

**REPORT SUMMARY**

<b>REFERENCE NO - 16/505113/FULL</b>			
<b>APPLICATION PROPOSAL</b> Variation of condition 2 of 15/506338 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to replace the touring caravan with another static mobile home			
<b>ADDRESS</b> The Chances, Lughorse Lane, Hunton, Kent			
<b>RECOMMENDATION</b> - Permission			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The 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.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Hunton Parish Council wish to see the application refused.			
<b>WARD</b> Coxheath And Hunton		<b>PARISH/TOWN COUNCIL</b> Hunton	<b>APPLICANT</b> Mrs Lena smith <b>AGENT</b>
<b>DECISION DUE DATE</b> 01/09/16		<b>PUBLICITY EXPIRY DATE</b> 12/08/16	<b>OFFICER SITE VISIT DATE</b> 1/11/2016
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/505965/FULL	Variation of condition 2 of 15/506245 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to allow extra static home.  This application relates to the adjoining site.	Pending decision	
16/505347/FULL	Variation of Condition 2 and 8 of planning permission 15/506338/FULL (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to permit the stationing of two static caravans and two touring caravans on the land and to vary the site layout to form a third plot	Refused	
15/506245	Permanent siting of one static and one touring caravan for residential use by Romany gypsies	Permanent consent. Granted at committee.	07.04.2016
15/506338	Permanent siting of one static and one touring caravan for residential use by Romany gypsies (adjoining site)	Permanent consent. Granted at committee	07.04.2016
10/1336	Variation of enforcement appeal reference ENF/8968 Conditions 1 and 2 to allow the use of the site for the siting of a mobile home and a touring caravan on a permanent basis for an extended gypsy family –	Temporary 4 year personal permission	Committee 22.11.2010

11/1900	Variation of condition 4 of planning permission MA/10/1336 to read:  'No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which not more than 2 shall be a static caravan) shall be stationed on the site at any time.'	Permitted	11.10.2012
ENF/8968	The Inspector allowed use of the current site for a temporary personal permission for 3 years for stationing of caravans and use as a traveler site.	Allowed	7.08.2007
10/1542	Planning permission on the adjoining field to north of the site was refused for change of use of land to provide two plots for gypsy travelers	Refused: Impact on open countryside	Committee 11.08.2011

## **MAIN REPORT**

### **1.0 BACKGROUND**

- 1.1 This site and the adjoining site to the east are allocated for use as gypsy traveller sites in the emerging Local Plan (submission version) May 2016. Policy GT1 (7) advises in accordance with policy GT1, planning permission for 4 permanent pitches at The Chances, Lughorse Lane, Hunton, will be granted providing the total site capacity does not exceed 4 pitches; future permissions to include additional landscaping and ecology mitigation.
- 1.2 At present The Chances has permanent planning permission for two pitches (over two applications 15/506245 and 15/506338). Permanent permission has been granted for two statics and two tourers in total. The emerging site allocation allows for a further two statics on the site.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site is located on the south side of Lughorse Lane in the open countryside. The site has been granted permanent consent for one static and tourer which are currently on site.
- 2.2 The site is set back approx. 130m from Lughorse Lane and is accessed via a vehicle track running through the adjacent field to the north. The vehicle track is formed of compacted hard-core and is shared with the adjoining site to the west. PROW KM163 crosses the vehicle access to the west of the site. An area of ancient woodland is located to the southwest of the site. The remaining area surrounding the site to the north, east, south and west is open countryside / fields. To the west is an adjoining traveller site with permanent consent for one static and one tourer. To the east of the site is further gypsy traveller site with one static caravan which does not benefit from planning permission and is the subject of enforcement action. Further to the south is a commercial engineering premises. There is mature vegetation along the site boundaries with the exception of the vehicle access point on the western boundary. The site is located within a Special Landscape Area.

### **3.0 PROPOSAL**

- 3.1 Variation of condition 2 of 15/506338 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to replace the touring caravan with another static mobile home.
- 3.2 Condition 2 currently states:
- 3.3 No more than one static caravan and one tourer, 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 unless otherwise agreed in writing with the Local Planning Authority;
- 3.4 This application seeks to vary the wording as below:
- 3.5 No more than two statics caravan and one tourer, 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 unless otherwise agreed in writing with the Local Planning Authority;
- 3.6 The second static caravan which is the subject of this application is proposed adjacent to the east boundary. The static would be used by the applicant's son.

