

REPORT SUMMARY

REFERENCE NO - 14/503810/FULL		
APPLICATION PROPOSAL Change of use of land from grazing to residential for one caravan and a touring caravan and one utility shed		
ADDRESS Blossom Maplehurst Lane Frittenden Road Staplehurst Kent TN12 0DL		
RECOMMENDATION Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> - Applicant's personal circumstances justify both the development that has taken place and also the need to be at this location. - Given the acknowledged shortfall in meeting the demand for new gypsy and traveller sites granting planning permission here will make a material contribution in satisfying the identified need for such sites while helping to minimise the pressure for similar development in more sensitive locations. - No demonstrable harm to the rural character of the area or that of the SLA. - Will not result in harm to the outlook or amenity of any nearby dwellings. - Is acceptable in highway and parking terms. - No objection on sustainability grounds. 		
REASON FOR REFERRAL TO COMMITTEE Parish Council objects		
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Thomas Smith AGENT
DECISION DUE DATE 12/02/15	PUBLICITY EXPIRY DATE 12/02/15	OFFICER SITE VISIT DATE 29 th April 2015

MAIN REPORT

1.0 SITE DESCRIPTION

1.01.1 The application site lies in the open countryside, to the south of Frittenden Road at the southern end of Staplehurst Village. The site falls within a Special Landscape Area (SLA) and is accessed off the private road of Maplehurst Lane.

1.02 There are already gypsy and traveller sites to the north and east of the application site with the access serving some of these sites abutting the northern site boundary.

2.0 Proposal

2.01 Retrospective planning permission is sought to continue the use of this site for gypsy and traveller use involving retention of a mobile home and siting of a touring caravan. It was also intended to erect a new utility building having a footprint of 8.5x3.65 metres and a maximum height of 2.6 metres which was to be erected at the northern end of the site. The building was to be clad in shiplap with a felt roof and was intended to house clothes washing and drying facilities, shower/wc and a kitchen area.

2.02 However a building of dimensions of 18'x8' (just over 5.5 x 2.5 metres) has now been erected close to the southern side of the mobile home. The applicants now wish to use this as the amenity building rather than the larger building originally sought and consent is therefore also being sought to retain this building.

2.03 A septic tank has also been installed having a length of 2.25 metres, width of 1.7 metres and height of 1.95 and has a capacity of just over 3000 litres. All works in connection with this are below ground and abut the amenity building that has already been erected. The ultimate intention is to replace the septic tank with a bio pure treatment plant.

2.04 It is also intended to plant a native species tree and hedgerow mix along the site frontage.

2.05 The following has been submitted in support of the application:

- Applicant has lived in Chart Sutton with wife and parents for 15 years and now has 3 children aged 2, 4 and 5 years.
- Moved to another site in Staplehurst but was unable to stay at this site and had to move.
- Was unable to purchase a site but was given this plot of land.
- Now has two children at a local school who are doing well. Wants to stay at current site to avoid disruption to their education and upbringing.
- Applicant and wife have lived in Maidstone area all their lives and wish to stay in the area.
- Have nowhere else to go but would move onto a private site if Maidstone Council provide one.
- The site has full access to mains water and electricity.

- Confirms the site has never been flooded.

3.0 RELEVANT HISTORY

- 3.01 The application site is located in the front part of an existing gypsy site which has a lengthy planning history. This existing site benefitted from a 3 year temporary permission granted on appeal following enforcement proceedings. The occupants have lived on this site since 2005.
- 3.02 Under ref: MA/13/0466 the existing site was granted planning permission on the 1st July 2014 for the permanent retention of a mobile home, touring caravan and pole barn, together with permanent permission for a utility room, 2 stable blocks and a sand school.

4.0 POLICY AND OTHER CONSIDERATIONS

NPPF 2012
NPPG 2014
Planning Policy for Traveller Sites (2012)
Maidstone Borough-Wide Local Plan 2000:
ENV6- Landscaping
ENV28- Development in rural areas
ENV34- Special Landscape Areas
T13- Vehicle parking standards

5.0 LOCAL REPRESENTATIONS

- 5.01 **Neighbours:** 4 properties consulted – no representations received.

