, the model for occupation (for example, whether these would be short-let units	<p>30 May 2019</p>

managed by the site owners) and information about how the site and the landscape and ecology elements would be managed.	
<p><u>19/500705/FULL - VARIATION OF CONDITION 20 OF 14/502010/OUT (OUTLINE APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT FOR UP TO 250 DWELLINGS WITH ACCESS AND GARAGING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) TO ALLOW SATURDAY WORKING HOURS START TIME TO BE CHANGED FROM 9:00 A.M. TO 8:00 A.M. (TOTAL WORKING HOURS 8:00 A.M. TO 13:00 P.M.) - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, KENT</u></p> <p>Deferred for further discussions to determine the most effective mechanism to control issues of noise and disturbance during the construction phase of the development i.e. whether legislation such as the Control of Pollution Act 1974 and the Environmental Protection Act 1990 would provide sufficient remedy to deal with the issues such that the condition can be removed in its entirety or whether the condition still serves a useful planning purpose.</p>	27 June 2019

Agenda Item 13



18/505541/FULL Land Opposite St Anns

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REFERENCE NO - 18/505541/FULL		
APPLICATION PROPOSAL Erection of a chalet style residential property with detached garage and landscaping.		
ADDRESS Land Opposite St Anns Chapel Lane Thurnham Kent ME14 4PF		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The proposed new dwelling is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. • Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, and it is not considered to be in an isolated location. • The proposals have been found to be acceptable in relation to parking and highway safety • The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017). 		
REASON FOR REFERRAL TO COMMITTEE Thurnham Parish Council have called the application into committee for the reasons set out at paragraph 5.01 of the original report (see appendix A)		
WARD Detling And Thurnham	PARISH/TOWN COUNCIL Thurnham	APPLICANT Mr & Mrs W Thackwell AGENT Consilium Town Planning Services Limited
TARGET DECISION DATE 08/01/19 – EOT (30/07/2019)		PUBLICITY EXPIRY DATE 18/12/18

Relevant Planning History

No relevant planning history

MAIN REPORT

1. Background

- 1.01 This application was deferred at the Committee meeting on the 25 April 2019. This report should be read in association with the original committee report that is included as an appendix. As recorded in the committee minutes the decision was deferred to negotiate amendments to the scheme to mitigate its impacts on the surrounding area. These were to include:
- Incorporation of the pond and ditches into the scheme;
 - Soft domestic boundaries;

- Incorporation of integrated niches for wildlife and renewable energy measures such as solar panels; and
- Exploration of a vernacular design taking cues from historic buildings along Chapel Lane (elevations and materials).

2. CONSULTATIONS

- 2.01 Following the decision by members for deferral of this application on the 25th April 2019, and the submission of additional plans, the following consultation was carried out.

KCC Ecology

- 2.02 To follow as an urgent update.

3. APPRAISAL

- 3.01 This appraisal section is structured using the 4 points that were outlined in the committee minutes for the meeting on the 25 April 2019.

- Incorporation of the pond and ditches into the scheme
- 3.02 Revised drawings have been submitted which indicate the stream along the western boundary of the dwelling would be expanded and fenced off to be retained as a 'area of natural habitat'. Should permission be forthcoming a condition will be imposed requiring this area to be retained in perpetuity.
- Soft domestic boundaries
- 3.03 Revised drawings have reduced the triple garage to a double garage and have reduced the amount of the hardstanding at the front of the dwelling from approximately 170m² to approximately 150m²
- Incorporation of integrated niches for wildlife and renewable energy measures such as solar panels
- 3.04 As stated above, a wildlife area has been designated along the western boundary of the site and this can be secured by way of a planning condition.
- 3.05 As building sustainability is covered under the Building Acts there is no policy support for on site renewables either in the Local Plan or the NPPF solar panels, however the application now includes solar panels to be installed to the roof of the dwelling.
- Exploration of a vernacular design taking cues from historic buildings along Chapel Lane (elevations and materials).
- 3.06 Despite its proximity to Edelin Road, which is suburban in nature, the application site is very much rural in nature, and other than some coppicing and a small footbridge (this consists of planks of wood over the stream) the site is undisturbed.
- 3.07 As can be viewed in site photos (site visit took place after a night of light rainfall), the pond whilst present is infilled with vegetation, and the stream the footbridge is placed over is also no longer flowing. The 'Drain' at the far west of the site is flowing.
- 3.08 It is not considered that there is a strict uniformity of design among the existing dwellings within Chapel Lane, or that they have a significant relationship with the

application site itself due to the separation distances. St Anns is over 30m away from the application site, with other dwellings approximately 70m away.

- 3.09 Additional information received from the agent indicates that the roof would now be finished with Honeywell tiles, the external walls finished with Maltings bricks and clad using Downs Red hanging tiles. The dwellings windows would be timber Colour 9010, with black UPVC rainwater goods.
- 3.10 The garage would have the same roof finishing as the dwelling but external walls would be clad in 'Bedec black barn paint' timber weatherboarding.

4. CONCLUSION

- 4.01 Following the submission of revised drawings the proposed new dwelling is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally.
- 4.02 Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, that it is not considered to be within an isolated location.
- 4.03 The proposals have been found to be acceptable in relation to parking and highway safety. The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017). I am satisfied that the proposed new dwelling is acceptable with respect to local and national planning policy and that no other material consideration would indicate a refusal of planning permission. In the circumstances, I recommend that this application is approved subject to conditions.

5. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions 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 development hereby permitted shall be carried out in accordance with the following approved plans/drawing numbers;

Application for Planning Permission

01 Rev 01 Site Location Plan
02 Rev 03 Existing and Proposed Site Layout
05 Rev 02 Proposed Plans
06 Rev 03 Proposed Elevations
07 Rev 02 Proposed Garage
Extended Phase 1 Habitat Survey Report
Flood Map for Planning
Landscape Planting Details
Planning Statement

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

- 3) The materials to be used in the development hereby approved shall be as indicated on the submitted details

Reason: To ensure a satisfactory appearance to the development

- 4) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.

- 5) Landscaping shall be implemented within the first planting season following occupation of the dwelling in accordance with the approved Landscape Planting Details and associated landscape and arboricultural details dated 12 November 2018.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 6) An ecology scheme shall be implemented prior to the occupation of the dwelling within in accordance with the approved Extended Phase 1 Habitat Survey Report dated 12 November 2018

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 7) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- 8) The development shall not be occupied until the parking spaces shown on the approved plans have been provided. They shall be kept available for the parking of vehicles connected to the occupiers of the approved development at all times and permanently retained as such thereafter.

Reason: In the interest of highway safety and the free flow of traffic.

- 9) Prior to occupation of the proposed new dwelling a minimum of one electric vehicle charging point shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the details including a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

- 10) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter;
Reason: No such details have been submitted and in the interest of amenity.
- 11) The dwelling hereby permitted shall not be occupied until sustainable surface water drainage works have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation in relation to the development; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.
- Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.
- 12) Before the development hereby permitted is first occupied, the designated wildlife area, indicated on plans dated 20 June 2019 shall be implemented and shall subsequently be maintained as such to the satisfaction of the local planning authority in perpetuity.
Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.

Case Officer: William Fletcher

REFERENCE NO - 18/505541/FULL		
APPLICATION PROPOSAL Erection of a chalet style residential property with detached garage and landscaping.		
ADDRESS Land Opposite St Anns Chapel Lane Thurnham Kent ME14 4PF		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The proposed new dwelling is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. • Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, and it is not considered to be in an isolated location. • The proposals have been found to be acceptable in relation to parking and highway safety • The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017). 		
REASON FOR REFERRAL TO COMMITTEE Thurnham Parish Council have called the application into committee for the reasons set out at paragraph 5.01		
WARD Detling And Thurnham	PARISH/TOWN COUNCIL Thurnham	APPLICANT Mr & Mrs W Thackwell AGENT Consilium Town Planning Services Limited
TARGET DECISION DATE 06/02/19 – EOT (01/05/2019)		PUBLICITY EXPIRY DATE 18/12/18

Relevant Planning History

No relevant planning history

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located immediately to the north of the existing residential properties at the end of the cul-de-sac Edelin Road. The site is on the western side of, and accessed from Chapel Lane (an unadopted road) that is immediately to the east of Edelin Road.
- 1.02 St Anns, is a detached three storey dwelling, located to the north east of the application site, with a row of two storey terrace dwellings to the north of St Anns. Beyond the terrace dwellings a cluster of buildings associated with Chapel Lane Farm are present.
- 1.03 The application site and the land immediately to the north is a relatively open grass covered field with trees scattered around the area. The application site has one mature

tree present with a number of smaller more recently planted saplings. There appears to have been some coppicing on the site with log piles present. There are no structures present on the application site or the field immediately to the north. Towards the south eastern portion of the application site is a large pond.

- 1.04 In policy terms whilst the application site is in the designated countryside, it is not an isolated location as it is next to existing houses in Edelin Road and is a 100m north of the Maidstone Urban Area boundary. The site is approximately 500m away from Bearsted railway station and the bus routes around the station, and it is possible to walk from the application site to these facilities via pavements along the roadside. Also within walking distance is the Bearsted Golf Club, the pubs and restaurants within Bearsted, as well as Roseacre Junior School and Thurnham Infants School. The site is within the KCC Minerals Safeguarding Area.
- 1.05 The site is not within an Area of Outstanding Natural Beauty, although land approximately 1 kilometre to the north is within an AONB. A site of ancient woodland is located approximately 400m to the north of the application site.

2. PROPOSAL

- 2.01 The application seeks the erection of a five bedroom residential property arranged over two floors with a detached three car garage, and associated landscaping and hardstanding.
- 2.02 In terms of materials, the applicant has proposed to use soft red stock brick and dark stained timber weatherboarding for the external surfaces, machine made clay plain roof tiles, timber window frames and timber doors, black UPVC rain water goods and sandstone paving slabs and permeable block paving in an Autumn Gold colour.
- 2.03 A new access would be formed onto Chapel Lane to serve the property. Plans indicate that the development would not involve the felling of any existing trees on the application site. The submitted proposal involves additional landscaping and tree planting around the boundaries of the application site.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017
SS1- Maidstone borough spatial strategy
SP1 – Maidstone Urban Area
SP17 - Countryside
SP19 – Housing mix
DM1 – Principles of good design
DM12 – Density of housing development
DM30 – Design principles in the countryside

Supplementary Planning Documents
Kent Minerals and Waste Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 14 representations received from local residents raising the following (summarised) issues
- The development would result in a detrimental loss of privacy
 - The development would not be in keeping with the character and appearance of the surrounding area.
 - The development would have a detrimental impact upon highway safety
 - The capacity of physical infrastructure, in this case water drainage at the site.
 - Loss or effect on trees
 - The development would result in a detrimental loss of light.
 - Factual misrepresentation of the proposal in this case that the development is within the green belt, it is not and it is assumed that the represented is referring to the fact that the plot is currently undeveloped.
 - The development would cause a detrimental level of air pollution, in terms of vehicle emissions.
- 4.02 Officer comment - Matters controlled under building regulations and private issues between neighbours are not material planning considerations and therefore cannot be taken into account in the determination of this application. A number of comments also make reference to drainage on site particularly with regard to works that the applicant has carried out that have possibly resulted in flooding. Whilst the capacity of physical infrastructure is a material planning consideration, this specific issue is not. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Thurnham Parish Council

- 5.01 Objects for the following reasons
- The development would be out of character and would set a dangerous precedent for future development.
 - The proposal would breach a natural boundary and would result in the erosion of the countryside, and may encourage similar future development.

KCC Highways

- 5.02 No objection

Public Rights of Way

- 5.03 No objection

Bearsted & Thurnham Society (Received 19/02/2019)

- 5.04 Objects for the following reasons:
- The development would not be in keeping with the character and appearance of the local area.
 - The development would be a purpose built and new property on a greenfield site, unlike the surrounding existing properties.
 - The scale of the development is not reflective of the surrounding properties
 - The development would not be a form of sustainable development.
 - Inadequate flood risk information provided.
 - Highways safety issues exiting and entering Chapel Lane.
 - Materials not in keeping with surrounding properties.

- The development would cause detrimental overshadowing.
- The application site is within an AONB (The AONB lies 1km to the north)
- Approving the application would set a detrimental precedent.

6. APPRAISAL Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Design / impact on character of area
- Residential amenity
- Standard of accommodation
- Adjacent windows
- Highways issues

Principle of development

- 6.02 Paragraph 4.23 of the Maidstone Borough Local Plan (October 2017) states that “The town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area, expanding the boundary of the settlement in these locations. A characteristic of Maidstone is the way tracts of rural and semi-rural land penetrate into the urban area.
- 6.03 Paragraph 3 of Local Plan policy SS1 states “An expanded Maidstone urban area will be the principal focus for development in the borough”. Local Plan policy SP1 states that “As the largest and most sustainable location, Maidstone urban area, as defined on the policies map, will be the focus for new development.
- 6.04 The application site is approximately 100m north of the Maidstone Urban Area boundary. The council will support the development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character.
- 6.05 In policy terms the application site is located within the countryside. Local Plan policy SP17 states that “Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area”.
- 6.06 Whilst the application site is located in the countryside, the principle of an additional house is considered acceptable due to the close relationship of the site to the urban area and the access to facilities, services and public transport that the urban area offers.
- 6.07 The application site is located within a Minerals Safeguarding Area however the land lost to this development is considered to be insignificant as to the wider objectives of this zone.
- 6.08 Concerns have been raised regarding flooding in the area. The applicant has submitted documentation from the Environment Agency which indicates that the application site is within “flood zone 1, an area with a low probability of flooding. Should permission be forthcoming it would be under building regulations remit to ensure that adequate soakaways are installed to manage drainage on site.

Design/impact on character of area

- 6.09 Paragraph ii. of Local Plan policy DM1 states that development must “Respond positively to, and where possible enhance, the local, natural character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage”. Development will be expected to incorporate a high quality, modern design approach and to make use of vernacular materials where appropriate.
- 6.10 Paragraph v. of local plan policy DM1 continues that development must “Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worth of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area”
- 6.11 In terms of the character of the area despite its proximity to Ware Street, it is accepted that the area has a suburban or semi rural character. Whilst a change from suburban to semi rural character is evident when travelling north along Chapel Lane, the suburban cul de sac of Edelin Road is immediately to the south of the application site, and is visible from the application site and the surrounding area.
- 6.12 Other development along Chapel Lane is located on the eastern side of the road, with St Anns to the north east of the application site and the terrace row further to the north of St Anns. Buildings associated with Chapel Lane Farm are located on the western side of Chapel Lane at the far north of the road.
- 6.13 The dwellings highest eaves height found on the half hip on the western elevation of the dwelling is 5.10m with a maximum roof height of 7.40m. In terms of the external appearance of the dwelling, information in the planning statement submitted in support of the application indicates the following. *“The proposal will incorporate a brick plinth with dark stained weatherboarding at round and also on the first floor level (on the gable ends shown on the drawings). The roof will be clay plain tiles. Windows to be timber framed. Sample materials to be agreed at a later date.”*
- 6.14 The design of the dwelling and the external facing materials are in keeping with the rural environment and would not look out of place in the context of the application site. The new house is set back from the road side in a manner similar to the property at St Ann’s.

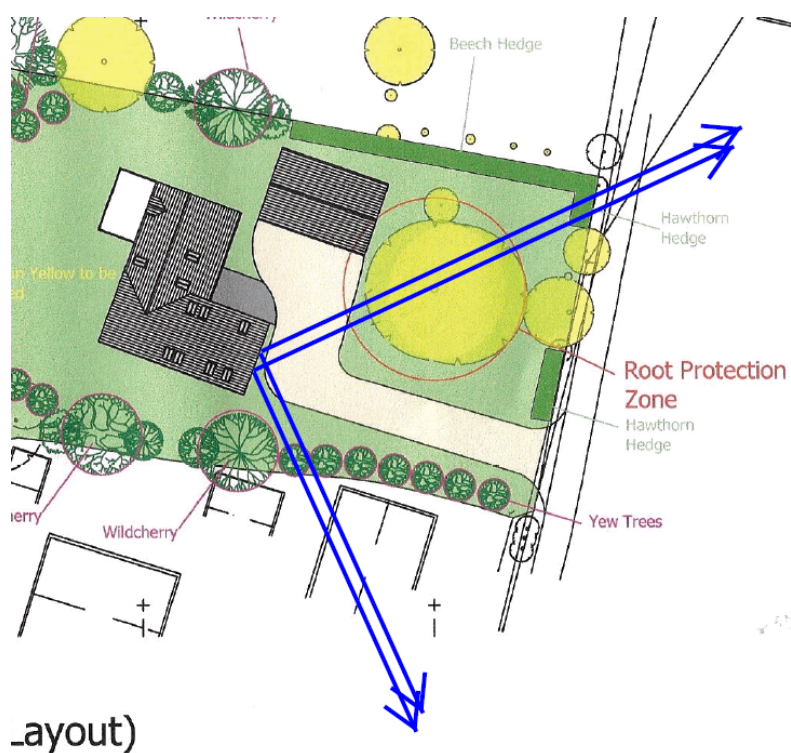
Standard of accommodation

- 6.15 In respect of the national technical standards which took effect from 1st October 2015, the Gross Internal Area (GIA) of the dwelling is far in excess of the 128m² minimum required for a dwelling of this size. All bedrooms in the property are in excess of minimum guidelines, found within the technical standards document and the dwelling itself is spacious with storage space detailed and served by numerous bathrooms with spacious living areas.
- 6.16 The proposed dwelling would have a rear garden with a depth of 25m and an area of approximately 700m² as well as space to the sides and front of the property. It is considered that this is more than enough amenity space for a dwelling of this size. As

such the proposed development provides an adequate standard of accommodation for future occupants and in this regard is in keeping with Policy DM1

Residential Amenity

- 6.17 Paragraph iv of Local Plan policy DM1 states that development must “Respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.18 The closest neighbouring properties to the development are along Edelin Road. The properties at 36 and 38 Edelin Road are approximately 11 metres and 16 metres away respectively.
- 6.19 Two small windows would be installed into the first floor eastern elevation of the proposed dwelling serving bedrooms and a number of skylights on the south facing roof slope, two serving a bathroom and two serving a bedroom
- 6.20 In terms of the impact generated by the bedroom windows installed onto the eastern elevation; the following image is used to demonstrate the field of view from these windows.



- 6.21 Whilst these windows look out onto 36 Edelin Road (the dwelling to the south east of the proposed dwelling in the above image) they would not be capable of intruding upon this properties private amenity area, particularly when considering the soft landscaping that would be planted along the boundary.

- 6.22 The skylights facing south would not have a detrimental impact upon the amenities of neighbouring properties. By their nature, they prevent direct views onto neighbouring properties. However should permission be forthcoming a condition will be imposed requiring any skylights serving bathrooms to be obscure glazed. It is considered that this will be sufficient to safeguard the privacy and amenity of neighbouring properties and of future occupants of the proposed dwelling.
- 6.23 With this separation distance this neighbouring property would continue to receive adequate natural sunlight from around and over the top of the proposed dwelling.
- 6.24 No.38 Edelin Road is, at its closest point, located 16 metres to the south of the proposed dwelling. Again, when considering this separation distance the neighbouring property would continue to receive adequate natural sunlight from around and over the top of the proposed dwelling.
- 6.25 St Anns itself is located 48 metres to the north east of the proposed dwelling itself. Due to this distance the proposed dwelling would not result in a loss of daylight or sunlight to this property.
- 6.26 When taking the above into account, it is not considered that the development would result in such a detrimental impact, upon neighbouring amenity that a refusal would be warranted on amenity grounds.

Highway safety, parking and servicing

- 6.27 DM1 states that development must safely accommodate vehicular movement generated by the proposal on the local road network and through the site access (ix) and provide adequate vehicular and cycle parking to meet adopted council standards (xiii) Adopted car parking standards are provided in appendix B of the Local Plan.
- 6.28 In terms of parking provision, plans indicate that the development would be served by a triple garage, as well as a driveway with a small parking area to the front of the garage. It is considered that this is sufficient for a five bedroom property and that the proposed development would not have a detrimental impact upon parking in the area or the wider highway network.
- 6.29 No objections have been received from highways consultees with regards to the new dwelling or the formation of a new access onto Chapel Lane.
- 6.30 One representation has been received in objection to the development that makes reference to an increase in pollution. Whilst it is accepted that there will be more vehicular movements as a result of the development, it is not considered that one additional dwelling would cause such a detrimental intensification of any pollution, vibrations or noise from vehicular movements that a refusal would be warranted on these grounds.
- 6.31 A planning condition is recommended seeking the submission of details relating to refuse storage and collection for future occupiers of the dwelling.

Ecology and Biodiversity

- 6.32 A habitat survey has been submitted in support of the application. It concludes that "no rare or uncommon species or habitats have been recorded and no potential for

protected botanical species has been identified within the Site." It states that "Advice has been given to enhance biodiversity by inclusion of bird, bat and invertebrate boxes into the boundary features and trees as well as habitat creation within the Site".

- 6.33 Should permission be forthcoming it is suggested that details regarding bat and bird boxes are provided as part of the materials condition.

Other Matters

- 6.34 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 Overall, the proposed new dwelling is acceptable in terms of design and appearance, and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally.
- 7.02 Despite its location in the countryside, the development is within close enough proximity of the Maidstone Urban Area and the services found within, that it is not considered to be within an isolated location.
- 7.03 The proposals have been found to be acceptable in relation to parking and highway safety. The proposal is in line with the requirements of policy SS1, SP1, SP17, SP19, DM1, DM12 and DM30 of the adopted Maidstone Borough Local Plan (2017). I am satisfied that the proposed new dwelling is acceptable with respect to local and national planning policy and that no other material consideration would indicate a refusal of planning permission. In the circumstances, I recommend that this application is approved subject to conditions.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions 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 development hereby permitted shall be carried out in accordance with the following approved plans/drawing numbers;
Application for Planning Permission
01 Rev 01 Site Location
02 Rev 03 Existing and Proposed Site Layout
05 Rev 2 Proposed Floor Plans
06 Rev 1 Proposed Elevations
07 Rev 01 Proposed Garage
Extended Phase 1 Habitat Survey Report
Flood Map for Planning
Landscape Planting Details

Planning Statement

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

- 3) The materials to be used in the development hereby approved shall be as indicated on the submitted details

Reason: To ensure a satisfactory appearance to the development

- 4) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.

- 5) Landscaping shall be implemented within the first planting season following occupation of the dwelling in accordance with the approved Landscape Planting Details and associated landscape and arboricultural details dated 12 November 2018.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 6) An ecology scheme shall be implemented prior to the occupation of the dwelling within in accordance with the approved Extended Phase 1 Habitat Survey Report dated 12 November 2018

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 7) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- 8) The development shall not be occupied until the parking spaces shown on the approved plans have been provided. They shall be kept available for the parking of vehicles connected to the occupiers of the approved development at all times and permanently retained as such thereafter.

Reason: In the interest of highway safety and the free flow of traffic.

- 9) Prior to occupation of the proposed new dwelling a minimum of one electric vehicle charging point shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the details including a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

- 10) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter;
Reason: No such details have been submitted and in the interest of amenity.

- 11) The dwelling hereby permitted shall not be occupied until sustainable surface water drainage works have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation in relation to the development; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.
- Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

Case Officer: William Fletcher

Agenda Item 14



REFERENCE NO - 18/506270/FULL		
APPLICATION PROPOSAL Application for one additional mobile home and one additional tourer. (Resubmission of 18/502176/FULL) (Retrospective)		
ADDRESS The Oaklands Lenham Road Headcorn TN27 9LE		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The site is an established Gypsy and Traveller plot within Martins Gardens which comprises a row of six such plots – both authorised and unauthorised. The plot is at the south-western end of the six plots.</p> <p>The current application for one additional mobile home and one touring caravan represents a less intensive development of the plot than that recently refused planning permission under reference 18/502176/FULL.</p> <p>In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home and touring caravan proposed in this application, together with the removal of the existing unauthorised access and implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the rear (north-western) and side (south-western) boundaries and the Lenham Road frontage of the plot, will not have a significant and unacceptable harmful visual and landscape impact in the locality.</p> <p>The current extent of the plot back from the Lenham Road frontage extends significantly into the designated area of Ancient Woodland to the rear of the plot and it would appear that a significant number of established trees that formerly existed on the land have been lost over time and the landscape harmed.</p> <p>The reduction in the depth of the current plot proposed in the current application will allow the rear part of the existing site which forms part of the area designated as Ancient Woodland to be landscaped with native species tree and hedgerow planting which will provide some mitigation for the harm which has taken place. Full details and implementation of the landscaping/planting scheme can be secured by planning condition.</p> <p>The native species planting proposed to the rear, side and Lenham Road frontage of the plot will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements could be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).</p> <p>The proposed additional mobile home is to accommodate a family member of the established occupiers of the Martins Gardens site. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.</p>		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Headcorn Parish Council.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr James Cash AGENT N/A
TARGET DECISION DATE 30/08/19		PUBLICITY EXPIRY DATE 30/01/19

Relevant Planning History

MA/01/1181 - Stationing of 2 caravans & utility room. Refused 01.07.02.

Appeal against 2 enforcement notices issued 03.11.08 by Maidstone Borough Council:

ENF/10155 (Enforcement notice A) – Without planning permission the change of use of the land from a mixed use of woodland and nil use to stationing and residential occupation of caravans, the parking and storage of motor vehicles, the erection of fencing on the site and a new entrance gate at the access onto Lenham Road and the placing on the land of domestic and other paraphernalia all ancillary to the residential occupation of caravans on the land. Appeal allowed and enforcement notice quashed 24.07.09.

ENF/10155 (Enforcement notice B) – Without planning permission, operational development comprising of the construction of hardsurfacing and engineering operations comprising the infilling of a pond. Appeal allowed and enforcement notice quashed 24.07.09.

MA/09/1722 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Split decision (Part refused/part approved) 24.12.09.

MA/11/1122 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Approved 23.12.11.

18/502176/FULL - Proposed siting of 3 additional mobile homes and 3 touring caravans at 1 Martins Gardens. Refused 12.10.2018.

The current application represents a revised submission following the refusal of the above application reference 18/502176/FULL. The previous application was refused planning permission on the following grounds:

- 1) 'In the absence of sufficient information pertaining to Gypsy and Traveller status there is no justification for allowing this development, given the adverse visual harm it would have on the character, appearance and landscape of the countryside hereabouts that falls within a Landscape of Local Value and is of high overall landscape sensitivity that is sensitive to change. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); and the National Planning Policy Framework (2018)'.
- 2) 'The access constructed to Lenham Road and the associated gates, brick piers and timber boarded front boundary fencing is visually incongruous and intrusive in the roadside views and is harmful to the rural character of the road and the visual amenity along the road generally, contrary to the aims and requirements of policies SS1, SP17, DM1, DM15 and DM30 of the Maidstone Borough Local Plan (Adopted October 2017) and Government guidance in the NPPF (2018)'.
- 3) 'The intensification of the use of the site for the stationing of mobile homes has resulted in the significant encroachment of the use into a designated area of Ancient Woodland and the significant loss of trees and soils from the area of Ancient Woodland and trees and hedgerows from the frontage to Lenham Road and the front part of the south-western side boundary to the detriment of the visual amenity and landscape of the open countryside location which forms part of Low Weald Landscape of Local Value and the ecological and wildlife interests of the site, contrary to policy DM3 of the Maidstone Borough Local Plan (Adopted 2017) and Government guidance in the NPPF (2018)'.

18/504256/FULL - Proposed siting of 2 mobile homes, 2 touring caravans and a utility room at 2 Martins Gardens. Refused 11.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact; 2) Impact on designated area of Ancient Woodland.

18/504254/FULL - Proposed siting of a mobile home, touring caravan and a utility room at 3 Martins Gardens. Refused 19.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500925/FULL - Two additional mobile homes at 5 Martins Gardens. Refused 01.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500924/FULL - Stationing of 2 additional mobile homes to be occupied by Gypsy and Traveller families at 6 Martins Gardens. Refused 28.06.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500785/FULL - Erection of dayroom at 6 Martins Gardens. Refused 28.06.18.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located off the north-western side of Lenham Road and comprises the south-western most plot of a row of Gypsy sites running north-eastwards from the site along Lenham Road. Unlike the five neighbouring plots to the north-east which are accessed from a shared accessway off Lenham Road, the application plot has a frontage and separate access to Lenham Road.
- 1.02 The plot access comprising 2m approx. high brick piers with splayed brick walls either side and timber gates is currently unauthorised from a planning point of view. Beyond the rear (north-western) part of the site is a group of trees and a pond. The boundaries of the site are enclosed by 2m approx. high timber fencing and there is a line of trees along the south-western side boundary. Beyond the trees and pond to the rear of the site and along the south-western boundary is open field.
- 1.03 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six plots. To the rear of the plots at the south-western end of the row of Gypsy sites, including the rear of the current application plot, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The rear part of the current application plot extends into the designated area of Ancient Woodland.
- 1.04 The site is less than 2km from the edge of Headcorn village (to the south-west of the site) and for the purposes of the Local Plan, the site is within the open countryside and within the Low Weald Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan. The site is also within a KCC Minerals Safeguarding Area.
- 1.05 The plot referred to in the current application as The Oaklands (1 Martins Gardens with regards to the Relevant Planning History listed above) benefits from planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and 1 utility room. The plot, as approved by the planning permission, was accessed via the shared accessway serving the neighbouring plots in Martins Gardens as opposed to via the separate access which has been formed to Lenham Road.

2. PROPOSAL

- 2.01 The site, as noted above, benefits from planning permission granted on appeal in 2009 for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot.
- 2.02 The current application seeks planning permission for the stationing of one additional mobile home and one additional touring caravan on the plot. The submitted plan shows the additional mobile home to be sited to the front (south-east) of the existing approved mobile home on the plot which is more or less centrally located within the current plot.
- 2.03 The Design & Access Statement submitted in support of the application states that the mobile home will be occupied by a family member of the applicant and his girlfriend who is pregnant and now needs a stable base. The Design & Access Statement further states that although the family member has been travelling and using the roadside to stop in, he now needs a stable base to bring up his child and enable the child to get an education. The Design & Access Statement states that travelling gypsies are not accepted in schools as they don't have addresses and without a permanent base for the applicant's family member's girlfriend and child, the child will not be able to be registered anywhere.
- 2.04 The current application is a revised submission following the refusal of planning permission 12.10.18 under application reference 18/502176/FULL for the proposed siting of three additional mobile homes and three two touring caravans on the plot. The current application reduces the proposals to one additional mobile home and one touring caravan.
- 2.05 Apart from the currently unauthorised access which has been formed to Lenham Road, the current mobile home plot at The Oaklands is significantly more extensive than that granted on appeal in 2009 for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot and extends to a significantly greater depth back (some 18m approx.) from Lenham Road than that granted on appeal. The current application shows the depth of the current mobile home plot to be reduced to be more in line with that granted on appeal in 2009 and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. In addition, the proposed native species landscaped buffer is shown to be continued along the south-western side boundary of the plot.
- 2.06 The current application also shows the existing unauthorised access on Lenham Road to be removed and new hedgerow planting reinstated along the road frontage in its place. New access is to be formed to the plot off the shared accessway serving the five neighbouring plots in Martins Gardens to the north-east as per the development granted on appeal in 2009.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30
Landscape Capacity Study: Sensitivity Assessment (2015)
Landscape Character Assessment (2012 – amended 2013)
Landscape Character Assessment Supplement (2012)
KCC Minerals Plan

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 One representation received from a local resident raising the following (summarised) issues:

- There is constantly floodlighting on at night which points towards the road and the neighbouring home and on occasions there are very loud arguments/disturbances in the early hours of the morning. Additional residences on the site would only increase these disturbances to the neighbouring residents and would detract from the enjoyment of living in the otherwise quiet countryside.

Shenley Farms (Aviation) Limited

4.02 No objection raised providing the development will not be in any way inconsistent with the existing and well established use of and activity at Headcorn Aerodrome.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Headcorn Parish Council

5.01 The Planning & Licensing committee agreed that the application should be refused and that there were a number of areas that should be considered by the Local Planning Authority when considering the application, in particular:

- The gypsy/traveller status of the applicant;
- Whether the applicant previously led a nomadic habit of life;
- Given that the LPA can demonstrate a 5.3 year supply of gypsy and traveller site, there is no "unmet or proven need" to consider;
- New traveller site development in the open countryside should be strictly limited;
- The area is now largely concrete hardstanding and this has had an adverse effect on drainage in the area and now causes flooding onto the road and neighbouring properties at times of heavy rain;
- The application is contrary to the Local Plan policies SS1, SP17, DM1, DM15, DM30.

Ulcombe Parish Council (Neighbouring Parish Council)

5.02 Ulcombe Parish Council object to this application for the same reasons they objected to the previously refused applications for the same plot. In particular, the following concerns are raised:

- It must be determined whether the applicant is a gypsy or traveller in planning terms;
- Evidence that the applicant is leading a "nomadic habit of life" needs to be provided;
- There is no "unmet or proven need" for gypsy and traveller sites;
- Maidstone Borough Council now has a 5.3 year supply of traveller pitches;
- Existing countryside protection policies should be applied;

- The Parish Council object to all proposals for Martins Gardens that exceed the permissions granted as a result of the 2009 appeals.

Kent Highways

- 5.03 Comment that this application makes use of an access onto Lenham Road that has previously been implemented without consultation of, or permission from, the KCC Highway Authority. The access has therefore been treated as a new access in the assessment of this application. Further comment as follows:

'Lenham Road is served by a 60mph speed limit so access visibility splays of 203 metres in each direction need to be provided from a 2.4 metre set back. Currently the required visibility is not achievable and as such the highway authority have highway safety concerns relating to the proposed access. Reduced visibility splays may be acceptable if the applicants can demonstrate that actual measured speeds on Lenham Road are less through a week long automated traffic count (ATC) survey. I wish to raise a holding objection to the proposals on behalf of this authority. It may be possible for these objections to be overcome if the applicant can demonstrate actual speeds are lower than the road speed limit and that a commensurate level of visibility can be achieved'.

Forestry Commission

- 5.04 Comment that Ancient Woodland is an irreplaceable habitat. The NPPF (para. 175) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Need for Gypsy sites
- Supply of Gypsy sites
- Gypsy Status
- Personal circumstances
- Visual and landscape impact
- Cumulative impacts
- Siting sustainability
- Residential amenity
- Parking and highway safety
- Area of Ancient Woodland and ecological interests
- Human Rights and Equality

Need for Gypsy sites

- 6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople

Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

- 6.03 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 6.04 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

- 6.05 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.06 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):
- Permanent/non-personal – 157
 - Permanent/personal – 26
 - Temporary/non-personal – 4
 - Temporary/personal – 37
- 6.07 Therefore a net total of 183 permanent pitches have been granted since 1st October 2011. A further 4 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 6.08 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The adopted Maidstone Borough Local Plan allocates a number of specific sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.
- 6.09 The Council's current position is that it can demonstrate a 7.7 year supply of Gypsy and Traveller sites at the base date of 1st April 2018.
- 6.10 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate over a 5 year

supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.11 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 6.12 As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.13 It should also be noted that the Planning Inspectorate's guidance for what is usually required to validate appeals relating to Gypsy and Traveller sites, includes the provision of family background and travel for work purposes details for over the last 10 years.
- 6.14 The Design & Access Statement submitted in support of the application states that the proposed additional mobile home will be occupied by a family member of the applicant and his girlfriend who is pregnant and now needs a stable base. The Design & Access Statement further states that the family member has been travelling and using the roadside to stop in and has always led a nomadic life and has travelled with the applicant across the country for work in landscaping and horse dealing. The Design & Access Statement states that the applicant and the family member always attend the horse fayres at Appleby, Cotswolds, Kent and Stow on the Wold where they also seek work and deal in horses. The Design & Access Statement states that the family member has no intention of giving up this life but needs his child to be settled.
- 6.15 Whilst the information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed mobile home is somewhat lacking in specific details with regards to their previous and intended nomadic habit of life, the plot forms part of an established Gypsy and Traveller site at Martins Gardens and the proposed mobile home is to accommodate a family member of the established occupiers of the site, his girlfriend, and future child. A condition can be imposed on any grant of planning permission to ensure that the proposed mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015 (or any subsequent definition that superseded that document).

Personal circumstances

- 6.16 Apart from the need to provide a settled base for a family member of the applicant, the family member's pregnant girlfriend and the future baby and to enable the child to be enrolled in main stream school in the future, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location.

Visual and landscape impact

- 6.17 The site lies in the open countryside to the north-east of the Headcorn village settlement. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value.
- 6.18 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites, including the current application plot, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The current application plot extends into the designated area of Ancient Woodland.
- 6.19 Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value. Policy DM3 (Natural environment) of the Local Plan seeks to ensure that new development protects and enhances the natural environment, including areas of Ancient Woodland.
- 6.20 Guidance set out in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. No specific reference is made to landscape impact though this is addressed in the NPPF and policy DM15 of the adopted Local Plan.
- 6.21 It is generally accepted that residential caravans/mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or hidden away in unobtrusive locations, they are normally considered unacceptable due to their visual impact. Consequently, where they are permitted this is normally where they are screened by existing permanent features such as hedgerows, tree belts, buildings or land contours, as required by policy DM15 of the adopted Local Plan.
- 6.22 Policies SP17 and DM30 of the Local Plan state that landscape protection should be given significant weight in considering development in the Low Weald Landscape of Local Value. In accordance with the Maidstone Landscape Character Assessments, the Low Weald generic guidelines seek to *"...conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads"*; and more specifically, Landscape Area 43 (Headcorn Pasturelands) is an area being of *high* overall landscape sensitivity and is *sensitive to change*.
- 6.23 The plot, in this case, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and a utility room. The development granted on appeal was limited to the front (south-eastern) part of the site, the plot shared access off Lenham Road with the neighbouring plots forming Martins Gardens to the north-east, extensive tree and hedgerow planting was to be retained along the road frontage to Lenham Road and the front part of the south-western side boundary, and existing ponds and trees were retained to the rear (north-western) part of the site.
- 6.24 The originally permitted plot has been significantly extended back (north-westwards) from Lenham Road, extending into the area of land designated as Ancient Woodland on the Policies Map to the adopted Local Plan and resulting in

significant loss of trees and ponds from the woodland area. A new access has been formed into the site off Lenham Road in the south-western corner of the site and the access runs along the south-western side boundary to serve the rear part of the site.