### **4.0 POLICIES AND OTHER CONSIDERATIONS**

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, GT1 (7), DM16
- Planning Policy for Traveller Sites (PPTS)

### **5.0 LOCAL REPRESENTATIONS**

- 5.1 Some 6 objections have been received. One letter of support has been received. The main points of objection are summarised as follows:
- The caravan is already on site.
  - The number of caravans on site exceeds the per hectare guidelines for gypsy and traveller sites.
  - Boundary screening has not been provided.
  - The site is within the Greensand Ridge Special Landscape Area.
  - The site is clearly visible from Greensand Way and other PROW.
  - Current screening will be severely compromised in the autumn/winter months
  - The site is clearly unoccupied for long periods so the specific personal housing and schooling needs in the original application and subsequent appeal do not apply.
  - Overdevelopment of the site.
  - Part of the access drive fall under different land ownership.
  - Increase in pitches will harm the local environment.
  - Increased traffic movements.
  - Harmful to the countryside.
- 5.2.1 **Hunton Parish Council:** Hunton Parish Council recommends refusal and asks for the application to be heard by the Planning Committee. The Parish Council objections are summarised as follows:
- The applicants are not nomadic

- The applicants are already in breach of the existing licence as there is more than one static caravan on the site.

## 6.0 CONSULTATION RESPONSES

6.1 **KCC Highways:** Raise no objection.

6.2 **KCC PROW:** No objections

### 7.0 PRINCIPLE OF DEVELOPMENT

7.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP relates to development in the countryside stating that;

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

7.2 Policy ENV28 then outlines the types of development that can be permitted and this does not include gypsy and traveller development.

7.3 However, a key consideration in the determination of this application is central Government guidance contained within ‘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 that sites are likely to be found in rural areas.

7.4 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.

7.5 In addition, the submitted version of the Development plan went to the Secretary of State in May 2016 and public examination took place in the later part of 2016. This Plan and its policies are considered to hold significant weight; and policy GT1(7) allocates the application site for 4 gypsy traveller pitches whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

#### Need for Gypsy Sites

7.6 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 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

7.7 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 needs 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.

- 7.8 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 20<sup>th</sup> January 2016 and submitted to the Secretary of State on 20<sup>th</sup> May 2016.

Supply of Gypsy sites

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

- 7.10 Since 1<sup>st</sup> October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):

- 85 Permanent (non-personal)
- 16 Permanent (personal)
- 3 Temporary (non-personal)
- 33 Temporary (personal)

- 7.11 Therefore a net total of 101 permanent pitches have been granted since 1<sup>st</sup> October 2011. A further 86 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

- 7.12 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.

- 7.13 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

- 7.14 The Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31<sup>st</sup> August 2015, and the planning definition of 'gypsies & travellers' have been 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 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."*

- 7.15 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 in terms of ceasing travel temporarily, the PTS 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.
- 7.16 In this instance permanent planning permission already exists on this site for one static and one touring caravan and the gypsy traveller status of the applicant was confirmed during the determination of the original permission. This application proposes one additional static caravan for the applicant's son. As such the gypsy traveller status of the applicant has already been confirmed and the applicant and his family are considered to fall within the definition of a gypsy traveller. The parent planning permission contains a condition restricting the use of the site to travellers.
- 7.17 Given the fact the Council is unable to offer any alternative accommodation and taking into consideration the emerging policy GT1 (7) for this site which allocates a total of 4 pitches (2 more than the current consents), the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.

## **8.0 VISUAL IMPACT**

- 8.1 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined; however, this is addressed in the NPPF and saved Local Plan policy ENV28 and ENV34.
- 8.2 The landscape in the vicinity of the application site is in relatively flat agricultural land, interspersed with hedgerows and woodland blocks. The site itself is fairly well enclosed. There is mature hedgerow planting along the north, east, south and a majority of the west boundary with the exception of the vehicle access. The boundary screening and distance of the site from Lughorse Lane all limit mid- to long-distance views into the site. Short range views are also limited by the boundary screening. Close range views are mainly limited to views of the site entrance and shared vehicle access. There is a further gypsy/traveller caravan site adjacent (app no. 15/506245), to which the application site would be well related without significant cumulative visual impact. The additional caravan would be appropriately located adjacent to the east boundary hedge and would not be significantly visible from any public vantage points due to the established boundary screening. In this context the one additional caravan is not considered to be visually intrusive, and would be neither incongruous nor discordant.
- 8.3 There is a further unlawful gypsy traveller site located directly to the west of the site with one static caravan on the site. This application has recently been refused planning permission due to visual harm and is the subject of enforcement action.
- 8.3 Overall it is considered that the site is currently well screened and the additional caravan on this site would not cause undue harm to the open countryside and Special Landscape Area.

