

REPORT SUMMARY

REFERENCE NO - MA/14/0668		
APPLICATION PROPOSAL Retrospective application for the change of use of land from agricultural to residential involving the stationing of one mobile home and the laying of hard surfacing.		
ADDRESS Oaklands, Gravelly Bottom Road, Kingswood, Maidstone, Kent, ME17 3NS		
RECOMMENDATION Permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE It is contrary to views expressed by Broomfield & Kingswood Parish Council.		
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Mr Eldridge AGENT
DECISION DUE DATE 22/7/14	PUBLICITY EXPIRY DATE 22/7/14	OFFICER SITE VISIT DATE Initially 18/7/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): There is planning application history and enforcement investigation history concerning the application site and also application history from when it fell under a wider parcel of land. There is also a history of formal enforcement action relating to this wider land including the site. Most recently, in April 2014, the stationing of a caravan and the construction of areas of hardstanding on the land resulted in enforcement investigations which led to the subject application. Under MA/11/0224 a full application was submitted for a change of use of the application site from agricultural to residential and the erection of a four bedroom dwelling. This was withdrawn in 2011. MA/07/1024 (application site only) had been previously refused for the demolition of four agricultural sheds and the formation of a driveway to form access to the rear (south) of the site and construction of barn style chalet dwelling with associated triple garage. This was refused in 2007 on the grounds that the development would be visually prominent and would represent an unjustified addition to sporadic development in the countryside, harmful to its character and appearance. MA/03/2066 (application site only) applied for the use of the land for the keeping of horses and the erection of a stable block. This was refused in 2003 as it was considered there would be inadequate supervision/security arrangements for the horses as the application site is physically remote from the owner's dwelling.		

MA/94/1196 (application site only) applied for the erection of a single storey building to provide three stables, foodstore and agricultural store. This was refused in 1994 on the grounds that it would be intrusive development detrimental to visual amenity and that there was no proven agricultural need.

MA/94/0389 (application site only) applied for a certificate of lawful development for the use of the land for leisure purposes and the stationing of two containers. This was refused in 1994 for the reasons that the use was not immune and the containers were not permitted development.

MA/92/1239 (application site only) was an outline application for the erection of a bungalow which was refused in 1992 on the grounds that it would be outside any built up area without any exception, and it would be visually prominent and intrusive.

Under MA/91/0514 (majority of application site) permission was conditionally granted in 1991 for a block of stables with a fodder store.

MA/89/0512 (majority of application site) applied for a stables, office and bungalow, and this was refused in 1989 on the grounds that it would be outside any built up area without any exception, and that it would be visually obtrusive.

MA/87/0389 (majority of application site) was for a dwelling. This was refused in 1987 for the reasons that the site was in a rural area intended to remain undisturbed and that the use would therefore be undesirable; that there was no agricultural need; that it would be detrimental to visual amenity; that the new access would be onto a classified road; and that the approach road was unsuitable.

Under MA/84/0681 (majority of application site) permission was granted in 1984 for the demolition of agricultural sheds and erection of a double stable block with ancillary storage. However, it appears this permission was never implemented.

In 1982 an enforcement notice was served against the change of use of land known as Stonecrop Farm, which at that time included land now forming the application site, to a mixed use for the purposes of a caravan site; for the storage of caravans; for the storage, spraying, repair and maintenance of motor vehicles and motor vehicle parts; and for the purposes of a workshop for the manufacture and storage of timber items. This notice was issued on the grounds that the site was in a rural area intended to remain undisturbed, and that the uses were intrusive and undesirable for the countryside and therefore detrimental to the amenities of the area. It appears this notice was complied with.

1.0 BACKGROUND INFORMATION

- 1.1 This item was deferred by Members at Planning Committee on 17 March 2016. Members deferred the item so that information could be sought on when the applicant's son was likely to finish in education.

- 1.2 This report acts as an addendum to the original report (attached as an appendix) and addresses solely that issue. This includes the confidential information previously reported as an urgent update.

2.0 DESCRIPTION OF SITE

- 2.1 The site is within the countryside. It is on the south side of the rural Gravelly Bottom Road which provides links to the villages of Kingswood and Langley and the primary roads to Maidstone. There is sporadic ribbon development on both sides of Gravelly Bottom Road, mostly on large plots, and a mix of uses including agricultural, commercial and residential.
- 2.2 The application site itself was previously the north-west part of the adjacent farm complex and land which includes a dwelling still located immediately to the east. There is also a dwelling on the other side of the public footpath KH311 which runs along the western boundary of the site. There are also three large residential plots on the other side of Gravelly Bottom Road. Generally tree cover is heavy in this area of the road. There is ancient woodland at the rear of the site. There is also tree cover generally, some very mature, in and around the site. The mobile home applied for is on site in the position shown on the plans in the south-east part of the site, and the roadway and hardsurfacing also subject to the application have been constructed. There is close-boarded fencing on the rear and front boundaries of the site, and also in double-gate form on the front. The rear fencing is part of the neighbouring site and does not appear to form part of the application, although the front element is described in the submitted Design & Access Statement. The site rises gently towards the rear.

