

REPORT SUMMARY

REFERENCE NO - 15/507291/FULL			
APPLICATION PROPOSAL Retrospective application for the provision of an additional mobile home and the re-location of two mobile homes for extended gypsy families residential use.			
ADDRESS Meadow View Marden Road Staplehurst Kent TN12 0JG			
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development represents the re-siting of two previously approved (but as yet unimplemented mobile homes) adjacent to an existing gypsy and traveller mobile home site, together with the stationing of a further additional mobile home within the existing site. The current application generally reflects the currently unimplemented permission albeit that a third additional mobile home is also now incorporated within the plot of the existing mobile home. It is not considered that the current proposals result in any significant or overriding additional impacts. The proposed development, subject to the recommended conditions, is considered to comply with Government guidance and the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material planning considerations in this case justifying a refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE Whilst not objecting to the application, Staplehurst Parish Council requested that the application be referred to the Planning Committee.			
WARD Staplehurst Ward	PARISH/TOWN Staplehurst	COUNCIL	APPLICANT Mr J Osborn AGENT N/A
DECISION DUE DATE 12/11/15	PUBLICITY EXPIRY DATE 12/11/15	OFFICER SITE VISIT DATE 04/07/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/82/1207	Use of land for stationing one caravan for residential use.	Refused	28.10.82
	Appeal against refusal.	Allowed	11.06.84
MA/83/0006	Continuation of use of land for the stationing of one residential caravan.	Refused	18.02.83
MA/84/0447	Details of (i) Siting of caravan pursuant to Condition 3, (ii) Details of access pursuant to Condition 4, (iii) Details of landscaping pursuant to Condition 5.	Approved	11.06.84
MA/88/0799	Siting of one residential caravan.	Approved	21.12.88

MA/91/0067	Stationing of one additional mobile home. Appeal against refusal.	Refused Allowed	16.07.91 28.11.91
MA/10/0226	Change of use of land to allow relocation of one existing mobile home for residential use with associated works including hardstanding and fencing.	Approved	29.06.10
MA/11/1118	Change of use of land for the stationing of an additional 4 mobile homes for a gypsy family.	Approved	21.09.11
MA/13/0866	Retrospective application for new access driveway and gates.	Approved	05.09.13

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located off the north-eastern side of Marden Road and is broadly rectangular in shape with a width of 45m approx. and extending back from the Marden Road frontage to a depth of 140m approx. The site has a tarmac access drive along the north-western side boundary which provides access to an existing gypsy and traveller site at the north-eastern end of the site.
- 1.2 The existing gypsy and traveller site has a shingle surface and comprises two mobile homes and small amenity/utility block and a small enclosed yard with associated buildings. Between the existing gypsy and traveller site and the Marden Road frontage the site is grassed although two plots (35m x 25m approx.) enclosed by post and rail fencing and accessed from the access drive serving the existing site have been formed immediately to the south-west of the existing site. There is a small pond in the south-eastern corner of the site on the Marden Road frontage.
- 1.2 The site is adjoined to the north-west by White Acres, a gypsy and traveller site which the current application site was formerly part of. Beyond White Acres to the north-west is Stable Paddocks, a further gypsy and traveller site. Adjoining the application site to the south-east is Clara, a modern detached single-storey dwelling with a plot that extends along the full depth (140m approx.) of the application site. A pair of semi-detached dwellings adjoins Clara to south-east along the Marden Road frontage.
- 1.3 The site forms part of the open countryside, being some 850m approx. to the west of the closest part of the Staplehurst village settlement boundary as defined on the Proposals Map to the Maidstone Borough Wide Local Plan.

2.0 PROPOSAL

- 2.1 The Meadow View site and the main existing mobile home on the north-eastern end of the site originally formed part of the adjoining White Acres site to the north-west which currently incorporates four mobile homes on the north-eastern end of the site. The original White Acres site was divided up between the applicant's family in 2013 and the applicant's brothers kept the north-western part of original site and the applicant now owns the adjoining south-western part which is now known as Meadow View. The Meadow View site now has its own access drive from Marden Road following the grant of planning permission under application MA/13/0866.