6.0 CONSULTATIONS:

- 6.01 **Staplehurst Parish Council:** Objects on the following grounds:
- Unhappy about the retrospective nature of the application and that application failed to address questions of vehicle access, areas susceptibility to flooding and supply of power and water.
 - Proposed septic tank for sewage disposal appears inadequate for the location and nature of the ground.
 - Will further intensify previous piece-meal and irregular development in the countryside in contravention of Maidstone Borough Wide Local Plan Policy ENV28 and of DCLG Planning Policy C covering sites in rural or semi-rural settings and the need to ensure that the scale of such sites does not dominate the nearest settled community (DCLG Planning Policy for Traveller Sites March 2012).
- 6.02 **Kent Highway Services:** No objection

7.0 APPRAISAL

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 The key issues in relation to this proposal are considered to be (a) principle (b) personal circumstances (c) impact on rural character of area and SLA (c) impact on the outlook and amenity of properties overlooking and abutting the site (d) highway and parking considerations and (e) sustainability.

Principle of Development

- 7.03 There are no saved Local Plan Policies relating directly to gypsy and traveller development. Policy ENV28 of the adopted local plan relating to development in the countryside states, amongst other things, that:

“Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers”

- 7.04 A key consideration in the determination of this application is central Government guidance contained with ‘Planning Policy for Traveller Sites’ (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.
- 7.05 Though work on the emerging local plan is progressing as yet there are still no adopted policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). 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

- 7.06 These figures were agreed by Cabinet on the 13th March 2013 as the pitch target and were included in the consultation version of the Local Plan.
- 7.07 Regulation 18 version of the Draft Local Plan states that the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed the need for 187 permanent Gypsy and Traveller pitches to be provided in the borough during the period October 2011 and March 2031. Accommodation for Gypsies and Travellers is also a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that

this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently beyond 2016.

- 7.08 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint. In the case of this site, the wider site in which it is located already benefits from planning permission as a gypsy and traveller site. As such there is considered to be no objection in principle to its continued use as a gypsy and traveller site and consideration turns on more detailed concerns.

Need for Gypsy Sites

- 7.09 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.

- 7.10 As stated above, the projection accommodation requirement is as follows:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2012	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

- 7.11 Taking into account this time period, since 1st October 2011 the following permissions for pitches have been granted (net):

- 61 Permanent non-personal permissions
- 16 Permanent personal permissions
- 0 Temporary non-personal permissions
- 33 Temporary personal permissions

- 7.12 Therefore a net total of 78 permanent pitches have been granted since 1st October 2011. It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. This explains why the need figure appears so high in the first 5 years.

- 7.13 The latest GTAA demonstrates the ongoing need for pitches although any potential pitch needs to be assessed on its merits, and in rural areas with particular regard to its impact on the character and appearance of the countryside.

Gypsy Status

7.14 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 dependents’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such”.

7.15 The status of the applicant as a gypsy is accepted as both he and his family comply with the definition of gypsies as set out in Government guidance in Planning Policy for traveller sites.

Personal circumstances:

7.16 When considering gypsy and traveller applications great weight must be attached to, amongst other things, whether the education or upbringing of children would be disrupted if they had to leave the site along with the applicant’s local connections.

7.20 The applicant has two children of school age while he also has strong local connections. It is considered that these concerns taken both individually and together amount to a strong personal case for allowing continued use as a gypsy and traveller site in the absence of more compelling objections to the development. In the event of Members seeing fit to grant planning permission for the site there is the need to consider whether any permission should be made personal to the applicant. However subject to the site remaining for gypsy and traveller use only, it is not considered that such a restriction is justified here.

Impact on rural character of area and SLA:

7.21 Where a gypsy and traveller site is located in a rural area this should normally fall outside an AONB, Green Belt or area liable to flooding. The application site does not fall in an area the subject of any of these specific restrictions but is located in countryside falling within an SLA.

7.22 It is therefore subject to provisions of policies ENV28 and ENV34 of the adopted Local Plan. Policy ENV28 states that development will not be permitted in the countryside where it would harm the character and appearance of an area or amenities of surrounding occupiers. Policy ENV28 nevertheless makes clear that exceptions will be permitted if justified by other policies contained in the plan. In SLA’s landscape considerations will normally take precedence over other matters.

7.23 It is generally accepted that 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 in 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.