- 6.25 The formation of the new access has resulted in the significant loss of trees and hedgerows from the road frontage and south-western side boundary. Entrance gates with brick piers and splayed walls either side have been constructed to the new access and timber fencing has been erected to the site boundaries, including the front boundary along Lenham Road. When the access gates are open, there are views into the site from the road which incorporates an extensive area of hardstanding.
- 6.26 The general character of Lenham Road in the vicinity of the site is one of a country road fronted by mature trees and hedgerows with open fields behind. The various gypsy and traveller sites in the vicinity of the current application site – both authorised and unauthorised, including the neighbouring sites in Martins Gardens – impact on the character and appearance of the road.
- 6.27 Whilst the neighbouring plots in Martins Gardens to the north-east of The Oaklands are generally well screened from views along Lenham Road by established trees and hedgerows to the road frontage, the former vegetation along the road frontage to the plot at The Oaklands has been totally removed where the new access has been formed and largely removed along the remaining part of the frontage.
- 6.28 The access to the plot at The Oaklands which has been constructed on Lenham Road and the associated gates and brick piers with splayed brick walls either side have a significant and intrusive visual impact on the roadside. Apart from the access, the remaining boundary of the application site fronting Lenham Road is defined by a timber boarded fence set behind what remains of the former more extensive trees and hedgerows to the road frontage. Notwithstanding the presence of the remaining trees and hedgerow to the front boundary, the front boundary timber boarded fencing has an intrusive visual impact in the views along Lenham Road and the visual impact will be more noticeable during the winter months.
- 6.29 The access which has been constructed to Lenham Road and the associated timber gates, brick piers with splayed brick walls either side and timber boarded front boundary fencing, together with the removal of trees and hedgerows to the plot frontage to the road, are visually incongruous and intrusive in the roadside views and have a harmful impact on the rural character of the road and the visual amenity along the road generally. The site forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan and the significant harm to the visual amenities, landscape and rural character of the area is contrary to policies SP17, DM15 and DM30 of the adopted Local Plan.
- 6.30 The current application seeks to address the above concerns. The application shows the extent and depth of the current mobile home plot to be reduced to be more in line with that granted on appeal in 2009 and a 5m wide native species landscaped buffer zone of trees and hedgerows planted to the north-west of the repositioned rear (north-west) boundary line. In addition, the proposed native species landscaped buffer is shown to be continued along the south-western side boundary of the plot to reinstate the trees and hedgerows which previously existed along that boundary.
- 6.31 The current application also shows the existing unauthorised access on Lenham Road, including the gates, brick piers and splayed brick walls either side, to be removed and new hedgerow planting reinstated along the road frontage in its place. New access is to be formed to the plot off the shared accessway serving the five neighbouring plots in Martins Gardens to the north-east as per the development granted on appeal in 2009.

- 6.32 It is considered that the removal and closure of the existing separate access on Lenham Road and the approval and implementation of a robust scheme of native species tree and hedgerow planting to the site frontage on Lenham Road and the south-western (side) and repositioned north-western (rear) boundaries to reinstate the boundary landscaping which previously existed will significantly mitigate the visual impact of the mobile home plot in views along Lenham Road and within the open countryside landscape.
- 6.33 The removal of the existing separate plot access together with a scheme of native species tree and hedgerow planting to provide a landscaped buffer and screening along the repositioned rear (north-western) and side (south-western) boundaries and along the road frontage to Lenham Road, to be secured by planning condition, is considered to address the previous concerns regarding adverse visual harm in roadside views and within this part of the defined Low Weald Landscape of Local Value.
- 6.34 The resulting reduced impact on the visual amenities, landscape and rural character of the area is not considered to raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.

Cumulative impacts

- 6.35 The PPTS states that whilst Local Planning Authorities should strictly limit new traveller development in the countryside, where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. In addition, adopted Local Plan policy DM15 states, amongst other criteria to be met in Gypsy and Traveller development, that permission will be granted if a site would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.36 There are various gypsy and traveller sites in the vicinity of the current application plot – both authorised and unauthorised, including the five neighbouring plots in Martins Gardens to the north-east of the current application plot. The collective presence of these mobile home sites, together with the development on the current application plot and in Martins Gardens generally, is considered to erode the visual amenity and rural character of the area, particularly when viewed from Lenham Road in the case of the plots at the south-western end of Martins Gardens. Plots at the north-eastern end of Martins Gardens are viewed from the public footpath running north-west from Lenham Road adjacent to the plot at the north-eastern end of the row of six gypsy sites.
- 6.37 In the context of the existing mobile home development in Martins Gardens generally, an additional mobile home and touring caravan on the current application plot is not likely to result in any significant additional cumulative effect in terms of its impact on the countryside and landscape. There will be some increased cumulative effect as a result of the combined effect of other current mobile home applications for the neighbouring Gypsy and Traveller plots in Martins Gardens but with the removal of the existing unauthorised access on Lenham Road and provision of a native species hedgerow to the road frontage to the current plot and the implementation of a scheme of native species tree and hedgerow planting to provide a landscaped buffer along the north-eastern, north-western and south-western perimeters of the six plots, it is considered that any additional impact will be mitigated.
- 6.38 In the context of the existing authorised development, with the removal of the existing unauthorised access and the implementation of a suitably robust landscaping scheme to be secured by planning condition, the combined cumulative effect in terms of impact on the countryside and landscape would not be so significant as to be considered in conflict with this aim of Local Plan Policy DM15.

- 6.39 Given that the current application for one additional mobile home and a touring caravan on the current application plot is relatively modest in relation to the extent of other gypsy and traveller development – both authorised and unauthorised - in the near vicinity, it is not considered that an objection on grounds that the development would overwhelm the local community and services can be pursued.

Siting sustainability

- 6.40 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is less than 2km from the edge of Headcorn village (to the south-west of the site) with its local services, amenities and public transport links. Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not considered to be so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Residential amenity

- 6.41 The site is adjoined to the north-east by neighbouring gypsy and traveller sites in Martins Gardens (Plots 1A, 1B, 2, 3 and 4 Martins Gardens). The application site and the neighbouring gypsy and traveller sites in Martins Gardens are not adjoined by residential properties and the closest neighbouring properties are on the opposite side of Lenham Road.
- 6.42 Given the nature of the neighbouring development and the separation between the gypsy and traveller development in Martins Gardens and the closest neighbouring residential properties on the opposite side of Lenham Road, it is not considered that the use of the current application plot for the stationing of one additional mobile home and one additional touring caravan (two mobile homes and two touring caravans in total) results in any unacceptable unneighbourly impact.
- 6.43 Given the scale of development on the plot, vehicular and pedestrian movements to and from the site via the proposed new access to the plot off the existing shared accessway serving the five neighbouring plots in Martins Gardens to the north-east are not likely to significantly impact on neighbouring property on the opposite side of Lenham Road. No overriding residential amenity issues are considered to be raised in the application.

Parking and highway safety

- 6.44 In the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot, access to and from the plot was to be via the shared accessway serving the neighbouring plots in Martins Gardens as opposed to via the currently unauthorised separate access which has been formed to Lenham Road.
- 6.45 In the current application the existing unauthorised access formed on Lenham Road is to be removed and a new access to the plot formed off the shared accessway serving the five neighbouring plots in Martins Gardens to the north-east. The proposed amended access arrangements to the plot essentially revert to those forming part of the development granted on appeal in 2009. The amended access arrangements address the concerns raised by Kent Highways (see 5.03 above) on the application as originally submitted. It should also be noted that Kent Highways raised no objection to the previous more intensive mobile home development on the plot which was refused planning permission under reference 18/502176/FULL

and highway safety concerns did not form part of the grounds of refusal of the previous application.

- 6.46 Adequate hard surface space is available within the plot for the parking of vehicles associated with the proposed mobile home use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.
- 6.47 The level of additional vehicle movements to and from the site resulting from the additional mobile home and additional touring caravan on the plot is not likely to be so significant as to raise any overriding highway safety issues.

Area of Ancient Woodland and ecological interests

- 6.48 To the rear of the plots at the south-western end of the row of Gypsy and Traveller sites, including the current application plot at The Oaklands, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The current mobile home plot at The Oaklands extends to a greater depth back from Lenham Road than the plot for which planning permission was granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and 1 utility room.
- 6.49 The current extent of the plot back from the Lenham Road frontage extends significantly into the designated area of Ancient Woodland to the rear of the plot and it would appear that a significant number of established trees that formerly existed on the land have been lost over time and the landscape harmed.
- 6.50 The current application shows the depth of the current mobile home plot to be reduced to be more in line with that granted on appeal in 2009 and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. In addition, the proposed native species landscaped buffer is shown to be continued along the south-western side boundary of the plot which goes some way to reinstating the landscaping buffer to the boundary that previously existed along the boundary.
- 6.51 The significant encroachment of the current mobile home use of the plot into the designated area of Ancient Woodland and the significant loss of trees and soils from the area of Ancient Woodland formed part of the grounds of refusal of the more intensive additional mobile home development of the plot recently refused planning permission under reference 18/502176/FULL. The issue of significant encroachment into the designated area of Ancient Woodland is addressed in the current application and whilst the proposed reduced depth of the current mobile home plot still encroaches into the 15m buffer zone normally required between the proposed development and the Ancient Woodland, this was the case with the original proposals granted on appeal in 2009.
- 6.52 The reduction in the depth of the current plot proposed in the current application will allow the rear part of the existing site which forms part of the area designated as Ancient Woodland to be landscaped with native species tree and hedgerow planting which will provide some mitigation for the harm which has taken place. As part of the current application a 5m wide native species landscaped buffer of trees and hedgerows is to be planted along the re-positioned rear (north-western) boundary of the plot and the approval of full details and implementation of the landscaping/planting scheme can be secured by planning condition.
- 6.53 The plot is predominantly hardsurfaced and enclosed by close boarded fencing. The stationing of an additional mobile home and a touring caravan on the plot has limited potential to impact on any ecological interests at the site. Any impact on ecological interests at the plot would have already taken place.
- 6.54 Records show that Great Crested Newts have previously been recorded within this area and there is no reason to suggest that they are not still present within the

surrounding area. However, as the quality of habitat has significantly declined, there has been a reduction in foraging and commuting habitat for terrestrial species such as (but not necessarily limited to) the Great Crested Newt to and from surrounding habitats. As such, the loss and deterioration of habitat as a result of the Gypsy and Traveller use of the plots in Martins Gardens which has taken place would be considered to have a negative impact on the wildlife and ecological interests of the site and immediate surroundings.

- 6.55 The implementation of a scheme of native species tree and hedgerow planting to provide a landscaped buffer along the rear (north-western) boundary of the plot and continuing along the side (south-western) boundary and the Lenham Road frontage of the plot will enhance the ecological/biodiversity interests at the site. As such, a grant of planning permission for the additional mobile home and touring caravan on the current application plot, together with native species landscaping/planting to the rear and side boundaries and the Lenham Road frontage to be secured by planning condition, would enable ecological mitigation and/or enhancements to be secured by condition in accordance with Government guidance in the NPPF (para. 175).

Human Rights and Equality

- 6.56 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.
- 6.57 Apart from the desire to provide a settled base for the applicant's family member's girlfriend who is currently pregnant and to enable the child to be enrolled in main stream school in the future, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. The needs of the applicant's family are considered to be outweighed by the visual harm to the countryside landscape in this instance.

7. CONCLUSION

- 7.01 The site, the subject of this application, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) for the stationing of 1 static caravan, 1 touring caravan and a utility room. A previous recent application reference 18/502176/FULL for the stationing of three additional mobile homes and three additional touring caravans on the plot was refused.
- 7.02 The access which has been constructed to Lenham Road without the benefit of planning permission together with the removal of trees and hedgerows to the plot frontage to the road, is visually incongruous and intrusive in the roadside views and has a harmful impact on the rural character of the road and the visual amenity along the road generally.
- 7.03 The current application shows the existing unauthorised access on Lenham Road, including the gates, brick piers and splayed brick walls either side, to be removed and new hedgerow planting reinstated along the road frontage in its place. New access is to be formed to the plot off the shared accessway serving the five neighbouring plots in Martins Gardens to the north-east as per the development granted on appeal in 2009.

- 7.04 The current extent of the plot back from the Lenham Road frontage extends significantly into the designated area of Ancient Woodland to the rear of the plot and it would appear that a significant number of established trees that formerly existed on the land have been lost over time and the landscape harmed. The remaining area of Ancient Woodland is of poor quality.
- 7.05 The current application shows the depth of the current mobile home plot to be reduced to be more in line with that granted on appeal in 2009 and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. In addition, the proposed native species landscaped buffer is shown to be continued along the south-western side boundary of the plot which goes some way to reinstating the landscaping that previously existed along the boundary. The issue of significant encroachment into the designated area of Ancient Woodland is addressed in the current application and whilst the proposed reduced depth of the current mobile home plot still encroaches into the 15m buffer zone normally required between the proposed development and the Ancient Woodland, this was the case with the original proposals granted on appeal in 2009.
- 7.06 The current application represents a less intensive development of the plot than that recently refused planning permission under reference 18/502176/FULL. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home and touring caravan proposed in this application, together with the removal of the existing unauthorised access and implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the rear (north-western) and side (south-western) boundaries and the Lenham Road frontage of the plot, will not have a significant and unacceptable harmful visual and landscape impact in the locality.
- 7.07 The native species planting proposed to the rear, side and Lenham Road frontage of the plot will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements could be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).
- 7.08 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed additional mobile home remains somewhat lacking in specific details with regards to their previous nomadic habit of life, the site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate a family member of the established occupiers of the Martins Gardens sites and his girlfriend. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.
- 7.09 The proposed stationing of one mobile home and a touring caravan on the plot is modest in the context of the existing and proposed Gypsy and Traveller development on the neighbouring plots in Martins Gardens. Given the reduction in the scale of additional mobile home development now proposed on the adjoining established plots in Martins Gardens, the reduction in the extent of the current application plot, the removal of the existing unauthorised access, and the implementation of a scheme of native species tree and hedgerow planting to the perimeters of the plot as part of the current proposals which will mitigate against the harm to the area of Ancient Woodland to the rear of the plot which has taken place, provide further screening for the development, and provide ecological/biodiversity enhancements, it is not considered that the current application raises any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan. The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The additional mobile home hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document);

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 2) No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (Plot shown as Oaklands on the submitted Site Location Plan) at any one time, of which no more than two shall be a static caravan or mobile home, and no further caravans shall be placed at any time anywhere within the site. Unless agreed in writing by the Local Planning Authority, the static caravan or mobile home shall be stationed on the site only in the position shown on the plan (Amended Site Block Plan as Proposed received 09 July 2019) hereby approved;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 3) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.

- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of: the internal layout of the site, including the siting of the additional static caravan, removal of the existing access and associated walls, gates and fencing on Lenham Road, formation of new access off the existing shared access off Lenham Road, means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone to the repositioned north-western boundary of the plot and along the south-western boundary and Lenham Road frontage including details of species, plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and, the said Scheme shall include a timetable for its implementation.

- (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- (5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within 5m wide landscape buffer zone to the north-western boundary, and the south-western boundary and the Lenham Road frontage planting for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority;

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- 7) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision;

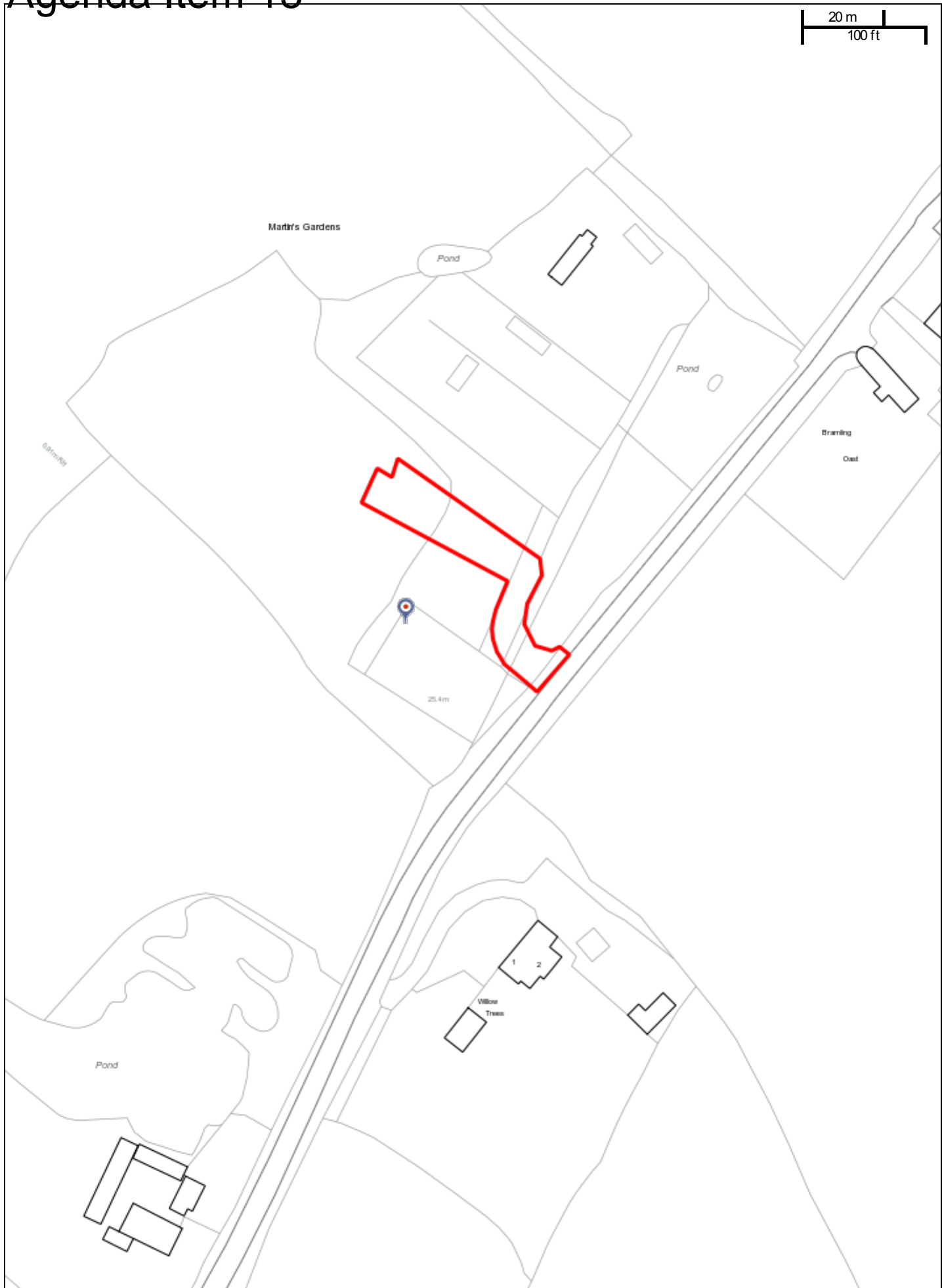
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 8) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

Reason: In order to safeguard residential and local amenity generally.

Case Officer: Jon Barnes

Agenda Item 15



REFERENCE NO - 18/506271/FULL		
APPLICATION PROPOSAL Proposed siting of 1 mobile home, 1 tourer and 1 dayroom. (Retrospective)		
ADDRESS 1A Martins Gardens Lenham Road Headcorn Ashford Kent TN27 9LE		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The plot is part of an established Gypsy and Traveller site within Martins Gardens which comprises a row of six such plots – both authorised and unauthorised. The plot is currently unauthorised for mobile home use and the application for one mobile home, one touring caravan and a small utility room represents a modest intensification of use in the context of the existing and proposed Gypsy and Traveller development on the neighbouring plots in Martins Gardens.</p> <p>The proposal is modest in the context of the existing and proposed Gypsy and Traveller development on the neighbouring plots in Martins Gardens. The plot is well screened from views from Lenham Road by existing trees and hedgerows.</p> <p>Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (4 Martins Gardens) to the north-east, the mobile home, touring caravan and utility room to be stationed on the land, the subject of the current application, are distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing and proposed mobile home development on the adjoining Gypsy and Traveller plots (Plots 1B, 2, 3 and 4). As a result there will not be any increased visual impact in views from the public footpath as a result of the mobile home, touring caravan and a small utility room on the plot.</p> <p>The application shows the planting of a 5m wide native species landscaped buffer zone to the north-west of the rear (north-west) boundary line of the plot. The planting of a landscaped buffer will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape and the harm to the area of Ancient Woodland to the rear part of the existing plot which has taken place.</p> <p>In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home, touring caravan and utility room proposed in this application will not have any significant or unacceptable harmful visual or landscape impact in the locality.</p> <p>The proposed mobile home is to accommodate family members (the applicant's mother in law and sister in law) of the established occupiers of the Martins Gardens site. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.</p>		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Headcorn Parish Council.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr Patrick & Felix Cash AGENT N/A
TARGET DECISION DATE 30/08/19		PUBLICITY EXPIRY DATE 30/01/19

Relevant Planning History

MA/01/1181 - Stationing of 2 caravans & utility room. Refused 01.07.02.

Appeal against 2 enforcement notices issued 03.11.08 by Maidstone Borough Council:

ENF/10155 (Enforcement notice A) – Without planning permission the change of use of the land from a mixed use of woodland and nil use to stationing and residential occupation of caravans, the parking and storage of motor vehicles, the erection of fencing on the site and a new entrance gate at the access onto Lenham Road and the placing on the land of domestic and other paraphernalia all ancillary to the residential occupation of caravans on the land. Appeal allowed and enforcement notice quashed 24.07.09.

ENF/10155 (Enforcement notice B) – Without planning permission, operational development comprising of the construction of hardsurfacing and engineering operations comprising the infilling of a pond. Appeal allowed and enforcement notice quashed 24.07.09.

MA/09/1722 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Split decision (Part refused/part approved) 24.12.09.

MA/11/1122 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Approved 23.12.11.

18/502176/FULL - Proposed siting of 3 additional mobile homes and 3 touring caravans at 1 Martins Gardens. Refused 12.10.2018. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape harm; 2) Access and associated structures visually incongruous and intrusive; 3) Impact on designated area of Ancient Woodland.

18/504256/FULL - Proposed siting of 2 mobile homes, 2 touring caravans and a utility room at 2 Martins Gardens. Refused 11.10.18 for the following reasons:

- 1) 'In the absence of sufficient information pertaining to Gypsy and Traveller status there is no justification for allowing this development, given the adverse visual harm it would have on the character, appearance and landscape of the countryside hereabouts that falls within a Landscape of Local Value and is of high overall landscape sensitivity that is sensitive to change. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); and the National Planning Policy Framework (2018)'.
- 2) 'The use of the site for the stationing of mobile homes has resulted in the significant encroachment of the use into a designated area of Ancient Woodland and the significant loss of trees from the area of Ancient Woodland to the detriment of the visual amenity and landscape of the open countryside location which forms part of Low Weald Landscape of Local Value and the ecological and wildlife interests of the site, contrary to policy DM3 of the Maidstone Borough Local Plan (Adopted 2017) and Government guidance in the NPPF (2018)'.

18/504254/FULL - Proposed siting of a mobile home, touring caravan and a utility room at 3 Martins Gardens. Refused 19.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape harm.

18/500925/FULL - Two additional mobile homes at 5 Martins Gardens. Refused 01.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape harm.

18/500924/FULL - Stationing of 2 additional mobile homes to be occupied by Gypsy and Traveller families at 6 Martins Gardens. Refused 28.06.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape harm.

18/500785/FULL - Erection of dayroom at 6 Martins Gardens. Refused 28.06.18.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located off the north-western side of Lenham Road and comprises the second plot from the south-western end of a row of six Gypsy sites running along the north-western side of Lenham Road.
- 1.02 The plot is accessed from a shared accessway off Lenham Road which also serves four of the five neighbouring Gypsy sites forming Martins Gardens. The fifth site, The Oaklands, at the south-western end of the row of sites has its own separate access off Lenham Road.
- 1.03 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites, including the rear of the current application plot, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The site is within the KCC Minerals Safeguarding Area.
- 1.04 The site is less than 2km from the edge of Headcorn village (to the south-west of the site) and for the purposes of the Local Plan, the site is within the open countryside and within the Low Weald Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan.
- 1.05 The plot referred to in the current application as 1A Martins Gardens (2 Martins Gardens with regards to the Relevant Planning History listed above) does not benefit from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of static/touring caravans. Any mobile homes and touring caravans currently on the plot are unauthorised from a planning point of view.

2. PROPOSAL

- 2.01 The site, as noted above, does not benefit from the planning permission granted on appeal in 2009 for the stationing of static/touring caravans. The plot (Plot 1A) together with the adjoining land to the north-east (Plot 1B) was shown at that time as being undeveloped land adjoining either side by mobile home/touring caravan plots and linking through to the area designated as Ancient Woodland to the rear (north-west).

- 2.02 The current application seeks planning permission for the stationing of one mobile home, one touring caravan and a small (3m x 2m x 2.65m high) utility room more or less centrally located within the plot.
- 2.03 The Design & Access Statement submitted in support of the application states that the mobile home will be occupied by two close relatives of the applicant, one of whom has had to move closer to the applicant due to their poor health.
- 2.04 The Design & Access Statement further states that although the proposed occupiers of the mobile home have been travelling and using the roadside to stop in, it is not safe for them both to continue to be continuous travelling gypsies for health reasons. The stable base will allow access to the health care treatment they need.
- 2.05 The current application is a revised submission following the refusal of planning permission 11.10.18 under application reference 18/504256/FULL for the proposed siting of two mobile homes, two touring caravan and a utility room on the plot. The current application reduces the proposals to one mobile home, one touring caravan and a small utility room.
- 2.06 The currently unauthorised mobile home plot extends to a greater depth back from Lenham Road than the more restricted depth of plot (44m approx.) to which this current application relates. In addition to the proposed reduction in the depth of the current unauthorised mobile home plot, it is proposed to provide a 5m wide native species landscaped buffer to the rear of the plot which forms part of an area designated as Ancient Woodland.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (2015)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30
Landscape Capacity Study: Sensitivity Assessment (2015)
Landscape Character Assessment (2012 – amended 2013)
Landscape Character Assessment Supplement (2012)
KCC Minerals Plan

4. LOCAL REPRESENTATIONS

Local Residents

- 4.01 One representation received from a local resident raising the following (summarised) issues:
- There is constantly floodlighting on at night which points towards the road and the neighbouring home and on occasions there are very loud arguments/disturbances in the early hours of the morning. Additional residences on the site would only increase these disturbances to the neighbouring residents and would detract from the enjoyment of living in the otherwise quiet countryside.

Shenley Farms (Aviation) Limited

- 4.02 No objection raised providing the development will not be in any way inconsistent with the existing and well established use of and activity at Headcorn Aerodrome.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Headcorn Parish Council

5.01 The Planning & Licensing committee agreed that the application should be refused and that there were a number of areas that should be considered by the Local Planning Authority when considering the application, in particular:

- The gypsy/traveller status of the applicant;
- Whether the applicant previously led a nomadic habit of life;
- Given that the LPA can demonstrate a 5.3 year supply of gypsy and traveller site, there is no "unmet or proven need" to consider;
- New traveller site development in the open countryside should be strictly limited;
- Contrary to comments made by the applicant, this area was once 80% woodland and ponds. The site has been irrevocably changed by the occupants with ponds being filled and many trees felled.
- The area is now largely concrete hardstanding and this has had an adverse effect on drainage in the area and now causes flooding onto the road and neighbouring properties at times of heavy rain;
- The application is contrary to the Local Plan policies SS1, SP17, DM1, DM15, DM30.

Ulcombe Parish Council (Neighbouring Parish Council)

5.02 Ulcombe Parish Council objects to this application for the same reasons they objected to the previously refused application for the same plot. In particular, the following concerns are raised:

- It must be determined whether the applicant is a gypsy or traveller in planning terms;
- Evidence that the applicant is leading a "nomadic habit of life" needs to be provided;
- There is no "unmet or proven need" for gypsy and traveller sites;
- Maidstone Borough Council now has a 5.3 year supply of traveller pitches;
- Existing countryside protection policies should be applied;
- The Parish Council object to all proposals for Martins Gardens that exceed the permissions granted as a result of the 2009 appeals.

Kent Highways

5.03 No highway objection raised subject to conditions relating to provision for construction vehicle loading/unloading and turning facilities, provision for parking for site personnel and visitors, provision of wheel washing facilities, provision and retention of vehicle parking spaces, and vehicle loading/unloading and turning facilities.

Natural England

5.04 No comments to make on the application. State that Natural England has published Standing Advice which can be used to assess impacts on protected species. Further state that Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which can be used to assess any impacts on ancient woodland.

Forestry Commission

- 5.05 Comment that Ancient Woodland is an irreplaceable habitat. The NPPF (para. 175) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

KCC Minerals and Waste

- 5.6 No comments to make on the planning application.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Need for Gypsy sites
- Supply of Gypsy sites
- Gypsy Status
- Personal circumstances
- Visual and landscape impact
- Cumulative impacts
- Siting sustainability
- Residential amenity
- Parking and highway safety
- Area of Ancient Woodland and ecological interests
- Human Rights and Equality

Need for Gypsy sites

- 6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

- 6.03 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 6.04 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

- 6.05 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.06 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):
- Permanent/non-personal – 157
 - Permanent/personal – 26
 - Temporary/non-personal – 4
 - Temporary/personal – 37
- 6.07 Therefore a net total of 183 permanent pitches have been granted since 1st October 2011. A further 4 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 6.08 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The adopted Maidstone Borough Local Plan allocates a number of specific sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.
- 6.09 The Council's current position is that it can demonstrate a 7.7 year supply of Gypsy and Traveller sites at the base date of 1st April 2018.
- 6.10 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.11 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows:
- "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*
- 6.12 As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.

- 6.13 It should also be noted that the Planning Inspectorate's guidance for what is usually required to validate appeals relating to Gypsy and Traveller sites, includes the provision of family background and travel for work purposes details for over the last 10 years.
- 6.14 The Design & Access Statement submitted in support of the application states that the mobile home will be occupied by two close relatives of the applicant, one of whom has had to move closer to the applicant due to their poor health. The Design & Access Statement further states that although the proposed occupiers of the mobile home have been travelling and using the roadside to stop in, it is not safe for them both to continue to be continuous travelling gypsies for health reasons. The stable base will allow access to the health care treatment they need.
- 6.15 The Design & Access Statement states that the occupiers of the mobile home have previously led a nomadic life and have travelled with the applicants as a family across the country to attend the horse fayres at Appleby, Cotswolds, Kent and Stow on the Wold where the family seek work and deal in horses. The Design & Access Statement states that the occupiers of the mobile home have no intention of giving up this life but need a base for health reasons.
- 6.16 The supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed mobile home is somewhat lacking in specific details with regards to their previous and intended nomadic habit of life. However, the plot forms part of an established Gypsy and Traveller site at Martins Gardens and the proposed mobile home is to accommodate family members of the established occupiers of the site. A condition can be imposed on any grant of planning permission to ensure that the proposed mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015 (or any subsequent definition that superseded that document).

Personal circumstances

- 6.17 Apart from the need to provide a settled base for applicant's relatives in order to access healthcare treatment and benefit from family support, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. However, in this instance the personal circumstances are considered to outweigh the limited visual and landscape impact in the countryside location resulting from the development.

Visual and landscape impact

- 6.18 The site lies in the open countryside to the north-east of the Headcorn village settlement. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value.
- 6.19 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites, including the current application plot, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017).
- 6.20 Policies SP17 and DM30 of the Local Plan require that landscape protection should be given significant weight in considering development in the Low Weald Landscape

of Local Value. In accordance with the Maidstone Landscape Character Assessments, the Low Weald generic guidelines seek to "*....conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads*"; and more specifically, Landscape Area 43 (Headcorn Pasturelands) is an area being of *high* overall landscape sensitivity and is *sensitive to change*.

- 6.21 The plot, in this case, does not benefit from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of static/touring caravans. The plot is predominantly hardsurfaced and enclosed by close boarded fencing. Whilst the current use of the plot and the adjoining plot to the north-east (Plot 1B) for the stationing of static/touring caravans is unauthorised from a planning point of view, the plots are adjoined either side by authorised mobile home/touring caravan plots and the current application plot is seen in the context of the neighbouring Gypsy and Traveller plots in Martins Gardens to the north-east and south-west. Some of the development on these neighbouring plots is currently unauthorised.
- 6.22 It is generally accepted that residential caravans/mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or hidden away in unobtrusive locations, they are normally considered unacceptable due to their visual impact. Consequently, where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours, as required by policy DM15 of the adopted Local Plan.
- 6.23 The plot, the subject of this application, is set back from the frontage to Lenham Road and is well screened from views from the road by existing trees and hedgerows along the road frontage. The rear part of the plot and that of the neighbouring Gypsy and Traveller plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six gypsy sites. The tops of the mobile homes on the rear part of the plots are visible above the close boarded boundary fencing enclosing the plots.
- 6.24 The stationing of additional mobile homes within the Martins Gardens plots and the resulting intensification of the existing mobile home development in the locality has the potential to increase the visual impact in the locality and the impact on the open countryside landscape.
- 6.25 The mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing and proposed mobile homes on the adjoining Gypsy and Traveller plots (Plots 1B, 2, 3 and 4). As a result it is not considered that there will be any increased visual impact in views from the public footpath as a result of the mobile home on the plot. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, it is not considered that the mobile home, touring caravan and small utility room proposed in this application will have a significant and unacceptable harmful visual and landscape impact in the locality.
- 6.26 The currently unauthorised mobile home plot extends to a greater depth back from Lenham Road than the plot to which this current application relates. The current extent of the plot back from the Lenham Road frontage has impacted on part of the area of Ancient Woodland to the rear of the plot and it would appear that a significant number of established trees that formerly existed on the land have been lost and the landscape harmed.
- 6.27 The reduction in the depth of the plot proposed in the current application will allow the rear part of the site which forms part of the area designated as Ancient Woodland to be landscaped with native species planting which will provide some

mitigation for the harm which has taken place and provide further screening for the mobile home, touring caravan and utility room on the plot. As part of the current application a 5m wide native species landscaped buffer along the rear boundary of the plot is to be planted which, apart from mitigating against the harm to the Ancient Woodland which has taken place, will also provide visual screening to the plot. In the circumstances the mobile home, touring caravan and utility room proposed on the application site will not result in adverse visual harm within this part of the defined Low Weald Landscape of Local Value.

- 6.28 The current application represents a less intensive development of the plot than that proposed in the previous recently refused application reference 18/504256/FULL and the resulting reduced impact on the visual amenities, landscape and rural character of the area does not raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.

Cumulative impacts

- 6.29 Guidance set out in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. In addition, adopted Local Plan policy DM15 states, amongst other criteria to be met in Gypsy and Traveller development, that permission will be granted if a site would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.30 There are various gypsy and traveller sites in the vicinity of the current application plot – both authorised and unauthorised, including the neighbouring plots in Martins Gardens to the south-west and north-east of the current application plot. The collective presence of these mobile home sites, together with the development on the current application plot and in Martins Gardens generally, is considered to erode the visual amenity and rural character of the area. The plots at the south-western end of Martins Gardens have a visual impact when viewed from Lenham Road and the plots at the north-eastern end of the row impact in views from the public footpath running north-west from Lenham Road to the north-east of the plot at the north-eastern end of the row (4 Martins Gardens).
- 6.31 In the context of the existing mobile home development in Martins Gardens generally, a mobile home, touring caravan and small utility building on the current application plot is not likely to result in any significant additional cumulative effect in terms of its impact on the countryside and landscape. There will be some increased cumulative effect as a result of the combined effect of other current mobile home applications for the neighbouring Gypsy and Traveller plots in Martins Gardens but the implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the north-eastern, north-western and south-western perimeters of the six plots will mitigate the additional impact. In the context of the existing authorised development, with the implementation of the landscaped buffer to be secured by planning condition, the combined cumulative effect in terms of impact on the countryside and landscape would not be so significant as to be considered in conflict with this aim of Local Plan Policy DM15.
- 6.32 Given that the current application for one mobile home, a touring caravan and a small utility room on the site is relatively modest in relation to the extent of other gypsy and traveller development – both authorised and unauthorised - in the near vicinity, it is not considered that an objection on grounds that the development would overwhelm the local community and services can be pursued.

Siting sustainability

- 6.33 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is less than 2km from the edge of Headcorn village (to the south-west of the site) with its local services, amenities and public transport links. Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not considered to be so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Residential amenity

- 6.34 The site is adjoined to the south-west and north-east by neighbouring gypsy and traveller sites in Martins Gardens (The Oaklands to the south-west and Plots 1B, 2, 3 and 4 Martins Gardens to the north-east). The gypsy and traveller sites in Martins Gardens are not adjoined by residential properties and the closest neighbouring properties are on the opposite side of Lenham Road.
- 6.35 Given the nature of the neighbouring development and the separation between the gypsy and traveller development in Martins Gardens and the closest neighbouring residential properties, it is not considered that the use of the current application plot for the stationing of one mobile home, one touring caravan and a small utility room results in any unacceptable unneighbourly impact.
- 6.36 Vehicular and pedestrian movements to and from the site via the established shared access off Lenham Road which serves four of the five neighbouring Gypsy and Traveller plots in Martins Gardens is not likely to impact on any neighbouring property. No overriding residential amenity issues are considered to be raised in the application.

Parking and highway safety

- 6.37 The proposal uses the shared access off Lenham Road serving the neighbouring Gypsy and Traveller plots in Martins Gardens to the north-east of the current application plot. The shared access formed part of the mobile home use of the neighbouring plots granted planning permission on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above).
- 6.38 The permitted shared access is considered acceptable for the additional plots (Plots 1A and 1B) proposed in the current applications ref. 19/506271/FULL and 19/506272/FULL respectively in terms of highway safety. Adequate hardsurface space is available within the plot for the parking of vehicles associated with the residential use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the plot in a forward gear. The level of vehicle movements to and from the site is not likely to be so significant as to raise any overriding highway safety issues. Kent Highways raise no objection.

Area of Ancient Woodland and ecological interests

- 6.39 To the rear of the plots at the south-western end of the row of Gypsy and Traveller sites, including the current application plot, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The rear (north-western) part of the application plot extends into part of the designated area of Ancient Woodland.
- 6.40 The currently unauthorised mobile home plot extends to a greater depth back from Lenham Road than the plot to which this current application relates. The current extent of the plot back from the Lenham Road frontage together with the laying of extensive hardstanding has impacted on part of the area of Ancient Woodland to the

rear of the plot and it would appear that a significant number of established trees that formerly existed on the land have been lost over time and the landscape harmed.

- 6.41 The reduction in the depth of the plot proposed in the current application will allow the rear part of the existing site which forms part of the area designated as Ancient Woodland to be landscaped with native species planting which will provide some mitigation for the harm which has taken place. As part of the current application a 5m wide native species landscaped buffer of trees and hedgerows is to be planted along the re-positioned rear (north-western) boundary of the plot which will mitigate against the harm to the Ancient Woodland which has taken place.
- 6.42 The plot is predominantly hardsurfaced and enclosed by close boarded fencing. The stationing of a mobile home, touring caravan and small utility building on the plot has limited potential to impact on any ecological interests at the site. Any impact on ecological interests at the plot would have already taken place.
- 6.43 Records show that Great Crested Newts have previously been recorded within this area and there is no reason to suggest that they are not still present. However, as the quality of habitat has significantly declined, there has been a reduction in foraging and commuting habitat for terrestrial species such as (but not necessarily limited to) the Great Crested Newt to and from surrounding habitats. As such, the loss and deterioration of habitat as a result of the Gypsy and Traveller use of the plots in Martins Gardens which has taken place would be considered to have a negative impact on the wildlife and ecological interests of the site and immediate surroundings.
- 6.44 The implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the rear (north-western) boundary of the plot will enhance the ecological/biodiversity interests at the site. As such, a grant of planning permission for the mobile home, touring caravan and small utility room on the current application plot, together with native species landscaping/planting to the rear of the plot to be secured by planning condition, would enable ecological mitigation and/or enhancements to be secured by condition in accordance with Government guidance in the NPPF (para. 175).

Human Rights and Equality

- 6.45 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.
- 6.46 Apart from the need to provide a settled base for the applicant's relatives in order to access healthcare treatment and benefit from family support, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. The needs of the applicant's relatives, in this instance, are considered to outweigh the limited visual harm to the countryside landscape.