- 2.2 Prior to the original White Acres site being divided up in 2013 planning permission was granted 21.09.11 under reference MA/11/1118 for the change of use of part of the north-eastern corner of the site for the stationing of an additional 4 mobile homes for a gypsy family. The use of the land was personal to the grandchildren of the applicant, Mrs J Warren (the current applicant's mother), their immediate family and their dependents. Two of the four additional mobile homes permitted have been erected within the current White Acres site but the other two mobile homes which fall within the site now known as Meadow View have not to-date been erected.
- 2.3 The current application seeks to provide the two additional mobile homes previously approved within the site now known as Meadow View but with the two mobile homes repositioned within the site. Two plots enclosed by post and rail fencing have been formed to the south-west of the original mobile home on the north-eastern end of the site. The two new plots are accessed from the existing access drive off Marden Road which serves the original mobile home. The two new plots which have been formed within the site extend further south-westwards from the original plot than the mobile homes previously permitted under reference MA/11/1118 but the submitted plan shows a distance of some 60m to be maintained between the frontage of the site to Marden Road and the post and rail boundary fencing to the closest new mobile home plot.
- 2.4 In addition to the proposed provision and repositioning of two of the four additional mobile homes previously permitted under reference MA/11/1118, a further additional mobile home is to be stationed within the plot of the original mobile home on the north-eastern end of the site. The submitted plan shows the additional mobile home stationed to the north-east of the existing original mobile home. The additional mobile home replaces an existing modest sized mobile home which appears to be unauthorised from a planning point of view.
- 2.5 The applicant has stated that the three additional mobile homes (two of which were previously permitted under reference MA/11/1118 in different positions within the site) are to accommodate his two sons and his daughter.

Response to request for clarification of gypsy status

- 2.6 Revised Government guidance which came into force in August 2015 makes it clear that persons claiming gypsy and traveller status must provide evidence to show that they intend to carry on a nomadic/traveller lifestyle. The definition of a nomadic lifestyle requires adult occupants to move from place to place in pursuit of work. The applicant has stated the following in connection with his gypsy status:
- He has lived at the site for 40 years (since he was 7 years old).
 - His three children were born at the site.
 - His wife and two of his children have permanent jobs in Staplehurst village.
 - He and his two sons travel to horse fairs 2-3 times a year.
 - As well as travelling to horse fairs 2-3 times a year, he also travels on his own through the summer months (June to end of September/October) advertising the work he does as a tree surgeon. He travels round New Romney, Guildford, Surrey, Hertfordshire and other places.

- The three new mobile homes are to accommodate his two sons and his daughter.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The Meadow View site and the main existing mobile home on the north-eastern end of the site originally formed part of the adjoining White Acres site to the north-west which currently incorporates four mobile homes on the north-eastern end of the site. Use of part of the original site as a gypsy and traveller site dates from an approval granted on appeal in the mid-1980s.
- 3.2 The original White Acres site was divided up between the applicant's family in 2013 and the applicant's brothers kept the north-western part of original site and the applicant now owns the adjoining south-western part which is now known as Meadow View. The Meadow View site now has its own access drive from Marden Road following the grant of planning permission under application MA/13/0866.
- 3.3 Prior to the original White Acres site being divided up in 2013 planning permission was granted 21.09.11 under reference MA/11/1118 for the change of use of part of the north-eastern corner of the site for the stationing of an additional 4 mobile homes for a gypsy family.
- 3.4 The use of the land was personal to the grandchildren of the applicant, Mrs J Warren (the current applicant's mother), their immediate family and their dependents. Two of the four additional mobile homes permitted have been erected within the current White Acres site but the other two mobile homes which fall within the site now known as Meadow View have not to-date been erected.