3.0 PROPOSAL

- 3.1 The application is retrospective for the use of land for the stationing of a mobile home for the applicant's gypsy/traveller family, with hardsurfacing for a driveway and parking, and with alterations to the existing access from Gravelly Bottom Road including the erection of fencing and gates. A septic tank and soakaway are also included. The application site is shown on the submitted details as around 100 metres across the frontage and around 80 metres at its deepest, which is a fair representation of the actual size of the plot.
- 3.2 The mobile home is shown on the submitted details to be fairly central on the plot and that is a fair representation of where it is actually positioned, with the fairly limited hardsurfacing around it also as shown. The driveway is also as shown on the plans, leading direct to the mobile home from the highway access. The septic tank is shown on the plans as being close to the north-west of the mobile home.
- 3.3 Amended details have been submitted that show existing trees and shrubbery on the site that are to be retained and the front fencing and gates around the entrance.
- 3.4 Additional details have also been submitted in the form of a Design & Access Statement; Ecological Survey; and Tree Survey.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

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- Draft Local Plan policies: GT1, SP17, DM16, DM34
- Planning Policy for Traveller Sites 2015 (PPTS)

5.0 Since this application was last reported to committee on 17 March 2016, further permissions have been granted towards meeting the need for gypsy sites.

5.1 Since 1st October 2011 the following permissions for pitches have now been granted (net):

- 81 Permanent non-personal permissions
- 13 Permanent personal permissions
- 3 Temporary non-personal permissions
- 33 Temporary personal permissions

5.2 Therefore a net total of 94 permanent pitches have been granted since 1st October 2011. As such a shortfall of 36 pitches remains outstanding for the 2011-2021 period.

5.3 The projection accommodation requirement is as follows:

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

5.4 The submitted version of the Local Plan carries significant weight and it will deliver approximately 41 pitches for Gypsy and Traveller accommodation to assist in meeting needs during the plan period.

6.0 Further information for consideration

6.1 Following the deferral of this item from 17 March 2016 committee, it has now been confirmed by the applicant that his son is soon to be 11 years of age and that he will be staying in education until he is 18 years of age.

6.2 Whilst officers consider a permanent unrestricted permission is appropriate for this development, Members were not minded to agree and have sought information on when the applicant's son was likely to finish in education. This was on the basis that they may consider a temporary and personal permission appropriate. The information received on this was that the son is soon to be 11 years of age and is in his first year of secondary education. He could therefore continue to be in secondary education for the next 7 years until he is 18 years of age.

6.3 As such, were Members minded to accept a temporary and personal permission, it is recommended that the following conditions are attached.

7.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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1. The occupation of the site hereby permitted shall be carried on only by the applicant Mr David Eldridge and his resident dependents, and shall be for a limited period until 31 July 2023, or the period during which the site ceases to be occupied by them, whichever is the shorter.

When the land ceases to be occupied by those named above, the use hereby permitted shall cease and any caravans, materials and equipment brought onto the land in connection with the use shall be removed

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 reflect the personal need of the applicant and family.

2. No more than 1 static caravan or mobile home, 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. No commercial activities shall take place on the land, including the storage of materials;

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

4. Within 2 months of the date of this decision, details of all fencing, walling and other boundary treatments must be submitted to the Local Planning Authority for approval in writing, and the approved details shall thereafter be implemented within 2 months of the date of any subsequent approval and maintained thereafter;

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

5. Within 2 months of the date of this decision there shall be submitted to the Local Planning Authority for approval in writing a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

- Retention of existing vegetation within the site.
- Native tree and hedge planting along the boundary of the site with the public footpath.
- Native tree and hedge planting along the northern boundary of the site and to screen the enclosures erected at the entrance.
- The seeding of bare ground areas with a species rich grassland seed mix.

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- The management of the areas of grassland adjacent to the scrub/woodland as a wild flower meadow.
- Definition of the landscaped areas and residential element of the site.

Reason: In the interests of visual amenity and biodiversity.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of the approval; 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: To ensure a satisfactory setting and external appearance to the development.

7. Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, must be submitted within one month of the date of this decision for approval by the LPA. These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

Reason: in order to meet the advice and requirements contained within the NPPF 2012.

8. Within 1 month of the date of this decision, details of satisfactory facilities for the storage of refuse on the site shall be submitted to and approved in writing by the LPA and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter.

Reason: to protect residential amenity

9. Within 2 months of the date of this decision, details of an ecological management plan for the site must be submitted to the Local Planning Authority for approval in writing; the approved details must be fully implemented and maintained thereafter;

Reason: in the interests of ecology and biodiversity.

10. Within 2 months of the date of this decision, bat and bird boxes shall be erected within the boundary of the site as detailed in the ecological survey and thereafter maintained.

Reason: in the interests of ecology.

11. Within 1 month of the date of this decision, a bound surface shall have been created for the first 5 metres of the approved access back from the edge of the highway and thereafter maintained to the satisfaction of the LPA;

Reason: in the interests of highway safety and to meet the advice and requirements of the NPPF 2012.

12. Within 1 month of the date of this decision, the front gates must be set to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway to prevent waiting on the highway.

Reason: in the interests of highway safety and to meet the advice and requirements of the NPPF 2012

INFORMATIVES

- 1 The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence.

Case Officer: Jon Lawrence

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.