Other Matters

- 6.47 Given the nature and scale of the development proposed in the application (a mobile home, touring caravan and utility room on an established, albeit currently

unauthorised, Gypsy and Traveller site), conditions suggested by Kent Highways are not considered appropriate in this instance.

7. CONCLUSION

- 7.01 The plot, in this case, does not benefit from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of static/touring caravans.
- 7.02 Whilst the current use of the plot and the adjoining plot to the north-east (Plot 1B) for the stationing of static/touring caravans is unauthorised from a planning point of view, the plots are adjoined either side by authorised mobile home/touring caravan plots and the current application plot is seen in the context of the neighbouring Gypsy and Traveller plots in Martins Gardens to the north-east and south-west. The proposed stationing of one mobile home, a touring caravan and a small utility room on the plot is modest in the context of the existing and proposed Gypsy and Traveller development on the neighbouring plots in Martins Gardens.
- 7.03 The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (4 Martins Gardens) at the north-eastern end of the row of six gypsy sites, the mobile home, touring caravan and small utility room, the subject of the current application, are distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing permitted and proposed mobile homes on the adjoining Gypsy and Traveller plots (1B, 2, 3 and 4 Martins Gardens). As a result it is not considered that there will be any increased visual impact in views from the public footpath as a result of the mobile home, touring caravan and small utility room on the plot.
- 7.04 The existing unauthorised mobile home plot is to be reduced in the depth as part of the current application and the implementation of a scheme of native species tree and hedgerow planting to the rear boundary to provide a 5m wide landscaped buffer to the boundary as part of the current proposals will mitigate against the harm to the area of Ancient Woodland to the rear of the plot which has taken place and provide further screening for the mobile home, touring caravan and utility room on the plot.
- 7.05 The current application represents a less intensive development of the plot than that recently refused planning permission under reference 18/504256/FULL and in the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the mobile home, touring caravan and small utility room proposed in this application, together with the implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the rear (north-western) boundary of the plot, will not have a significant and unacceptable harmful visual and landscape impact in the locality.
- 7.06 The native species planting proposed to the rear of the plot will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements could be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).
- 7.07 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed mobile home is somewhat lacking in specific details with regards to their previous and intended nomadic habit of life, the plot forms part of an established Gypsy and Traveller site at Martins Gardens and the proposed mobile home is to accommodate family members of the

established occupiers of the site. A condition can be imposed on any grant of planning permission to ensure that the proposed mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.

- 7.08 The proposed stationing of one mobile home, a touring caravan and a small utility room on the plot is modest in the context of the existing and proposed Gypsy and Traveller development on the neighbouring plots in Martins Gardens. Given the reduction in the scale of additional mobile home development now proposed on the adjoining established plots in Martins Gardens, the reduction in the extent of the current application plot, the implementation of a scheme of native species tree and hedgerow planting to the rear boundary to provide a 5m wide landscaped buffer to the boundary as part of the current proposals which will mitigate against the harm to the area of Ancient Woodland to the rear of the plot which has taken place, provide further screening for the development, and provide ecological/biodiversity enhancements, it is not considered that the current application raises any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan. The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The mobile home hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document);

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 2) No more than two caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (Plot 1a as shown on the submitted Site Location Plan) at any one time, of which no more than one shall be a static caravan or mobile home, and no further caravans shall be placed at any time anywhere within the site. Unless agreed in writing by the Local Planning Authority, the static caravan or mobile home shall be stationed on the site only in the position shown on the plan (Amended Site Block Plan as Proposed received 09 July 2019) hereby approved;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 3) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.

- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 3

months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of: the internal layout of the site, including the siting of the static caravan, means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone to the repositioned north-western boundary of the plot including details of species, plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and, the said Scheme shall include a timetable for its implementation.
- (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- (5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within 5m wide landscape buffer zone for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority;

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- 7) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or

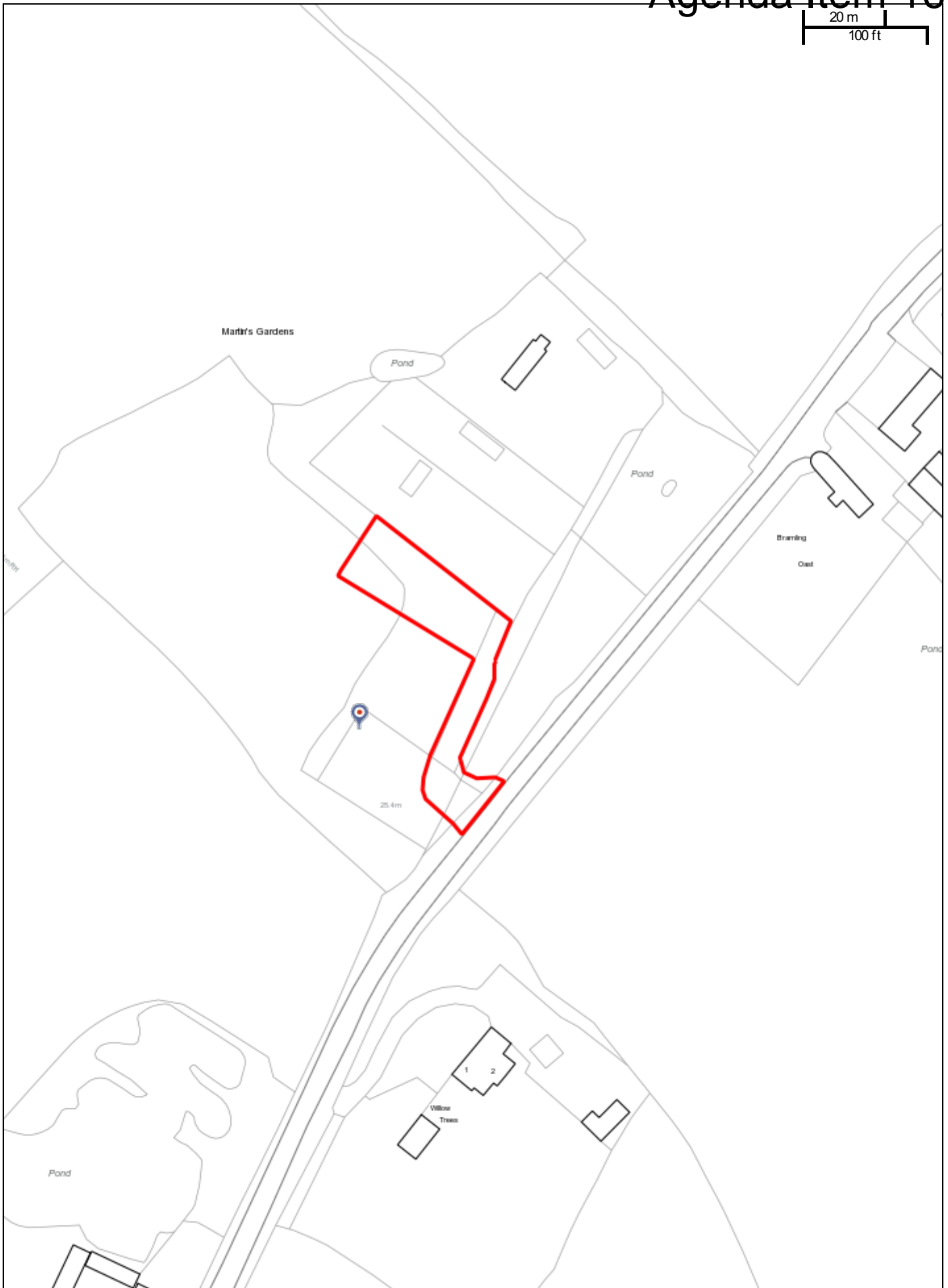
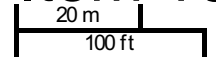
any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 8) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

Reason: In order to safeguard residential and local amenity generally.

Case Officer: Jon Barnes



18/506272 - 1B Martins Gardens

Scale: 1:1250

Printed on: 17/7/2019 at 10:39 AM by EllyH

REFERENCE NO - 18/506272/FULL		
APPLICATION PROPOSAL Proposed siting of 1 mobile home, 1 tourer and 1 utility room. (Retrospective)		
ADDRESS 1B Martins Gardens Lenham Road Headcorn Ashford Kent TN27 9LE		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The plot is part of an established Gypsy and Traveller site within Martins Gardens which comprises a row of six such plots – both authorised and unauthorised. The plot is currently unauthorised for mobile home use and the application for one mobile home, one touring caravan and a small utility room represents a modest intensification of use in the context of the existing and proposed Gypsy and Traveller development on the neighbouring plots in Martins Gardens.</p> <p>The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (4 Martins Gardens) to the north-east, the mobile home, touring caravan and utility room to be stationed on the land, the subject of the current application, are distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing and proposed mobile home development on the adjoining Gypsy and Traveller plots (Plots 2, 3 and 4). As a result there will not be any increased visual impact in views from the public footpath as a result of the mobile home, touring caravan and small utility room on the plot.</p> <p>The application shows the depth of the current unauthorised plot to be reduced and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. The reduction in the depth of the plot and the planting of a landscaped buffer will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape and the harm to the area of Ancient Woodland to the rear part of the existing plot which has taken place.</p> <p>In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home, touring caravan and utility room proposed in this application will not have a significant and unacceptable harmful visual and landscape impact in the locality.</p> <p>The mobile home is to accommodate an existing family member of the established occupiers of the Martins Gardens site and his partner. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.</p>		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Headcorn Parish Council.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr Johnny Cash AGENT N/A
TARGET DECISION DATE 30/08/19		PUBLICITY EXPIRY DATE 30/01/19

Relevant Planning History

MA/01/1181 - Stationing of 2 caravans & utility room. Refused 01.07.02.

Appeal against 2 enforcement notices issued 03.11.08 by Maidstone Borough Council:

ENF/10155 (Enforcement notice A) – Without planning permission the change of use of the land from a mixed use of woodland and nil use to stationing and residential occupation of caravans, the parking and storage of motor vehicles, the erection of fencing on the site and a new entrance gate at the access onto Lenham Road and the placing on the land of domestic and other paraphernalia all ancillary to the residential occupation of caravans on the land. Appeal allowed and enforcement notice quashed 24.07.09.

ENF/10155 (Enforcement notice B) – Without planning permission, operational development comprising of the construction of hardsurfacing and engineering operations comprising the infilling of a pond. Appeal allowed and enforcement notice quashed 24.07.09.

MA/09/1722 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Split decision (Part refused/part approved) 24.12.09.

MA/11/1122 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Approved 23.12.11.

18/502176/FULL - Proposed siting of 3 additional mobile homes and 3 touring caravans at 1 Martins Gardens. Refused 12.10.2018. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact; 2) Access and associated structures visually incongruous and intrusive; 3) Impact on designated area of Ancient Woodland.

18/504256/FULL - Proposed siting of 2 mobile homes, 2 touring caravans and a utility room at 2 Martins Gardens. Refused 11.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact; 2) Impact on designated area of Ancient Woodland.

18/504254/FULL - Proposed siting of a mobile home, touring caravan and a utility room at 3 Martins Gardens. Refused 19.10.18 for the following reasons:

'In the absence of sufficient information pertaining to Gypsy and Traveller status there is no justification for allowing this development, given the adverse visual harm it would have on the character and appearance of the countryside hereabouts that falls within a Landscape of Local Value and is of high overall landscape sensitivity that is sensitive to change. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); and the National Planning Policy Framework (2018).'

18/500925/FULL - Two additional mobile homes at 5 Martins Gardens. Refused 01.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact;

18/500924/FULL - Stationing of 2 additional mobile homes to be occupied by Gypsy and Traveller families at 6 Martins Gardens. Refused 28.06.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact;

18/500785/FULL - Erection of dayroom at 6 Martins Gardens. Refused 28.06.18.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located off the north-western side of Lenham Road and comprises the third plot from the south-western end of a row of six Gypsy sites running along the north-western side of Lenham Road.
- 1.02 The plot is accessed from a shared accessway off Lenham Road which also serves four of the five neighbouring Gypsy sites forming Martins Gardens. The fifth site, The Oaklands, at the south-western end of the row of sites has its own separate access off Lenham Road.
- 1.03 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites, including the rear of the current application site, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The site is within the KCC Minerals Safeguarding Area.
- 1.04 The site is less than 2km from the edge of Headcorn village (to the south-west of the site) and for the purposes of the Local Plan, the site is within the open countryside and within the Low Weald Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan.
- 1.05 The plot referred to in the current application as 1B Martins Gardens (3 Martins Gardens with regards to the Relevant Planning History listed above) does not benefit from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of static/touring caravans. Any mobile homes and touring caravans currently on the plot are unauthorised from a planning point of view.

2. PROPOSAL

- 2.01 The site, as noted above, does not benefit from the planning permission granted on appeal in 2009 for the stationing of static/touring caravans. The plot (Plot 1B) together with the adjoining land to the south-west (Plot 1A) was shown as being undeveloped land adjoined either side by mobile home/touring caravan plots and linking through to the area designated as Ancient Woodland to the rear (north-west).
- 2.02 The current application seeks planning permission for the stationing of one mobile home, one touring caravan and a small (3m x 2m x 2.65m high) utility room on the north-western end of the plot.
- 2.03 The Design & Access Statement submitted in support of the application states that the mobile home will be occupied by a family member and his partner who is currently pregnant and who now needs a stable base for health reasons. The Design & Access Statement further states that although the family member and his partner have been travelling and using the roadside to stop in, it is not safe for them both to continue to be continuous travelling gypsies for health reasons and the stable base will allow access to health care treatment and the new child to enrol in main stream school and receive an education in the future.
- 2.04 The current application is a revised submission following the refusal of planning permission 19.10.18 under application reference 18/504254/FULL for the proposed siting of a mobile home, touring caravan and a utility room on the plot.

- 2.05 The currently unauthorised mobile home plot extends to a greater depth back from Lenham Road than the more restricted depth of plot (38m approx.) to which this current application relates. In addition to the proposed reduction in the depth of the current unauthorised mobile home plot, it is proposed to provide a 5m wide native species landscaped buffer to the rear of the plot which forms part of an area designated as Ancient Woodland.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (2015)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30
Landscape Capacity Study: Sensitivity Assessment (2015)
Landscape Character Assessment (2012 – amended 2013)
Landscape Character Assessment Supplement (2012)
KCC Minerals Plan

4. LOCAL REPRESENTATIONS

Local Residents

- 4.01 One representation received from a local resident raising the following (summarised) issues:

- There is constantly floodlighting on at night which points towards the road and the neighbouring home and on occasions there are very loud arguments/disturbances in the early hours of the morning. Additional residences on the site would only increase these disturbances to the neighbouring residents and would detract from the enjoyment of living in the otherwise quiet countryside.

4.02 Shenley Farms (Aviation) Limited

No objection raised providing the development will not be in any way inconsistent with the existing and well established use of and activity at Headcorn Aerodrome.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Headcorn Parish Council

- 5.01 The Planning & Licensing committee agreed that the application should be refused and that there were a number of areas that should be considered by the Local Planning Authority when considering the application, in particular:

- The gypsy/traveller status of the applicant;
- Whether the applicant previously led a nomadic habit of life;
- Given that the LPA can demonstrate a 5.3 year supply of gypsy and traveller site, there is no “unmet or proven need” to consider;
- New traveller site development in the open countryside should be strictly limited;

- Contrary to comments made by the applicant, this area was once 80% woodland and ponds. The site has been irrevocably changed by the occupants with ponds being filled and many trees felled.
- The area is now largely concrete hardstanding and this has had an adverse effect on drainage in the area and now causes flooding onto the road and neighbouring properties at times of heavy rain;
- The application is contrary to the Local Plan policies SS1, SP17, DM1, DM15, DM30.

Ulcombe Parish Council (Neighbouring Parish Council)

5.02 Ulcombe Parish Council objects to this application for the same reasons they objected to the previously refused application for the same plot. In particular, the following concerns are raised:

- It must be determined whether the applicant is a gypsy or traveller in planning terms;
- Evidence that the applicant is leading a "nomadic habit of life" needs to be provided;
- There is no "unmet or proven need" for gypsy and traveller sites;
- Maidstone Borough Council now has a 5.3 year supply of traveller pitches;
- Existing countryside protection policies should be applied;
- The Parish Council object to all proposals for Martins Gardens that exceed the permissions granted as a result of the 2009 appeals.

Kent Highways

5.03 No highway objection raised subject to conditions relating to provision for construction vehicle loading/unloading and turning facilities, provision for parking for site personnel and visitors, provision of wheel washing facilities, provision and retention of vehicle parking spaces, and vehicle loading/unloading and turning facilities.

Natural England

5.04 No comments to make on the application. State that Natural England has published Standing Advice which can be used to assess impacts on protected species. Further state that Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which can be used to assess any impacts on ancient woodland.

Forestry Commission

5.05 Comment that Ancient Woodland is an irreplaceable habitat. The NPPF (para. 175) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

KCC Minerals and Waste

5.6 No comments to make on the planning application.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Need for Gypsy sites
- Supply of Gypsy sites
- Gypsy Status
- Personal circumstances
- Visual and landscape impact
- Cumulative impacts
- Siting sustainability
- Residential amenity
- Parking and highway safety
- Area of Ancient Woodland and ecological interests
- Human Rights and Equality

Need for Gypsy sites

6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

6.03 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.

6.04 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

6.05 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.

- 6.06 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):
- Permanent/non-personal – 157
 - Permanent/personal – 26
 - Temporary/non-personal – 4
 - Temporary/personal – 37
- 6.07 Therefore a net total of 183 permanent pitches have been granted since 1st October 2011. A further 4 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 6.08 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The adopted Maidstone Borough Local Plan allocates a number of specific sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.
- 6.09 The Council's current position is that it can demonstrate a 7.7 year supply of Gypsy and Traveller sites at the base date of 1st April 2018.
- 6.10 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.11 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows:
- "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*
- 6.12 As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.13 It should also be noted that the Planning Inspectorate's guidance for what is usually required to validate appeals relating to Gypsy and Traveller sites, includes the provision of family background and travel for work purposes details for over the last 10 years.

- 6.14 The Design & Access Statement submitted in support of the application states that the mobile home will be occupied by a family member of the applicant and his partner who is currently pregnant and who now needs a stable base for health reasons. The Design & Access Statement further states that although the family member and his partner have been travelling and using the roadside to stop in, it is not safe for them both to continue to be continuous travelling gypsies for health reasons and the stable base will allow access to health care treatment and the new child to enrol in main stream school and receive an education in the future.
- 6.15 The Design & Access Statement states that the family member of the applicant and his partner have previously led a nomadic life and have travelled with the applicant as a family across the country to attend the horse fayres at Appleby, Cotswolds, Kent and Stow on the Wold where they seek work and deal in horses. The Design & Access Statement states that the family member and his partner have no intention of giving up this life but need a base for health reasons and for the benefit of the future child's education. The Design & Access Statement further states that the applicant and the family member travel the UK for work (landscaping) and do door to door canvassing for work.
- 6.16 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed mobile home is somewhat lacking in specific details with regards to their previous and intended nomadic habit of life, the plot forms part of an established Gypsy and Traveller site at Martins Gardens and the proposed mobile home is to accommodate an existing family member of the established occupiers of the site and his partner. A condition can be imposed on any grant of planning permission to ensure that the proposed mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015 (or any subsequent definition that superseded that document).

Personal circumstances

- 6.17 Apart from the desire to provide a settled base for a family member of the applicant and his partner in order to access healthcare treatment and for the birth and upbringing of their future child and to enable the child to be enrolled in main stream school and receive an education, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. However, in this instance, the personal circumstances are considered to outweigh the limited visual and landscape impact in the countryside location resulting from the development.

Visual and landscape impact

- 6.18 The site lies in the open countryside to the north-east of the Headcorn village settlement. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value.
- 6.19 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites, including the current application plot, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017).
- 6.20 Policies SP17 and DM30 of the Local Plan require that landscape protection should be given significant weight in considering development in the Low Weald Landscape

of Local Value. In accordance with the Maidstone Landscape Character Assessments, the Low Weald generic guidelines seek to "*....conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads*"; and more specifically, Landscape Area 43 (Headcorn Pasturelands) is an area being of *high* overall landscape sensitivity and is *sensitive to change*.

- 6.21 The plot, in this case, does not benefit from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of static/touring caravans. The plot is predominantly hardsurfaced and enclosed by close boarded fencing. Whilst the current use of the plot and the adjoining plot to the south-west (Plot 1A) for the stationing of static/touring caravans is unauthorised from a planning point of view, the plots are adjoined either side by authorised mobile home/touring caravan plots and the current application plot is seen in the context of the neighbouring Gypsy and Traveller plots in Martins Gardens to the north-east and south-west. Some of the development on these neighbouring plots is currently unauthorised.
- 6.22 It is generally accepted that residential caravans/mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or hidden away in unobtrusive locations, they are normally considered unacceptable due to their visual impact. Consequently, where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours, as required by policy DM15 of the adopted Local Plan.
- 6.23 The plot, the subject of this application, is set back from the frontage to Lenham Road and is well screened from views from the road by existing trees and hedgerows along the road frontage. The rear part of the plot and that of the neighbouring Gypsy and Traveller plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six gypsy sites. The tops of the mobile homes on the rear part of the plots are visible above the close boarded boundary fencing enclosing the plots.
- 6.24 The stationing of additional mobile homes within the Martins Gardens plots and the resulting intensification of the existing mobile home development in the locality has the potential to increase the visual impact in the locality and the impact on the open countryside landscape.
- 6.25 The mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing and proposed mobile homes on the adjoining Gypsy and Traveller plots (Plots 2, 3 and 4). As a result it is not considered that there will be any increased visual impact in views from the public footpath as a result of the mobile home on the plot. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, it is not considered that the mobile home, touring caravan and small utility room proposed in this application will have a significant and unacceptable harmful visual and landscape impact in the locality.
- 6.26 The currently unauthorised mobile home plot extends to a greater depth back from Lenham Road than the plot to which this current application relates. The current extent of the plot back from the Lenham Road frontage has impacted on part of the area of Ancient Woodland to the rear of the plot and it would appear that a significant number of established trees that formerly existed on the land have been lost and the landscape harmed.
- 6.27 The reduction in the depth of the plot proposed in the current application will allow the rear part of the site which forms part of the area designated as Ancient Woodland to be landscaped with native species planting which will provide some mitigation for the harm which has taken place and provide further screening for the

mobile home, touring caravan and utility room on the plot. As part of the current application a 5m wide native species landscaped buffer along the re-positioned rear boundary of the plot is to be planted which, apart from mitigating against the harm to the Ancient Woodland which has taken place, will also provide visual screening to the plot. In the circumstances the mobile home, touring caravan and utility room proposed on the application site will not result in adverse visual harm within this part of the defined Low Weald Landscape of Local Value.

- 6.28 The resulting impact on the visual amenities, landscape and rural character of the area does not raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.

Cumulative impacts

- 6.29 Guidance set out in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. In addition, adopted Local Plan policy DM15 states, amongst other criteria to be met in Gypsy and Traveller development, that permission will be granted if a site would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.30 There are various gypsy and traveller sites in the vicinity of the current application plot – both authorised and unauthorised, including the neighbouring plots in Martins Gardens to the south-west and north-east of the current application plot. The collective presence of these mobile home sites, together with the development on the current application plot and in Martins Gardens generally, is considered to erode the visual amenity and rural character of the area. The plots at the south-western end of Martins Gardens have a visual impact when viewed from Lenham Road and the plots at the north-eastern end of the row impact in views from the public footpath running north-west from Lenham Road to the north-east of the plot at the north-eastern end of the row (4 Martins Gardens).
- 6.31 In the context of the existing mobile home development in Martins Gardens generally, a mobile home, touring caravan and small utility building on the current application plot is not likely to result in any significant additional cumulative effect in terms of its impact on the countryside and landscape. There will be some increased cumulative effect as a result of the combined effect of other current mobile home applications for the neighbouring Gypsy and Traveller plots in Martins Gardens but the implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the north-eastern, north-western and south-western perimeters of the six plots will mitigate the additional impact. In the context of the existing authorised development, with the implementation of the landscaped buffer to be secured by planning condition, the combined cumulative effect in terms of impact on the countryside and landscape would not be so significant as to be considered in conflict with this aim of Local Plan Policy DM15.
- 6.32 Given that the current application for one mobile home, a touring caravan and a small utility room on the site is relatively modest in relation to the extent of other gypsy and traveller development – both authorised and unauthorised - in the near vicinity, it is not considered that an objection on grounds that the development would overwhelm the local community and services can be pursued.

Siting sustainability

- 6.33 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is less than 2km from the edge of Headcorn village (to the south-west of the site) with its local services, amenities and public transport links. Whilst located within part of the open countryside where residents would be reliant

on the use of a car, the site is not considered to be so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Residential amenity

- 6.34 The site is adjoined to the south-west and north-east by neighbouring gypsy and traveller sites in Martins Gardens (The Oaklands and Plot 1A Martins Gardens to the south-west and 2, 3 and 4 Martins Gardens to the north-east). The gypsy and traveller sites in Martins Gardens are not adjoined by residential properties and the closest neighbouring properties are on the opposite side of Lenham Road.
- 6.35 Given the nature of the neighbouring development and the separation between the gypsy and traveller development in Martins Gardens and the closest neighbouring residential properties, it is not considered that the use of the current application plot for the stationing of one mobile home, one touring caravan and a small utility room results in any unacceptable unneighbourly impact.
- 6.36 Vehicular and pedestrian movements to and from the site via the established shared access off Lenham Road which serves four of the five neighbouring Gypsy and Traveller plots in Martins Gardens is not likely to impact on any neighbouring property. No overriding residential amenity issues are considered to be raised in the application.

Parking and highway safety

- 6.37 The proposal uses the shared access off Lenham Road serving the neighbouring Gypsy and Traveller plots in Martins Gardens to the south-west and north-east of the current application plot. The shared access formed part of the mobile home use of the neighbouring plots granted planning permission on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above).
- 6.38 The permitted shared access is considered acceptable for the additional plots (Plots 1A and 1B) proposed in the current applications ref. 19/506271/FULL and 19/506272/FULL respectively in terms of highway safety. Adequate hardsurface space is available within the plot for the parking of vehicles associated with the residential use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the plot in a forward gear. The level of vehicle movements to and from the site is not likely to be so significant as to raise any overriding highway safety issues. Kent Highways raise no objection.

Area of Ancient Woodland and ecological interests

- 6.39 To the rear of the plots at the south-western end of the row of Gypsy and Traveller sites, including the current application plot, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The rear (north-western) part of the application plot adjoins the designated area of Ancient Woodland and extends within the 15m buffer zone of the area of Ancient Woodland.
- 6.40 The currently unauthorised mobile home plot extends to a greater depth back from Lenham Road than the plot to which this current application relates. The current extent of the plot back from the Lenham Road frontage together with the laying of extensive hardstanding has impacted on part of the area of Ancient Woodland to the rear of the plot and it would appear that a significant number of established trees that formerly existed on the land have been lost and the landscape harmed.
- 6.41 The reduction in the depth of the plot proposed in the current application will allow the rear part of the existing site which forms part of the area designated as Ancient

Woodland to be landscaped with native species planting which will provide some mitigation for the harm which has taken place. As part of the current application a 5m wide native species landscaped buffer of trees and hedgerows is to be planted along the re-positioned rear (north-western) boundary of the plot which will mitigate against the harm to the Ancient Woodland which has taken place.

- 6.42 The plot is predominantly hardsurfaced and enclosed by close boarded fencing. The stationing of a mobile home, touring caravan and small utility building on the plot has limited potential to impact on any ecological interests at the site. Any impact on ecological interests at the plot would have already taken place.
- 6.43 Records show that Great Crested Newts have previously been recorded within this area and there is no reason to suggest that they are not still present. However, as the quality of habitat has significantly declined, there has been a reduction in foraging and commuting habitat for terrestrial species such as (but not necessarily limited to) the Great Crested Newt to and from surrounding habitats. As such, the loss and deterioration of habitat as a result of the Gypsy and Traveller use of the plots in Martins Gardens which has taken place would be considered to have a negative impact on the wildlife and ecological interests of the site and immediate surroundings.
- 6.44 The implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the repositioned north-western boundary of the plot will enhance the ecological/biodiversity interests at the site. As such, a grant of planning permission for the mobile home, touring caravan and small utility room on the current application plot, together with native species landscaping/planting to the rear of the plot to be secured by planning condition, would enable ecological mitigation and/or enhancements to be secured by condition in accordance with Government guidance in the NPPF (para. 175).

Human Rights and Equality

- 6.45 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.
- 6.46 Apart from the desire to provide a settled base for a family member of the applicant and his partner in order to access healthcare treatment and for the birth and upbringing of their future child and to enable the child to be enrolled in main stream school and receive an education, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. The needs of the family member of the applicant and his partner, in this instance, are considered to outweigh the limited visual harm to the countryside landscape.

Other Matters

- 6.47 Given the nature and scale of the development proposed in the application (a mobile home, touring caravan and utility room on an established, albeit currently unauthorised, Gypsy and Traveller site), the conditions suggested by Kent Highways are not considered appropriate in this instance.

7. CONCLUSION

- 7.01 The plot, in this case, does not benefit from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of static/touring caravans.
- 7.02 Whilst the current use of the plot and the adjoining plot to the south-west (Plot 1A) for the stationing of static/touring caravans is unauthorised from a planning point of view, the plots are adjoined either side by authorised mobile home/touring caravan plots and the current application plot is seen in the context of the neighbouring Gypsy and Traveller plots in Martins Gardens to the north-east and south-west. The proposed stationing of one mobile home, a touring caravan and a small utility room on the plot is modest in the context of the existing and proposed Gypsy and Traveller development on the neighbouring plots in Martins Gardens.
- 7.03 The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (4 Martins Gardens) at the north-eastern end of the row of six gypsy sites, the mobile home, touring caravan and small utility room, the subject of the current application, are distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing permitted and proposed mobile homes on the adjoining Gypsy and Traveller plots (2, 3 and 4 Martins Gardens). As a result it is not considered that there will be any increased visual impact in views from the public footpath as a result of the mobile home, touring caravan and small utility room on the plot.
- 7.04 The existing unauthorised mobile home plot is to be reduced in the depth as part of the current application and the implementation of a scheme of native species tree and hedgerow planting to the repositioned rear boundary to provide a 5m wide landscaped buffer to the boundary as part of the current proposals will mitigate against the harm to the area of Ancient Woodland to the rear of the plot which has taken place and provide further screening for the mobile home, touring caravan and utility room on the plot.
- 7.05 In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, it is not considered that the mobile home, touring caravan and small utility room proposed in this application, together with the implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the repositioned rear (north-western) boundary of the plot, will not have a significant and unacceptable harmful visual and landscape impact in the locality.
- 7.06 The native species planting proposed to the rear of the plot will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements could be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).
- 7.07 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed mobile home is somewhat lacking in specific details with regards to their previous and intended nomadic habit of life, the plot forms part of an established Gypsy and Traveller site at Martins Gardens and the proposed mobile home is to accommodate an existing family member of the established occupiers of the site and his partner. A condition can be imposed on any grant of planning permission to ensure that the proposed mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.
- 7.08 The proposed stationing of one mobile home, a touring caravan and a small utility room on the plot is modest in the context of the existing and proposed Gypsy and Traveller development on the neighbouring plots in Martins Gardens. Planning

permission was recently refused for similar development on the plot under application ref. 18/504254/FULL. However, given the reduction in the scale of additional mobile home development now proposed on the adjoining established plots in Martins Gardens, the reduction in the extent of the current application plot, the implementation of a scheme of native species tree and hedgerow planting to the repositioned rear boundary to provide a 5m wide landscaped buffer to the boundary as part of the current proposals which will mitigate against the harm to the area of Ancient Woodland to the rear of the plot which has taken place, provide further screening for the development, and provide ecological/biodiversity enhancements, it is not considered that the current application raises any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan. The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The mobile home hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document);

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 2) No more than two caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (Plot 1b as shown on the submitted Site Location Plan) at any one time, of which no more than one shall be a static caravan or mobile home, and no further caravans shall be placed at any time anywhere within the site. Unless agreed in writing by the Local Planning Authority, the static caravan or mobile home shall be stationed on the site only in the position shown on the plan (Amended Site Block Plan as Proposed received 09 July 2019) hereby approved;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 3) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.

- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of: the internal layout of the site, including the siting of the static caravan, means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing

external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone to the repositioned north-western boundary of the plot including details of species, plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and, the said Scheme shall include a timetable for its implementation.

- (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- (5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within 5m wide landscape buffer zone for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority;

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- 7) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision;

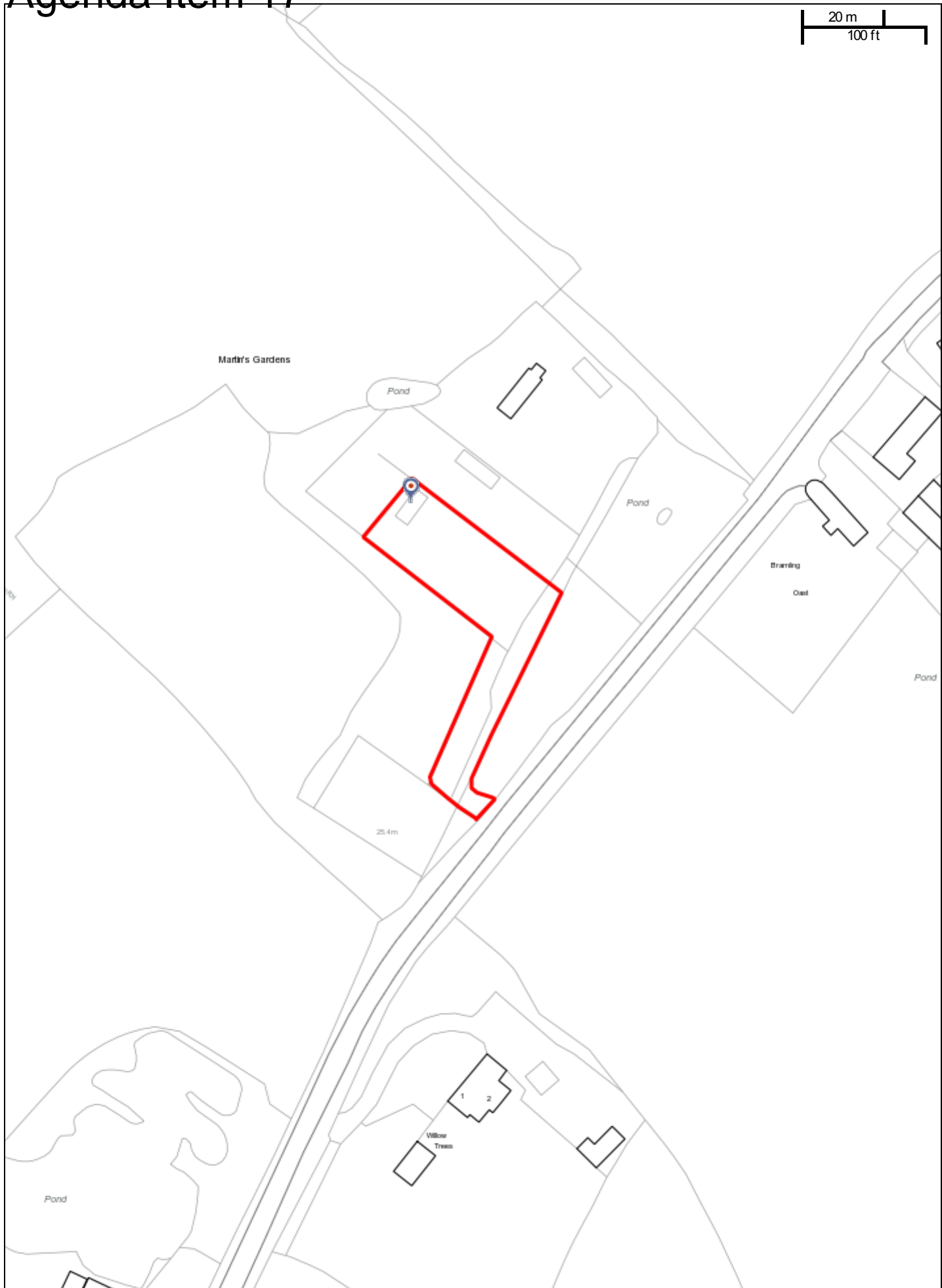
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 8) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

Reason: In order to safeguard residential and local amenity generally.

Case Officer: Jon Barnes

Agenda Item 17



18/506273/FULL 2 Martins Garden

Scale: 1:1250

Printed on: 17/7/2019 at 11:04 AM by SummerF

REFERENCE NO - 18/506273/FULL		
APPLICATION PROPOSAL Application for one additional mobile home and one tourer. (Retrospective)		
ADDRESS 2 Martins Gardens Lenham Road Headcorn Ashford Kent TN27 9LE		
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The site is an established Gypsy and Traveller plot within Martins Gardens which comprises a row of six such plots – both authorised and unauthorised. The current application for one additional mobile home and one touring caravan represents a less intensive development of the plot than that proposed in a recent application reference 18/504259/FULL which was not progressed and determined.</p> <p>The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (4 Martins Gardens) to the north-east, the additional mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing mobile home on the application plot and by the development on the adjoining Gypsy and Traveller plots (Plots 3 and 4).</p> <p>The application shows the depth of the current plot to be reduced by some 9m from that existing and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. The reduction in the depth of the plot brings it more in line with that previously granted on appeal in 2009. The reduction in the depth of the plot and the planting of a landscaped buffer will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape.</p> <p>As a result there will not be any increased visual impact in views from the public footpath as a result of the additional mobile home on the plot. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home and touring caravan proposed in this application will not have any significant or unacceptable harmful visual or landscape impact in the locality.</p> <p>The additional mobile home is to accommodate existing family members on the site who have outgrown the existing permitted mobile home/caravan accommodation on the plot. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.</p>		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Headcorn Parish Council		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mrs Mary Cash AGENT N/A
TARGET DECISION DATE 30/08/19		PUBLICITY EXPIRY DATE 30/01/19

Relevant Planning History

MA/01/1181 - Stationing of 2 caravans & utility room. Refused 01.07.02.

Appeal against 2 enforcement notices issued 03.11.08 by Maidstone Borough Council:

ENF/10155 (Enforcement notice A) – Without planning permission the change of use of the land from a mixed use of woodland and nil use to stationing and residential occupation of caravans, the parking and storage of motor vehicles, the erection of fencing on the site and a new entrance gate at the access onto Lenham Road and the placing on the land of domestic and other paraphernalia all ancillary to the residential occupation of caravans on the land. Appeal allowed and enforcement notice quashed 24.07.09.

ENF/10155 (Enforcement notice B) – Without planning permission, operational development comprising of the construction of hardsurfacing and engineering operations comprising the infilling of a pond. Appeal allowed and enforcement notice quashed 24.07.09.

MA/09/1722 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Split decision (Part refused/part approved) 24.12.09.

MA/11/1122 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Approved 23.12.11.

18/502176/FULL - Proposed siting of 3 additional mobile homes and 3 touring caravans at 1 Martins Gardens. Refused 12.10.2018. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact; 2) Access and associated structures visually incongruous and intrusive; 3) Impact on designated area of Ancient Woodland.

18/504256/FULL - Proposed siting of 2 mobile homes, 2 touring caravans and a utility room at 2 Martins Gardens. Refused 11.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact; 2) Impact on designated area of Ancient Woodland.