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan: Policies ENV6, ENV28, T13
- Emerging Local Plan: SP17, DM3, DM16, DM34
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

- 5.1 Representations on the application have received from the occupiers of the neighbouring dwelling objecting to the application. The representations are summarised as follows:
- The family concerned have lived on the site for 38 years (with the obvious exception of those born on the site) and therefore could not legally be considered as gypsies.
 - The previous consent and the current application are in respect of named family residents. This will be problematic in the future with regards to the sale of the properties. To believe that if any householder vacated a property that it would be removed from the site is naïve. History suggests that a subsequent application, retrospective or otherwise for the building to remain on site would be highly likely to be granted as the soft option.

- The four homes in question would be unlikely to be sold to one gypsy family and there is the prospect of four separate owners or tenants which would be a very different situation. It is accepted that what might happen is not a basis for objection to a planning application.
- The application is specific to Meadow View but shows the ten existing cars being increased to twelve. This number must surely relate to the whole site and not the new proposed development as this would be vastly excessive. No reference is made to light goods vehicles.
- The proposed development extends further into the current meadow and is (in the objectors' opinion) inappropriate to the area.

6.0 CONSULTATIONS

6.1 **Staplehurst Parish Council:** Comment that Councillors voted that they had no objection to the application. Further comment that Councillors asked that appropriate screening measures be discussed with the occupier of the neighbouring property known as Clara and, to give parties the opportunity to speak in person, they requested that the application be referred to MBC Planning Committee.

6.2 **Kent Highways:** Advised that it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. No comments made on the application.

6.3 **Environmental Health Officer:** No objection subject to conditions and informatives. Commented as follows:

'A previous application for this site which was previously part of White Acres, MA/11/1118, (for an additional 4 gypsy mobile homes on site) was granted planning permission with the usual conditions regarding related family.

There is no indication of land contamination based on information from the contaminated land database and historic maps databases. There is also no indication of any significant chance of high radon concentrations and Air Quality is not currently an issue for potential residents of this site.

The application form states that foul sewage will be dealt with via a septic tank. There do not appear to have been any details received regarding the type and size of septic tank to be installed/used, and the plan supplied does not indicate any location or details pertaining to a septic tank. Further details of the provision of potable water and how foul sewage will be dealt with must be provided, (including the size of any septic tank or cesspool and where it will over flow to); and a condition should be applied to any permission granted in this respect. The applicant should also contact the Environment Agency to establish whether they will require a discharge consent from them and in this latter respect I note that there is a surface water pond on the site. (However, I also note that there are no known Private Water Supplies in the vicinity of this site.)

The site should be used for residential purposes only and maintained in good order. It should not be used for business purposes, it should also not be used for the use and/or storage of commercial vehicles. Any tourers on site should not be used for habitation.

The site should not be occupied before all the conditions of the Caravan Sites Licence are met.'

The following conditions and informatives are requested:

- Details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.
- No lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority.
- Informatives relating to the following are requested:
 - *The need to make an application for a Caravan Site Licence under the Caravan Sites and Control of Development Act 1960 within 21 days of planning consent having been granted.
 - * Provision to be made for the separate storage of recyclables from household waste.
 - * The clearance and burning of existing woodland or rubbish being carried out without nuisance from smoke etc to nearby residential properties.

7.0 BACKGROUND PAPERS AND PLANS

7.1 The application is supported by the following plans/documents:

- A proposed layout plan showing the siting of the three new mobile homes within the existing and new plots.
- A site layout plan showing the site boundary changes following the separation of the Meadow View site (current application site) from the adjoining White Acres site and the siting of the four additional mobile homes approved under application MA/11/1118.
- Supporting letter dated 04.09.15.
- Emails relating to applicant's gypsy status dated 22.03.16, 23.05.16 (2 No.).