- 7.24 A key consideration here is that the application site is located on land already having planning permission for a gypsy and traveller site. Furthermore the character of the area in the vicinity of the application site is already made up of a number of a gypsy and traveller sites fronting the track to the north. Though these are mainly hidden from direct view from the track, glimpse views are nevertheless available to them through gates and breaks in boundary screening.
- 7.25 Development that has already taken place on the application site continues this pattern with 5 bar galvanised steel gates providing views into the site with the site perimeter being defined by close boarded fencing set close to the back edge of the track. As such the site in its current condition cannot be considered as being screened by existing permanent features though the intention is to plant a native species hedgerow in front of the fence to screen both it and the caravan site behind from view.
- 7.26 Given (a) the prevailing character of the area, already significantly defined by the prevalence of gypsy and traveller development in the immediate locality and (b) this site falls within in area already benefitting from planning permission for such purposes, it is considered that it would be difficult to make a sustainable case of further material harm to the character of the area. Regarding revisions to the amenity block, what has been erected on site is both smaller and more unobtrusively sited than that originally proposed and is considered proportionate in providing essential ancillary facilities for the site occupants.
- 7.27 As such, subject to a condition securing the proposed landscaping, it is considered that the visual impact on the rural character of the area and wider SLA is acceptable.

Residential Amenity

- 7.28 There are considered to be no nearby dwellings likely to have their outlook or amenity materially affected by the proposals.

Highways and parking considerations:

- 7.29 Site access is onto an existing unadopted track with good sight lines in both directions. In addition the site has more than sufficient space both for parking and turning to enabling vehicles to leave in a forward direction. As such, in the absence of objection from Kent Highway Services, it is considered there is no sustainable objection to the proposal on the above grounds.

Sustainability:

- 7.30 Regarding whether the site is sustainably located i.e. well placed in relation to public transport and local services, compared to many gypsy and traveller sites this site occupies a relatively sustainable location with Staplehurst just over 1.5 kilometres to the west. Given this and the presence of adjoining gypsy and

traveller sites it is not considered that the proposal fails on sustainability grounds.

Other matters:

- 7.31 The majority of the Parish Council concerns have already been addressed but the following outstanding matters require a response.
- 7.32 Its concerns about retrospective nature of the application are noted. The Council is nevertheless required to assess such applications in the same way as one where development has not already commenced. The key difference here is that if Members feel the development is unacceptable consideration would then have to be given to the expediency of taking enforcement action sufficient to remedy the identified harm caused by the development.
- 7.33 The site already has access to electricity and water. Regarding whether the septic tank that has been installed is inappropriate given site conditions, in the absence of demonstrable evidence to this effect, this is not a matter that can be pursued here. Nevertheless were evidence of pollution subsequently to be found this would be a matter for resolution by the Environment Agency under its pollution prevention powers.
- 7.34 Concerns relating to the intensification of piece-meal and irregular development in the countryside and the need to ensure that the scale of gypsy and traveller sites does not dominate the nearest settled community are both noted. However it is not considered that the scale and impact of this single site, (which is already on land having the benefit of planning permission for a gypsy and traveller site) will add materially to either of these concerns.

8.0 CONCLUSIONS

8.01 These are considered to be as follows:

- The applicant's personal circumstances justify both the development that has taken place and also the need to be at this location.
- Given the acknowledged shortfall in meeting the demand for new gypsy and traveller sites granting planning permission here will make a material contribution in satisfying the identified need for such sites while helping to minimise the pressure for similar development in more sensitive locations.
- No demonstrable harm to the rural character of the area and that of the SLA.
- Will not result in harm to the outlook or amenity of any nearby dwellings.
- Is acceptable in highway and parking terms.
- No objection on sustainability grounds,

8.02 As such it is recommended that retrospective planning permission be granted.

9.0 RECOMMENDATION - GRANT subject to the following conditions:

(1)The native species planting shown abutting the close boarded fence running along the whole length of the western site frontage shown on plan drawn at scale of 1:500

shall be planted in the first available planting season from the date of this permission. Any trees/shrubs becoming dead dying or diseased within 5 years of planting shall be replaced with by one of the same species and in the same location.

Reason: To screen the development in the interests of visual amenity.

(2)No more than one static residential caravan as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and one touring caravan, which shall not be used for habitation purposes, shall be stationed on the site at any one time. The caravans hereby permitted shall only be sited as shown on the approved drawings.

Reason: To accord with the terms of the application and in the interests of visual amenity.

(3)No commercial or business activities shall take place on the land, including the storage of vehicles or materials.

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.

(4)No floodlighting or column lighting shall be installed and no more than one external light source shall be affixed to any mobile home.

Reason: To safeguard the night time rural environment in the interests of visual amenity.

(5)The site shall only be occupied by gypsies and travellers as defined DCLG guidance 'Planning policy for Traveller Sites' published in March 2012 as set out in Annexe 1.

Reason: To reflect the special circumstances of the application.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted

Planning Committee Report

Case Officer: Graham Parkinson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.