18/504254/FULL - Proposed siting of a mobile home, touring caravan and a utility room at 3 Martins Gardens. Refused 19.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500925/FULL - Two additional mobile homes at 5 Martins Gardens. Refused 01.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500924/FULL - Stationing of 2 additional mobile homes to be occupied by Gypsy and Traveller families at 6 Martins Gardens. Refused 28.06.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500785/FULL - Erection of dayroom at 6 Martins Gardens. Refused 28.06.18.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located off the north-western side of Lenham Road and comprises the fourth plot from the south-western end of a row of six Gypsy sites running along the north-western side of Lenham Road.
- 1.02 The plot is accessed from a shared accessway off Lenham Road which also serves four of the five neighbouring Gypsy sites forming Martins Gardens. The fifth site, The Oaklands, at the south-western end of the row of sites has its own separate access off Lenham Road.

- 1.03 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The south-western edge of the site is within the KCC Minerals Safeguarding Area.
- 1.04 The site is less than 2km from the edge of Headcorn village (to the south-west of the site) and for the purposes of the Local Plan, the site is within the open countryside and within the Low Weald Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan.
- 1.05 The plot referred to in the current application as 2 Martins Gardens (4 Martins Gardens with regards to the Relevant Planning History listed above) benefits from planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and 1 utility room.

2. PROPOSAL

- 2.01 The site, as noted above, benefits from planning permission granted on appeal in 2009 for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot.
- 2.02 The current application seeks planning permission for the stationing of one additional mobile home and one additional touring caravan on the plot. The submitted plan shows the additional mobile home to be sited to the front (south-east) of the existing mobile home and adjacent to the north-eastern side boundary of the plot.
- 2.03 The Design & Access Statement submitted in support of the application states that the additional mobile home will be occupied by the applicant's family members (5 adults in total and 5 children) and that the currently permitted single mobile home simply does not provide sufficient space anymore. The Design & Access Statement further states that the children are now in school and are settled into mainstream education and one of the elderly adults has health issues and needs to be with one of the younger adults for care.
- 2.04 The Design and Access Statement states that the family have always led a nomadic life and have travelled across the country for work in landscaping and horse dealing and whilst they have no intention of giving up this life, they need to have a settled base due to the health issues of one elderly adult and the educational needs of the children.
- 2.05 The current mobile home plot at 2 Martins Gardens extends to a greater depth back from Lenham Road than that granted on appeal in 2009 for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot. The current application shows the depth of the plot to be reduced by some 9m from that existing, the existing mobile home moved slightly forward as a result of the repositioning of the rear (north-west) boundary line, and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear boundary line. The reduction in the depth of the plot brings it more in line that previously granted on appeal in 2009.
- 2.06 A recent previous application reference 18/504259/FULL proposed the erection of two additional mobile homes on the plot. However, this application was not proceeded with and no decision notice was issued.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (2015)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30
Landscape Capacity Study: Sensitivity Assessment (2015)
Landscape Character Assessment (2012 – amended 2013)
Landscape Character Assessment Supplement (2012)
KCC Minerals Plan

4. LOCAL REPRESENTATIONS

Local Residents

4.01 One representation received from a local resident raising the following (summarised) issues:

- There is constantly floodlighting on at night which points towards the road and the neighbouring home and on occasions there are very loud arguments/disturbances in the early hours of the morning. Additional residences on the site would only increase these disturbances to the neighbouring residents and would detract from the enjoyment of living in the otherwise quiet countryside.

Shenley Farms (Aviation) Limited

4.02 No objection raised providing the development will not be in any way inconsistent with the existing and well established use of and activity at Headcorn Aerodrome.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Headcorn Parish Council

5.01 The Planning & Licensing committee agreed that the application should be refused and that there were a number of areas that should be considered by the Local Planning Authority when considering the application, in particular:

- The gypsy/traveller status of the applicant;
- Whether the applicant previously led a nomadic habit of life;
- Given that the LPA can demonstrate a 5.3 year supply of gypsy and traveller site, there is no "unmet or proven need" to consider;
- New traveller site development in the open countryside should be strictly limited;
- The area is now largely concrete hardstanding and this has had an adverse effect on drainage in the area and now causes flooding onto the road and neighbouring properties at times of heavy rain;
- The application is contrary to the Local Plan policies SS1, SP17, DM1, DM15, DM30.

Ulcombe Parish Council (Neighbouring Parish Council)

- 5.02 Ulcombe Parish Council object to this application for the same reasons they objected to the previously refused applications for the same plot. In particular, the following concerns are raised:
- It must be determined whether the applicant is a gypsy or traveller in planning terms;
 - Evidence that the applicant is leading a “nomadic habit of life” needs to be provided;
 - There is no “unmet or proven need” for gypsy and traveller sites;
 - Maidstone Borough Council now has a 5.3 year supply of traveller pitches;
 - Existing countryside protection policies should be applied;
 - The Parish Council object to all proposals for Martins Gardens that exceed the permissions granted as a result of the 2009 appeals.

Kent Highways

- 5.03 No highway objection raised subject to conditions relating to provision for construction vehicle loading/unloading and turning facilities, provision for parking for site personnel and visitors, provision of wheel washing facilities, provision and retention of vehicle parking spaces, and vehicle loading/unloading and turning facilities.

Natural England

- 5.04 No comments to make on the application. State that Natural England has published Standing Advice which can be used to assess impacts on protected species. Further state that Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which can be used to assess any impacts on ancient woodland.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Need for Gypsy sites
 - Supply of Gypsy sites
 - Gypsy Status
 - Personal circumstances
 - Visual and landscape impact
 - Cumulative impacts
 - Siting sustainability
 - Residential amenity
 - Parking and highway safety
 - Area of Ancient Woodland and ecological interests
 - Human Rights and Equality

Need for Gypsy sites

- 6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016 - 105 pitches
April 2016 – March 2021 - 25 pitches
April 2021 – March 2026 - 27 pitches
April 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

- 6.03 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 6.04 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

- 6.05 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.06 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):
- Permanent/non-personal – 157
 - Permanent/personal – 26
 - Temporary/non-personal – 4
 - Temporary/personal – 37
- 6.07 Therefore a net total of 183 permanent pitches have been granted since 1st October 2011. A further 4 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 6.08 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The adopted Maidstone Borough Local Plan allocates a number of specific sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.

- 6.09 The Council's current position is that it can demonstrate a 7.7 year supply of Gypsy and Traveller sites at the base date of 1st April 2018.
- 6.10 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.11 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows:
- "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*
- 6.12 As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.13 It should also be noted that the Planning Inspectorate's guidance for what is usually required to validate appeals relating to Gypsy and Traveller sites, includes the provision of family background and travel for work purposes details for over the last 10 years.
- 6.14 The Design & Access Statement submitted in support of the application states that the additional mobile home will be occupied by the applicant's family members (5 adults and 5 children) and that the permitted single mobile home simply does not provide sufficient space anymore. The Design & Access Statement further states that the children are now in school and are settled into mainstream education and that one of the elderly adult family members has health issues and needs to be with another one of the family members for care.
- 6.15 The Design and Access Statement states that the family have always led a nomadic life and have travelled across the country for work in landscaping and horse dealing and that they always attend the horse fayres at Appleby, Cotswolds, Kent, and Stow on the Wold where they also seek work and deal in horses. The Statement further states that whilst they have no intention of giving up this life, they need to have a settled base due to the family member's health issues and the educational needs of the children.
- 6.16 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed additional mobile home is somewhat lacking in specific details with regards to their previous and intended nomadic habit of life, the site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate existing family members on the site who have outgrown the existing permitted mobile home/caravan accommodation. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and

travellers as defined in Planning Policy for Travellers Sites, August 2015 (or any subsequent definition that superseded that document).

Personal circumstances

- 6.17 Apart from the desire to provide additional mobile home accommodation for existing family members on the site who have outgrown the existing permitted mobile home/caravan accommodation and to provide a settled base for the educational needs of the existing children living on the site and for an elderly adult's health care, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. However, in this instance, the personal circumstances are considered to outweigh the limited visual and landscape impact in the countryside location resulting from the development.

Visual and landscape impact

- 6.18 The site lies in the open countryside to the north-east of the Headcorn village settlement. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value.
- 6.19 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017).
- 6.20 Policies SP17 and DM30 of the Local Plan require that landscape protection should be given significant weight in considering development in the Low Weald Landscape of Local Value. In accordance with the Maidstone Landscape Character Assessments, the Low Weald generic guidelines seek to *"....conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads"*; and more specifically, Landscape Area 43 (Headcorn Pasturelands) is an area being of *high* overall landscape sensitivity and is *sensitive to change*.
- 6.21 The plot, in this case, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and a utility room. The site is predominantly hardsurfaced and enclosed by close boarded fencing. The site is seen in the context of the neighbouring Gypsy and Traveller plots in Martins Gardens to the north-east and south-west. Some of the development on these plots is currently unauthorised.
- 6.22 It is generally accepted that residential caravans/mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or hidden away in unobtrusive locations, they are normally considered unacceptable due to their visual impact. Consequently, where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours, as required by policy DM15 of the adopted Local Plan.
- 6.23 The plot, the subject of this application, is set back from the frontage to Lenham Road and is well screened from views from the road by existing trees and hedgerows along the road frontage. The rear part of the plot and that of the neighbouring Gypsy and Traveller plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the plot at the north-eastern

end of the row of six gypsy sites. The tops of the mobile homes on the rear part of the plots are visible above the close boarded boundary fencing enclosing the plots.

- 6.24 The stationing of additional mobile homes within the Martins Gardens plots and the resulting intensification of the existing mobile home development in the locality has the potential to increase the visual impact in the locality and the impact on the open countryside landscape.
- 6.25 The additional mobile home, the subject of the current application, is distanced from the public footpath to the north-east and is sited to the front (south-east) of the existing permitted mobile home on the plot. The proposed additional mobile home will be screened from views from the public footpath by the existing mobile home on the application plot and by the development on the adjoining Gypsy and Traveller plots (Plots 3 and 4). As a result there will not be any increased visual impact in views from the public footpath as a result of the additional mobile home on the plot. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, it is not considered that the additional mobile home and touring caravan proposed in this application will have a significant and unacceptable harmful visual and landscape impact in the locality.
- 6.26 The proposed reduction in the depth of the current plot as existing by some 9m to bring it back more in line with that approved on appeal in 2009 together with the implementation of a scheme of native tree and hedgerow planting to provide a 5m wide landscaped buffer along the repositioned north-western (rear) boundary of the plot, to be secured by planning condition, will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape.
- 6.27 The site is an established Gypsy and Traveller plot and the current application represents a less intensive development of the plot than that proposed in the previous recent application reference 18/504259/FULL which was not progressed and determined. The proposed reduction in the depth of the plot as existing back from Lenham Road by some 9m to bring it more in line with the plot depth permitted by the appeal decision in 2009 together with a scheme of native tree and hedgerow planting to provide a 5m wide landscaped buffer along the repositioned north-western boundary of the plot, to be secured by planning condition, will mitigate any potential additional visual impact of an additional mobile home on the plot in the open countryside location. The additional mobile home and touring caravan proposed in this application on the established gypsy plot will not result in adverse visual harm within this part of the defined Low Weald Landscape of Local Value.
- 6.28 The resulting impact on the visual amenities, landscape and rural character of the area does not raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.

Cumulative impacts

- 6.29 Guidance set out in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. In addition, adopted Local Plan policy DM15 states, amongst other criteria to be met in Gypsy and Traveller development, that permission will be granted if a site would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.30 There are various gypsy and traveller sites in the vicinity of the current application plot – both authorised and unauthorised, including the neighbouring plots in Martins Gardens to the south-west and north-east of the current application plot. The

collective presence of these mobile home sites, together with the development on the current application plot and in Martins Gardens generally, is considered to erode the visual amenity and rural character of the area. The plots at the south-western end of Martins Gardens have a visual impact when viewed from Lenham Road and the plots at the north-eastern end of the row impact in views from the public footpath running north-west from Lenham Road to the north-east of the plot at the north-eastern end of the row (4 Martins Gardens).

- 6.31 In the context of the existing mobile home development in Martins Gardens generally, an additional mobile home and touring caravan on the current application plot is not likely to result in any significant additional cumulative effect in terms of its impact on the countryside and landscape. There will be some increased cumulative effect as a result of the combined effect of other current mobile home applications for the neighbouring Gypsy and Traveller plots in Martins Gardens but the implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the north-eastern, north-western and south-western perimeters of the six plots will mitigate the additional impact. In the context of the existing authorised development, with the implementation of the landscaped buffer to be secured by planning condition, the combined cumulative effect in terms of impact on the countryside and landscape would not be so significant as to be considered in conflict with this aim of Local Plan Policy DM15.
- 6.32 Given that the current application for one additional mobile home on the site (2 mobile homes in total) is relatively modest in relation to the extent of other gypsy and traveller development – both authorised and unauthorised – in the near vicinity, it is not considered that an objection on grounds that the development would overwhelm the local community and services can be pursued.

Siting sustainability

- 6.33 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is less than 2km from the edge of Headcorn village (to the south-west of the site) with its local services, amenities and public transport links. Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not considered to be so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Residential amenity

- 6.34 The site is adjoined to the south-west and north-east by neighbouring gypsy and traveller sites in Martins Gardens (The Oaklands, Plots 1A and 1B Martins Gardens to the south-west and 3 and 4 Martins Gardens to the north-east). The gypsy and traveller sites in Martins Gardens are not adjoined by residential properties and the closest neighbouring properties are on the opposite side of Lenham Road.
- 6.35 Given the nature of the neighbouring development and the separation between the gypsy and traveller development in Martins Gardens and the closest neighbouring residential properties, it is not considered that the use of the current application plot for the stationing of one additional mobile home (2 mobile homes in total) results in any unacceptable unneighbourly impact.
- 6.36 Vehicular and pedestrian movements to and from the site via the established shared access off Lenham Road which serves four of the five neighbouring Gypsy and Traveller plots in Martins Gardens is not likely to impact on any neighbouring property. No overriding residential amenity issues are considered to be raised in the application.

Parking and highway safety

- 6.37 The proposal uses the shared access off Lenham Road serving the neighbouring Gypsy and Traveller plots in Martins Gardens to the south-west and north-east of the current application plot. The shared access formed part of the mobile home use of the application plot and the neighbouring plots granted planning permission on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above).
- 6.38 The permitted shared access is considered acceptable for the additional mobile home use in terms of highway safety. Adequate hardsurface space is available within the plot for the parking of vehicles associated with the residential use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the plot in a forward gear. The level of vehicle movements to and from the site is not likely to be so significant as to raise any overriding highway safety issues. Kent Highways raise no objection.

Area of Ancient Woodland and ecological interests

- 6.39 To the rear of the plots at the south-western end of the row of Gypsy and Traveller sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The current application plot is centrally located within the row of Gypsy and Traveller sites and does not impact on the area designated as Ancient Woodland. The additional mobile home proposed does not extend within the 15m buffer zone of the area of Ancient Woodland.
- 6.40 The site is predominantly hardsurfaced and enclosed by close boarded fencing. The stationing of an additional mobile home and a touring caravan on the plot has limited potential to impact on any ecological interests at the site.
- 6.41 Records show that Great Crested Newts have previously been recorded within this area and there is no reason to suggest that they are not still present. However, as the quality of habitat has significantly declined, there has been a reduction in foraging and commuting habitat for terrestrial species such as (but not necessarily limited to) the Great Crested Newt to and from surrounding habitats. As such, the loss and deterioration of habitat as a result of the Gypsy and Traveller use of the plots in Martins Gardens which has taken place would be considered to have a negative impact on the wildlife and ecological interests of the site and immediate surroundings.
- 6.42 The implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the repositioned north-western boundary of the plot will enhance the ecological/biodiversity interests at the site. As such, a grant of planning permission for the additional mobile home on the current application site, together with native species landscaping/planting to the rear part of the plot to be secured by planning condition, would enable ecological mitigation and/or enhancements to be secured by condition in accordance with Government guidance in the NPPF (para. 175).

Human Rights and Equality

- 6.43 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

- 6.44 Apart from the desire to provide additional mobile home accommodation for existing family members on the site who have outgrown the existing permitted mobile home/caravan accommodation and to provide a settled base for the educational needs of the existing children living on the site and for an elderly adult's health care, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. The needs of the existing family members, including children, in this instance, are considered to outweigh the limited visual harm to the countryside landscape.

Other Matters

- 6.45 Given the nature and scale of the development proposed in the application (an additional mobile home and touring caravan on an established Gypsy and Traveller site), the conditions suggested by Kent Highways are not considered appropriate in this instance.

7. CONCLUSION

- 7.01 The plot, the subject of this application, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) for the stationing of 1 static caravan, 1 touring caravan and a utility room. A previous recent application reference 18/504259/FULL for the stationing of two additional mobile homes on the plot was not progressed and determined.
- 7.02 The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (4 Martins Gardens) at the north-eastern end of the row of six gypsy sites, the additional mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing permitted mobile home on the plot and by the development on the adjoining Gypsy and Traveller plots (3 and 4 Martins Gardens). As a result it is not considered that there will be any increased visual impact in views from the public footpath as a result of the additional mobile home on the plot.
- 7.03 The proposed reduction in the depth of the plot back from Lenham Road by some 9m to bring it more in line with the plot depth permitted by the appeal decision in 2009 and the implementation of a scheme of native species planting to the repositioned rear boundary to provide a 5m wide landscaped buffer to the boundary will mitigate the visual impact of the existing plot in the open countryside location. The native species planting will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements could be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).
- 7.04 In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home and touring caravan proposed in this application, together with the implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the repositioned rear (north-western) boundary of the plot, will not have a significant and unacceptable harmful visual and landscape impact in the locality.
- 7.05 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed additional mobile home remains somewhat lacking in specific details with regards to their previous nomadic habit of life, the site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate family members who have outgrown the existing permitted mobile home on the plot. A condition can be imposed on any grant of

planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.

- 7.06 The additional mobile home and touring caravan proposed in this application on the established gypsy plot is not considered to result in adverse visual harm within this part of the defined Low Weald Landscape of Local Value. In the context of the permitted Gypsy and Traveller development in Martins Gardens, the development, together with the implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the rear boundary of the plot, is not considered to raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan. The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The additional mobile home hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document);

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 2) No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (Plot 2 as shown on the submitted Site Location Plan) at any one time, of which no more than two shall be static caravans or mobile homes, and no further caravans shall be placed at any time anywhere within the site. Unless agreed in writing by the Local Planning Authority, the two static caravans or mobile homes shall be stationed on the site only in the positions shown on the plan (Amended Site Block Plan as Proposed received 09 July 2019) hereby approved;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 3) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.

- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of: the internal layout of the site, including the siting of the static

caravans, means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone to the repositioned north-western boundary of the plot including details of species, plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and, the said Scheme shall include a timetable for its implementation.

- (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- (5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within 5m wide landscape buffer zone for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority;

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- 7) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision;

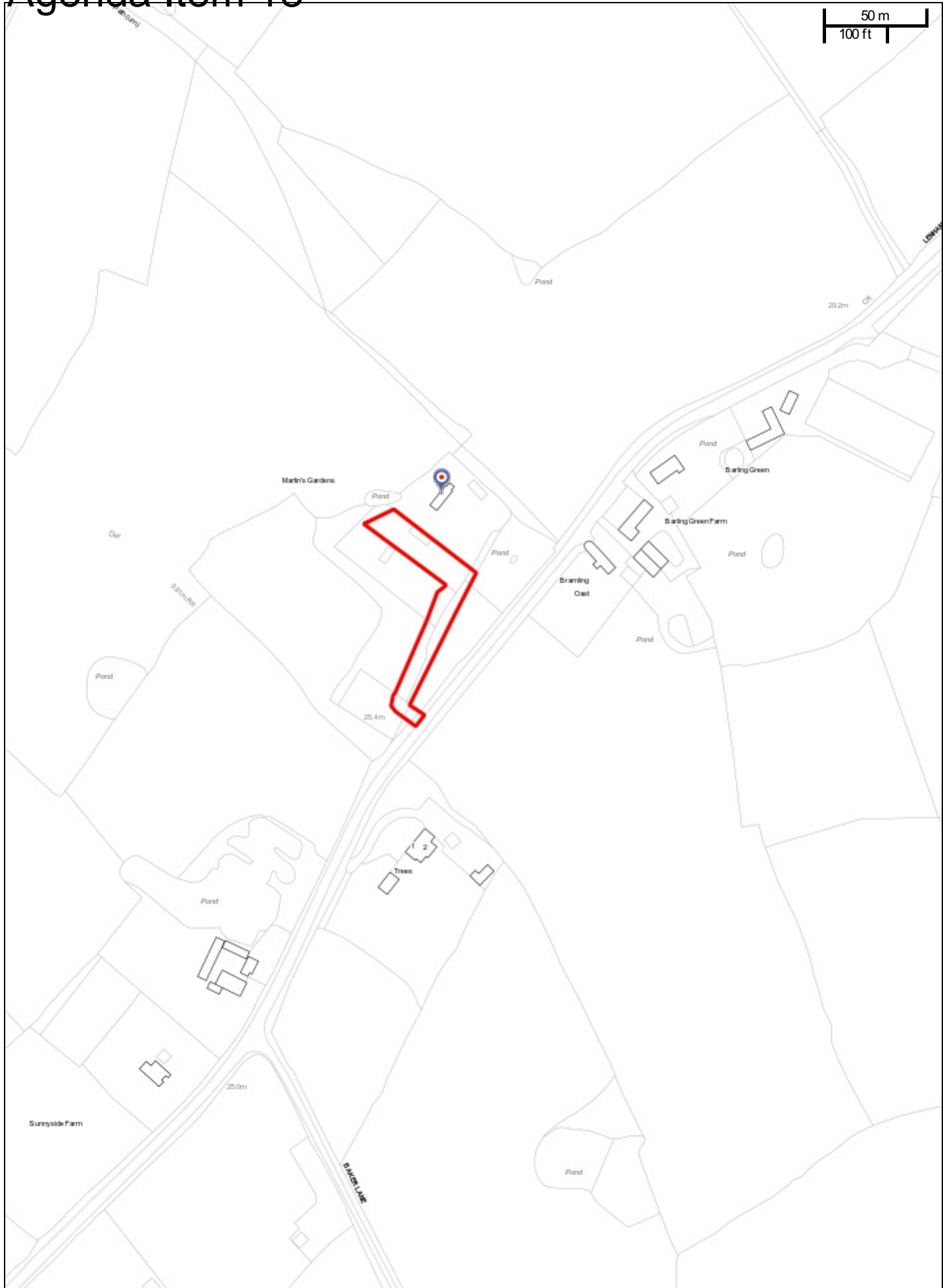
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 8) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

Reason: In order to safeguard residential and local amenity generally.

Case Officer: Jon Barnes

Agenda Item 18



REFERENCE NO - 18/506275/FULL		
APPLICATION PROPOSAL Application for one additional mobile home and one tourer. (Retro		
ADDRESS 3 Martins Gardens Lenham Road Headcorn Ashford Kent TN27 9LE		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <p>The site is an established Gypsy and Traveller plot within Martins Gardens which comprises a row of six such plots – both authorised and unauthorised. The current application for one additional mobile home and one touring caravan represents a less intensive development of the plot than that recently refused planning permission under reference 18/500925/FULL.</p> <p>The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (4 Martins Gardens) to the north-east, the additional mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will, to a large extent, be screened from views from the public footpath by the development on the adjoining Gypsy and Traveller plot (4 Martins Gardens).</p> <p>The application shows the depth of the current plot to be reduced by some 12m from that existing and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. The reduction in the depth of the plot brings it more in line that previously granted on appeal in 2009. The reduction in the depth of the plot and the planting of a landscaped buffer will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape.</p> <p>As a result it is not considered that any increased visual impact in views from the public footpath as a result of the additional mobile home on the plot will be significant. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home and touring caravan proposed in this application will not have any significant or unacceptable harmful visual or landscape impact in the locality.</p> <p>The additional mobile home is to accommodate a family member of the existing occupiers of the plot. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.</p>		
<p>REASON FOR REFERRAL TO COMMITTEE</p> <p>The recommendation is contrary to the views of Headcorn Parish Council.</p>		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr Patrick Cash AGENT N/A
TARGET DECISION DATE 30/08/19		PUBLICITY EXPIRY DATE 30/01/19

Relevant Planning History

MA/01/1181 - Stationing of 2 caravans & utility room. Refused 01.07.02.

Appeal against 2 enforcement notices issued 03.11.08 by Maidstone Borough Council:

ENF/10155 (Enforcement notice A) – Without planning permission the change of use of the land from a mixed use of woodland and nil use to stationing and residential occupation of caravans, the parking and storage of motor vehicles, the erection of fencing on the site and

a new entrance gate at the access onto Lenham Road and the placing on the land of domestic and other paraphernalia all ancillary to the residential occupation of caravans on the land. Appeal allowed and enforcement notice quashed 24.07.09.

ENF/10155 (Enforcement notice B) – Without planning permission, operational development comprising of the construction of hardsurfacing and engineering operations comprising the infilling of a pond. Appeal allowed and enforcement notice quashed 24.07.09.

MA/09/1722 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Split decision (Part refused/part approved) 24.12.09.

MA/11/1122 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Approved 23.12.11.

18/502176/FULL - Proposed siting of 3 additional mobile homes and 3 touring caravans at 1 Martins Gardens. Refused 12.10.2018. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact; 2) Access and associated structures visually incongruous and intrusive; 3) Impact on designated area of Ancient Woodland.

18/504256/FULL - Proposed siting of 2 mobile homes, 2 touring caravans and a utility room at 2 Martins Gardens. Refused 11.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact; 2) Impact on designated area of Ancient Woodland.

18/504254/FULL - Proposed siting of a mobile home, touring caravan and a utility room at 3 Martins Gardens. Refused 19.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500925/FULL - Two additional mobile homes at 5 Martins Gardens. Refused 01.10.18 for the following reason:

'In the absence of sufficient information pertaining to Gypsy and Traveller status, there is no justification for allowing this development, given the adverse visual harm it would have on the character and appearance of the countryside hereabouts that falls within a Landscape of Local Value and is of high overall landscape sensitivity that is sensitive to change. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of the Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); and the National Planning Policy Framework (2018).'

18/500924/FULL - Stationing of 2 additional mobile homes to be occupied by Gypsy and Traveller families at 6 Martins Gardens. Refused 28.06.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500785/FULL - Erection of dayroom at 6 Martins Gardens. Refused 28.06.18.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located off the north-western side of Lenham Road and comprises the second plot from the north-eastern end of a row of six Gypsy sites running along the north-western side of Lenham Road.
- 1.02 The plot is accessed from a shared accessway off Lenham Road which also serves four of the five neighbouring Gypsy sites forming Martins Gardens. The fifth site, The Oaklands, at the south-western end of the row of sites has its own separate access off Lenham Road.
- 1.03 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the adjoining end plot and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017).
- 1.04 The site is less than 2km from the edge of Headcorn village (to the south-west of the site) and for the purposes of the Local Plan, the site is within the open countryside and within the Low Weald Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan.
- 1.05 The plot referred to in the current application as 3 Martins Gardens (5 Martins Gardens in the Relevant Planning History listed above) benefits from planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and 1 utility room.

2. PROPOSAL

- 2.01 The site, as noted above, benefits from planning permission granted on appeal in 2009 for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot.
- 2.02 The current application seeks planning permission for the stationing of one additional mobile home and one additional touring caravan on the plot. The submitted plan shows the additional mobile home to be sited in front (to the south-east) of the existing mobile home adjacent to the north-eastern boundary of the plot.
- 2.03 The Design & Access Statement submitted in support of the application states that the additional mobile home will be occupied by a member of the applicant's family and their partner who has a small baby and is currently pregnant and now needs a stable base. The Design & Access Statement further states that although the family member and partner have always been travelling and using the roadside to stop in, it is not safe for them both to continue to be continuous travelling gypsies and the stable base will allow the existing child and future baby to enrol in main stream school and receive an education.
- 2.04 The current application is a revised submission following the refusal of planning permission 01.10.18 under application reference 18/500925/FULL for the stationing of 2 additional mobile homes on the plot.
- 2.05 The current mobile home plot at 3 Martins Gardens extends to a greater depth back from Lenham Road than that granted on appeal in 2009 for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot. The current application shows the depth of the plot to be reduced by some 12m from that existing and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. The reduction in the depth of the plot brings it more in line with that previously granted on appeal in 2009.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (2015)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30
Landscape Capacity Study: Sensitivity Assessment (2015)
Landscape Character Assessment (2012 – amended 2013)
Landscape Character Assessment Supplement (2012)

4. LOCAL REPRESENTATIONS

Local Residents

4.01 One representation received from a local resident raising the following (summarised) issues:

- There is constantly floodlighting on at night which points towards the road and the neighbouring home and on occasions there are very loud arguments/disturbances in the early hours of the morning. Additional residences on the site would only increase these disturbances to the neighbouring residents and would detract from the enjoyment of living in the otherwise quiet countryside.

Shenley Farms (Aviation) Limited

4.02 No objection raised providing the development will not be in any way inconsistent with the existing and well established use of and activity at Headcorn Aerodrome.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Headcorn Parish Council

5.01 The Planning & Licensing committee agreed that the application should be refused and that there were a number of areas that should be considered by the Local Planning Authority when considering the application, in particular:

- The gypsy/traveller status of the applicant;
- Whether the applicant previously led a nomadic habit of life;
- Given that the LPA can demonstrate a 5.3 year supply of gypsy and traveller site, there is no "unmet or proven need" to consider;
- New traveller site development in the open countryside should be strictly limited;
- The area is now largely concrete hardstanding and this has had an adverse effect on drainage in the area and now causes flooding onto the road and neighbouring properties at times of heavy rain;
- The application is contrary to the Local Plan policies SS1, SP17, DM1, DM15, DM30.

Ulcombe Parish Council (Neighbouring Parish Council)

- 5.02 Ulcombe Parish Council object to this application for the same reasons they objected to the previously refused applications for the same plot. In particular, the following concerns are raised:
- It must be determined whether the applicant is a gypsy or traveller in planning terms;
 - Evidence that the applicant is leading a "nomadic habit of life" needs to be provided;
 - There is no "unmet or proven need" for gypsy and traveller sites;
 - Maidstone Borough Council now has a 5.3 year supply of traveller pitches;
 - Existing countryside protection policies should be applied;
 - The Parish Council object to all proposals for Martins Gardens that exceed the permissions granted as a result of the 2009 appeals.

Kent Highways

- 5.03 No highway objection raised subject to conditions relating to provision for construction vehicle loading/unloading and turning facilities, provision for parking for site personnel and visitors, provision of wheel washing facilities, provision and retention of vehicle parking spaces, and vehicle loading/unloading and turning facilities.

Natural England

- 5.04 No comments to make on the application. State that Natural England has published Standing Advice which can be used to assess impacts on protected species. Further state that Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which can be used to assess any impacts on ancient woodland.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Need for Gypsy sites
 - Supply of Gypsy sites
 - Gypsy Status
 - Personal circumstances
 - Visual and landscape impact
 - Cumulative impacts
 - Siting sustainability
 - Residential amenity
 - Parking and highway safety
 - Area of Ancient Woodland and ecological interests
 - Human Rights and Equality

Need for Gypsy sites

- 6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016 - 105 pitches
April 2016 – March 2021 - 25 pitches
April 2021 – March 2026 - 27 pitches
April 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

- 6.03 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 6.04 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

- 6.05 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.06 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):
- Permanent/non-personal – 157
 - Permanent/personal – 26
 - Temporary/non-personal – 4
 - Temporary/personal – 37
- 6.07 Therefore a net total of 183 permanent pitches have been granted since 1st October 2011. A further 4 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 6.08 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The adopted Maidstone Borough Local Plan allocates a number of specific sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.

- 6.09 The Council's current position is that it can demonstrate a 7.7 year supply of Gypsy and Traveller sites at the base date of 1st April 2018.
- 6.10 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.11 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows:
- "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*
- 6.12 As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.13 It should also be noted that the Planning Inspectorate's guidance for what is usually required to validate appeals relating to Gypsy and Traveller sites, includes the provision of family background and travel for work purposes details for over the last 10 years.
- 6.14 The Design & Access Statement submitted in support of the application states that the additional mobile home will be occupied by a member of the applicant's family and their partner who has a small baby and is currently pregnant and now needs a stable base. The Design & Access Statement further states that although the family member and partner have always been travelling and using the roadside to stop in, it is not safe for them both to continue to be continuous travelling gypsies and the stable base will allow the existing child and future baby to enrol in main stream school and receive an education.
- 6.15 The Design & Access Statement states that the family member and partner have previously led a nomadic life and have travelled with the applicant as a family across the country to attend the horse fayres at Appleby, Cotswolds, Kent and Stow on the Wold where they seek work and deal in horses. The Design & Access Statement states that the family member and partner have no intention of giving up this life but now need a stable base for health reasons and for the benefit of the existing child's and future baby's education. The Design & Access Statement further states that the applicant and the family member travel the UK for work (landscaping) and do door to door canvassing for work.
- 6.16 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed additional mobile home is somewhat lacking in specific details with regards to their previous nomadic habit of life, the site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate a family member of the existing occupiers of the plot and

their partner. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015 (or any subsequent definition that superseded that document).

Personal circumstances

- 6.17 Apart from the desire to provide a settled base for the upbringing of an existing child and future baby of the applicant's family member and partner and to enable the children to be enrolled in main stream school and receive an education, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. However, in this instance, the personal circumstances are considered to outweigh the limited visual and landscape impact in the countryside location resulting from the development.

Visual and landscape impact

- 6.18 The site lies in the open countryside to the north-east of the Headcorn village settlement. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value.
- 6.19 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the neighbouring end plot and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017).
- 6.20 Policies SP17 and DM30 of the Local Plan require that landscape protection should be given significant weight in considering development in the Low Weald Landscape of Local Value. In accordance with the Maidstone Landscape Character Assessments, the Low Weald generic guidelines seek to *"...conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads"*; and more specifically, Landscape Area 43 (Headcorn Pasturelands) is an area being of *high* overall landscape sensitivity and is *sensitive to change*.
- 6.21 The plot, in this case, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and a utility room. The plot is predominantly hardsurfaced and enclosed by close boarded fencing. The site is seen in the context of the neighbouring Gypsy and Traveller plots in Martins Gardens to the north-east and south-west. Some of the development on these plots is currently unauthorised.
- 6.22 It is generally accepted that residential caravans/mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or hidden away in unobtrusive locations, they are normally considered unacceptable due to their visual impact. Consequently, where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours, as required by policy DM15 of the adopted Local Plan.
- 6.23 The plot, the subject of this application, is set back from the frontage to Lenham Road and is well screened from views from the road by existing trees and hedgerows along the road frontage. The rear part of the plot and that of the neighbouring Gypsy and Traveller plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring end plot to

the north-east. The tops of the mobile homes on the rear part of the plots are visible above the close boarded boundary fencing enclosing the plots.

- 6.24 The stationing of additional mobile homes within the Martins Gardens plots and the resulting intensification of the existing mobile home development in the locality has the potential to increase the visual impact in the locality and the impact on the open countryside landscape.
- 6.25 The additional mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will, to a large extent, be screened from views from the public footpath by the development on the adjoining Gypsy and Traveller plot (Plot 4). As a result it is not considered that any increased visual impact in views from the public footpath as a result of the additional mobile home on the plot will be significant. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, it is not considered that the additional mobile home and touring caravan proposed in this application will have a significant and unacceptable harmful visual and landscape impact in the locality.
- 6.26 The proposed reduction in the depth of the current plot as existing by some 12m to bring it back more in line with that approved on appeal in 2009 together with the implementation of a scheme of native tree and hedgerow planting to provide a 5m wide landscaped buffer along the repositioned north-western boundary of the plot, to be secured by planning condition, will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape.
- 6.27 The site is an established Gypsy and Traveller plot and the current application represents a less intensive development of the plot than that recently refused planning permission under reference 18/500925/FULL. The reduction in the number of additional mobile homes proposed on the plot, the proposed reduction in the depth of the plot as existing by some 12m to bring it more in line with the plot depth permitted by the appeal decision in 2009 together with a scheme of native tree and hedgerow planting to provide a 5m wide landscaped buffer along the repositioned north-western (rear) boundary of the plot, to be secured by planning condition, is considered to address the previous concerns regarding adverse visual harm within part of the defined Low Weald Landscape of Local Value.
- 6.28 The resulting impact on the visual amenities, landscape and rural character of the area is not considered to raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.

Cumulative impacts

- 6.29 The PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. In addition, adopted Local Plan policy DM15 states, amongst other criteria to be met in Gypsy and Traveller development, that permission will be granted if a site would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.30 There are various gypsy and traveller sites in the vicinity of the current application plot – both authorised and unauthorised, including the neighbouring plots in Martins Gardens to the south-west and north-east of the current application plot. The collective presence of these mobile home sites, together with the development on the current application plot and in Martins Gardens generally, is considered to erode the visual amenity and rural character of the area. The plots at the south-western end of Martins Gardens have a visual impact when viewed from Lenham Road and the plots at the north-eastern end of the row impact in views from the public

footpath running north-west from Lenham Road to the north-east of the plot at the north-eastern end of the row (4 Martins Gardens).

- 6.31 In the context of the existing mobile home development in Martins Gardens generally, an additional mobile home and touring caravan on the current application plot is not likely to result in any significant additional cumulative effect in terms of its impact on the countryside and landscape. There will be some increased cumulative effect as a result of the combined effect of other current mobile home applications for the neighbouring Gypsy and Traveller plots in Martins Gardens but the implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the north-eastern, north-western and south-western perimeters of the six plots will mitigate the additional impact. In the context of the existing authorised development, with the implementation of the landscaped buffer to be secured by planning condition, the combined cumulative effect in terms of impact on the countryside and landscape would not be so significant as to be considered in conflict with this aim of Local Plan Policy DM15.
- 6.32 Given that the current application for one additional mobile home on the site (2 mobile homes in total) is relatively modest in relation to the extent of other gypsy and traveller development – both authorised and unauthorised – in the near vicinity, it is not considered that an objection on grounds that the development would overwhelm the local community and services can be pursued.

Siting sustainability

- 6.33 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is less than 2km from the edge of Headcorn village (to the south-west of the site) with its local services, amenities and public transport links. Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not considered to be so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Residential amenity

- 6.34 The site is adjoined to the south-west and north-east by neighbouring gypsy and traveller sites in Martins Gardens (The Oaklands, Plots 1A, 1B and 2 Martins Gardens to the south-west and 3 Martins Gardens to the north-east). The gypsy and traveller sites in Martins Gardens are not adjoined by residential properties and the closest neighbouring properties are on the opposite side of Lenham Road.
- 6.35 Given the nature of the neighbouring development and the separation between the gypsy and traveller development in Martins Gardens and the closest neighbouring residential properties, it is not considered that the use of the current application plot for the stationing of one additional mobile home (2 mobile homes in total) results in any unacceptable unneighbourly impact.
- 6.36 Vehicular and pedestrian movements to and from the site via the established shared access off Lenham Road which serves four of the five neighbouring Gypsy and Traveller plots in Martins Gardens is not likely to impact on any neighbouring property. No overriding residential amenity issues are considered to be raised in the application.