8.0 APPRAISAL

8.1 Section 36(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000. As the site lies within the open countryside, being 800m approx. to the west of the closest part of the Staplehurst village boundary as shown on the Proposals Map to the Local Plan, the application is specifically subject to policy ENV28 of the Local Plan. Policy ENV28 states that:

"In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) *that which is reasonably necessary for the purposes of agriculture and forestry;*
or
- (2) *the winning of minerals; or*

- (3) *open air recreation and ancillary buildings providing operational uses only; or*
- (4) *the provision of public or institutional uses for which a rural location is justified; or*
- (5) *such other exceptions as indicated by policies elsewhere in this plan.”*

The policy further states that *“Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*

- 8.2 None of the exceptions to the general policy of development restraint in the open countryside apply to this application and as a result the proposal represents a departure from the Development Plan. In such circumstances it falls to consider whether there are any overriding material considerations justifying a decision not in accordance with the Development Plan and whether granting planning permission would result in unacceptable demonstrable harm which is incapable of being acceptably mitigated.
- 8.3 As a point of clarification it is considered that mobile homes fall within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended). In the event of planning permission being granted, an appropriate condition can be imposed to secure this.
- 8.4 The key issues for consideration in relation to this application are the principle of the development, justification for the development, the visual impact in the open countryside location, sustainability, impact on residential amenity and local amenity generally, highway safety and impact on ecological interests.

Principle of Development

- 8.5 The site lies in open countryside and is therefore subject to policy ENV28 of the adopted local plan.
- 8.6 Policy ENV28 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.”*
- 8.7 Policy ENV28 sets out the type of development that can be permitted in the countryside but excludes applications for Gypsy and Traveller accommodation.
- 8.8 Whilst contrary to policy ENV28, a key consideration in the determination of this application is Government Guidance set out in ‘Planning Policy for Traveller Sites’ (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging sites are likely to be found in rural areas.
- 8.9 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general development restraint policies.

Need for gypsy sites

- 8.10 Although the emerging local plan is well advanced, there are not yet any adopted development plan policies relating to the provision of gypsy sites. Members are reminded that Local Authorities 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 show people 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

- 8.11 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 available at this point, forming as it does part of the evidence base to the emerging Local Plan, and it is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and submitted to the Secretary of State on 20th May 2016.

Supply of Gypsy sites

- 8.12 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004).

Policy DM16 of the submission version of the Draft Local Plan, by implication, accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

- 8.13 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net): *(NB these figures correct at 29th June)*

- 81 Permanent (non-personal)
- 15 Permanent (personal)
- 3 Temporary (non-personal)
- 33 Temporary (personal)

- 8.14 Therefore a net total of 96 permanent pitches have been granted since 1st October 2011. A further 91 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

- 8.15 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 submission Draft Local Plan does allocate specific sites and these are 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. The Local Plan's adoption is currently timetabled for the latter half of 2017.

- 8.16 The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting a temporary consent. With the submission of the Local Plan, the council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. In these circumstances, the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy status

- 8.17 Shortly before the current application was submitted, the Government revised the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PPTS). The revised guidance came into force on 31st August 2015, with the planning definition of 'gypsies & travellers' being amended to exclude those who have ceased to travel permanently. The revised definition 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 dependents' 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."

- 8.18 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 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 intension of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 8.19 In response to the above, the applicant has stated the following in connection with his gypsy status:

- He has lived at the site 40 years (since he was 7 years old).
- His three children were born at the site.
- His wife and two of his children have permanent jobs in Staplehurst village.
- He and his two sons travel to horse fairs 2-3 times a year.
- As well as travelling to horse fairs 2-3 times a year, he also travels on his own through the summer months (June to end of September/October) advertising the work he does as a tree surgeon. He travels round New Romney, Guildford, Surrey, Hertfordshire and other places.
- The three new mobile homes are to accommodate his two sons and his daughter.