## **9.0 SUSTAINABILITY**

- 9.1 Gypsy traveller sites will almost inevitably be located in countryside locations. The site is located less than 1 mile from Hunton and less than 2 miles from Yalding. In my view, I do not consider the site to be so far removed from basic services, schools and other facilities as to justify grounds to refuse this application in terms of being unsustainable.

## **10.0 RESIDENTIAL AMENITY**

- 10.1 The site is some distance from the nearest residential properties such that I am satisfied that the development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of loss of light outlook and privacy and in terms of general noise and disturbance. The Environmental Health Department have confirmed there have been no complaints regarding this site. A further gypsy traveller site is located to the east of the site. Sufficient screening is provided on the east boundary between the two sites to ensure there are no adverse amenity impacts between the two sites.

## **11.1 HIGHWAY SAFETY IMPLICATIONS**

- 11.1 The site has an established vehicle access onto Lughorse Lane across / along the boundary of the field to the north of the site. The development would not result in a significant increase in traffic movements and I consider the local highway network to be capable of accommodating the relatively low vehicle movements to and from the site. There is sufficient parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have raised no objection on highways safety or parking grounds.

## **12.0 LANDSCAPE AND BIODIVERSITY IMPLICATIONS**

- 12.1 The site has been used as a gypsy traveller site since 2006 and hard-core for the vehicle access and parking areas is already laid. Not including the established vegetation along the site boundaries the application site is likely to have limited ecological value due to the continued occupation.
- 12.2 One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. Biodiversity enhancements including bird / bat boxes were erected on the site as part of the original permission.
- 12.3 As stated above the site is well screened and benefits from established mature boundary vegetation and additional planting has been secured via the parent planning permission.
- 12.4 No objections have been raised by KCC and landscape officer on the grounds that that there would be any impact on the ancient woodland to the south of the site.

## **13.0 OTHER CONSIDERATIONS**

- 13.1 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk.
- 13.2 There are other gypsy and traveller sites within the wider area in Hunton and Yalding but I do not consider the granting of permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm given the distance between each of the sites. Further, given the sporadic residential development within the immediate area and relatively sustainable location, it is not considered that this site would individually or cumulatively dominate the nearest settled community or place undue pressure on the local infrastructure.

- 13.3 I am satisfied that the mobile home falls within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this.
- 13.4 I do not recommend any conditions restricting occupancy to the applicant on the basis that the site and development are considered acceptable for the reasons above and the site is allocated as a gypsy traveller site in the emerging Local Plan. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.
- 13.5 Objections have also been raised regarding the density of the site and number of caravans per hectare. In this regard the additional caravan would be in accordance with the criteria of policy GT1 (7) and it is considered that the site would not appear cramped or overdevelopment with an additional static (4 statics in total). A local resident has advised that they own part of the vehicle access drive and field adjacent the site. Ownership Certificate B has been completed and notice has been served on the relevant owner. Local objectors state that the condition on the original consent have not been complied with. In this regard application 16/505423/SUB covers the discharge of all the onerous conditions on the original such as additional landscaping and erection of bird boxes.
- 14.0 CONCLUSION**
- 14.1 The site is located within the countryside; however, gypsy sites can be acceptable in the countryside. It is considered that the applicant is a gypsy and complies with the definition contained within the Planning Policy for traveller sites document.
- 14.2 The visual impact of the development is minimal. There is good boundary screening and the site is set back from the road. Nonetheless, boundary treatment conditions should still be imposed to further screen the site.
- 14.3 The application site, when combined with other gypsy sites in the vicinity, and in relation to existing authorised developments, does not dominate the settled community.
- 14.4 In the context of gypsy and traveller accommodation, the application site is considered to be in a relatively sustainable location that is not so remote from services and facilities to justify a refusal.
- 14.5 The emerging policy GT1(7) for this site allocates a total of 4 pitches (2 more than the current consents) and the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.
- 14.6 The application development does not have any adverse impact on residential amenity.
- 14.7 The application development does not lead to any increased risk to highway safety.
- 14.8 There are no other significant planning issues that would warrant refusal of the application.
- 14.9 I therefore consider the development is acceptable and recommend permanent permission.



**CONDITIONS**

- (1) No more than two statics caravans and one tourer, 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 unless otherwise agreed in writing with the Local Planning Authority;

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

- (2) The development hereby permitted shall be carried out in accordance with the following drawings:

Site Location and Block Plan; received on 11.07.2016.

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

Case Officer: Andrew Jolly

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