Parking and highway safety

- 6.37 The proposal uses the shared access off Lenham Road serving the neighbouring Gypsy and Traveller plots in Martins Gardens to the south-west and north-east of the current application plot. The shared access formed part of mobile home use of

the application plot and the neighbouring plots granted planning permission on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above).

- 6.38 The permitted shared access is considered acceptable for the additional mobile home use in terms of highway safety. Adequate hardsurface space is available within the plot for the parking of vehicles associated with the residential use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the plot in a forward gear. The level of vehicle movements to and from the site is not likely to be so significant as to raise any overriding highway safety issues. Kent Highways raise no objection.

Area of Ancient Woodland and ecological interests

- 6.39 To the rear of the plots at the south-western end of the row of Gypsy and Traveller sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The current application plot is located towards the north-eastern end of the row of Gypsy and Traveller sites and does not impact on the area designated as Ancient Woodland or the 15m buffer zone of the area of Ancient Woodland.
- 6.40 The site is predominantly hardsurfaced and enclosed by close boarded fencing. The stationing of an additional mobile home and a touring caravan on the plot has limited potential to impact on any ecological interests at the site.
- 6.41 Records show that Great Crested Newts have previously been recorded within this area and there is no reason to suggest that they are not still present. However, as the quality of habitat has significantly declined, there has been a reduction in foraging and commuting habitat for terrestrial species such as (but not necessarily limited to) the Great Crested Newt to and from surrounding habitats. As such, the loss and deterioration of habitat as a result of the Gypsy and Traveller use of the plots in Martins Gardens which has taken place would be considered to have a negative impact on the wildlife and ecological interests of the site and immediate surroundings.
- 6.42 The implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the repositioned north-western boundary of the plot will enhance the ecological/biodiversity interests at the site. As such, a grant of planning permission for the additional mobile home on the current application site, together with native species landscaping/planting to the rear part of the plot to be secured by planning condition, would enable ecological mitigation and/or enhancements to be secured by condition in accordance with Government guidance in the NPPF (para. 175).

Human Rights and Equality

- 6.43 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.
- 6.44 Apart from the desire to provide a settled base for the upbringing of the existing child and future baby of the applicant's family member and partner and to enable the children to be enrolled in main stream school and receive an education, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. The needs of the applicant's family member and

partner and children, in this instance, are considered to outweigh the limited visual harm to the countryside landscape.

Other Matters

- 6.45 Given the nature and scale of the development proposed in the application (an additional mobile home and touring caravan on an established Gypsy and Traveller site), the conditions suggested by Kent Highways are not considered appropriate in this instance.

7. CONCLUSION

- 7.01 The plot, the subject of this application, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) for the stationing of 1 static caravan, 1 touring caravan and a utility room.
- 7.02 Planning permission was recently refused under application ref. 18/500925/FULL for the stationing of 2 additional mobile homes on the site essentially on grounds of the adverse visual harm the development would have on the character and appearance of the countryside locality and landscape. It was also considered that the previous application failed to demonstrate that the intended occupiers of the additional mobile homes met 'gypsy & traveller' status definition.
- 7.03 The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (4 Martins Gardens) to the north-east, the additional mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will, to a large extent, be screened from views from the public footpath by the development on the adjoining Gypsy and Traveller plot (4 Martins Gardens). As a result it is not considered that any increased visual impact in views from the public footpath as a result of the additional mobile home on the plot will be significant.
- 7.04 The current application represents a less intensive development of the plot than that recently refused planning permission under reference 18/500925/FULL. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, it is not considered that the additional mobile home and touring caravan proposed in this application, together with the implementation of a scheme of native species planting to the repositioned rear boundary, will have a significant and unacceptable harmful visual and landscape impact in the locality.
- 7.05 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed additional mobile home remains somewhat lacking in specific details with regards to their previous nomadic habit of life, the site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate a family member and partner of the existing occupiers of the plot. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.
- 7.06 The reduction in the number of additional mobile homes proposed on the plot compared to the recently refused previous application reference 18/500925/FULL, the reduction in the extent of the current plot to the rear together with the implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the repositioned rear (north-western) boundary, is considered to address the previous concerns regarding adverse visual and landscape harm within part of the defined Low Weald Landscape of Local Value. The native species planting will enhance ecology/biodiversity at the site and further

ecological mitigation and/or enhancements could be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).

- 7.07 In the context of the permitted Gypsy and Traveller development in Martins Gardens, with the implementation of an approved scheme of native species tree and hedgerow planting to provide a landscape buffer along the repositioned rear (north-western) boundary, the resulting limited additional impact on the visual amenities, landscape and rural character of the area as a result of this application is not considered to raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan. The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The additional mobile home hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document);

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 2) No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (Plot 3 as shown on the submitted Site Location Plan) at any one time, of which no more than two shall be static caravans or mobile homes, and no further caravans shall be placed at any time anywhere within the site. Unless agreed in writing by the Local Planning Authority, the two static caravans or mobile homes shall be stationed on the site only in the positions shown on the plan (Amended Site Block Plan as Proposed received 09 July 2019) hereby approved;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 3) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.

- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of: the internal layout of the site, including the siting of the static caravans, means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing

external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone to the repositioned north-western boundary of the plot; measures to enhance biodiversity at the site; and, the said Scheme shall include a timetable for its implementation.

- (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- (5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within 5m wide landscape buffer zone for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority;

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- 7) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision;

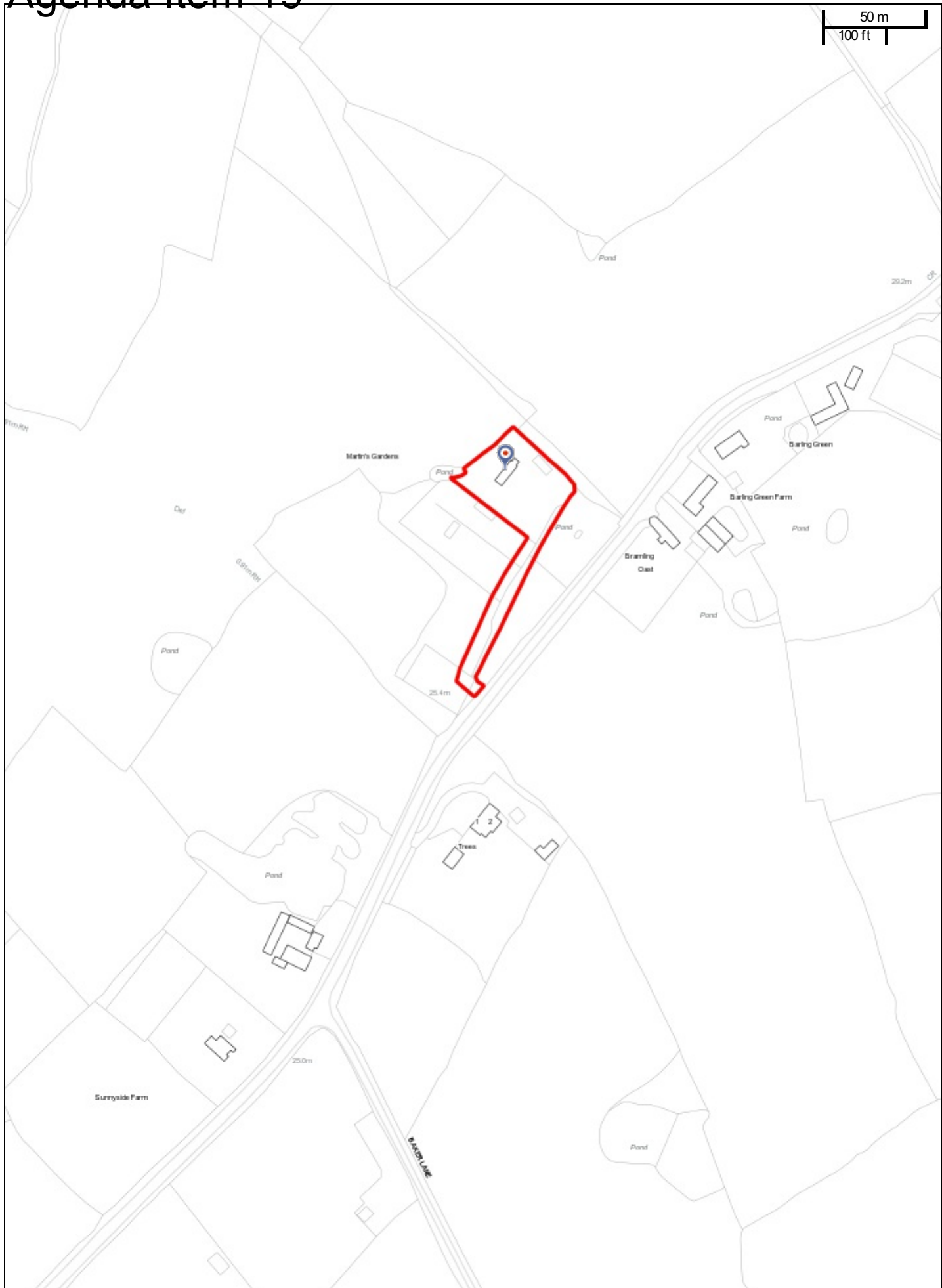
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 8) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

Reason: In order to safeguard residential and local amenity generally.

Case Officer: Jon Barnes

Agenda Item 19



18/506276/FULL 4 Martins Gardens

Scale: 1:2500

Printed on: 16/7/2019 at 14:19 PM by SummerF

REFERENCE NO - 18/506276/FULL		
APPLICATION PROPOSAL Application for one additional mobile home and one tourer. (Retrospective)		
ADDRESS 4 Martins Gardens Lenham Road Headcorn Ashford Kent TN27 9LE		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <p>The site is an established Gypsy and Traveller plot within Martins Gardens which comprises a row of six such plots – both authorised and unauthorised. The current application for one additional mobile home and one touring caravan represents a less intensive development of the plot than that recently refused planning permission under reference 18/500924/FULL.</p> <p>The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the plot and the rear parts of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the plot, the additional mobile home, the subject of the current application, is not sited close to the boundaries of the plot most visible from the adjacent public footpath and any views are against the backdrop of the mobile home developments on the application plot and the neighbouring plots to the south-west. As a result any increased visual impact in views from the public footpath will not be significant or intrusive.</p> <p>The application shows the depth of the current plot to be reduced by some 7m - 12m from that existing and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. The reduction in the depth of the plot brings it more in line with that previously granted on appeal in 2009. In addition, the proposed native species landscaped buffer is shown to be continued along the north-eastern boundary of the plot. The reduction in the depth of the plot and the planting of a landscaped buffer to the north-eastern and north-western boundaries of the plot will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape.</p> <p>In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, it is not considered that the additional mobile home and touring caravan proposed in this application will have a significant or unacceptable harmful visual or landscape impact in the locality.</p> <p>The additional mobile home is to accommodate a family member of the existing occupiers of the plot and their partner. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.</p>		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Headcorn Parish Council.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr Johnny Cash AGENT N/A
TARGET DECISION DATE 30/08/19		PUBLICITY EXPIRY DATE 30/01/19

Relevant Planning History

MA/01/1181 - Stationing of 2 caravans & utility room. Refused 01.07.02.

Appeal against 2 enforcement notices issued 03.11.08 by Maidstone Borough Council:

ENF/10155 (Enforcement notice A) – Without planning permission the change of use of the land from a mixed use of woodland and nil use to stationing and residential occupation of caravans, the parking and storage of motor vehicles, the erection of fencing on the site and a new entrance gate at the access onto Lenham Road and the placing on the land of domestic and other paraphernalia all ancillary to the residential occupation of caravans on the land. Appeal allowed and enforcement notice quashed 24.07.09.

ENF/10155 (Enforcement notice B) – Without planning permission, operational development comprising of the construction of hardsurfacing and engineering operations comprising the infilling of a pond. Appeal allowed and enforcement notice quashed 24.07.09.

MA/09/1722 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Split decision (Part refused/part approved) 24.12.09.

MA/11/1122 - An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Approved 23.12.11.

18/502176/FULL - Proposed siting of 3 additional mobile homes and 3 touring caravans at 1 Martins Gardens. Refused 12.10.2018. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact; 2) Access and associated structures visually incongruous and intrusive; 3) Impact on designated area of Ancient Woodland.

18/504256/FULL - Proposed siting of 2 mobile homes, 2 touring caravans and a utility room at 2 Martins Gardens. Refused 11.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact; 2) Impact on designated area of Ancient Woodland.

18/504254/FULL - Proposed siting of a mobile home, touring caravan and a utility room at 3 Martins Gardens. Refused 19.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500925/FULL - Two additional mobile homes at 5 Martins Gardens. Refused 01.10.18. Grounds of refusal 1) Insufficient information relating to gypsy status and harmful visual and landscape impact.

18/500924/FULL - Stationing of 2 additional mobile homes to be occupied by Gypsy and Traveller families at 6 Martins Gardens. Refused 28.06.18 for the following reasons:

'In the absence of sufficient information pertaining to Gypsy and Traveller status, there is no justification for allowing this development, given the adverse visual harm it would have on the character and appearance of the countryside hereabouts that falls within a Landscape of Local Value and is of high overall landscape sensitivity that is sensitive to change. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1 and DM30 of the Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); and the National Planning Policy Framework (2012).'

18/500785/FULL - Erection of dayroom at 6 Martins Gardens. Refused 28.06.18.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located off the north-western side of Lenham Road and comprises the north-eastern most plot in a row of six Gypsy sites running along the north-western side of Lenham Road.
- 1.02 The plot is accessed from a shared accessway off Lenham Road which also serves four of the five neighbouring Gypsy sites to the south-west forming Martins Gardens. The fifth site, The Oaklands, at the south-western end of the row of sites has its own separate access off Lenham Road.
- 1.03 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017).
- 1.04 The site is less than 2km from the edge of Headcorn village (to the south-west of the site) and for the purposes of the Local Plan, the site is within the open countryside and within the Low Weald Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan.
- 1.05 The plot referred to in the current application as 4 Martins Gardens (6 Martins Gardens in the Relevant Planning History listed above) benefits from planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and 1 utility room. -

2. PROPOSAL

- 2.01 The site, as noted above, benefits from planning permission granted on appeal in 2009 for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot.
- 2.02 The current application seeks planning permission for the stationing of one additional mobile home and one additional touring caravan on the plot. The submitted plan shows the additional mobile home to be sited to the south-west of the existing.
- 2.03 The Design & Access Statement submitted in support of the application states that the additional mobile home will be occupied by a member or the applicant's family and their partner who is pregnant and now needs a stable base. The Design & Access Statement further states that although the family member and partner have always been travelling and using the roadside to stop in, it is not safe for them both to continue to be continuous travelling gypsies and the stable base will allow the new child to enrol in main stream school and receive an education.
- 2.04 The current application is a revised submission following the refusal of planning permission 28.06.18 under application reference 18/500924/FULL for the stationing of 2 additional mobile homes on the plot.
- 2.05 The current mobile home plot at 4 Martins Gardens is more extensive than that granted on appeal in 2009 for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot. The current application shows the depth of the plot to be reduced by some 7m - 12m from that existing and a 5m wide native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. In addition, the proposed native species landscaped buffer is shown to be continued along the north-eastern side boundary of the plot.

The reduction in the depth of the plot and the provision of a landscaped buffer to the north-western and north-eastern boundaries brings the existing plot more in line with that previously granted on appeal in 2009.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (2015)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30
Landscape Capacity Study: Sensitivity Assessment (2015)
Landscape Character Assessment (2012 – amended 2013)
Landscape Character Assessment Supplement (2012)

4. LOCAL REPRESENTATIONS

Local Residents

4.01 One representation received from a local resident raising the following (summarised) issues:

- There is constantly floodlighting on at night which points towards the road and the neighbouring home and on occasions there are very loud arguments/disturbances in the early hours of the morning. Additional residences on the site would only increase these disturbances to the neighbouring residents and would detract from the enjoyment of living in the otherwise quiet countryside.

Shenley Farms (Aviation) Limited

4.02 No objection raised providing the development will not be in any way inconsistent with the existing and well established use of and activity at Headcorn Aerodrome.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Headcorn Parish Council

5.01 The Planning & Licensing committee agreed that the application should be refused and that there were a number of areas that should be considered by the Local Planning Authority when considering the application, in particular:

- The gypsy/traveller status of the applicant;
- Whether the applicant previously led a nomadic habit of life;
- Given that the LPA can demonstrate a 5.3 year supply of gypsy and traveller site, there is no "unmet or proven need" to consider;
- New traveller site development in the open countryside should be strictly limited;
- The area is now largely concrete hardstanding and this has had an adverse effect on drainage in the area and now causes flooding onto the road and neighbouring properties at times of heavy rain;

- The application is contrary to the Local Plan policies SS1, SP17, DM1, DM15, DM30.

Ulcombe Parish Council (Neighbouring Parish Council)

5.02 Ulcombe Parish Council object to this application for the same reasons they objected to the previously refused applications for the same plot. In particular, the following concerns are raised:

- It must be determined whether the applicant is a gypsy or traveller in planning terms;
- Evidence that the applicant is leading a "nomadic habit of life" needs to be provided;
- There is no "unmet or proven need" for gypsy and traveller sites;
- Maidstone Borough Council now has a 5.3 year supply of traveller pitches;
- Existing countryside protection policies should be applied;
- The Parish Council object to all proposals for Martins Gardens that exceed the permissions granted as a result of the 2009 appeals.

Kent Highways

5.03 No highway objection raised subject to conditions relating to provision for construction vehicle loading/unloading and turning facilities, provision for parking for site personnel and visitors, provision of wheel washing facilities, provision and retention of vehicle parking spaces, and vehicle loading/unloading and turning facilities.

Natural England

5.04 No comments to make on the application. State that Natural England has published Standing Advice which can be used to assess impacts on protected species. Further state that Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which can be used to assess any impacts on ancient woodland.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Need for Gypsy sites
- Supply of Gypsy sites
- Gypsy Status
- Personal circumstances
- Visual and landscape impact
- Cumulative impacts
- Siting sustainability
- Residential amenity
- Parking and highway safety
- Area of Ancient Woodland and ecological interests
- Human Rights and Equality

Need for Gypsy sites

- 6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

- 6.03 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 6.04 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

- 6.05 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.06 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):
- Permanent/non-personal – 157
 - Permanent/personal – 26
 - Temporary/non-personal – 4
 - Temporary/personal – 37
- 6.07 Therefore a net total of 183 permanent pitches have been granted since 1st October 2011. A further 4 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 6.08 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The adopted Maidstone Borough Local Plan allocates a number of specific sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.

- 6.09 The Council's current position is that it can demonstrate a 7.7 year supply of Gypsy and Traveller sites at the base date of 1st April 2018.
- 6.10 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.11 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows:
- "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*
- 6.12 As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.13 It should also be noted that the Planning Inspectorate's guidance for what is usually required to validate appeals relating to Gypsy and Traveller sites, includes the provision of family background and travel for work purposes details for over the last 10 years.
- 6.14 The Design & Access Statement submitted in support of the application states that the additional mobile home will be occupied by a member of the applicant's family and their partner who is currently pregnant and now needs a stable base. The Design & Access Statement further states that although the family member and partner have always been travelling and using the roadside to stop in, it is not safe for them both to continue to be continuous travelling gypsies and the stable base will allow the new child to enrol in main stream school and receive an education.
- 6.15 The Design & Access Statement states that the family member and partner have previously led a nomadic life and have travelled with the applicant as a family across the country to attend the horse fayres at Appleby, Cotswolds, Kent and Stow on the Wold where they seek work and deal in horses. The Design & Access Statement states that the family member and partner have no intention of giving up this life but now need a stable base for the benefit of the new child's education. The Design & Access Statement further states that the applicant and the family member travel the UK for work (landscaping) and do door to door canvassing for work.
- 6.16 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed additional mobile home is somewhat lacking in specific details with regards to their previous nomadic habit of life, the site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate a family member of the existing occupiers of the plot and their partner. A condition can be imposed on any grant of planning permission to

ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015 (or any subsequent definition that superseded that document).

Personal circumstances

- 6.17 Apart from the desire to provide a settled base for the upbringing of the new child of the applicant's family member and partner and to enable the child to be enrolled in main stream school and receive an education, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. However, in this instance, the personal circumstances are considered to outweigh the limited visual and landscape impact in the countryside location resulting from the development.

Visual and landscape impact

- 6.18 The site lies in the open countryside to the north-east of the Headcorn village settlement. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value.
- 6.19 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017).
- 6.20 Policies SP17 and DM30 of the Local Plan require that landscape protection should be given significant weight in considering development in the Low Weald Landscape of Local Value. In accordance with the Maidstone Landscape Character Assessments, the Low Weald generic guidelines seek to "*....conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads*"; and more specifically, Landscape Area 43 (Headcorn Pasturelands) is an area being of *high* overall landscape sensitivity and is *sensitive to change*.
- 6.21 The plot, in this case, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and a utility room. The site is predominantly hardsurfaced and enclosed by close boarded fencing. The site is seen in the context of the neighbouring Gypsy and Traveller plots in Martins Gardens to the south-west. Some of the development on these plots is currently unauthorised.
- 6.22 It is generally accepted that residential caravans/mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or hidden away in unobtrusive locations, they are normally considered unacceptable due to their visual impact. Consequently, where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours, as required by policy DM15 of the adopted Local Plan.
- 6.23 The plot, the subject of this application, is set back from the frontage to Lenham Road and is well screened from views from the road by existing trees and hedgerows along the road frontage. The plot and the rear parts of the neighbouring Gypsy and Traveller plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the plot. The tops of the mobile homes are visible above the close boarded boundary fencing enclosing the plots.

- 6.24 The stationing of additional mobile homes within the Martins Gardens plots and the resulting intensification of the existing mobile home development in the locality has the potential to increase the visual impact in the locality and the impact on the open countryside landscape.
- 6.25 The additional mobile home, the subject of the current application, is not sited close to the boundaries of the plot most visible from the public footpath adjacent to the north-eastern boundary of the plot and any views from the footpath would be against the backdrop of the mobile home development on the existing plot and the neighbouring plots to the south-west. As a result any increased visual impact in views from the public footpath will not be significant or visually intrusive. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, it is not considered that the additional mobile home and touring caravan proposed in this application will have a significant and unacceptable harmful visual and landscape impact in the locality.
- 6.26 The proposed reduction in the depth of the current plot as existing by some 7m - 12m and the planting of a 5m wide native species landscaped buffer zone to the north-west of the repositioned rear (north-west) boundary line and returning along the north-eastern side boundary, to be secured by planning condition, will bring the plot back more in line with that approved on appeal in 2009 in terms of the extent of the site and the retention of landscaping to the north-western and north-eastern edges. The proposed native species tree and hedgerow landscape buffer will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape.
- 6.27 The site is an established Gypsy and Traveller plot and the current application represents a less intensive development of the plot than that recently refused planning permission under reference 18/500924/FULL. The reduction in the number of additional mobile homes proposed on the plot, the proposed reduction in the depth of the plot as existing by some 7m - 12m together with a scheme of native tree and hedgerow planting to provide a landscaped buffer along the repositioned rear (north-western) and side (north-eastern) boundaries of the plot, to be secured by planning condition, is considered to address the previous concerns regarding adverse visual harm within part of the defined Low Weald Landscape of Local Value.
- 6.28 The resulting impact on the visual amenities, landscape and rural character of the area is not considered to raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.

Cumulative impacts

- 6.29 The PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. In addition, adopted Local Plan policy DM15 states, amongst other criteria to be met in Gypsy and Traveller development, that permission will be granted if a site would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.30 There are various gypsy and traveller sites in the vicinity of the current application plot – both authorised and unauthorised, including the neighbouring plots in Martins Gardens to the south-west of the current application plot. The collective presence of these mobile home sites, together with the development on the current application plot and in Martins Gardens generally, is considered to erode the visual amenity and rural character of the area. The plots at the south-western end of Martins Gardens have a visual impact when viewed from Lenham Road and the plots at the

north-eastern end of the row impact in views from the public footpath running north-west from Lenham Road to the north-east of the current application plot.

- 6.31 In the context of the existing mobile home development in Martins Gardens generally, an additional mobile home and touring caravan on the current application plot is not likely to result in any significant additional cumulative effect in terms of its impact on the countryside and landscape. There will be some increased cumulative effect as a result of the combined effect of other current mobile home applications for the neighbouring Gypsy and Traveller plots in Martins Gardens but the implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the north-eastern, north-western and south-western perimeters of the six plots will mitigate the additional impact. In the context of the existing authorised development, with the implementation of the landscaped buffer to be secured by planning condition, the combined cumulative effect in terms of impact on the countryside and landscape would not be so significant as to be considered in conflict with this aim of Local Plan Policy DM15.
- 6.32 Given that the current application for one additional mobile home on the site (2 mobile homes in total) is relatively modest in relation to the extent of other gypsy and traveller development – both authorised and unauthorised – in the near vicinity, it is not considered that an objection on grounds that the development would overwhelm the local community and services can be pursued.

Siting sustainability

- 6.33 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is less than 2km from the edge of Headcorn village (to the south-west of the site) with its local services, amenities and public transport links. Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not considered to be so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Residential amenity

- 6.34 The site is adjoined to the south-west by neighbouring gypsy and traveller sites in Martins Gardens (The Oaklands, Plots 1A, 1B, 2 and 3 Martins Gardens). The gypsy and traveller sites in Martins Gardens are not adjoined by residential properties and the closest neighbouring properties are on the opposite side of Lenham Road.
- 6.35 Given the nature of the neighbouring development and the separation between the gypsy and traveller development in Martins Gardens and the closest neighbouring residential properties, it is not considered that the use of the current application plot for the stationing of one additional mobile home (2 mobile homes in total) results in any unacceptable unneighbourly impact.
- 6.36 Vehicular and pedestrian movements to and from the site via the established shared access off Lenham Road which serves four of the five neighbouring Gypsy and Traveller plots to the south-west is not likely to impact on any neighbouring property. No overriding residential amenity issues are considered to be raised in the application.

Parking and highway safety

- 6.37 The plot has access from the shared access off Lenham Road serving the neighbouring Gypsy and Traveller plots in Martins Gardens to the south-west of the current application plot. The shared access formed part of mobile home use of the

application plot and the neighbouring plots granted planning permission on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above).

- 6.38 The permitted shared access is considered acceptable for the additional mobile home use in terms of highway safety. Adequate hardsurface space is available within the plot for the parking of vehicles associated with the residential use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the plot in a forward gear. The level of vehicle movements to and from the site is not likely to be so significant as to raise any overriding highway safety issues. Kent Highways raise no objection.

Area of Ancient Woodland and ecological interests

- 6.39 To the rear of the plots at the south-western end of the row of Gypsy and Traveller sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The current application plot is located at the north-eastern end of the row of Gypsy and Traveller sites and does not impact on the area designated as Ancient Woodland or the 15m buffer zone of the area of Ancient Woodland.
- 6.40 The site is predominantly hardsurfaced and enclosed by close boarded fencing. There are existing trees in the northern and eastern corners of the plot which are to be retained. The stationing of an additional mobile home and a touring caravan on the plot has limited potential to impact on any ecological interests at the site.
- 6.41 Records show that Great Crested Newts have previously been recorded within this area and there is no reason to suggest that they are not still present. However, as the quality of habitat has significantly declined, there has been a reduction in foraging and commuting habitat for terrestrial species such as (but not necessarily limited to) the Great Crested Newt to and from surrounding habitats. As such, the loss and deterioration of habitat as a result of the Gypsy and Traveller use of the plots in Martins Gardens which has taken place would be considered to have a negative impact on the wildlife and ecological interests of the site and immediate surroundings.
- 6.42 The implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the repositioned rear (north-western) and side boundaries of the plot will enhance the ecological/biodiversity interests at the site. As such, a grant of planning permission for the additional mobile home on the current application site, together with native species landscaping/planting to the rear and side boundaries of the plot to be secured by planning condition, would enable ecological mitigation and/or enhancements to be secured by condition in accordance with Government guidance in the NPPF (para. 175).

Human Rights and Equality

- 6.43 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.
- 6.44 Apart from the desire to provide a settled base for the upbringing of the new child of the applicant's family member and partner and to enable the child to be enrolled in main stream school and receive an education, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside

location. The needs of the applicant's family member and partner and new child, in this instance, are considered to outweigh the limited visual harm to the countryside landscape.

Other Matters

- 6.45 Given the nature and scale of the development proposed in the application (an additional mobile home and touring caravan on an established Gypsy and Traveller site), the conditions suggested by Kent Highways are not considered appropriate in this instance.

7. CONCLUSION

- 7.01 The site, the subject of this application, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) for the stationing of 1 static caravan, 1 touring caravan and a utility room.
- 7.02 Planning permission was recently refused under application ref. 18/500924/FULL for the stationing of 2 additional mobile homes and 2 touring caravans on the site essentially on grounds of the adverse visual harm the development would have on the character and appearance of the countryside locality and landscape. It was also considered that the previous application failed to demonstrate that the intended occupiers of the additional mobile homes met 'gypsy & traveller' status definition.
- 7.03 The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the plot and the rear parts of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the plot, the additional mobile home, the subject of the current application, is not sited close to the boundaries of the plot most visible from the adjacent public footpath and any views from the public footpath would be against the backdrop of the existing site and the neighbouring mobile home sites to the south-west. As a result it is not considered that any increased visual impact in views from the public footpath will be significant or intrusive.
- 7.04 The current application represents a less intensive development of the plot than that recently refused planning permission under reference 18/500924/FULL. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, it is not considered that the additional mobile home and touring caravan proposed in this application, together with the implementation of a scheme of native species planting to the repositioned rear boundary and the side boundary will have a significant and unacceptable harmful visual and/or landscape impact in the locality.
- 7.05 Whilst the supporting information submitted in support of the Gypsy and Traveller status of the intended occupiers of the proposed additional mobile home remains somewhat lacking in specific details with regards to their previous nomadic habit of life, the site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate a family member of the applicant and the existing occupiers of the plot and their partner. A condition can be imposed on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.
- 7.06 The reduction in the number of additional mobile homes proposed on the plot compared to the recently refused previous application reference 18/500924/FULL, the reduction in the extent of the current plot to the rear together with the implementation of a scheme of native species tree and hedgerow planting to the rear (north-western) and side (north-eastern) boundaries, is considered to address the previous concerns regarding adverse visual harm within part of the defined Low

Weald Landscape of Local Value. The native species tree and hedgerow planting will enhance ecological/biodiversity interests at the site and ecological mitigation and/or enhancements can be secured by planning condition in accordance with government guidance in the NPPF (para. 175).

- 7.07 In the context of the permitted Gypsy and Traveller development in Martins Gardens, with the implementation of an approved scheme of native species tree and hedgerow planting to provide a landscape buffer along the rear (north-western) and side (north-eastern) boundaries, the resulting limited additional impact on the visual amenities, landscape and rural character of the area is not considered to raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan. The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The additional mobile home hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document);
- Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 2) No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (Plot 4 as shown on the submitted Site Location Plan) at any one time, of which no more than two shall be static caravans or mobile homes, and no further caravans shall be placed at any time anywhere within the site. Unless agreed in writing by the Local Planning Authority, the two static caravans or mobile homes shall be stationed on the site only in the positions shown on the plan (Amended Site Block Plan as Proposed received 09 July 2019) hereby approved;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 3) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time;

Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.

- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of: the internal layout of the site, including the siting of the static

caravans, means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone to the repositioned north-western boundary of the plot and the north-eastern boundary of the plot, including details of species, tree and plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and, the said Scheme shall include a timetable for its implementation.

- (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- (5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within 5m wide landscape buffer zone for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority;

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- 7) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision;

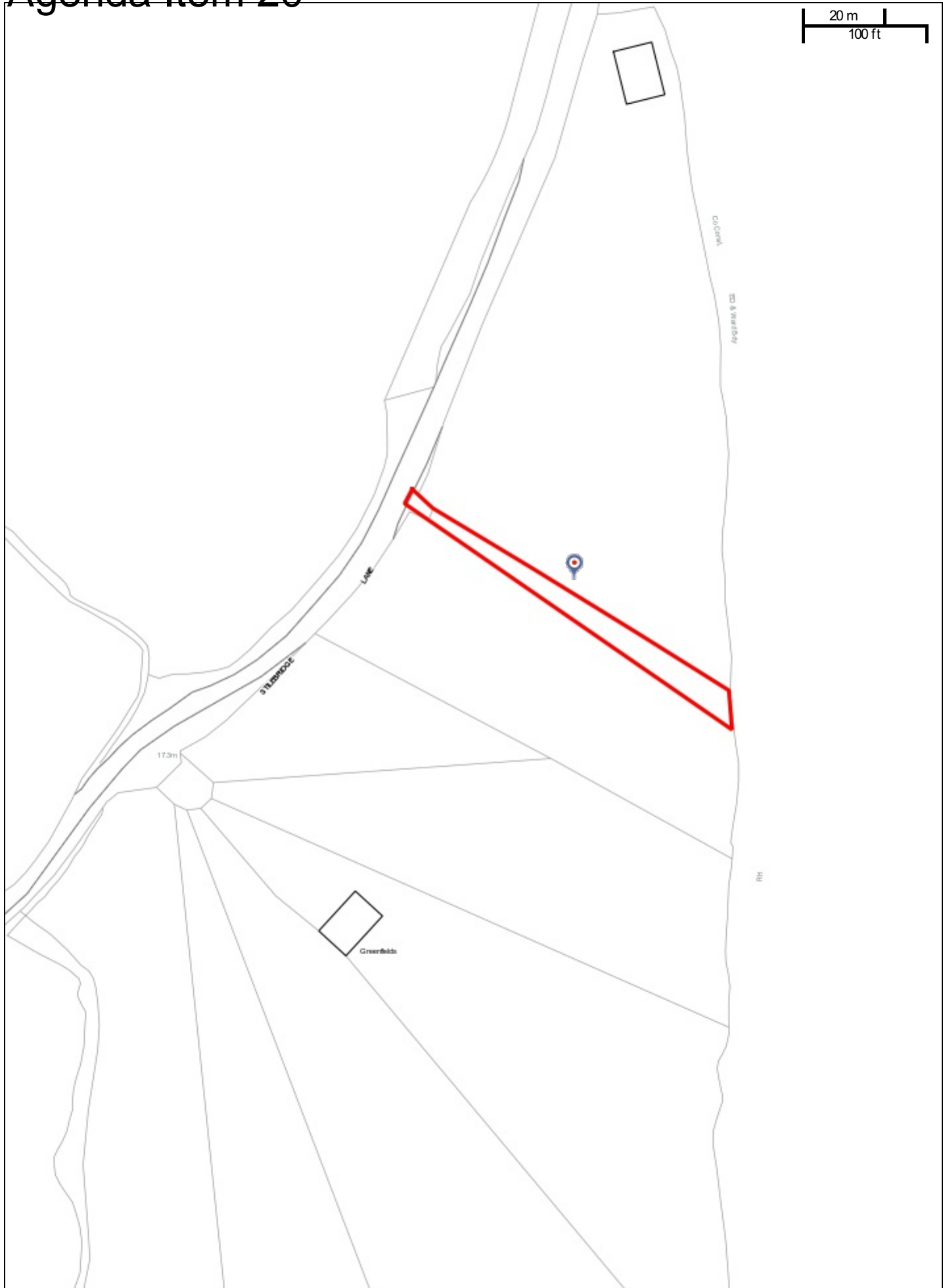
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 8) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

Reason: In order to safeguard residential and local amenity generally.

Case Officer: Jon Barnes

Agenda Item 20



19/500200/FULL Little Paddocks

Scale: 1:1250

Printed on: 15/7/2019 at 16:12 PM by SummerF

REFERENCE NO - 19/500200/FULL			
APPLICATION PROPOSAL Retrospective application for a change of use of land to be used as a gypsy/traveller caravan site consisting of one pitch.			
ADDRESS Little Paddocks Stilebridge Lane Linton Kent ME17 4DE			
RECOMMENDATION Grant Planning Permission subject to planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> - Sufficient evidence has been submitted to demonstrate the occupants of the plots fall within the definition of Gypsy and Travellers contained within Government Guidance. - Significant weight must be given to child welfare and the need to provide a stable background in the planning balance. - The visual, landscape and amenity impacts are acceptable. - The proposal will provide a valuable windfall addition to the stock of Gypsy and Traveller sites and assist in meeting the need for Gypsy and Traveller sites set out in the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) and policy SS1 of the local plan 			
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Linton Parish Council as set out at paragraph 5.1 of this report.			
WARD Coxheath And Hunton	PARISH/TOWN Linton	COUNCIL	APPLICANT Mrs C McCann AGENT Murdoch Planning Ltd
TARGET DECISION DATE 01/04/19		PUBLICITY EXPIRY DATE 27/02/19	

Relevant Planning History

The following applications refer to land immediately abutting the northern and southern boundaries of the application site.

18/502028/FULL – (Land North Of Stilebridge Stableyard Stilebridge Lane) Change of use of the land to accommodate 3 Static Caravans, 3 Touring Caravans, and parking for six vehicles, with associated hard and soft landscaping, cesspit, and alterations to an existing access. This permission permits the permanent use of the site for Gypsy and Traveller accommodation. Granted 11.06.2018

14/506183/FULL - (Stilebridge Paddock, Stilebridge Lane) Stationing of 2 mobile homes, utility block, touring caravans and stables and open paddock area. This permission also permits the permanent use of the site for Gypsy and Traveller accommodation. Granted 11.12.2015.

Appeal & enforcement history (Application site, Little Paddocks)

An enforcement notice was issued on the 9 May 2017 in respect of the unauthorised siting of two caravans and one container for residential use, and the laying of hard surfacing. The enforcement notice was subsequently withdrawn on the 6 June 2017 on the basis that the applicant would submit a retrospective planning application within 6 weeks.

As no planning application was forthcoming an enforcement notice was reissued on the 19 October 2018. The applicant has submitted an appeal against that enforcement notice and the council are currently awaiting an appeal start date from the Planning Inspectorate.

In November 2018 an officer visit found all buildings removed from the site. The current planning application for retrospective permission was submitted in February 2019. The application was described on the application form as a change of use of land to be used as a gypsy/traveller caravan site consisting of one pitch. The submitted plans show two touring caravans and an 'utility block' which the applicant has recently confirmed is a washroom and toilet in a portacabin type building.

1. SITE DESCRIPTION:

- 1.1 The site comprises a long narrow area surfaced with hardcore enclosed by closeboarded fencing with access onto Stilebridge Lane. It is currently occupied by two touring caravans the closest of which is set back by 90 metres from Stilebridge Lane.
- 1.2 Abutting the site to the north east (14/506183/FULL) and to the south west (18/502028/FULL) are existing lawful Gypsy and Traveller sites.
- 1.3 In a wider context the site lies within an isolated grouping of Gypsy and Traveller development falling within open countryside.

2. PROPOSAL

- 2.1 The application was described on the application form by the applicant as a change of use of land to be used as a gypsy/traveller caravan site consisting of one pitch.
- 2.2 The submitted plans show two touring caravans and an 'utility block' which the applicant has recently confirmed is a washroom and toilet in a portacabin type building.
- 2.2 Landscaping details have been submitted showing retention/extension of a native species hedgerow running the full length of the south west site boundary and a proposed native species hedgerow running along much of the length of the north east site boundary with native species trees sited abutting this hedgerow.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 SS1, SP17, DM15 DM30
Supplementary Planning Documents Planning Policy for Traveller Sites (PPTS)

4. LOCAL REPRESENTATIONS

Local residents:

- 4.1 No representations received from local residents.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.1 Linton Parish Council objects to the proposal on the following summarised grounds:
 - Application should be refused for the same reasons as application ref:17/505888
 - Application retrospective and allowing the development to remain will harm the rural character of the area.
 - Not aware of an updated case of need put forward by the applicant supporting the proposal.