- 8.20 As can be seen from the above, the applicant has lived at the site for a significant period of time, firstly as a child and more recently as a parent. It is considered highly likely that the applicant and his wife would occupy the existing main mobile home on the site for extended periods in order to provide a stable base for the their three children whilst they were growing up, attending local schools and seeking employment. This would not however preclude the adult members of the family continuing a nomadic lifestyle while one remained at the site to perform family care duties in providing a stable base for the children. The above supporting information provided by the applicant shows that he maintains a nomadic lifestyle to some extent in that he travels to attend horse fairs 2-3 times a year and to seek work as a tree surgeon during the summer months. There is also no reason to assume that the applicant and/or his wife would not pursue a nomadic lifestyle once the children were older. The applicant has also lived in a mobile home at the site for a significant period which is part of the gypsy and traveller lifestyle.
- 8.21 It must also be noted that the use of the four additional mobile homes permitted on the former White Acres site under application MA/11/1118, two of which would fall within the boundaries of the current application site now known as Meadow View, was personal to the grandchildren of the applicant, Mrs J Warren (the current applicant's mother), their immediate family and their dependents. The two new mobile homes proposed to the south-west of the existing site for occupation by one of the applicant's sons and his daughter accord with this previous permission in terms of use/occupation.
- 8.22 The applicant appears to occupy the existing Meadow View mobile home site with the benefit of the planning permission granted 29.06.10 under MA/10/0226 which restricts the use to Mrs J Warren (the applicant's mother) and members of her immediate family and their dependents. Whilst the information submitted by the applicant regarding a nomadic lifestyle and the intention to continue/pursue such a lifestyle in the future lacks detail, and it would have been useful to have more specific times, dates and locations of events and places/periods of work, and future intentions, it is considered that unless the Council is in possession of clear substantiated evidence to refute the applicant's claims of a nomadic working lifestyle and intention to continue this lifestyle, such claims must be taken at face value. As such it is considered that on the basis of the information submitted and available, the applicant could be considered to lead a nomadic lifestyle and fall within the revised definition of gypsies as set above.

Visual Impact

- 8.23 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside, and that where sites are in rural areas they should not dominate the nearest settled community and shall not place undue pressure on local infrastructure. No specific reference is made to landscape impact however, this is addressed in the NPPF and policy ENV28 of the adopted local plan.
- 8.24 Policy ENV28 states that development will not be permitted in the countryside where it would harm the character and appearance of an area or the amenities of surrounding occupiers. Policy ENV28 nevertheless makes it clear that exceptions will be permitted if justified by other policies contained in the plan.
- 8.25 It is generally accepted that mobile homes in the open countryside constitute visually intrusive development and are out of character in the countryside. Consequently unless well screened or hidden away in unobtrusive locations they are normally considered unacceptable in terms of their visual impact. Consequently where they are permitted it is normally on the basis of being screened by existing features such as hedgerows, tree belts, buildings or land contours.

- 8.26 In this case, the application site extends to a depth of 140m approx. back from the north-eastern side of Marden Road and the existing mobile home site is located at the north-eastern end of the site. The proposal is to provide two additional mobile homes to the south-west of the existing mobile home site within two plots enclosed by post and rail fencing that have already been formed. The submitted plan shows a distance of some 60m to be maintained between the frontage of the site to Marden Road and the post and rail boundary fencing to the closest new mobile home plot. A further additional mobile home is to be stationed within the plot of the existing mobile home at the north-eastern end of the site. The site is generally well screened along the Marden Road frontage by trees and hedging. The proposed additional mobile homes within the post and rail fenced plots are well set back (60m approx.) from the Marden Road frontage and the applicant has planted new hedging along the outside edge of the closest post and rail fencing to Marden Road. In the circumstances the proposed additional mobile homes will have limited visual impact in any public views from Marden Road.
- 8.27 The proposed additional mobile homes will be screened by existing trees and hedging along the south-eastern side boundary and by the existing adjoining White Acres gypsy and traveller site along the north-western side boundary. The applicant has indicated that he intends to carry out further screen hedge planting within the site. This can be secured by planning condition imposed on any grant of planning permission.
- 8.28 In light of the above, it is not considered that the proposed additional mobile homes will appear as visually intrusive in the open countryside location or that the proposed enlarged gypsy and traveller site will result in any overriding visual harm to the locality. In the circumstances it is considered that the proposals are acceptable in terms of visual impact.

Residential Amenity

- 8.29 Policy ENV28 of the adopted Local Plan states that in the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers. In this case the site is adjoined to the south-east side by a detached single-storey dwelling known as Clara which occupies a plot extending along the full depth (140m approx.) of the application site. A pair of semi-detached dwellings adjoins Clara to the south-east along the Marden Road frontage. The site is adjoined to the north-west by White Acres, a gypsy and traveller site which the current application site was formerly part of.
- 8.30 The site of the proposed two additional mobile homes to the south-west of the existing mobile home site will generally be screened from the rear of the neighbouring dwelling at Clara by existing trees and hedging along the south-eastern side boundary common with the neighbouring dwelling. Some additional hedge planting to reinforce the screening along the common side boundary close to the rear of the neighbouring dwelling can be secured by planning condition imposed on any grant of planning permission. Further conditions can be imposed on any grant of planning permission to control any external lighting to be installed at the site and to prevent commercial and business activities being carried out on the land. With these conditions in place it is not considered that the proposed additional mobile homes and enlargement of the existing gypsy and traveller site will have any significant and unacceptable unneighbourly impact on the neighbouring dwellings to the south-east of the site along the Marden Road frontage.

- 8.31 The site has separate access from the adjoining gypsy and traveller site at White Acres to the north-west. A high close boarded fence exists between the proposed additional mobile homes on the application site and the adjoining mobile homes on the neighbouring White Acres site. It is not considered that there will be any unneighbourly impact on the adjoining White Acres gypsy and traveller site as a result of the proposals.

Sustainability

- 8.32 Gypsy and traveller sites are mainly located in the open countryside and the proposed development follows this pattern. The site is some 850m approx. to the west of the closest part of the defined Staplehurst village settlement boundary allowing good access to schools, medical provision, services and shopping facilities. It is not considered that the site is sufficiently remote from services to justify refusal on sustainability grounds particularly having regard to the existence of the existing and adjoining lawful gypsy and traveller sites.

Highways

- 8.33 The site has a tarmac access drive off Marden Road which runs along the north-western side boundary of the site and provides access to the existing gypsy and traveller site at the north-eastern end of the site. The adjoining White Acres gypsy and traveller site has separate access further to the north-west along Marden Road. The two new mobile home plots which are currently laid out and enclosed by post and rail fencing will be accessed from the existing tarmac access drive within the site. The third mobile home proposed is within the plot of the existing mobile home at the north-western end of the site. Adequate space will be available within the original plot and the two new plots for the parking of the vehicles of the occupiers of the mobile homes and any overspill parking could take place along the existing access drive within the site without impacting on highway safety or local amenity generally. The access to Marden Road is satisfactory and any increased use of the access as a result of the proposed additional mobile homes will not be so significant as impact on highway safety in the vicinity of the access along Marden Road. Kent Highways have not raised objection.

Wildlife

- 8.34 The NPPF (paragraph 118) states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and the benefits of, the development in that location clearly outweigh the loss.
- 8.35 The site of the two new mobile home plots which are currently laid out and enclosed by post and rail fencing is grassland which is clearly currently maintained and cut on a regular basis. The two new mobile plots are therefore unlikely to result in any habitat loss. There is however, a pond in the south-eastern corner of the site close to the Marden Road frontage (outside the plots of the new mobile homes proposed) and there are other ponds in the near vicinity of the site. If Great Crested Newts are present within the ponds there may be potential that they may be foraging or commuting across the site. It is considered that whilst the proposals would not result in any habitat loss, they may affect any foraging or commuting Great Crested Newts whilst the development is being carried out. In light of the potential for Great Crested Newts to be impacted during the development works, a condition is recommended to be imposed on any grant of planning permission requiring the submission of an ecological scoping

survey of the site and surrounding ponds for the presence of Great Crested Newts together with, if required, a detailed mitigation strategy for the carrying out of the development and an enhancement strategy. With this condition imposed it is considered that any ecological and biodiversity interests at the site are safeguarded.