Officer comment:

- 5.2 Application 17/505888 relates to land to the south of the current application site (Land North East Stilebridge Stableyard, Stilebridge Lane). The application refused planning permission on the 24 January 2018 related to a much larger proposal on a

larger site for 5 pitches for Gypsy/Traveller accommodation. The stationing of 6 static mobiles and 5 day rooms with associated hard and soft landscaping.

- 5.3 As the application did not include evidence that the proposal was for gypsy and traveller accommodation, this application was not considered against the exceptions within policy DM15 and was refused on the ground of landscape harm and the unsustainable location.
- 5.4 The current application is materially different to this earlier refusal for several reasons. Whilst it is limited, gypsy and traveller evidence has been submitted with the current application and the current proposal is on a substantially smaller site , and for a smaller number of caravans. On this basis the grounds for refusal of this nearby site do not apply to the current application site.

6. APPRAISAL

Main issues

- 6.1 The main issues in relation to this application are considered to be

- The principle of development;
- Need for gypsy sites;
- 5 year supply;
- Gypsy and traveller status;
- Landscape impact;
- Cumulative impacts;
- Sustainability;
- Amenity;
- Wildlife;
- Human rights and equality

Principle of development

- 6.3 The application site is located in open countryside and with the proposal including gypsy and traveller accommodation the development is subject to the following local plan policies.
- 6.4 Policy SP17 of the Local Plan states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted.
- 6.5 Policy DM15 states that planning permission for Gypsy and Traveller development will be granted if it would not result in significant harm to the landscape and rural character of the area. In addition development should be well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding and also that wildlife considerations are taken into account.
- 6.6 Policy DM30 requires, amongst other things, that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features. The policy states that impacts on the appearance and character of the landscape will be appropriately mitigated and that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.
- 6.7 There is also Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) amended in August 2016. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.
- 6.8 Issues of need are dealt with below but in terms of broad principle both local plan

policies and Central Government Guidance permit Gypsy and Traveller sites to be located in the countryside as an exception to the general development restraint policies.

Need for Gypsy Sites

- 6.9 The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment: (GTAA) Maidstone (January 2012) provides the evidence of the need for Gypsy and Traveller pitches in the borough for the Local Plan period to 2031. This assessment identified a need for a total 187 additional permanent pitches in the borough 2011-31.
- 6.10 This assessment was undertaken prior to the change to the definition of Gypsy and Travellers in the Planning Policy for Traveller sites (PPTS) in August 2015 to exclude those who have permanently ceased travelling. At the Local Plan Examination the Inspector concluded the changed definition would result in relatively little change to the needs figure and confirmed it provided an adequate evidential base for the local plan. A new GTAA will be prepared to support the Local Plan Review. Work on the new the GTAA is currently programmed to commence in September 2019 and be completed by March 2020.
- 6.11 The local plan provides for the 187 pitch requirement through;
- The permanent planning consents which have already granted
 - Specific site allocations in Policy GT1(1)-(16) for a total of 41 pitches (some of these have now been granted planning permission)
 - Application of Policy DM15 for applications on windfall sites.
- 6.12 The Local Inspector noted that the Local Plan Review will be the time to make further site allocations should windfall sites not come forward as expected.
- 6.13 In the period between 1st October 2011 and the 31st March 2019, 173 pitches have been granted 'permanent' planning permission (148+25). These contribute to the local plan target of 187 pitches.
- 6.14 The types of permission including temporary permissions are as follows:
Permanent consent – 148 pitches
Permanent consent with personal condition – 25
Consents with temporary condition- 4
Consent with temporary/personal conditions- 37

5 -year supply

- 6.15 Paragraph 27 of the PPTS advises that where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
- 6.16 The Council can demonstrate a 7.7 years supply of pitches at 1st April 2019 and as a result paragraph 27 of the PPTS is not relevant in this case.

Gypsy and Traveller Status

- 6.17 The following information was submitted to address this. Members are reminded Data Protection legislation requires this information to be anonymised.
- The site is occupied as one household by persons who are both Annex 1 Travellers.
 - The site is occupied by two working age adults (husband and wife) and two pre-school age children.
 - One working age adult has their travelling restricted to fulfil childcare obligations.
 - The other working age adult is self employed as a landscaper which includes ground and block paving works and travels for up to 6 months each year in

pursuit of such employment and is away from the site for weeks at a time in search of, and undertaking work.

- 6.18 As mentioned at paragraph 6.10, the planning definition of 'Gypsy and Travellers as set out in the PPTS (Planning Policy for Traveller sites), has been amended to exclude those who have ceased to travel permanently. Annex 1 of the PPTS defines Gypsies and Travellers as :-

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such."

- 6.19 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependent's health or education needs or old age.
- 6.20 To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.21 The information provided on the Planning Policy for Traveller sites status of the site occupants is limited. However unless the Council is in possession of evidence refuting their occupants claims of an existing nomadic working lifestyle, intention to continue this lifestyle or that they are no longer able to continue the lifestyle due to age or infirmity, such claims must be taken at face value. To go beyond this may expose the Council to claims of being discriminatory in its dealings with Gypsy and Traveller applications.
- 6.22 As such it is considered that based on the submitted details the site occupants are Gypsies and Travellers that have led, and will continue to lead a nomadic lifestyle in pursuit of work and therefore fall within the revised Gypsies and Traveller definition set out above.

Landscape Impact:

- 6.23 Mobile homes are generally considered visually intrusive development that are out of character in a countryside setting. Consequently, unless well screened or hidden away in unobtrusive locations, they are normally considered unacceptable in their visual impact. As such they are normally only permitted where they are screened by existing permanent features such as hedgerows, tree belts, buildings or land contours.
- 6.24 Guidance in the PPTS (Planning Policy for Traveller sites) states that Local Planning Authorities should strictly limit new Gypsy and Traveller development in the countryside but also states that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure.
- 6.25 Policy SP17 states amongst other things, that development in the countryside will not be permitted if it will result in harm to the character and appearance of the area. Policy DM15 specifically relating to Gypsy and Traveller development, states, amongst other things, that permission will be granted if a site would not harm the rural character and landscape if an area due to cumulative visual impacts and is well screened by existing landscape features. Policy DM30 also requires that account should be taken of the Maidstone Borough Landscape Character Guidelines SPD.

- 6.26 The Maidstone Landscape Character Assessment (amended July 2013) shows the site falling with the Beult Valley, an area identified as having the following landscape characteristics:
- Low lying broad shallow valley of the meandering River Beult and Hammer Stream within the Low Weald
 - Many ponds and watercourses with important ecological interest
 - Species rich native hedgerow field boundaries with mature oak trees as imposing hedgerow trees and sometimes within fields where boundaries have been removed
 - Mixed agriculture with large fields supporting arable cultivation and small riverside fields with pasture
 - Sparsely scattered smallwoodlands
 - Historic north-south crossing points with ragstone bridges over the River Beult
- 6.27 The current application must be viewed in the context of existing lawful Gypsy and Traveller development that has taken place in the locality as follows. Immediately abutting the site to the south, planning permission was granted under ref: 18/502028 for the change of use of the land to accommodate 3 Static Caravans, 3 Touring Caravans, and parking for six vehicles, with associated hard and soft landscaping, cesspit, and alterations to an existing access. This permission permits the permanent use of the site for Gypsy and Traveller accommodation.
- 6.28 Abutting the site to the north under ref: 14/506183/full planning permission was granted for the stationing of 2 mobile homes, utility block, touring caravans and stables and open paddock area. This permission also permits the permanent use of the site for Gypsy and Traveller accommodation.
- 6.29 The application now under consideration is therefore between lawful Gypsy and Traveller sites. Given the narrowness of the site, scale of the development and character of adjoining development along with existing and proposed landscaping, it is considered that no additional harm to the landscape or rural character of the area occurs as a result of the continued use of this site for Gypsy and Traveller purposes as currently being carried out. It is also considered the development does not have any material impact on the landscape characteristics of the Beult Valley described above.
- 6.30 As a consequence the development is considered to meet the visual requirements of policy DM15 in that it will not result in material harm to the rural and landscape quality of the area and is in accordance with policies SP17 and DM30 of the local plan.

Cumulative Impacts:

- 6.31 Guidance in the PPTS states that Local Planning Authorities should strictly limit new Gypsy and Traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and or place undue pressure on local infrastructure. In addition policy DM15 of the Local plan states, amongst other things, that permission will be granted if a site would not harm the rural character and landscape of an area due to cumulative visual impacts.
- 6.32 Dealing first with the whether the development dominates the nearest settled community given the modest number of persons involved in the development this would not be the case.
- 6.33 Regarding cumulative visual impacts, for the reasons set out above no harm is identified to the development on these grounds.

Sustainability

- 6.34 Gypsy and Traveller sites are mainly located in the countryside and guidance

acknowledges this. Nevertheless policy DM15 states, amongst other things, that local services, in particular school, health and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.

- 6.35 It is acknowledged the site occupies an isolated rural location remote from public transport and services. However as its siting is no worse than the adjoining Gypsy and Traveller development which was granted planning permission it is considered there is no grounds object to the development on unsustainable siting grounds

Amenity:

- 6.36 There are no nearby dwellings experiencing direct loss of outlook or amenity from the development.

Wildlife

- 6.37 Though development should be used an opportunity to bring about wildlife improvements, the retrospective nature of the development means there is limited potential here. However the intention to provide additional native species planting will provide additional screening while contributing to wildlife habitat in the locality proportionate to the scale and impact of the development.

Human Rights and Equality

- 6.38 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

- 6.40 The site is intended to be occupied by two working age adults (husband and wife) and two pre- school age children. Apart from the need to provide a settled base for the applicant's pre- school age children, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the development on land in this countryside location.

Other matters:

- 6.41 Government Guidance states that planning applications submitted retrospectively is a material consideration that should be taken into account in determining such applications. However, guidance on how much weight this should be given is not clear. Furthermore the planning system is not intended to be punitive but to secure compliance with legitimate planning objectives. As such, when assessed against existing planning criteria the fact that retrospective planning permission is being sought is, on its own, insufficient to weigh significantly against the development.

- 6.42 The Parish Council refers to application ref:17/505888 for the change of use of the land for 5 pitches for Gypsy and Traveller accommodation along with the stationing of 6 static mobiles and 5 day rooms with associated hard and soft landscaping. This application was refused on lack of evidence relating the Gypsy and Traveller status of the site occupants, unjustified harm to the rural character and setting of the area and unsustainable siting.

- 6.43 However a revised application was submitted and approved in June 2018 for essentially the same site area under ref: 18/502028 for the change of use of the land to accommodate 3 Static Caravans, 3 Touring Caravans, and parking for six vehicles, with associated hard and soft landscaping, cesspit, and alterations to an existing access.

- 6.44 The development needs to be screened as to whether it should have been accompanied

by an Environmental Impact Assessment. It is not considered the development is of a scale or impact justifying an Environmental Impact Assessment. It should be stressed this is a technical assessment having no bearing on the consideration of the planning merits of the development carried out above.

7.0 CONCLUSIONS:

7.1 The key conclusions are as follows:

- Sufficient evidence has been submitted to demonstrate the occupants of the plots fall within the definition of Gypsy and Traveller's contained within Government Guidance.
- Significant weight must be given to child welfare and the need to provide a stable background in the planning balance.
- The visual, landscape and amenity impacts are acceptable.
- Will provide a valuable windfall addition to the stock of Gypsy and Traveller sites and assist in meeting the need for Gypsy and Traveller sites set out in the GTAA and policy SS1 of the local plan

7.2 As such and notwithstanding the site is subject to an extant enforcement notice (and which is the subject of an appeal), for the reasons set out above it is considered enforcement action should not be pursued and planning permission should be granted.

7 RECOMMENDATION

GRANT planning permission subject to the following conditions:

1. The site shall only used as a caravan site for gypsies or Travellers and their family and/or dependents, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.

Reason: To reflect the special circumstances of the application.

2. No more than 2 touring caravans, (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.

Reason: To safeguard the character and appearance of the countryside.

3. Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To safeguard the night time rural environment.

4. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land.

Reason: In the interests of the visual amenity.

5. The landscaping and planting proposals shown on drawing number TDA.2387.01 shall be implemented by the end of the first available planting season (October to February) following the granting of planning permission. Any planting becoming dead dying or diseased within 5 years of planting shall be replaced by specimen/s of the same size and species in the same location.

If the planting on drawing number TDA.2387.01 is not implemented by the end of

25.07.2019

the first available planting season (October to February) following the granting of planning permission, the use of the site for gypsy and traveller purposes shall cease, the touring caravan any hardstandings and other related development, and structures shall be removed and the site restored to its previous condition.

Reason: in the interests of visual amenity.

6. The development hereby approved shall only be carried out in accordance with drawing nos: TDA.2387.01 and 02.

Reason: In the interests of amenity.

Case Officer: Graham Parkinson

Agenda Item 21



REFERENCE NO - 19/500811/FULL		
APPLICATION PROPOSAL Demolition of existing office building and erection of a two-storey office building, a storage building, car park, landscaping and fencing (Revised scheme to 17/506323/FULL).		
ADDRESS The Site of Previous Maple Leaf Garage, Ashford Road, Hollingbourne, Kent		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The site is a former car sales site and has the benefit of planning permission granted under reference 17/506323/FULL (committee decision) for redevelopment with the erection of a two-storey office building with storage and associated parking. The current application is essentially a redesign of the previously approved scheme. The currently proposed two-storey office building is more contemporary in design than that previously permitted but traditional local materials of Kentish ragstone and weatherboarding are to be used.</p> <p>Whilst the currently proposed office building is sited closer to the Ashford Road frontage than that previously approved, which will increase the visual impact in views from the road, there is adequate scope along the site frontage for landscaping/planting to soften the visual impact of the development in views from the road and within the countryside setting.</p> <p>The proposed redevelopment of the site will provide a good quality contemporary building on a key route into Maidstone town on a site that is currently harmful to the visual amenity along the route.</p> <p>The scale of development currently proposed reflects that approved under the previous application and it is not considered that the current proposals raise any new issues with regards to impact on neighbouring property, parking and highway safety, impact on ecological interests at the site, and landscaping. The current and previous applications are/were considered acceptable in these regards.</p>		
REASON FOR REFERRAL TO COMMITTEE Hollingbourne Parish Council have requested that the application be considered by the Planning Committee if Officers are minded to recommend approval.		
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Mr Jack Russell AGENT GDM Architects
TARGET DECISION DATE 31/07/19		PUBLICITY EXPIRY DATE 20/05/19

Relevant Planning History

17/506323/FULL - Demolition of existing stores, offices and WCs, and erection of new offices with dry store and associated parking. Approved 03.05.2018

18/502584/SUB - Submission of details pursuant to Condition 4 (details of hard landscape works), Condition 7 (details of satisfactory facilities for the storage of refuse), Condition 10 (details of a minimum of 5 publicly accessible electric vehicle charging points, including a programme for their installation, maintenance and management), Condition 11 (method statement for the demolition and/or construction of the development), Condition 12 (details of wheel cleaning facilities to be provided during site demolition, excavation, preparation and construction), Condition 13 (landscaping details indicated on drawing no.P850/1 Rev A) and Condition 23 (details of how rainwater harvesting and grey water recycling measures shall be incorporated within the development) for planning permission

17/506323/FULL. Approved 19.07.2018

18/502847/SUB - Submission of details to discharge Condition 3 (Materials) Condition 5 (Surface Water Drainage Scheme) Condition 6 (Energy Efficiency) and Condition 20 Parts 1-3 (Contamination) Subject to 17/506323/FULL. Approve 18.07.2018

07/0065 - Erection of a new car showroom. Approved 07.06.2007

02/1193 - Residential development comprising 2No. detached dwellings and 8No. terraced dwellings (two blocks of four) plus access, parking spaces and internal road. Refused 27.09.2002. Appeal against refusal dismissed 26.06.03.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located on the south side of Ashford Road (A20), approximately 0.65km to the west of the roundabout turnoff to junction 8 of the M20. The triangular shaped site of 0.32ha approx. is not currently in use and was previously used for car sales. The site is predominantly hardstanding and has access to Ashford Road. The western boundary of the site is largely defined by an established hedgerow which separates the site from the adjoining Bearsted Caravan and Motorhome Club site to the west. An agricultural field adjoins the site to the east. On the opposite side of Ashford Road to the north is open agricultural land, a car wash and tyre sales/fitting site and a residential property.
- 1.02 The site is located within the open countryside and forms part of the defined Len Valley Landscape of Local Value as shown on the Policies Map to the adopted Maidstone Borough Local Plan. The site is also within a KCC Minerals Safeguarding Area.
- 1.03 The extensive Woodcut Farm site on the opposite side of Ashford Road to the north is an allocated site (Policy EMP1(4)) in the adopted Maidstone Borough Local Plan for development for up to 49,000 sq. m mixed employment floorspace (B1(a), B1(b), B1(c), B2 and B8 uses). Outline planning permission was granted 20.07.18 under reference 17/502331/OUT for a mixed commercial development of the Woodcut Farm site comprising B1(a), B1(b), B1(c) and B8 units with a maximum floorspace of 45,295 sq. m.

2. PROPOSAL

- 2.01 The application proposes the erection of a two-storey office building along the eastern side of the Ashford Road frontage of the site with a detached storage building in the southern (rear) corner of the site. The proposed development will be accessed from the existing access point on Ashford Road and the open site to the side (west) and rear (south) of the proposed office building will be predominantly car parking (36 car parking spaces). The applicants are a local construction company and the proposed development will be their headquarters. The proposed office building provides 592 sq. m gross internal floorspace and the detached storage building provides 103 sq. m floorspace.
- 2.02 The proposed two-storey office building is contemporary in design with a shallow pitched metal roof set behind a low parapet to the front part of the building and a flat roof behind a parapet to rear part of the building. The front part of the proposed office building is to have a mainly Kentish Ragstone finish with a recessed white render panel at ground floor level on the front (Ashford Road) elevation. The rear part of the proposed office building is predominantly vertical dark grey weatherboarding. The proposed windows and doors are to be dark grey aluminium

framing. Photovoltaic panels are proposed to the rear (south facing) roof slope to the front part of the building. The proposed detached storage building is utilitarian in design and appearance with dark green vertical profiled metal cladding and a shallow pitched dark green metal roof.

- 2.03 A new ragstone boundary wall with railings above is proposed along the western part of the Ashford Road frontage to enclose the open car parking/servicing yard area. New soft landscaping/planting is proposed in front of the new wall with railings and along the eastern part of the Ashford Road frontage to the front of the new office building. The submitted plans show the open car parking/servicing yard to incorporate a permeable surface finish. The proposed site layout allows for the retention of existing trees, hedgerow and shrubs to the eastern and western boundaries.
- 2.04 The site currently has the benefit of planning permission granted under reference 17/506323/FULL for the erection of a two-storey office building of 662 sq. m gross internal floorspace of which 144 sq. m would be used as dry storage. The current application is an amended scheme for the previously approved development.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, SP21, DM1, DM5, DM8, DM23, DM30, DM37, EMP1(4)
KCC Minerals Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 One representation received from a local resident raising the following (summarised) issues:
- Construction work and the on-going operation of the site will be disruptive and cause disturbance to the neighbouring residence (within the adjoining Bearsted Caravan and Motorhome Club site).
 - The operation and movement of machinery and lorries in connection with the use of the proposed storage building will result in noise and disturbance to neighbouring residential property.
 - The privacy of the neighbouring residential property could be compromised.
 - The development could result in disturbance to users of the adjoining touring caravan site.
 - Lorries entering and leaving the site on a bend on Ashford Road raises safety concerns.
 - Drainage from the site into the adjacent stream could result in flooding and the discharge of untreated foul water into the stream and into the neighbouring residence.
- 4.02 An objection to the application has been received from the Caravan and Motorhome Club, owner of the adjoining Bearsted Caravan and Motorhome Club site, raising the following issues and concerns:
- An increase in noise generated from the site, including significant noise from lorries delivering and manoeuvring about within the site and cars manoeuvring to park.

- The increase in the number of lorries and other delivery vehicles entering and leaving the site via Ashford Road will be a significant hazard given the site's entrance on a bend in the highway.
- The Caravan and Motorhome Club site has flooded twice in the last year caused by surface water run-off. The additional development will potentially increase surface water run-off which could lead to flooding of the Club's site.
- If the proposed sewage treatment plant fails there may be a risk of untreated effluent being discharged into the adjacent stream which will be a nuisance in terms of the smell this would create.
- Construction activity and the on-going operation of the site could be detrimental to the Caravan and Motorhome Club site and the surrounding area.
- The proposed buildings on the site are large and unattractive and incongruous with the rural surroundings. The two-storey office building will overlook the Caravan and Motorhome Club site and impact negatively from a privacy perspective.
- Security between the application site and the Caravan and Motorhome Club site should be maintained.
- Significant dust will be created during the construction works and during the on-going operation of the site which will have a negative impact on the Caravan and Motorhome Club site and those staying on the site.
- The application should be refused to protect not only the Caravan and Motorhome Club site but also the surrounding rural area.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Hollingbourne Parish Council

- 5.01 The Parish Council raise concerns regarding the extra traffic the new development will generate on Ashford Road as the proposed offices, store and parking is extensive. Further comment that this part of the road is notorious for traffic accidents, some of which are fatal, and the development does not have deceleration or acceleration areas to approach the Ashford Road which would exacerbate the problem of road traffic and lack of safety.

Environmental Health Officer

- 5.02 No objection raised. The submitted site investigation report identifies minimal concern regarding potential site contamination and recommends a watching brief is maintained during construction. Comments that as the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the development.

Kent Highways

- 5.03 Comments that the car parking proposed is commensurate with standards for the 700sq. m of office space proposed. The access is fundamentally existing although modifications to it are proposed and these works on highway land will require the applicant to enter into a S278 agreement with Kent Highways. Further comments that the previous application proposed that the area of hardstanding fronting the site on the eastern side (also highway land) would be reinstated as verge and that this work is required with the current application and should be incorporated as part of the S278 site access works. No objection to the application subject to the following conditions:

- Submission of a Construction Management Plan, to include reinstatement of the highway verge.
- Provision of construction vehicle loading/unloading and turning facilities.

- Provision of parking facilities for site personnel and visitors.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities on site
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plan.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plan.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plan.
- Completion and maintenance of the access shown on the submitted plan prior to the use of the site commencing, including measures to maximise inter-visibility with approaching traffic.

Environment Agency

- 5.04 Comment that the submitted report on ground investigation did not report any concentrations of ground contaminants that would represent a significant risk to Controlled Waters. Comment that planning permission should only be granted for the proposed development subject to planning conditions to safeguard Controlled Waters from any contamination not previously identified found to be present at the site.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of development
- Visual impact
- Character and appearance
- Residential amenity
- Parking and highway safety
- Ecology
- Landscaping

Principle of development

- 6.02 The application site is located within the countryside on Ashford Road (A20), a major route into the Maidstone urban area from the east. The site has previously been in commercial use as a car sales site.
- 6.03 Government guidance in the NPPF states (para. 83) that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. The NPPF states (para. 84) that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The NPPF further states (para. 84) that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 6.04 Policy SP17 of the adopted Maidstone Borough Local Plan states that *development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.*

- 6.05 Policy SP21 of the adopted Maidstone Borough Local Plan states that the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. One of the means by which this will be achieved is through supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy DM37.
- 6.06 Policy DM37 of the adopted Maidstone Borough Local Plan states that planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area where:
- i. New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape;
 - ii. The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access;
 - iii. The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; and
 - iv. No open storage of materials will be permitted unless adequately screened from public view throughout the year.
- 6.07 In this case the former cars sales site already has the benefit of planning permission for redevelopment with the erection of a two-storey office building with storage and the current application is essentially a redesign of the previously approved scheme. In addition to the existing planning permission for the redevelopment of the site, the extensive Woodcut Farm site on the opposite side of Ashford Road to the north is an allocated site (Policy EMP1(4)) in the adopted Maidstone Borough Local Plan for development for up to 49,000 sq. m mixed employment floorspace (B1(a), B1(b), B1(c), B2 and B8 uses). Outline planning permission was granted 20.07.18 under reference 17/502331/OUT for a mixed commercial development of the Woodcut Farm site comprising B1(a), B1(b), B1(c) and B8 units with a maximum floorspace of 45,295 sq. m.
- 6.08 The current application is very modest compared to the large scale commercial development which has been permitted on the opposite side of the road. The principle of the development of the site with a two-storey office building has been established by the previous grant of planning permission and the current application is not considered to raise any overriding issues of conflict in principle with the above Government guidance in the NPPF and adopted Local Plan policies.

Visual impact

- 6.09 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF further states (para. 130) that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.10 Policy DM1 of the adopted Maidstone Borough Local Plan states that proposals which would create high quality design and meet certain criteria (14 in total) will be

permitted. One of the criteria to be met is that development should *respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.*

- 6.11 Policy DM30 of the adopted Maidstone Borough Local Plan relating to design principles in the countryside states that proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet certain criteria (5 in total) will be permitted. Amongst the criteria to be are the following:
- The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
 - Impacts on the appearance and character of the landscape would be appropriately mitigated;
 - Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.
- 6.12 The site has previously been used for the display of cars for sale with associated undistinguished low quality buildings and the previous use would have had a harmful visual impact in the open countryside location on a key route into Maidstone town.
- 6.13 The site has the benefit of planning permission granted under reference 17/506323/FULL for redevelopment with the erection of a two-storey office building with storage and associated parking. The approved office/storage building would be set back from the frontage to Ashford Road and is of traditional design with a shallow pitched synthetic slate roof and a mix of brick and Kent ragstone to the front part of the building.
- 6.14 The currently proposed two-storey office building is contemporary in design with a shallow pitched metal roof set behind a low parapet to the front part of the building and a flat roof behind a parapet to rear part of the building. The front part of the proposed office building is to have a mainly Kentish Ragstone finish with a recessed white render panel at ground floor level on the front (Ashford Road) elevation. The rear part of the proposed office building is predominantly vertical dark grey weatherboarding. The proposed windows and doors are to be dark grey aluminium framing. The proposed detached storage building is utilitarian in design and appearance with dark green vertical profiled metal cladding and a shallow pitched dark green metal roof.
- 6.15 A new ragstone boundary wall with railings above is proposed along the western part of the Ashford Road frontage to enclose the open car parking/servicing yard area. New soft landscaping/planting is proposed in front of the new wall with railings and along the eastern part of the Ashford Road frontage to the front of the new office building.
- 6.16 Whilst the currently proposed building is sited closer to the Ashford Road frontage than that previously approved which will increase the visual impact in views from the road, the proposed building remains almost 10m back from the road frontage at it's closest point and there is adequate scope along the site frontage for landscaping/planting to soften the visual impact within the countryside setting. An existing area of hardstanding along the Ashford Road frontage can also be reinstated as highway verge which will further enhance the setting.

- 6.17 The proposed detached storage building to be sited in the rear (southern) corner of the site is located behind the main two-storey building and given the location and the distance back from Ashford Road, it is not considered that the proposed storage building will have any significant visual impact in any public views from the road. The proposed storage building will be visible from the adjoining Caravan and Motorhome Club site to the west. The retention of hedgerow along the western side boundary will mitigate any visual impact of the building in the views from the adjoining site but the impact on a view is not a planning consideration.
- 6.18 The proposed redevelopment of the site with the erection of a two-storey office building, detached storage building, and associated parking will have a visual impact in the countryside setting as would the currently permitted office building for the site and the former use of the site for the display of cars for sale. The proposed redevelopment will provide a good quality contemporary building on a key route into Maidstone town on a site that is currently harmful to the visual amenity along the route. Subject to the provision of a good quality soft landscaping/planting scheme for the site frontage to Ashford Road, to be secured by planning condition, which would help soften the impact of the development in the context of the countryside location, it is not considered that the proposed development will have an unacceptable harmful visual impact in the locality.

Character and appearance

- 6.19 The site is located within the open countryside and forms part of the defined Len Valley Landscape of Local Value as shown on the Policies Map to the adopted Maidstone Borough Local Plan. The site is predominantly hardsurfaced and was previously used for the display of cars for sale. The previous use and the site in its current unused state is harmful to the character and appearance of the countryside landscape.
- 6.20 The site has the benefit of the planning permission granted under reference 17/506323/FULL for redevelopment with the erection of a two-storey office building with storage and associated parking. The impact of approved redevelopment scheme on the character and appearance of countryside landscape has been accepted and the current application is an amended scheme for the previously approved development. The current application is not considered to raise any new overriding issues in terms of impact on the character and appearance of the area which were not addressed under previously approved application.
- 6.21 The extensive Woodcut Farm site on the opposite side of Ashford Road to the north is an allocated site (Policy EMP1(4)) in the adopted Maidstone Borough Local Plan for development for up to 49,000 sq. m mixed employment floorspace (B1(a), B1(b), B1(c), B2 and B8 uses). Outline planning permission was granted 20.07.18 under reference 17/502331/OUT for a mixed commercial development of the Woodcut Farm site comprising B1(a), B1(b), B1(c) and B8 units with a maximum floorspace of 45,295 sq. m. The current application is very modest compared to the large scale commercial development which has been permitted on the opposite side of the road and the current application will have limited additional impact on the character and appearance of surrounding area as a result.

Residential amenity

- 6.22 The western boundary of the site is largely defined by an established hedgerow which separates the site from the adjoining Bearsted Caravan and Motorhome Club site to the west. The living accommodation of the warden of the Caravan and Motorhome Club site is located close to western boundary of the site. An agricultural field adjoins the site to the east. On the opposite side of Ashford Road to the north is open agricultural land, a car wash and tyre sales/fitting site and a residential property.

- 6.23 The proposed two-storey office building and detached storage building are sufficiently distanced and separated from the adjoining Caravan and Motorhome Club site, including the wardens accommodation building, by an established hedgerow to prevent any unacceptable unneighbourly impact from the proposed buildings. The impact of the office and storage use of the site, including the impact of vehicle movements within and to and from the site, on the adjoining Caravan and Motorhome Club site was considered under the previously approved application under reference 17/506323/FULL and the proposed office, storage and associated parking use of the site was considered acceptable in these regards. The previous use of the site for car sales would have generated a reasonable level of vehicle movements both within and to and from the site. The current application is not considered to raise any new issues regarding the impact of the proposed use of the site on neighbouring property.

Parking and highway safety

- 6.24 The proposed development will be accessed from the existing access point on Ashford Road and the open site to the side (west) and rear (south) of the proposed office building will be predominantly car parking (36 car parking spaces). The proposed site layout makes provision for motorcycle parking and bicycle parking and five of the proposed parking spaces are to be provided with electric car charging points. Kent Highways have commented that the level of on-site parking proposed in the scheme is commensurate with the amount of office floorspace proposed in the development. The proposed site layout demonstrates that a large service vehicle can turn within the site.
- 6.25 The access arrangements to and from the site via Ashford Road (A20) remain as previously approved under application reference 17/506323/FULL and as the scale of the current proposals does not materially change from the previously approved application no new highway safety issues are raised by the current proposals. Ashford Road (A20) is a busy route to and from Maidstone town and the relatively modest scale of the development proposed is not likely to have any significant impact on traffic flows along the road.

Ecology

- 6.26 The site is predominantly hardsurfaced with trees and hedgerows to the east and west perimeters. A small former car sales office building remains on the site adjacent to the western boundary and a larger former building associated with the car sales use has been removed.
- 6.27 The Habitat Survey Report submitted identified the existing building on site to be unsuitable to support roosting bats. The existing building and the perimeter trees and hedgerows are suitable for breeding birds and one tree is identified as having moderate potential for roosting bats. The existing trees and hedgerows to the perimeters of the site can be retained in the development and a condition can be imposed on any grant of planning permission to secure their protection during the course of development.
- 6.28 The likelihood of other protected and notable species to occur within the site is considered negligible and no further surveys for other protected species are required.
- 6.29 Government guidance in the NPPF encourages opportunities to incorporate biodiversity enhancements as part of new developments. The application indicates that bat and bird boxes will be provided to the walls of the proposed office building and the use of native plant species for the landscaping would be of benefit to invertebrates and birds and bats. The ecological/biodiversity enhancements can be secured by planning condition.

Landscaping

- 6.30 The proposed site layout allows for the retention of existing perimeter trees and hedgerows to the site and protection of these during construction can be secured by planning condition. Whilst there is limited scope within the main body of the site for new planting, there is adequate scope along the site frontage to Ashford Road for landscaping/planting, including native trees, hedgerows, and meadow grass to the highway verge, to soften the visual impact of the new built development within the countryside setting and enhance the setting. The detailed landscaping scheme can be secured by planning condition.

Drainage

- 6.31 The existing site is predominantly hardstanding with an area of unmade ground in the south-western corner. A sustainable drainage system is proposed for the site to improve surface water run-off. Currently the site drainage has an unrestricted discharge into the adjacent stream along the south-eastern boundary. The application states that the current impermeable area on the site is to be reduced by approximately 15 per cent and surface water is attenuated within a permeable gravel layer below the tarmac car park. Flows generated from the car parking areas will pass through a catchpit and bypass interceptor prior to discharging to the adjacent stream. Foul drainage is to be treated on site using packaged sewage treatment plant with outfall to the adjacent stream. The site discharge is to be limited to the greenfield runoff rate of 5.8L/s, which provides a significant improvement.

Other Matters

- 6.32 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 The former car sales site has the benefit of planning permission granted under reference 17/506323/FULL for redevelopment with the erection of a two-storey office building with storage and associated parking and the current application is essentially a redesign of the previously approved scheme. The currently proposed two-storey office building is more contemporary in design than that previously permitted but traditional local materials of Kentish ragstone and weatherboarding are to be used.
- 7.02 Whilst the currently proposed office building is sited closer to the Ashford Road frontage than that previously approved which will increase the visual impact in views from the road, there is adequate scope along the site frontage for landscaping/planting to soften the visual impact of the development in views from the road and within the countryside setting.
- 7.03 The proposed redevelopment of the site will provide a good quality contemporary building on a key route into Maidstone town on a site that is currently harmful to the visual amenity along the route.
- 7.04 The scale of development currently proposed reflects that approved under the previous application and it is not considered that the current proposals raise any new issues with regards to impact on neighbouring property, parking and highway safety, impact on ecological interests at the site, and landscaping, which were not

considered under the previous application. The current and previous applications are/were considered acceptable in these regards.

- 7.05 In light of the above, approval is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions 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) No development shall take place above the slab levels of the two-storey office building and storage building hereby permitted until full details, including samples, of the external surfacing materials to be used on the respective buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;

Reasons: In the interests of the appearance of the completed development and to ensure the proposed development is satisfactorily integrated with its immediate surroundings.

- 3) No development shall take place until such time as details of proposals for the retention and protection of the existing trees and hedgerows to the eastern and western boundaries of the site during the course of the works and how any excavation, construction and surfacing works are to be carried out and any underground service runs to and from the site accommodated without causing damage to the trees and hedgerows, including their root systems, has been submitted to and approved in writing by the Local Planning Authority. The approved tree and hedgerow protection measures shall be put in place prior to the commencement of any works on site and shall be retained in place throughout the construction phase of the development. The works shall be carried out in accordance with the details approved;

Reason: The existing trees and hedgerows make a significant contribution to the character and visual amenities of the locality and provide screening for the development and warrant adequate protection during the development to prevent damage and ensure their long-term retention and good health.

- 4) No development shall take place above the slab levels of the two-storey office building and storage building hereby permitted until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping for the site, including details of all hard surfacing, boundary treatments, walls, railings and fencing, using indigenous species and a programme for the approved scheme's implementation and long term management. The scheme shall include indications of all existing trees and hedgerows to the perimeters of the site and details of those to be retained, together with measures for their protection during the course of development. The scheme shall include details of native species tree, hedgerow and meadow grass planting to the site frontage to Ashford Road, including removal of the existing hardstanding area east of the access and reinstatement of the grass verge to the highway. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall

be carried out in accordance with the approved scheme of hard and soft landscaping, boundary treatments, walls, railings and fencing;

Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 5) All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the office building hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species;

Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 6) If during the course of carrying out the works, evidence of potential contamination is encountered, the works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include:

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology;

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site;

c) If no contamination has been discovered during the works then evidence (e.g. photos or letters from the site manager) to show that no contamination was discovered should be included;

Reason: In the interests of the health and well-being of future occupiers and users of the approved development.

- 7) No development shall take place above the slab levels of the two-storey office building and storage building hereby permitted until details of a scheme of ecological enhancements for the site based on the recommendations set out in the submitted Greenspace Ecological Solutions Extended Phase 1 Habitat Survey (October 2016) and the update Preliminary Ecological Appraisal dated 15.02.19, including the installation of bird and bat boxes to the building and use of native plant species for the landscaping, has been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements for the site shall be implemented in full in accordance with the details approved prior to the first occupation of the two-storey office building and shall be retained and maintained thereafter;

Reason: In accordance with Government guidance in the NPPF (2019) (para. 175).

- 8) No development shall take place until such time as details of a Construction Management Plan for the development has been submitted to and approved in

writing by the Local Planning Authority. The Construction Management Plan shall include on-site provision for construction vehicle loading/unloading and turning facilities, parking facilities for site personnel and visitors, measures to prevent the discharge of surface water onto the public highway, storage of materials, and wheel washing facilities. The construction works shall be carried out in accordance with the approved Construction Management Plan;

Reason: In the interests of highway safety and local amenity.

- 9) No activity in connection with the use of the two-storey office building and storage building hereby permitted, other than the cleaning of the buildings, shall take place outside the hours of 07:00 and 22:00 Monday to Friday and 08:00 and 13:00 on Saturday, and not at any time on Sunday, Bank or Public Holidays;

Reason: To safeguard the amenities of the occupiers of neighbouring properties and local amenity generally.

- 10) The facilities shown on the approved plan (Drawing No. P101) for the storage of refuse shall be provided and be available for use prior to the first use of the two-storey office building hereby permitted and shall be retained and maintained for such use thereafter;

Reason: In the interests of residential amenity and local amenity generally.

- 11) The parking spaces and service vehicle turning space shown on the approved plan (Drawing No. P003 Rev. B) shall be provided and be available for use prior to the first use of the two-storey office building hereby permitted and the parking spaces and service vehicle turning space shall be retained and maintained for such use thereafter. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the areas shown as parking spaces or service vehicle turning space or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking/vehicle turning inconvenient to other road users and in the interests of road safety.

- 12) The area/facility shown on the approved plans (Drawing Nos. P003 Rev. B and P101) for the parking of bicycles shall be provided and be available for use prior to the first use of the two-storey office building hereby permitted and the area/facility shown for the parking of bicycles shall be retained and maintained for such use thereafter. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the area/facility shown for the parking of bicycles or in such a position as to preclude vehicular access to the area/facility;

Reason: In order to encourage sustainable means of transport to and from the site by means other than the private car in accordance with Government guidance in the NPPF (2019) (para. 102).

- 13) The five electric car charging points shown on the approved plans (Drawing Nos. P003 Rev. B and P101) shall be provided and be available for use prior to the first use of the two-storey office building hereby permitted and the five electric car charging points shall be retained and maintained for such use thereafter;

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 110 of the NPPF (2019).