Drainage

- 8.36 The application indicates that foul sewage is to be disposed of via a septic tank and that surface water will be disposed of via soakaway and pond. As noted in the representations made on the application by the Environmental Health Officer (see section 6.3 in the Consultations part of the report above), no details have been provided in the application regarding the type, size or location of any septic tank to be installed/used and further details of the provision of potable water and how foul sewage will be dealt with must be provided (including the size of any septic tank or cesspool and where it will overflow to). The Environmental Health Officer advises that a condition should be applied to any permission granted in this respect. The condition requested by the Environmental Health Officer can be imposed on any grant of planning permission.

Other Matters

- 8.37 As noted previously in this report, the site is adjoined to the north-west by White Acres, a gypsy and traveller site which the current application site was formerly part of. Beyond White Acres to the north-west is Stable Paddocks, a further gypsy and traveller site. The grant of planning permission for a further three mobile homes on the application site (two of which have been granted previously as part of application MA/11/1118) would not lead to an unacceptable over-concentration of gypsy and traveller sites, the sites would not dominate the nearest settled community (Staplehurst village) or place undue pressure on the local infrastructure.

9.0 CONCLUSION

- 9.1 The application site (Meadow View) and the main existing mobile home on the north-eastern end of the site originally formed part of the adjoining White Acres site to the north-west which currently incorporates four mobile homes on the north-eastern end of the site. Prior to the original White Acres site being divided up in 2013 (and the site now known as Meadow View being formed), planning permission was granted 21.09.11 under reference MA/11/1118 for the change of use of part of the north-eastern corner of the site for the stationing of an additional 4 mobile homes for a gypsy family. The use of the land was personal to the grandchildren of the applicant, Mrs J Warren (the current applicant's mother), their immediate family and their dependents. Two of the four additional mobile homes permitted have been erected within the current White Acres site but the other two mobile homes which fall within the site now known as Meadow View (the current application site) have not to-date been erected. The planning permission granted under MA/11/1118 which allows two additional mobile homes to be erected within the Meadow View site appears to remain valid by virtue of it having been partially implemented within what is now the adjoining White Acres site.
- 9.2 The current application seeks to provide the two additional mobile homes previously approved within the site now known as Meadow View but with the two mobile homes repositioned within the site. A further additional mobile home is proposed to be stationed within the plot of the original mobile home on the north-eastern end of the site. The applicant has stated that the three additional mobile homes are to accommodate his two sons and his daughter which would be consistent with the use

restrictions imposed on the two additional mobile homes previously approved within the site under MA/11/1118, albeit a further additional mobile home is now being proposed. The previously imposed use restrictions on the additional mobile homes can be imposed by condition on the current proposals.

- 9.3 The submission version of the Draft Local Plan acknowledges 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. Policy DM16 of the Draft Local Plan and Central Government Guidance allows for gypsy and traveller sites to be located in the countryside as an exception to the general development restraint policies.
- 9.4 The application site is generally well screened along the Marden Road frontage by trees and hedging. The proposed additional mobile homes within the post and rail fenced plots which are already laid out are well set back (60m approx.) from the Marden Road frontage and the applicant has planted new hedging along the outside edge of the closest post and rail fencing to Marden Road. In the circumstances the proposed additional mobile homes will have limited visual impact in any public views from Marden Road. The applicant has indicated that he intends to carry out further screen hedge planting within the site. This can be secured by planning condition imposed on any grant of planning permission. With the provision of further screen hedge planting within the site and along the south-eastern side boundary, it is not considered that the proposals will have an overriding harmful impact on the character and appearance of the open countryside location, the visual amenities of the locality or the amenities of the occupiers of the neighbouring dwellings along Marden Road to the south-east of the site.
- 9.5 The applicant has lived at the site for a significant period of time, firstly as a child and more recently as a parent and appears to occupy the existing Meadow View mobile home site with the benefit of the planning permission granted 29.06.10 under MA/10/0226 which restricts the use to Mrs J Warren (the applicant's mother) and members of her immediate family and their dependents. Whilst the information submitted by the applicant regarding a nomadic lifestyle and the intention to continue/pursue such a lifestyle in the future lacks detail, and it would have been useful to have more specific times, dates and locations of events and places/periods of work, and future intentions, it is considered that unless the Council is in possession of clear substantiated evidence to refute the applicant's claims of a nomadic working lifestyle and intention to continue this lifestyle, such claims must be taken at face value. As such it is considered that on the basis of the information submitted and available, the applicant could be considered to lead a nomadic lifestyle and fall within the revised definition of gypsies.
- 9.6 As noted in 9.1 above, the site appears to have a valid planning permission for the erection of two mobile homes to the south-west of the existing mobile home site. The current application generally reflects the currently unimplemented permission albeit that the two previously approved mobile homes have been re-sited and a third additional mobile home is also now incorporated within the plot of the existing mobile home. It is not considered that the current proposals result in any significant and overriding additional impacts.
- 10.0 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 use of the two plots (Plots 2 and 3 shown on the approved site layout plan (received 04.09.15)) hereby permitted to the south-west of the existing mobile home plot (Plot 1) shall be carried on only by Mr Jason Osborn's son and daughter, namely James Osborn and Melissa Osborn, their immediate family and their dependants;

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 who satisfy these requirements for Gypsy and Traveller Caravan Sites and to meet the applicant's specific requirements.

- (3) The use of the additional mobile home on Plot 1 (as shown on the approved site layout plan (received 04.09.15)) hereby permitted to the north-east of the existing mobile home shall be carried on only by Mr Jason Osborn and members of his immediate family and their dependants;

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 who satisfy these requirements for Gypsy and Traveller Caravan Sites.

- (4) No external lighting shall be placed on the two plots (Plots 2 and 3 shown on the approved site layout plan (received 04.09.15)) hereby permitted to the south-west of the existing mobile home plot (Plot 1) without first obtaining the prior approval in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and shall be retained as such at all times thereafter;

Reason: To safeguard the night time rural environment.

- (5) No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use;

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

- (6) Prior to any of the additional mobile homes hereby permitted being stationed on the land, details of the method of foul sewage treatment and disposal, general waste disposal and potable water provision shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details of the method of foul sewage treatment and disposal, general waste disposal and potable water provision and shall be retained as such at all times;

Reason: In the interests of the amenities of neighbouring occupiers and local amenity generally and to prevent pollution of the water environment.

- (7) Prior to any of the additional mobile homes hereby permitted being stationed on the land, a scheme of landscaping/planting for the site, using indigenous

species, including the provision of hedging and tree planting along the south-eastern boundary of the site between the south-western edge of Plot 3 (as shown on the approved site layout plan (received 04.09.15)) and the pond in the south-eastern corner of the site, shall have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a programme for the approved scheme's implementation and the scheme's long term management. The landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure a satisfactory setting and appearance to the development, and safeguard the character and appearance of the open countryside location.

- (8) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the stationing of any of the additional mobile homes on the land; 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 appearance to the development, and safeguard the character and appearance of the open countryside location.

- (9) Prior to any of the additional mobile homes hereby permitted being stationed on the land, an ecological scoping survey of the site and surrounding ponds for the presence of Great Crested Newts shall have been submitted to an approved in writing by the Local Planning Authority. If required, the survey shall inform a detailed mitigation strategy for the carrying out of the development and an enhancement strategy;

Reason: In the interests of biodiversity protection and enhancement in accordance with the National Planning Policy Framework 2012.

- (10) The development hereby permitted shall be carried out in accordance with the following approved drawing:

Site layout plan received 04.09.15.

Reason: To ensure the quality of the development is maintained, to prevent harm to the residential amenity of neighbouring occupiers, and to safeguard the character and appearance of the open countryside.

INFORMATIVES

- (1) Foul sewage

The details submitted pursuant to the requirements of condition 6 of this grant of planning permission 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).

(2) Caravan site licence:

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. The applicant is advised to contact the Environmental Enforcement Team on 01622 602202 in respect of a licence.

(3) General waste provisions:

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

Clearance and burning of existing wood or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from Environmental Enforcement/Protection.

Case Officer: Jon Barnes

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