- 14) The two-storey office building hereby permitted shall be used for purposes within Class B1(a) of Class B to the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) only. No change of use of the building, whether permitted by Class O, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out to the building without the prior written approval of the Local Planning Authority;

Reason: The current application only considers the impact of the use proposed in the current application and a separate assessment would be required for other uses that could otherwise be introduced as permitted development.

- 15) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land outside of the buildings shown on the approved plan (Drawing No. P003 Rev. B) without the prior written approval of the Local Planning Authority;

Reason: To safeguard the character, appearance and visual amenity of the immediate surroundings.

- 16) No external lighting, other than that shown on the approved plans (Drawing Nos. P201, P202 and P203), shall be installed to the buildings or within the site boundaries without the prior written approval of the Local Planning Authority;

Reason: In order to safeguard the ecological interests at the site, the night-time rural environment, road safety and visual amenity.

- 17) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:

Drawing No. P001 – Site location plan
Drawing No. P003 Rev. B – Proposed site plan
Drawing No. P101 – Proposed floor plans
Drawing No. P102 – Proposed roof plan
Drawing No. P201 – Proposed north and south elevations
Drawing No. P202 – Proposed east and west elevations
Drawing No. P203 – Proposed Dry Store elevations
Drawing No. P110 – Proposed Dry Store floor plan and roof plan
Drawing No. P301 – Proposed Section
Drawing No. P601 – Visual Image 1 – Entrance
Drawing No. P602 – Visual Image 2 – Rear
Drawing No. P603 – Visual Image 3 – Entrance
Drawing No. 14528/01 – Drainage Strategy Plan
GDM Architects – Design & Access Statement;

Reason: To ensure the quality of the development is maintained and to prevent harm to the character, appearance and visual amenity of the area.

- 18) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details;

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in the shallow soil/made ground which could ultimately cause pollution of groundwater.

- 19) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details;

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. The Environment Agency recommend that where soil contamination is present, a risk assessment is carried out in accordance with EA's guidance 'Piling into Contaminated Sites'. EA will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- 20) The sustainable drainage system for the site shall be designed to ensure that the site discharge is limited to the greenfield runoff rate of 5.8L/s;

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and prevent potential flooding in the area.

INFORMATIVES

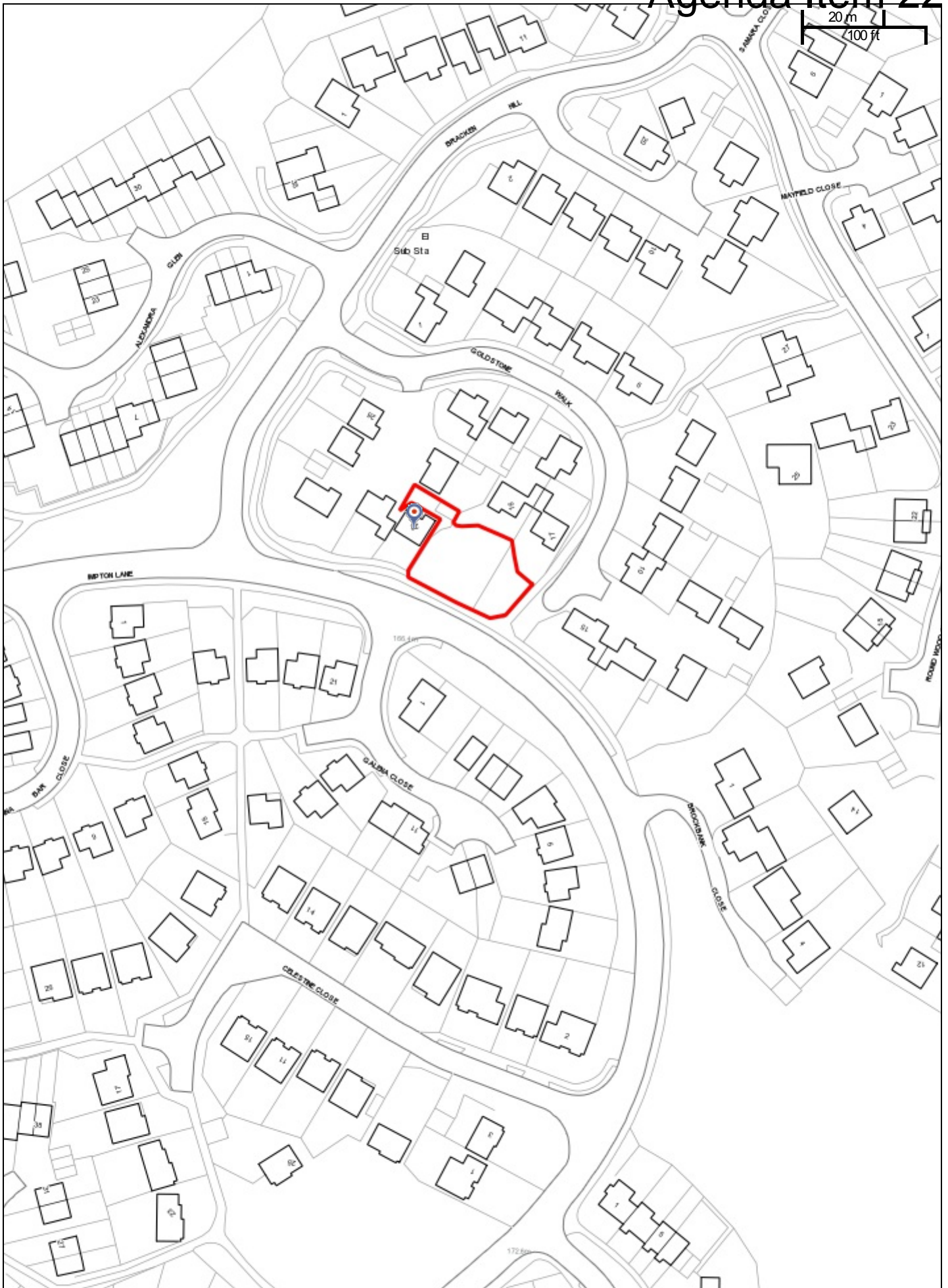
- 1) The grant of planning permission does not convey any approval for alterations to the existing vehicular access, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 2) Kent Highways advise that it is the responsibility of the applicant to ensure, before the development hereby approved is commenced that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by the Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

- 3) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 4) Kent Highways and Transportation advise that the modifications proposed to the existing access to Ashford Road (A20) and the removal of an area of hard standing to the site frontage (east of the access) and reinstatement of the highway verge will require the applicant to enter into a S278 agreement with Kent Highways and Transportation.

Case Officer: Jon Barnes



19/501025/FULL 22 Goldstone Walk, Boxley

Scale: 1:1250

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155



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REFERENCE NO - 19/501025/FULL		
APPLICATION PROPOSAL Erection of one detached 3-bedroom house with garage and parking.		
ADDRESS 22 Goldstone Walk Boxley Chatham Kent ME5 9QB		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The proposed new dwelling represents infill development within a predominantly residential area which forms part of Walderslade in the Maidstone urban area as defined on the Policies Map to the adopted Maidstone Borough Local Plan. The principle of infill development in sustainable urban locations such as this is considered acceptable.</p> <p>The proposed two-storey detached dwelling is considered acceptable within the context of surrounding development. The separation gap between the existing and proposed dwellings will prevent any significant and unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties. There are no overriding issues of overlooking or loss of privacy to the neighbouring properties.</p> <p>Conditions are recommended to be imposed on any grant of planning permission to ensure that vehicle movements to and from the site from the eastern end of Goldstone Walk do not impact unacceptably on the safety of pedestrians using the pedestrian link between Goldstone Walk and Impton Lane along the eastern boundary of the site.</p> <p>Conditions are recommended to be imposed on any grant of planning permission to ensure that the existing trees within and adjacent to the site are retained and protected during the course of the development and post development.</p> <p>The proposals do not raise any overriding issues of conflict with the relevant policies of the Maidstone Borough Local Plan or Government guidance in the NPPF.</p>		
REASON FOR REFERRAL TO COMMITTEE Boxley Parish Council wish to see the application refused and have requested that the application is reported to committee for determination if officers are minded to approve the application.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Ms Kamaljit Kaur Chanan AGENT Architecture Design Limited
TARGET DECISION DATE 26/08/19		PUBLICITY EXPIRY DATE 17/07/19

MAIN REPORT

1. BACKGROUND

1.01 Consideration of this application was deferred at the last meeting on the 27 June 2019 in order to:

- Investigate the ownership of the land outside the property over which the proposed access will pass, whether the correct certificates have been served, whether the red line boundary is correct and whether there are any impacts on the footpath over which the access will pass; and

- Seek to negotiate additional conditions requiring the provision of gaps under new fencing to allow the movement of wildlife, the incorporation of integrated niches for wildlife (bird bricks etc.) and renewable energy measures such as solar PV panels

1.02 This report should be read in association with the original report to committee which is attached as an appendix.

2. PROPOSAL

2.01 The application proposes the development of the site with the erection of a detached two-storey 3-bedroom house with integral garage. The proposed development will be accessed from the eastern end of Goldstone Walk which currently ends with a short pedestrian link only through to Impton Lane.

2.02 The proposed dwelling incorporates a pitched gable ended roof and is of traditional design and construction with brick and tile hanging to the walls and a tiled roof. Main windows to the proposed dwelling face eastwards towards the access off Goldstone Walk and south towards Impton Lane. The access drive off Goldstone Walk serving the proposed dwelling, garage and a car parking space adjacent to the garage is to be block paved.

2.03 The submitted plans show the retention of the three existing mature trees in the south-eastern corner of the site close to the Impton Lane frontage.

3. APPRAISAL

3.01 This appraisal addresses the issues raised in the reasons for deferral of consideration of the application at the last meeting on 27 June 2019.

Land ownership

3.02 Investigations have shown that the adjacent land to the east of the property, over part of which the proposed new access to and from the site will cross via the eastern end of Goldstone Walk, is owned by Kent County Council.

3.03 The originally submitted application red line boundary has been amended to incorporate the part of the adjacent land to the east of the property over which the proposed new access to and from the site is to be formed. The required notice has been served on Kent County Council as the owners of the adjacent land and the required certificate confirming that notice has been served has been submitted.

Impact on footpath

3.04 The proposed development will be accessed from the eastern end of Goldstone Walk which currently ends with a short pedestrian link only through to Impton Lane. The proposed vehicular access to and from the site will cross part of the short pedestrian link through from Goldstone Walk to Impton Lane. Vehicular accesses crossing pedestrian footways are not an uncommon arrangement. In order to ensure an adequate level of pedestrian safety to the footway link between Goldstone Walk and Impton Lane is achieved in this case, a condition is recommended to be imposed on any grant of planning permission (Condition 6) to secure the submission of full details of the new access for approval, including visibility for emerging vehicles and pedestrian visibility splays. Subject to the submission and approval of full details of the new access, it is not considered that the proposed development raises any overriding access and/or highway safety issues.

Ecology

3.05 The applicant has confirmed agreement to a planning condition to secure the provision of bat and bird boxes within the development. The provision of a gap

under the new boundary treatment separating the proposed new dwelling from the existing dwelling at 22 Goldstone Walk to allow the movement of wildlife can also be secured by planning condition.

Renewable energy measures

- 3.06 The applicant has confirmed agreement to a planning condition to secure the installation of solar PV panels to the roof of the proposed new dwelling.

4. CONCLUSION

- 4.01 The issues raised at the last meeting relating to land ownership, the application red line boundary, and the notices completed/served in relation to land ownership are considered to have been satisfactorily addressed.
- 4.02 Subject to a condition to secure the submission and approval of full details of the new access to and from the development, it is not considered that the proposed development raises any overriding access and/or highway safety issues.
- 4.03 The applicant has confirmed agreement to additional conditions to secure the provision of bat and bird boxes within the development and the installation solar PV panels to the roof of the proposed new dwelling. The provision of a gap under the new boundary treatment separating the proposed new dwelling from the existing dwelling at 22 Goldstone Walk to allow the movement of wildlife can also be secured by planning condition.
- 4.04 The grant of planning permission is recommended subject to the conditions set out below.

5. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions 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 development hereby approved shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;
Reason: To ensure a satisfactory appearance to the development.
- 3) No development shall take place above the slab level of the building hereby permitted until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping for the site, including details of all hard surfacing and boundary treatments, using indigenous species and a programme for the approved scheme's implementation and long term management. The scheme shall include indications of all existing trees and hedgerows on the land and adjacent to the site boundaries and details of any to be retained, together with measures for their protection during the course of development. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;
Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 4) All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.
- 5) No development shall take place until such time as a Tree Protection Plan/Arboricultural Method Statement in accordance with BS5837:2012 detailing how the three trees in the south-eastern corner of the site and the trees outside the eastern boundary of the site adjacent to the approved new access into the site, as shown on drawing nos. 48.1/A.01a and 48.1/02a, are to be protected during the course of the works and how any excavation, construction and surfacing works are to be carried out and any underground service runs to and from and within the site accommodated without causing damage to the root systems of the trees, has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be put in place prior to the commencement of any works on the site and shall be retained in place throughout the construction phase of the development. The works shall be carried out in accordance with the details approved;
Reason: The existing trees make a significant contribution to the character and visual amenities of the locality and warrant adequate protection during the development to prevent damage and ensure their long-term retention and good health.
- 6) No development shall take place above the slab level of the building hereby permitted until such time as full details of the new access to be formed onto the eastern end of Goldstone Walk, as shown on drawing no. 48.1/A.02a, including details of proposals to maximise visibility for vehicles emerging from the site and the provision of pedestrian visibility splays to the access, have been submitted to and approved in writing by the Local Planning Authority. The new access shall be completed in accordance with the details approved prior to the first occupation of the dwelling and shall be retained and maintained as such thereafter;
Reason: To ensure the details are satisfactory in the interests of pedestrian and highway safety.
- 7) The areas shown on the approved plans (Drawing nos. 48.1/A.02a and 48.1/A.03b) for the parking of cars and vehicle manoeuvring to and from the parking areas shall be provided in accordance with the details approved and be available for use before the first occupation of the new dwelling hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the parking and vehicle manoeuvring areas indicated or in such a position as to preclude vehicular access to them;
Reason: Development without adequate parking and/or vehicle manoeuvring provision is likely to lead to parking inconvenient to other road users and in the interests of pedestrian and highway safety.
- 8) Prior to the first occupation of the new dwelling hereby permitted, an accessible electric vehicle rapid charging point shall be installed within the site of the new dwelling in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle rapid charging point shall be retained and maintained within the site thereafter;

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 110 of the NPPF.

- 9) Upon completion, no further development, whether permitted by Classes A, B, E or F of Part 1 and/or Class A of Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification) or not, shall be carried out to or within the curtilage of the new dwelling hereby permitted without the prior written consent of the Local Planning Authority;
Reason: In the interests of the visual amenities of the area and the amenities of the occupiers of neighbouring properties. Planning Committee Report 27 June 2019
- 10) The development hereby permitted shall carried out in accordance with the approved plans (Drawing nos. 48.1/A.02a, 48.1/A.03b and 48.1/A.04);
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.
- 11) The first floor windows to the study and bathroom in the west facing elevation of the new dwelling hereby permitted, as shown on the approved plan (Drawing No. 48.1/A.03b), shall be glazed in obscure glass and the windows shall be non-openable to a minimum height of 1.7m above the internal finished floor level of the rooms they serve. The first floor windows to the study and bathroom shall be maintained and retained as such at all times;
Reason: In order to prevent overlooking and loss of privacy to the neighbouring property.
- 12) No development shall take place above the slab level of the building hereby permitted until such time as full details, including location within the site, of the installation of a minimum of one bat box and one bird box have been submitted to the Local Planning Authority for their approval in writing. The approved bat and bird boxes shall be installed in accordance with the approved details and locations prior to the first occupation of the dwelling and shall be maintained and retained thereafter in perpetuity;
Reason: In order to ensure the ecological/biodiversity interests of the site are safeguarded/enhanced.
- 13) The new boundary treatment separating the proposed new dwelling hereby permitted from the existing dwelling at 22 Goldstone Walk shall incorporate gaps under the boundary treatment to allow for the movement of wildlife in accordance details of the new boundary treatment and gaps which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation of the boundary treatment. The approved boundary treatment and gaps shall be installed in accordance with the approved details prior to the first occupation of the dwelling and shall be maintained and retained thereafter in perpetuity;
Reason: In order to ensure the ecological/biodiversity interests of the site are safeguarded
- 14) No development shall take place above the slab level of the building hereby permitted until such time as full details of a scheme for the installation of solar PV panels to the roof of the building or alternative proposals for renewable energy measures within the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for the installation of solar PV panels or alternative proposals for renewable energy measures within the development shall be completed in accordance with the details approved prior to the first occupation of the dwelling and shall be retained and maintained thereafter;
Reason: To ensure an energy efficient form of development.

INFORMATIVES

- 1) The applicant is advised that broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the demolition and/or construction works.
- 2) The grant of planning permission does not convey any approval for the construction of the required access to the highway outside the site or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 4) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Jon Barnes

REFERENCE NO - 19/501025/FULL		
APPLICATION PROPOSAL Erection of one detached 3-bedroom house with garage and parking.		
ADDRESS 22 Goldstone Walk Boxley Chatham Kent ME5 9QB		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The proposed new dwelling represents infill development within a predominantly residential area which forms part of Walderslade in the Maidstone urban area as defined on the Policies Map to the adopted Maidstone Borough Local Plan. The principle of infill development in sustainable urban locations such as this is considered acceptable.</p> <p>The proposed two-storey detached dwelling is considered acceptable within the context of surrounding development. The separation gap between the existing and proposed dwellings will prevent any significant and unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties. There are no overriding issues of overlooking or loss of privacy to the neighbouring properties.</p> <p>Conditions are recommended to be imposed on any grant of planning permission to ensure that vehicle movements to and from the site from the eastern end of Goldstone Walk do not impact unacceptably on the safety of pedestrians using the pedestrian link between Goldstone Walk and Impton Lane along the eastern boundary of the site.</p> <p>Conditions are recommended to be imposed on any grant of planning permission to ensure that the existing trees within and adjacent to the site are retained and protected during the course of the development and post development.</p> <p>The proposals do not raise any overriding issues of conflict with the relevant policies of the Maidstone Borough Local Plan or Government guidance in the NPPF.</p>		
REASON FOR REFERRAL TO COMMITTEE Boxley Parish Council wish to see the application refused and have requested that the application is reported to committee for determination if officers are minded to approve the application.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Ms Kamaljit Kaur Chanan AGENT Architecture Design Limited
TARGET DECISION DATE 04/07/19		PUBLICITY EXPIRY DATE 28/03/19

Relevant Planning History

15/500349/OUT	Outline application for the development of one detached 3-bedroom house with garage and parking. Approved 05.11.2015
05/0440	Erection of a two storey side extension. Approved 26.04.2005
98/0952	Use of land as an enlarged residential curtilage. Approved 17.08.1998
88/1867	Rear extension. Approved 20.04.1989

84/1649 Residential development (26 units) (Original development).
Approved 13.12.1985

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located along the north side of Impton Lane. The site forms a large garden area to the eastern side of the detached two-storey dwelling at 22 Goldstone Walk. The application property is accessed from a secondary access road off the main part of Goldstone Walk to the north which also serves the detached two-storey dwellings with garages at Nos. 21 and 23 – 26 (consec.) Goldstone Walk.
- 1.02 The site is roughly rectangular in shape although the northern boundary follows an irregular line and has maximum dimensions of 20m in width and 18.8m in depth. The site incorporates three mature trees in the south-eastern corner close to the Impton Lane frontage.
- 1.03 The site is bounded along its northern boundary by the access drive off Goldstone Walk to the detached two-storey dwellings at 16 and 17 Goldstone Walk which front onto the access drive. The site is bounded by the footway to Impton Lane along its southern boundary and by the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane to the east. The existing dwelling at 22 Goldstone Walk and its detached garage adjoin the site to the west.
- 1.04 Goldstone Walk and the immediate surroundings consists predominantly of modern two-storey detached dwellings with no regular road layout or pattern of development. The three mature trees in the south-eastern corner of the site close to the Impton Lane frontage are covered by Tree Preservation Order No. 1 of 1969 which also covers the wider area of Walderslade.
- 1.05 The application site is part of a predominantly residential area which forms part of Walderslade in the Maidstone urban area as shown on the Policies Map to the adopted Maidstone Borough Local Plan.

2. PROPOSAL

- 2.01 The application proposes the development of the site with the erection of a detached two-storey 3-bedroom house with integral garage. The proposed development will be accessed from the eastern end of Goldstone Walk which currently ends with a short pedestrian link only through to Impton Lane.
- 2.02 The proposed dwelling incorporates a pitched gable ended roof and is of traditional design and construction with brick and tile hanging to the walls and a tiled roof. Main windows to the proposed dwelling face eastwards towards the access off Goldstone Walk and south towards Impton Lane. The access drive off Goldstone Walk serving the proposed dwelling, garage and a car parking space adjacent to the garage is to be block paved.
- 2.03 The submitted plans show the retention of the three existing mature trees in the south-eastern corner of the site close to the Impton Lane frontage.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017: Policies SS1, DM1, DM5, DM9, DM11, DM12, DM23

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Five representations received from local residents raising the following (summarised) issues:
- Goldstone Walk is well used by vehicles and pedestrians and the pathway through to Impton Lane is used by many adults and children. The proposed access to and from the site via Goldstone Walk is dangerous as vision is impaired.
 - Access to neighbouring properties could be obstructed during construction.
 - Creation of the proposed access will result in the loss of parking in Goldstone Walk.
 - Light and view to neighbouring properties will be blocked.
 - The application site was previously public land and contained a significant number of trees. Further vegetation will now be lost.
 - The plot is susceptible to flooding in times of heavy rainfall.
- 4.02 The matters raised by neighbours are discussed in the detailed assessment below.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.01 Boxley Parish Council

Wish to see the application refused for the following reasons:

- Overdevelopment of the site and, if permitted, there will be an adverse and negative impact on adjacent neighbours and the street scene from Impton Lane.
- The proposed access/egress will create a significant safety issue for pedestrians/cyclists using the footpath linking Goldstone Walk to Impton Lane. The narrow and short length of footpath connects Goldstone Walk, and beyond, to the local bus stops and the pick up points for the school buses and commuter coaches. There is insufficient space for the applicant to provide any vision splay so pedestrians and cyclists will have absolutely no warning that a vehicle is about to drive across the path in front of them and the driver's own view will be similarly restricted.
- The lack of a vision splay, the proximity of the proposed access/egress to a well used footpath and the need for any driver to drive across a footpath which they cannot see down is unacceptable.
- The Tree Preservation Order on the trees on the site should not be removed.

Landscape Officer

- 5.02 No arboricultural objection to the application. Requests a pre-commencement condition requiring an Arboricultural Method Statement, including a tree protection plan, in accordance with BS5837:2012 due to the proposed access and the footprint of the hard surfacing.

Environmental Health Officer

- 5.03 No objections. Comments that construction activities may have an impact on local residents and the usual conditions/informatives should apply in this respect.

Kent Highways

- 5.04 The proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - The scale, appearance and visual impact of the development
 - Residential amenity
 - Highway safety, access and parking
 - Impact on existing trees

Principle of development

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) and policies SS1, SP1 and DM9 of the adopted Maidstone Borough Local Plan are generally supportive of new housing in sustainable urban locations such as the application site as an alternative to residential development in more remote countryside locations.
- 6.03 Policy SS1 of the adopted Maidstone Borough Local Plan states that the Maidstone urban area will be the principal focus for development with the secondary focus being rural service centres. The policy also allows for some development within some larger villages.
- 6.04 Policy DM9 of the adopted Maidstone Borough Local Plan states that within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property will be permitted if the following criteria (development to fit unobtrusively with the existing building, the character of the street and/or its context; traditional boundary treatment retained; amenity of neighbouring residents safeguarded; sufficient parking provided) are met.
- 6.05 Policy DM11 of the adopted Maidstone Borough Local Plan permits the development of domestic garden land within the defined boundaries of the urban area, rural service centres and larger villages where the following criteria (no significant harm to the character and appearance of the area; no significant loss of amenity to neighbours; appropriate access to the highway provided; no significant increase in noise or disturbance from traffic gaining access) are met.
- 6.06 The site is within a predominantly residential area which forms part of Walderslade in the Maidstone urban area as shown on the Policies Map to the adopted Local Plan. The site is considered to represent a sustainable location with good access to facilities and services, including public transport, within the wider urban area. The principle of infill residential development in sustainable urban locations such as this is considered acceptable.
- 6.07 The principle of an infill dwelling on this domestic garden land has been accepted previously under outline application ref. 15/500349/OUT.

Scale, appearance and visual impact

- 6.08 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF further states

(para. 128) that design quality should be considered throughout the evolution and assessment of individual proposals and (para. 130) that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.09 Policy DM1 of the adopted Maidstone Borough Local Plan states that proposals which would create high quality design and meet a number of criteria (14 in total) will be permitted. Amongst the criteria to be met are that proposals create a high quality design and:

- Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;
- Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality.

6.10 One of the four criteria to be met in policy DM9 of the adopted Maidstone Borough Local Plan relating to proposals for the extension or redevelopment of a residential property within the defined boundaries of the urban area is that:

- The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building and the character of the street scene and/or its context.

6.11 One of the four criteria to be met in policy DM11 of the adopted Maidstone Borough Local Plan relating to the development of domestic garden land to create new buildings is that:

- The higher density resulting from the development would not result in significant harm to the character and appearance of the area.

6.12 The existing dwelling at 22 Goldstone Walk is a detached two-storey dwelling with a pitched gable ended roof and the application site lies immediately to the east of the existing dwelling. The immediate surroundings consist predominantly of similar two-storey detached dwellings with no regular pattern of road layout or buildings. The application proposes the erection of a detached two-storey 3-bedroom dwelling with a pitched gable ended roof and the proposed dwelling reflects the scale, traditional design and building footprint of the neighbouring dwellings in Goldstone Walk. The garden area to the proposed dwelling compares favourably in size with those of other properties in Goldstone Walk and the proposed dwelling can be accommodated on the site with a similar set back from the Impton Lane frontage as the neighbouring dwellings in Goldstone Walk to the east and west.

6.13 In the context of the neighbouring development in Goldstone Walk it is not considered that the proposed detached two-storey dwelling would appear as visually incongruous or intrusive in the locality or would be harmful to the visual amenities and character of the area. The application is not considered to conflict with the above Government guidance and adopted Local Plan policies relating to the design, scale and appearance of development.

Residential amenity

6.14 The site is bounded along its northern boundary by the access drive off the eastern end of Goldstone Walk to the detached two-storey dwellings at 16 and 17 Goldstone Walk which front onto the access drive. The site is bounded by the footway to Impton Lane along its southern boundary and by the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane to the east. On the opposite

(eastern) side of the short pedestrian link is the neighbouring dwelling at 15 Goldstone Walk. The existing dwelling at 22 Goldstone Walk and its detached garage adjoin the site to the west.

- 6.15 With regards to the potential impact of the proposed development on the neighbouring dwellings which lie to the north of the site at 16 and 17 Goldstone Walk, the submitted plans show the closest part of the proposed dwelling to be 2m-3.2m in from the northern boundary of the site common with the access drive to the two dwellings at 16 and 17 Goldstone Walk which front onto the access drive.
- 6.16 The northern side wall of the proposed dwelling is 9m and 11.4m from the closest part of the front elevation walls of the neighbouring dwellings at 16 and 17 Goldstone Walk respectively. The neighbouring dwellings at 16 and 17 Goldstone Walk are at a slightly lower level in relation to the application site due to a slight fall in ground levels. Whilst the proposed dwelling will clearly impact in the southerly outlook to the front of those two neighbouring dwellings, it is considered that the separation gap between the existing and proposed dwellings will prevent any unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties.
- 6.17 With regards to potential impact of the proposed development on the closest neighbouring property to the east of the site at 15 Goldstone Walk, a separation gap of some 24m will remain between the proposed dwelling and that existing dwelling. The separation gap will prevent any unacceptable unneighbourly impact on that neighbouring property.
- 6.18 The proposed dwelling will abut the retained part of the side garden area to the existing dwelling at 22 Goldstone Walk and will be separated from the eastern side elevation wall to the existing dwelling by a distance of 9.6m. Whilst there will be some enclosing impact along part of the side garden area to the existing dwelling at 22 Goldstone Walk, it is not considered that there will be any unacceptable unneighbourly overbearing impact on that neighbouring property. No side wall windows to the neighbouring property at 22 Goldstone Walk are affected by the proposals and overall it is not considered that the proposed development will have any unacceptable unneighbourly impact on the amenities of the occupiers of that dwelling.
- 6.19 The main first floor windows to proposed dwelling face south towards Impton Lane and east towards the site access. The proposed development is not considered to raise any overriding issues regarding overlooking and loss of privacy to the neighbouring properties.
- 6.20 The proposed dwelling is accessed from a new accessway to be formed off the eastern end of Goldstone Walk. The proposed new accessway runs adjacent to the existing accessway serving the neighbouring dwellings at 16 and 17 Goldstone Walk to the north of the site and those neighbouring dwellings front onto the existing accessway. Given the modest scale of the development proposed (a single 3-bedroom dwelling), the pedestrian and vehicle movements to and from the site generated by the proposed development are not likely to have a significant impact on the neighbouring properties in terms of noise and general activity.
- 6.21 It is considered that the proposed development will provide an acceptable living environment and standard of amenity for prospective occupiers of the new dwelling in terms of internal and external living conditions, including outlook, privacy and access to garden amenity space.

Highway safety, access and parking

- 6.22 The proposed dwelling is accessed from a new accessway to be formed off the eastern end of Goldstone Walk. The proposed new accessway runs adjacent to the existing accessway serving the neighbouring dwellings at 16 and 17 Goldstone Walk to the north of the site.
- 6.23 The eastern end of Goldstone Walk is not a through road and the road ends with a short pedestrian link through to Impton Lane. Whilst vehicle movements to and from the site of the proposed new dwelling via the new access will have minimal impact on vehicle movements along Goldstone Walk, they could impact on pedestrian movements along the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane. The representations on the current application from local residents have raised the issue of the safety of pedestrians using the short pedestrian link.
- 6.24 Whilst no overriding pedestrian and highway safety issues are raised in principle regarding the proposed new access to serve the development, in light of the concerns raised by local residents, it is considered that a condition be imposed on any planning permission granted to secure the submission of full details of the new access for approval, including visibility for emerging vehicles and pedestrian visibility splays. Subject to the submission and approval of full details of the new access, it is not considered that the proposed development raises any overriding access and/or highway safety issues.
- 6.25 With regards to parking, the proposed development incorporates an integral garage to the new dwelling, a parking space to the side of the garage, and further parking within the proposed hardsurfaced area of the new accessway. Space for cars to manoeuvre/turn is available within the proposed hardsurfaced area of the new accessway. The parking arrangements for the existing dwelling at 22 Goldstone Walk are not affected by the proposed development.

Trees

- 6.26 The site contains three mature trees in the south-eastern corner close to the Impton Lane frontage. The trees are covered by Tree Preservation Order No. 1 of 1969 which also covers the wider area of Walderslade.
- 6.27 The existing trees are not directly affected by the proposed new dwelling. The submitted site layout plan shows the proposed dwelling to be sited 5.4m, 6.2m and 7m from the trees respectively. New hardsurfacing outside the site to form the proposed new access to Goldstone Walk is likely to impact on part of the root protection area of an existing tree outside the site adjacent to the pedestrian link between the eastern end of Goldstone Walk and Impton Lane.
- 6.28 The Landscape Officer raises no arboricultural objection to the application. The Landscape Officer requests a pre-commencement condition requiring an Arboricultural Method Statement, including a tree protection plan in accordance with BS5837:2012, to be submitted for consideration and approval due to the proposed access and the footprint of the hard surfacing.
- 6.29 The Arboricultural Method Statement will ensure that the existing trees within and adjacent to the site are retained and protected during the course of the development and post development.

Other Matters

- 6.30 The development proposed in the current application reflects that approved previously in outline under application ref. 15/500349/OUT in terms of the siting of the proposed building and the building footprint.
- 6.31 The previous outline proposals proposed access from the west via the access serving the existing garage to the existing dwelling at 22 Goldstone Walk. The existing garage was to be removed to allow access through to the current application site from the west. The previously granted outline planning permission has now lapsed.
- 6.32 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 The site is within a predominantly residential area which forms part of the Walderslade within the Maidstone urban area as shown on the Policies Map to the adopted Local Plan. The site represents a sustainable location with good access to facilities and services, including public transport, within the wider urban area. The principle of infill residential development in sustainable urban locations such as this is considered acceptable. The principle of an infill dwelling on this domestic garden land has been accepted previously under outline application ref. 15/500349/OUT.
- 7.02 The proposed detached two-storey dwelling reflects the scale, traditional design and building footprint of the neighbouring dwellings in Goldstone Walk. The garden area to the proposed dwelling compares favourably in size with those of other properties in Goldstone Walk and the proposed dwelling can be accommodated on the site with a similar set back from the Impton Lane frontage as the neighbouring dwellings in Goldstone Walk to the east and west. In the context of the neighbouring development in Goldstone Walk, the proposed dwelling would not appear as visually incongruous or intrusive in the locality or be harmful to the visual amenities and character of the area.
- 7.03 Whilst the proposed dwelling will impact in the southerly outlook to the front of the two neighbouring dwellings to the north of the site (Nos. 16 and 17 Goldstone Walk), the separation gap between the existing and proposed dwellings will prevent any unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties.
- 7.04 In the interests of the safety of pedestrians using the footpath link between the eastern end of Goldstone Walk and Impton Lane, a condition is recommended to be imposed on any planning permission granted to secure the submission of full details of the new access to be formed to the eastern end of Goldstone Walk to serve the proposed development, including visibility for emerging vehicles and pedestrian visibility splays. Subject to the submission and approval of full details of the new access, the proposed development does not raise any overriding access and/or highway safety issues.
- 7.05 The Landscape Officer raises no arboricultural objection to the application and requests a condition requiring an Arboricultural Method Statement, including a tree protection plan in accordance with BS5837:2012, to be submitted for consideration and approval due to the proposed access and the footprint of the hard surfacing. The Arboricultural Method Statement will ensure that the existing trees within and

adjacent to the site are retained and protected during the course of the development and post development.

- 7.06 The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions 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 development hereby approved shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- 3) No development shall take place above the slab level of the building hereby permitted until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping for the site, including details of all hard surfacing and boundary treatments, using indigenous species and a programme for the approved scheme's implementation and long term management. The scheme shall include indications of all existing trees and hedgerows on the land and adjacent to the site boundaries and details of any to be retained, together with measures for their protection during the course of development. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;

Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 4) All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 5) No development shall take place until such time as a Tree Protection Plan/Arboricultural Method Statement in accordance with BS5837:2012 detailing how the three trees in the south-eastern corner of the site and the trees outside the eastern boundary of the site adjacent to the approved new access into the site, as shown on drawing nos. 48.1/A.01 and 48.1/02, are to be protected during the course of the works and how any excavation, construction and surfacing works are

to be carried out and any underground service runs to and from and within the site accommodated without causing damage to the root systems of the trees, has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be put in place prior to the commencement of any works on the site and shall be retained in place throughout the construction phase of the development. The works shall be carried out in accordance with the details approved;

Reason: The existing trees make a significant contribution to the character and visual amenities of the locality and warrant adequate protection during the development to prevent damage and ensure their long-term retention and good health.

- 6) No development shall take place above the slab level of the building hereby permitted until such time as full details of the new access to be formed onto the eastern end of Goldstone Walk, as shown on drawing no. 48.1/A.02, including details of proposals to maximise visibility for vehicles emerging from the site and the provision of pedestrian visibility splays to the access, have been submitted to and approved in writing by the Local Planning Authority. The new access shall be completed in accordance with the details approved prior to the first occupation of the dwelling and shall be retained and maintained as such thereafter;

Reason: To ensure the details are satisfactory in the interests of pedestrian and highway safety.

- 7) The areas shown on the approved plans (Drawing nos. 48.1/A.02 and 48.1/A.03b) for the parking of cars and vehicle manoeuvring to and from the parking areas shall be provided in accordance with the details approved and be available for use before the first occupation of the new dwelling hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the parking and vehicle manoeuvring areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking and/or vehicle manoeuvring provision is likely to lead to parking inconvenient to other road users and in the interests of pedestrian and highway safety.

- 8) Prior to the first occupation of the new dwelling hereby permitted, an accessible electric vehicle rapid charging point shall be installed within the site of the new dwelling in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle rapid charging point shall be retained and maintained within the site thereafter;

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 110 of the NPPF.

- 9) Upon completion, no further development, whether permitted by Classes A, B, E or F of Part 1 and/or Class A of Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification) or not, shall be carried out to or within the curtilage of the new dwelling hereby permitted without the prior written consent of the Local Planning Authority;

Reason: In the interests of the visual amenities of the area and the amenities of the occupiers of neighbouring properties.

- 10) The development hereby permitted shall be carried out in accordance with the approved plans (Drawing nos. 48.1/A.02, 48.1/A.03b and 48.1/A.04);

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

- 11) The first floor windows to the study and bathroom in the west facing elevation of the new dwelling hereby permitted, as shown on the approved plan (Drawing No. 48.1/A.03b), shall be glazed in obscure glass and the windows shall be non-openable to a minimum height of 1.7m above the internal finished floor level of the rooms they serve. The first floor windows to the study and bathroom shall be maintained and retained as such at all times;

Reason: In order to prevent overlooking and loss of privacy to the neighbouring property.

INFORMATIVES

- 1) The applicant is advised that broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the demolition and/or construction works.
- 2) The grant of planning permission does not convey any approval for the construction of the required access to the highway outside the site or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 4) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Jon Barnes



19/502182/FULL The Paddock, Grove House

Scale: 1:2500

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REFERENCE NO - 19/502182/FULL		
APPLICATION PROPOSAL Variation of condition 1 of 18/504343/FULL (Minor Material Amendment to condition 10 of application 14/503411/FULL (Residential Development comprising erection of 23 dwellings)) to allow a gradual occupation of the scheme, starting with 6no. social rented properties, prior to the completion of the traffic island.		
ADDRESS The Paddock Grove House Old Ashford Road Lenham Maidstone Kent ME17 2PX		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions and the completion of a Supplemental Deed		
SUMMARY OF REASONS FOR RECOMMENDATION The site has the benefit of planning permission for development with the erection of 23 dwellings for social housing and the dwellings are now substantially completed. A condition of the planning permission requires highway works secured by an Agreement under S278 of the Highways Act 1980 to be carried out before any of the dwellings are first occupied. The current application seeks to vary the condition to allow the occupation of 6no. social rented properties before completion of the final part of the required highway works (the provision of a traffic island outside the site entrance within Ashford Road (A20)). The other parts of the highway works will be completed prior to first occupation of any of the dwellings as currently required by the condition. The highway works secured by Agreement under S278 of the Highways Act 1980 and the planning condition are required in the interests of highway safety and Kent Highways raise no objection on highway safety grounds to the proposed variation of the condition. In the absence of an objection to the proposed variation of the condition from Kent Highways it is not considered that a refusal of permission on highway safety grounds could be pursued in this case.		
REASON FOR REFERRAL TO COMMITTEE The Ward Councillors have called the application in to Committee, reiterating the Parish Council's concerns on the grounds of safety.		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Lenham	APPLICANT West Kent Housing Association AGENT Architects Plus
TARGET DECISION DATE 14/08/19		PUBLICITY EXPIRY DATE 21/06/19

Relevant Planning History

14/503411/FULL - Residential Development comprising erection of 23 dwellings. Approved 27.01.2017

17/503227/SUB - Submission of details to discharge condition 5 (Landscape Management); condition 6 (Landscaping Scheme); condition 12 (Biodiversity Method Statement); condition 13 (Ecological Design and Management Strategy); condition 14 (Archaeology); and Condition 20 (Biodiversity Enhancements) Subject to 14/503411/FULL. Approved 21.12.2017

17/504207/SUB - Submission of Details to Discharge Conditions 11 (Boundary Treatments); Condition 18 (Lighting); Condition 19 (Renewable Energy) Subject to 14/503411/FULL. Approved 28.11.2017

17/504498/SUB - Submission of details pursuant to Condition 4: Details of materials (original application ref: 14/503411/FULL). Approved 28.11.2017

17/504674/SUB - Submission of details to discharge condition 9 (foul and surface water disposal) and condition 17 (slab levels) subject to 14/503411/FULL.
Approved 12.12.2017

18/504343/FULL - Minor Material Amendment to condition 10 of application 14/503411/FULL (erection of 23 dwellings) to reposition access road and to lay new footpath. Approved 03.01.2019

19/502033/SUB - Submission of Details to Discharge Condition 9 (Drainage) and Condition 18 (Lighting) Subject to 14/503411/FULL. Pending Consideration

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located on the south side of Ashford Road (A20), approximately 80m to the east of the junction of Faversham Road with Ashford Road, and the generally rectangular shaped site has a frontage of 125m approx. along Ashford Road. The site has the benefit of planning permission for development with the erection of 23 dwellings and the dwellings are substantially completed.
- 1.02 The site is within the defined village boundary of Lenham village as shown on the Policies Map to the adopted Local Plan (2017) and Lenham village is a designated rural service centre in the Local Plan. The site is adjoined to the south, east and west by existing residential development and the village community centre also adjoins to the east. On the opposite side of Ashford Road to the north is the southern edge of the Kent Downs AONB.

2. PROPOSAL

- 2.01 The site has the benefit of planning permission granted under reference 14/503411/FULL for development with the erection of 23 dwellings. A minor material amendment to the planning permission was approved 03.01.19 under reference 18/504343/FULL and a new planning permission was issued under that reference.
- 2.02 Condition 1 of the new planning permission issued under reference 18/504343/FULL (Condition 2 of the original planning permission granted under reference 14/503411/FULL) requires highway works secured by an Agreement under S278 of the Highways Act 1980 to be carried out before any of the dwellings are first occupied. The current application seeks to vary the condition to allow the occupation of 6no. social rented properties before completion of the final part of the required highway works (the provision of a traffic island outside the site entrance within Ashford Road (A20)).
- 2.03 The approved dwellings for social housing are now substantially completed and the current application states that due to a road works embargo on the A20 by KCC and housing need pressure, an amendment to the condition is sought to allow six of the dwellings to be occupied before completion of the final part of the required highway works.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP8, SP19, SP20, DM1, DM2, DM5, DM6, DM8, DM12, DM23

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No responses/representations received from local residents following consultation on the current variation of condition application.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Lenham Parish Council

- 5.01 Object on safety grounds. Comment that the completion of the traffic island prior to occupation of the development is stipulated in the S106 agreement and should be honoured in conjunction with the TRO on the A20 from 60mph to 50mph, at what is a particularly hazardous stretch of road close to the Faversham Road junction.

Kent Highways

- 5.02 No objection to the proposal on the understanding that the proposal is for the occupation of 6 houses (for social housing) only. Comment that the traffic island forms part of the required development access provision for highway safety reasons, occupation (prior to completion of the traffic island) must be limited to 6 houses only, and a scenario where the development is substantially or fully built out without the island in place would be unacceptable.

Southern Water

- 5.03 No comments to make in respect in respect of the variation of condition application.

KCC Ecology

- 5.04 No comments to make on the condition variation.

Natural England

- 5.05 No comments to make on the variation of condition application.

Environment Agency

- 5.06 No comments to make on the variation of condition application.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle
- Provision of affordable housing
- Highway safety

Principle

- 6.02 The site has the benefit of planning permission granted under reference 14/503411/FULL for development with the erection of 23 dwellings. A minor material amendment to the planning permission was approved 03.01.19 under reference 18/504343/FULL and a new planning permission was issued under that

reference. The more recent planning permission is currently being implemented and the 23 dwellings are now substantially completed.

- 6.03 The current application is only assessing the proposed amendments to condition 1 of the planning permission approved under reference 18/504343/FULL to allow the occupation of 6no. social rented properties before completion of the final part of the required highway works (the provision of a traffic island outside the site within Ashford Road (A20)). Condition 1 of the planning permission currently requires the works within the highway secured by an Agreement under S278 of the Highways Act 1980 to be implemented before any of dwellings are occupied. Kent Highways raise no objection to the proposed amendment to the condition.

Provision of affordable housing

- 6.04 The site is being developed for social housing by the applicants, West Kent Housing Association, and the development will provide 23 affordable dwellings. The dwellings are now substantially completed and the current application states that due to a road works embargo on the A20 by KCC and housing need pressure, the applicants are seeking to occupy some of the dwellings (6no. social rented properties) before completion of the final part of the required highway works (the provision of a traffic island outside the site within Ashford Road (A20)). The proposed amendments to condition 1 of the planning permission granted under reference 18/504343/FULL will assist in meeting a pressing need for social rented properties in the borough.

Highway safety

- 6.05 The requirements of condition 1 of the planning permission granted under reference 18/504343/FULL include:

a) the provision of new footway along the south side of Ashford Road between the access to the site and the existing pedestrian refuge to the west and the provision of a footway/cycle link to Groom Way (to the east), and

b) the reduction in the speed limit on the A20 from 60mph to 50mph to include the section of Ashford Road between Ham Lane to the west and Old Ashford Road to the east with the terminal signs being provided in advance of those junctions. Both these requirements are in the interests of highway safety.

The current application to vary condition 1 states that both these requirements, a) and b), will be complied with by the time of first occupation of any of the dwellings.

- 6.06 The works within the highway secured by Kent Highways by an Agreement under S278 of the Highways Act 1980 also include the provision of a traffic island in Ashford Road outside the access into the site off Ashford Road.
- 6.07 The traffic island is required in the interests of highway safety to protect vehicles turning into the site off the A20 Ashford Road. The approved dwellings are now substantially completed and due to a road works embargo on the A20 by KCC, the full S278 Agreement highway works (the provision of the traffic island outside the site within Ashford Road (A20)) will not be implemented prior to some of the dwellings being completed and available for occupation.
- 6.08 In the circumstances the applicants are seeking to vary condition 1 of the planning permission granted under reference 18/504343/FULL, which makes reference to the Agreement under S278 of the Highways Act 1980, to allow some of the dwellings (6no. social rented properties) to be occupied before completion of the final part of the required highway works (the provision of a traffic island outside the site within Ashford Road (A20)).

- 6.09 Kent Highways raise no objection to the current proposal on the understanding that the proposal is for the occupation of 6 houses (for social housing) only. The planning condition can be varied to limit the occupation of up to 6 houses only prior to the completion of the final part of the required highway works (the traffic island in Ashford Road).

Other Matters

- 6.10 The objection raised by Lenham Parish Council on safety grounds is noted. The current variation of condition application is not seeking to remove the requirement to carry out highway safety measures/highway works secured by Agreement under S278 of the Highways Act but is seeking to allow the development to be partially occupied (up to six dwellings) prior to completion of the final part of the S278 highway works (the provision of a traffic island within Ashford Road) only. The proposed variation of the condition will assist in meeting a pressing need for social rented properties in the borough. Kent Highways raise no objection to the variation and in the circumstances it is not considered that a refusal of permission on highway safety grounds could be pursued in this case.
- 6.11 All other planning issues were considered and assessed under the previous applications reference 14/503411/FULL and more recently 18/504343/FULL and the development of the site with 23 dwellings was considered acceptable in these regards. The current application has no implications for these other planning issues.
- 6.12 A new Supplemental Deed will need to be completed to tie any new planning permission issued into the Deed of Agreement pursuant to Section 106 dated 26.01.17 and the Deed of Variation dated 27.01.17 relating to the original planning permission reference 14/503411/FULL and the Supplemental Deed made pursuant to Section 106 relating to the new planning permission reference 18/504343/FULL.

7. CONCLUSION

- 7.01 The application seeks vary a planning condition to allow the development of 23 social housing dwellings to be partially occupied (up to six dwellings) prior to completion of the final part of the S278 highway works (the provision of a traffic island within Ashford Road) only. The proposed variation of the condition will assist in meeting a pressing need for social rented properties in the borough. Kent Highways raise no objection on highway safety grounds to the variation and in the circumstances it can be recommended that the relevant condition be varied as appropriate and a new planning permission issued subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the completion of a Supplemental Deed and the following conditions:

- 1) The development shall not be occupied until the applicant has entered into an Agreement under S278 of the Highways Act 1980 to secure the following works within the highway which shall be implemented within the timescales indicated:
 - a) Prior to first occupation of any of the approved dwellings provide a new footway along the south side of Ashford Road between the proposed access to the site and the existing pedestrian refuge to the west and to provide a footway/cycle link to Groom Way.
 - b) Prior to first occupation of any of the approved dwellings reduce the speed limit on the A20 from 60mph to 50mph to include the section of Ashford Road between Ham Lane to the west and Old Ashford Road to the east with the terminal signs being provided in advance of those junctions.

c) No more than 6no social rented properties within the development shall be occupied until such time as the traffic island within Ashford Road outside the access into the site required as part of an Agreement under S278 of the Highways Act 1980 has been fully completed;

Reason: In the interests of highway safety.

- 2) Visibility splays of 2.4m x 215m in each direction shall be provided prior to occupation of the development at the proposed access from the site onto the A20 as indicated on the submitted plan approved under planning application reference 18/504343/FULL and shall be permanently maintained;

Reason: In the interests of highway safety.

- 3) The development shall be carried out in accordance with the external materials as approved under planning application reference: 17/504498/SUB and maintained as such thereafter;

Reason: To ensure a satisfactory appearance on completion.

- 4) The development shall be carried out in accordance with the Landscape Management Plan, Arboricultural Method Statement and Tree Protection Plan as approved under planning application reference: 17/503227/SUB;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in the interests of visual amenity.

- 5) The development shall be carried out in accordance with the landscaping scheme as approved under planning application reference: 17/503227/SUB;

Reason: To ensure an appropriate appearance and setting to the development.

- 6) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species;

Reason: To ensure a satisfactory setting and external appearance to the development.

- 7) The garages and parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages/car parking spaces shall be used solely for the benefit of the occupants of the dwellings of which they form part and their visitors and for no other purpose and permanently retained as such thereafter;

Reason: To ensure satisfactory parking provision within the site in the interests of highway safety.

- 8) The development shall be carried out in accordance with the foul and surface water sewage disposal details as approved under planning application reference: 17/504674/SUB;

Reason: in the interests of flood prevention and public health.

- 9) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans approved under application reference: 18/504343/FULL:

Location Plan - 2512-01A;

Detailed floor plans and elevations (plots 1-23) ref: 2512-10 to 2512-61;

Garage details - 2512-62/63/69;

Sections - ref: 2512-64/65/66;

Perspectives - ref: 2512-67/68;

Topographical survey - ref: 2512-70; and

Proposed site plan – Drawing No. 17799-WDS-02 Rev. C1G received 28/09/18;

Reason: To ensure that the development conforms with the details shown on the submitted plans.

- 10) The development shall be carried out in accordance with the fencing, walling and other boundary treatment details as approved under planning application reference: 17/504207/SUB. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: In the interests of the visual and residential amenities of the area.

- 11) The development shall be carried out in accordance with the method statement for minimising the potential for impacts to bats, during works to the on-site building and to trees with level 1 and 2 roosting potential, as approved under planning application reference: 17/503227/SUB;

Reason: In the interests of biodiversity.

- 12) The development shall be carried out in accordance with the Ecological Design and Management Strategy as approved under planning application reference: 17/503227/SUB. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: In the interests of biodiversity.

- 13) The development shall be carried out in accordance with the archaeological field evaluation works and safeguarding measures as approved under planning application reference: 17/503227/SUB;

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 14) There shall be no vehicular access to the site via Grovelands to the south of the application site;

Reason: In the interests of the residential amenities of the area.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification), no extensions to the dwellings hereby permitted shall be erected;

Reason: in the interests of the visual amenities of the area.

- 16) The development shall be carried out in accordance with the proposed ground levels and finished slab and floor levels as approved under planning application reference: 17/504674/SUB;

Reason: in the interests of the visual and residential amenities of the area.

- 17) The development shall be carried out in accordance with the external lighting details as approved under planning application reference: 17/504207/SUB;

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

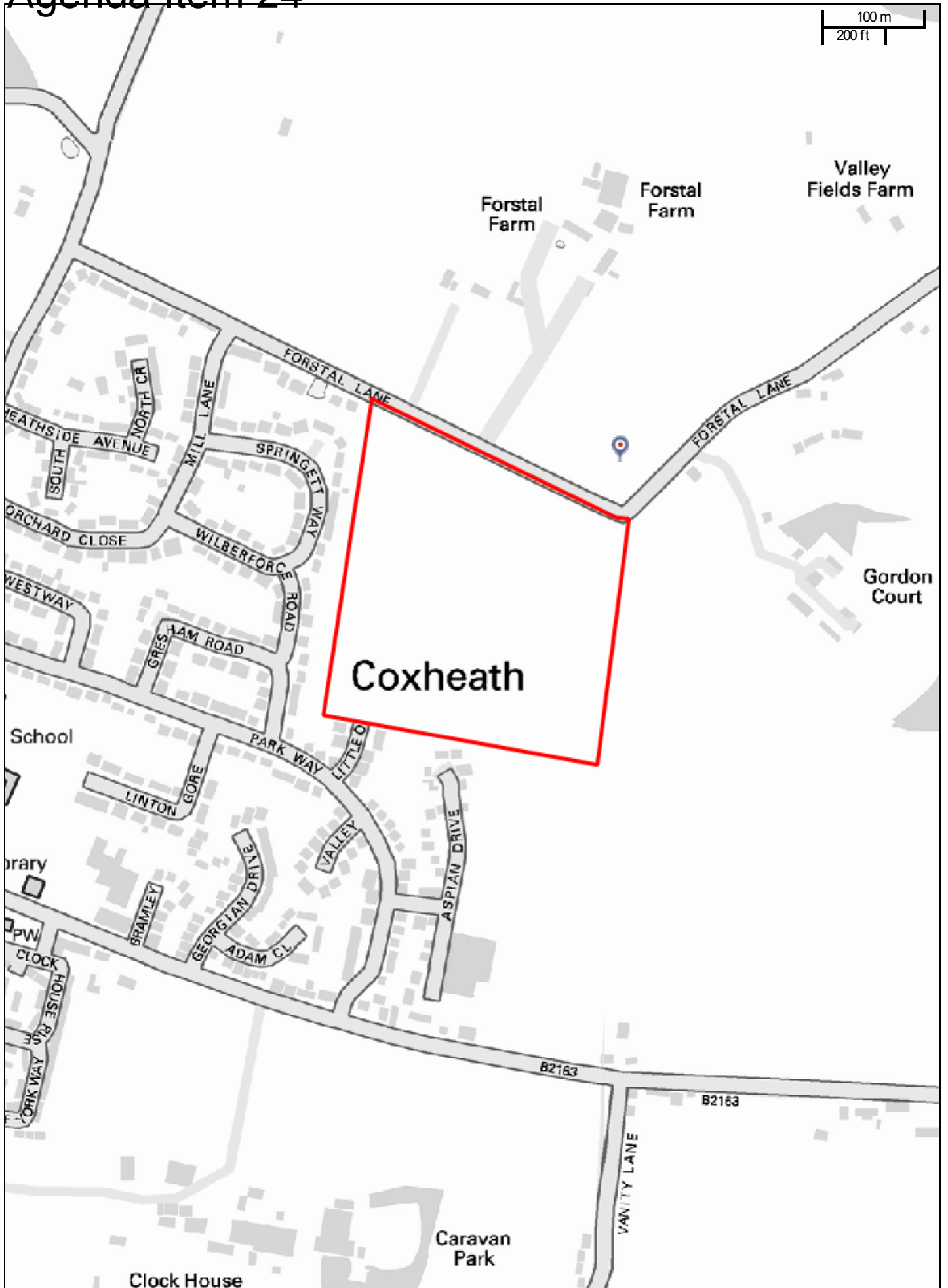
- 18) The development shall be carried out in accordance with the renewable energy details as approved under planning application reference: 17/504207/SUB, and the approved details shall be implemented before the development is first occupied;
Reason: to achieve a sustainable form and energy efficient form of development.

INFORMATIVES

- 1) This decision must be read in conjunction with the Supplementary Deed which ties the grant of planning permission into the s.106 agreement dated 26 January 2017 and the Deed of Variation dated 27 February 2018 made pursuant to s.106 relating to the original grant of planning permission under reference 14/503411/FULL, and the Supplemental Deed dated 31 December 2018 made pursuant to the provisions contained within s.106 relating to the new planning permission issued under reference 18/504343/FULL.

Case Officer: Jon Barnes

Agenda Item 24



19/502299/SUB & 19/501763/SUB Land South of Forstal Lane

Scale: 1:5000

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REFERENCE NO - (A) 19/502299/SUB (B) 19/501763/SUB		
APPLICATION PROPOSAL (A) Details to Discharge Condition 17 (Energy) Subject to 17/502072/OUT (210 dwellings) (B) Details pursuant to condition 2 (materials), condition 4 (ragstone) for 18/505417/REM (Reserved Matters for 210 dwellings)		
ADDRESS Land South Of Forstal Lane Coxheath Kent		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed details are all acceptable in terms of meeting the reason for imposing the conditions and hence these conditions should be discharged.		
REASON FOR REFERRAL TO COMMITTEE The Planning Committee of 31 January 2019 resolved that all details pursuant to the planning permission on this site must be reported to Planning Committee		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Chartway Group Ltd
TARGET DECISION DATE 03/06/19	PUBLICITY EXPIRY DATE 02/05/19	

Relevant Planning History

17/502072/OUT - Outline Application for residential development for up to 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure (Access being sought). Approved 27.02.2018.

Pursuant to the outline permission a number of details have already been approved, principally:

- Condition 4(i): Archaeological field evaluation works. Approved 25.07.2018
- Variation to Condition 5: All Existing Hedgerow To Be Retained to allow a temporary construction access. Approved 09.10.2018
- Variation to Condition 18: Badger Mitigation Strategy. Approved 08.11.2018
- Condition 13 - Ecological Design Strategy. Approved 24.10.2018
- Condition 4(ii) - Further archaeological investigation to amend the Badger Mitigation Approach. Approved 12.11.2018
- Approval of Reserved Matters for Appearance, Layout, Scale and Landscaping and details pursuant to conditions 6 (Arboricultural Method Statement); 7 (Tree Protection) and 24 (Minimise Risk of Crime). Approved 18.02.2019
- Non Material Amendment to vary Condition 19 (EV Charging Points) for the provision of 'Wallpod' charging points of 3.6kW or faster. Approved 17.12.2018

Currently pending consideration:

Details for the outline planning permission relating to conditions 8 and 9 (Drainage), 12 (Lighting scheme) and 22(Footpath and PROW)

Details for the reserved matters consent relating to condition 3: (Joinery details)

condition 5 (play area), condition 6 (external lighting) and condition 8 (planting details)

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site of 7.79ha was allocated for residential development in the adopted Plan (Policy H1(58)) and lies to the south of Forstal Lane, adjoining the existing estate of Park Way and Mill Road to the west and north of the recently constructed housing development of Willow Grange.
- 1.02 The site was rough grassland and generally enclosed by hedgerows to its boundaries. The site has an access onto Forstal Lane to the northern boundary and a public footpath, KM67 runs north to south along the eastern boundary, into the Willow Grange development and then to Heath Road.
- 1.03 To the North East of the site, Forstal Lane becomes Well Street, a narrow lane which leads to Loose.
- 1.04 The site is now under construction.

2. PROPOSAL

- 2.01 This report deals with 2 applications that seek to discharge details required by 1 condition attached to the outline planning permission and 2 conditions attached to the reserved matters consent.
- 2.02 Condition 17 requires details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development to ensure an energy efficient form of development.
- 2.03 The submission details that a 1kw panel made up of a 4 panel array panel will serve the communal area for the flatted block A consisting of 11 units.
- 2.04 The submitted Energy Statement by the FES Group sets out how the proposed building fabric, thermal bridging details and heating and ventilation systems will provide a large reduction in energy requirements through the fabric first approach. The report states that forecasted emission rates and fabric efficiency ratings exceed the Government's targets at central level and meet the requirements of the NPPF, to reduce energy and improve carbon reduction for new development.
- 2.05 In terms of the discharge of the condition, the report considers options of Solar Thermal, Photovoltaic Panels and Air Source Heat Pump and concludes to provide photovoltaic panels to the flatted development in preference to using any solar thermal. The use of heat pumps is not proposed- they are said to have a minimal carbon benefit as electricity has a much higher carbon factor than gas. They refer to anecdotal evidence which suggests differing models are achieving mixed levels of performance.
- 2.06 Condition 2 of the reserved matters application requires details of the materials of the block paving and of the external surfaces These were to be vernacular and include: Kentish Ragstone to plots 1 and 208; stock brickwork, clay tile hanging, composite weatherboarding and plain clay and/or natural or composite (ie slate waste) slate roof tiles. Condition 4 was for a sample panel of the ragstone to an agreed mortar mix for plots 1 and 208 and feature entrance walling. The reason for both conditions being to ensure a satisfactory appearance of development.
- 2.07 The submission has been revised and now comprise the following:
 - Blocked paving- Omega concrete in burnt oak or Brindle.

- Bricks: Chartham Multi stock; Arden Special Reserve Light orange stock; Arundel yellow multistock
- Cladding: Hardieplank artic white (textured); natural red clay hanging tiles to 18 plots and rustic concrete hanging tiles to 10 plots
- Clay tiles to 146 plots (colour Flanders or Tuscan)
- SVK Montana artificial fibre cement slate (coated with a water and moss resistant resin layer) to 64 plots
- Ragstone sample panel (on their site at Ulcombe Road, Headcorn) for use on plots 1 and 208 and entrance walls. The agent has confirmed use of a flush joint using a ratio of 1:1:4 mix with a ready-made lime mortar mix, made up of 1 part cement: 1 part lime and 4 part sand with a random coursed split face.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: H1 (58); DM1

4. CONSULTATIONS

n/a

5. APPRAISAL

- 5.01 In terms of Application (A), Members may be aware that in early 2016, the Government diverted from a "zero carbon homes policy" with a rationale to rely on Building Regulations in terms of the 'fabric first' approach. Therefore the energy efficiency of houses is under increasing scrutiny through the Building Regulations with SAP (Standard Assessment Procedure) testing of insulation and boilers etc so that there is a lessened need for 'renewables' because of the focus having been made on reducing the consumption of energy.
- 5.02 Notwithstanding the above, the developers have proposed the use of PV panels on the apartment block (which is part of the affordable rented housing on the site) to serve communal areas. This is acceptable to meet the terms of the condition and remains in accordance with policy DM1 which requires good design respecting the character of the area.
- 5.03 In terms of external materials, application (B), this is a site with 2 prominent new edges to the village and has a land level rise in the order of 11m from Forstal Lane so the roofscape of the site in addition to the 2 main frontages (ie east and north) will be particularly visible. The quality of materials is therefore important. The NPPF, Building for Life 12 and the Maidstone BfL12 all support quality vernacular materials for new housing development.
- 5.04 The proposed facing bricks are all stock bricks and are considered to be appropriately vernacular. The proposed paving blocks are concrete but are acceptable colour and texture in this context.
- 5.05 The artificial cement fibre weatherboard cladding is of a type that is commonly used due to lower maintenance burden and, on modern houses in a non-heritage location such as this site, is considered to be acceptable. The proposed clay hanging tiles are appropriately vernacular. The concrete hanging tiles are not but in this case, they are restricted to parts of the site well away from the rural edge and on a minority of the plots.

- 5.06 The scheme originally comprised mainly concrete roof tiles. These have been amended to clay tiles to the majority of the plots which are considered to be appropriately vernacular and which will weather well over the long term in this visually prominent site.
- 5.07 There is no proposed use of natural or composite slate using slate waste. However, the fibre cement slate proposed is one that is indicated to be coated to be resistant to water and moss to improve the weathering properties compared to the more natural alternatives. On balance, this is considered to be acceptable and is used on a minority (30%) of the site, with the natural clay tiles being predominant..
- 5.08 Overall the details are considered to comply with policy DM1 of the MBLP and both the national and Maidstone's Building for Life 12.

6. CONCLUSION

- 6.01 The proposed details are all acceptable in terms of meeting the reasons for imposing the conditions and hence these conditions should be discharged.

RECOMMENDATION

(A) 19/502299/SUB

Approve the submitted details.

Informative

- 1) This decision is based on the following documents/drawings: Energy Statement received 02 May 2019; Email dated 18 June 2019; Drawing CON587_SK_CAC_027.

(B) 19/501763/SUB

Approve the submitted details.

Informative

- 1) This decision is based on the following documents/drawings:
CON587_SK_CAC_024 D Cladding Finishes Plan; CON587_SK_CAC_22 Roof Finishes Plan; CON587_SK_CAC_23 Wall Finishes Plan; CON587 rev C External Finishes Palette; Agent Email (Mortar Mix) dated 10 June 2019; Ragstone Sample panel 10 June 2019.

Case Officer: Marion Geary

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 25th July 2019**

APPEAL DECISIONS:

1. 18/501962/FULL

Conversion of outbuilding to create separate dwelling with rear and front dormers.

APPEAL: DISMISSED.

14 Campbell Road
Maidstone
Kent
ME15 6PZ

(DELEGATED)

2. 18/504180/FULL

Demolition of existing buildings and erection of 2no. dwellings on remaining part of builder's yard as shown on drawings P1714-100; 175; 225 A; 226 A; 227 A; 325 A; and 326 A.

APPEAL: DISMISSED.

Hollingbourne Property Services Ltd
Eyborne Green
Musket Lane
Hollingbourne
Maidstone
Kent
ME17 1UU

(DELEGATED)

3. 15/504872/FULL

Use of land as a residential gypsy site with the stationing of two mobile homes, existing outbuildings and stable block, associated hardstanding, boundary wall and gates (part retrospective).

APPEAL: The appeal is allowed.

Horseshoe Paddock
Chart Hill Road
Chart Sutton
Kent
ME17 3EZ

(Delegated)

- 4. ENF/14/500525** Use of land as a residential gypsy site with the stationing of two mobile homes, existing outbuildings and stable block, associated hardstanding, boundary wall and gates (part retrospective).
- APPEAL:** The enforcement notice is quashed.
- Horseshoe Paddock
Chart Hill Road
Chart Sutton
Kent
ME17 3EZ
- (Delegated)
-
- 5. 16/508512/FULL** Change of use of land for stationing of mobile home.
- APPEAL:** DISMISSED.
- The Willows
Lucks Lane
Chart Sutton
Kent
ME17 3FB
- (COMMITTEE)
-
- 6. ENF/16/500656** Change of use of land for stationing of mobile home.
- APPEAL:** The appeal succeeds in part and permission for that part is granted but otherwise the appeal fails, and the enforcement notice as corrected is upheld as set out below in the Formal Decision.
- The Willows
Lucks Lane
Chart Sutton
Kent
ME17 3FB
- (COMMITTEE)
-
- 7. 18/506178/FULL** Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL and 18/503229/FULL)

APPEAL: ALLOWED

6 The Covert
Boxley
Chatham
Kent
ME5 9JJ

(COMMITTEE)

-
- 8. 18/506119/FULL** Construction of a double garage with pitched roof.

APPEAL: DIMISSED.

22 Gleaners Close
Weaving
Maidstone
Kent
ME14 5ST

(DELEGATED)

-
- 9. 18/502099/FULL** Proposed Agricultural access off Cranbrook Road (Resubmission of 17/503493/FULL).

APPEAL: DISMISSED.

Iden Park
Cranbrook Road
Staplehurst
Tonbridge
Kent
TN12 0ES

(DELEGATED)

-
- 10. 18/504631/OUT** Outline application for the erection of 2no. detached four bedroom houses and 2no. semi-detached three bedroom houses with associated parking and landscaping (All Matters Reserved).

APPEAL: DIMISSED.

Land At Forest Hill
Tovil
Kent

(DELEGATED)

Agenda Item 26

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

25TH July 2019

REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Sue King

1. ENFORCEMENT TRACKER

1.1

1.1.1 The Enforcement tracker report is intended to be brought to Planning Committee each quarter. The report provides the current status of enforcement cases that have had formal notices served.

1.1.2 The report sets out the case reference, address and brief description of the breach. The notice type column indicates the type of formal action carried out and three key dates:

Issue date – Date Notice was served

Effective date – Date the Notice takes effect from

Compliance date – Date the Notice is due to be complied with. This may change according to an appeal being lodged, which if the appeal is dismissed and the Notice is upheld the Inspector will impose a new compliance period from the date of the decision.

1.1.3 A legend is supplied which shows five levels of status, being:

Blue – Cases closed since the previous tracker due to compliance

Red – In assessment and/or preparation for the next step of formal action;

Amber - Awaiting planning application/appeal decisions and compliance dates on Notices served;

Green - Awaiting appeal start dates, and

White - Contentious cases that are being monitored i.e. sites with injunctions.

FORMAL ENFORCEMENT ACTION TRACKER

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
17/500427/OPDEV	SUKI	Broomfield	Land at Forge House, Ashford Road, Broomfield	Storage/stationing of vehicles	EN	23/01/2018	23/02/2018	23/08/2018	
16/500656/OPDEV	SUKI	Chart Sutton	Land Known as The Willows Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	07/03/2018	04/04/2018	appeal in progress	Appeal lodged 5/3/2018 a/w start date
14/500525/OPDEV	SUKI	Chart Sutton	Horseshoe Paddock Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	16/02/2018	23/03/2018	appeal in progress	Appeal lodged 15/03/2018 a/w start date
17/500629/CHANGE	SUKI	Coxheath	Broken Tree - Land opp 36 Forstal Lane, Broken Tree, Coxheath	Unauthorised change of use G&T site	EN	11/10/2018	15/11/2018	N/A	EN quashed further planning permission refused - now considering the public interest test for EN
16/501065/CHANGE	SUKI	Detling	Rosewood farm, Scragged Oak Road, Detling	Unauthorised change of use G&T site	EN	26/01/2018	02/03/2018		Appeal allowed - EN quashed
15/500395/CHANGE	SUKI	Detling	Roseacre, Scragged Oak Road, Detling	Unauthorised change of use G&T site	EN	26/01/2018	02/03/2018	3 months	
19/500040/TREES	SUKI	Detling	Land Ajoining Broader Lodge, Broader Lane, Detling, Maidstone	Stop all development works and removal of trees	TSN	01/02/2019	01/03/2019	1 month	
19/500346/CHANGE	DAPR	Fant Ward	Plot 12 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500347/CHANGE	DAPR	Fant Ward	Plot 13 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500350/CHANGE	DAPR	Fant Ward	Plot 15 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500351/CHANGE	DAPR	Fant Ward	Plot 16 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500352/CHANGE	DAPR	Fant Ward	Plot 17 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500354/CHANGE	DAPR	Fant Ward	Plot 19 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500356/CHANGE	DAPR	Fant Ward	Plot 20 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500357/CHANGE	DAPR	Fant Ward	Plot 21 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500361/CHANGE	DAPR	Fant Ward	Plot 24 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
19/500366/CHANGE	DAPR	Fant Ward	Plot 26 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500367/CHANGE	DAPR	Fant Ward	Plot 27 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500369/CHANGE	DAPR	Fant Ward	Plot 28 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500370/CHANGE	DAPR	Fant Ward	Plot 29 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
19/500371/CHANGE	DAPR	Fant Ward	Plot 30 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	EN re-issued on legal advice - a/w compliance
17/500721/CHANGE	CLCU	Harrietsham	Stede Row, Stede Hill, Harrietsham	Trees being felled, possibly clearing site for stationing of mobile homes	INJ	27/10/2017	27/10/2017	27/10/2017	Injunction remains on the land - Monitor
16/501199/CHANGE	SUKI	Headcorn	Land rear of The Meadows Lenham Road Headcorn	Expired temporay permission and expansion of G&T site	EN	16/08/2018	20/09/2018	appeal in progress	Appeal lodged 06/09/18 a/w start date
17/500611/OPDEV	CLCU	Headcorn	Acers Place, Lenham Road	Unauthorised change of use G&T site	EN	04/10/2017	15/11/2017	02/08/2019	Appeal allowed - EN varied to allow 12 months compliance - diarised for new case in August.
15/500712/OPDEV	SUKI	Headcorn	Little Newhouse Farm, New House Lane, Headcorn	Bungalow being built in garden.	EN	05/01/2018	07/02/2018	19/05/2019	Appeal dismissed - Notice upheld, full demolition required
16/501028/CHANGE	CLCU	Headcorn	Smiths View, Love Lane, Headcorn	Unauthorised G-&T development	EN	07/02/2018	14/03/2018	appeal in progress	Hearing held 28/06/19 - a/w decision
18/500101/OPDEV	CLCU	Headcorn	Faithfield, Love Lane, Headcorn	Unauthorised change of use G&T site	EN	16/02/2018	23/03/2018	appeal in progress	Hearing held 28/06/19 - a/w decision
14/500522/CHANGE	CLCU	Headcorn	Potters Nursery, Love Lane, Headcorn	Unathaorised change of use G&T site	EN	20/02/2018	27/03/2018	appeal in progress	Hearing held 28/06/19 - a/w decision
16/501028/CHANGE	CLCU	Headcorn	Smiths View, Love Lane, Headcorn	Unauthorised G-&T development	EN	07/02/2018	14/03/2018	appeal in progress	Hearing held 28/06/19 - a/w decision
18/500001/CHANGE	CLCU	Headcorn	Smiths Cottage, Lenham Road, Headcorn, Kent, TN27 9LG	Unauthorised siting of two additional caravans	EN	16/10/2018	20/11/2018	20/05/2019	a/w start date
16/501147/OPDEV 16/501251/OPDEV 17/500291/CHANGE	SUKI	Marden	Tanner Farm Caravan Park Goudhurst road Marden Kent TN12 9ND	Change of use of land for holiday/residential	EN	17/10/2018	21/11/2018	appeal in progress	a/w start date
16/500866/BOC	SUKI	Linton	Little Paddocks Stilebridge Lane Linton Kent ME17 4DE	Unauthorised siting of two additional caravans and associated hardstanding	EN	16/10/2018	20/11/2018	appeal in progress	a/w start date planning application at same committiee
17/500032/BOC	DAPR	Loose	Filmers Farm, Salts Lane, Loose, Kent, ME15 0BD	Condition 2 and Condition 4 not met 16/500762/FULL	BCN	25/07/2018	25/07/2018	22/08/2018	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
ENF/8320	SUKI	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Unauthorised development consisting of engineering, mining and building operations and unauthorised COU of land to recreational fishing lakes	EN	30/04/2008	30/04/2008	27/05/2008	a/w planning decision
ENF/11798	SUKI	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Erection of new dwelling in the woodland	EN	19/05/2016	23/06/2016	appeal in progress	planning application refused - appeal lodged 13.06.19 - EN still remains on the land but action is held in abeyance pending appeal decision.
15/501259/BOC	SUKI	Otham	Bramley, Otham Street, Otham, ME15 8RL	Extension on North Elevation not being built in accordance with planning permission.	EN	06/11/2017	11/12/2017	16/07/2019	EN partially complied with. Pre-app advice sought with planning & conservation officer regarding rebuild or alterations - a/w outcome of planning application
16/500847/OPDEV	SUKI	Sandway	Sunny Hill View Equestrian Stables Sandway Road Sandway Kent ME17 2LU	Stationing of two mobile homes and equestrian use.	EN	23/05/2018	27/06/2018	appeal in progress	Appeal lodged 27/11/18 a/w start date
16/500917/CHANGE	CLCU	Staplehurst	Blossom lodge, Frittenden Road, Staplehurst	Unauthorised change of use G&T site	EN	23/11/2017	22/12/2017		appeal allowed - permission granted
17/500529/OPDEV	CLCU	Staplehurst	Perfect Place Frittenden Road Staplehurst	Unauthorised change of use G&T site	SN/EN INJ	09/02/2018	09/03/2018	30/07/2019	planning appeal allowed - EN upheld to remove development in excess of the permission granted
18/500802/BOC	DARP	Staplehurst	Hen and Dukchurst Farm, Marden Road, Staplehurst, Kent, TN12 0PD	Unauthorised access	BCN	19/02/2019	19/02/2019	19/03/2018	a/w decision
17/500006/BOC	CLCU	Stockbury	(The Coppice) Stockbury Valley, Stockbury	Unauthorised change of use G&T site	EN	26/01/2018	02/03/2018		planning appeal allowed EN remains on the land
15/501244/OPDEV	SUKI	Teston	Land North of Knowle Farm, Malling Road, Teston	New access /siting of a storage container.	EN	14/05/2018	17/06/2018		Notice Quashed
17/500911/CHANGE	SUKI	Ulcombe	Little Willows, Eastwood Road, Ulcombe	Unauthorised change of use G&T site	EN	07/08/2018	11/09/2018	11/12/2018	
					INJ	12/01/2018	12/01/2018	12/01/2018	Injunction remains on the land - Monitor
18/500572/BOC	CLCU	Ulcombe	Caravan 2 Hawthorn Farm, Pye Corner, Ulcombe Maidstone ME17 1EF	Unauthorised change of use G&T site	EN	11/10/2018	15/11/2018	15/05/2019	
19/500384/CARAVN	CLCU	Ulcombe	Land to the rear of Neverend Farm, Ulcombe	Unauthorised change of use G&T site.	INJ	21/05/2019	21/05/2019	Ongoing	Injunction remains on the land - Monitor
									a/w decision
16/500815/BOC	CLCU	Yalding	Green Tops Symonds Lane Yalding	PP expired - 10/0504 for occupation of the site for 3 years only.	EN	27/04/2017	01/06/2017	01/08/2017	
15/500852/OPDEV	SUKI	Yalding	The Three Sons, Hampstead Lane, Nettlestead Kent, ME18 5HN	Unauthorised G & T deveelopment in Green Belt	EN	02/10/2015	06/11/2015	01/06/2017	EN allowed 5yr consent on part of the site. Two planning applications a/w appeal start dates. Prosecution is being prepared for non-compliance of the EN across the rest of the site.
					INJ	24/07/2019	24/07/2019	Ongoing	
14/500560/BOC	CLCU	Yalding	The Stables, Wagon Lane, Paddock wood, Tonbridge, Kent, TN12 6PT	Breach of personal occupancy condition	EN	03/07/2018	07/08/2018	07/11/2018	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
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	Decision reached - case closed
	Awaiting appeal start dates
	Awaiting planning application/appeal decisions/compliance dates
	Consideration as to whether to proceed to the next step of formal action
XXXXXXXXXX	Cases that are being monitored i.e. sites with injunctions and BCNs