

## REPORT SUMMARY

<b>REFERENCE NO - 12/1209</b>			
<b>APPLICATION PROPOSAL</b>			
Change of use of land for the stationing of two additional mobile homes and utility blocks with associated hardstanding for gypsy family			
<b>ADDRESS</b> Land Next To Primrose Paddock, Stockett Lane, Coxheath, Maidstone			
<b>RECOMMENDATION - Approve subject to conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
The development, subject to the conditions stated, it considered to comply with the policies of the Development Plan and there are no overriding material consideration to indicate a refusal of planning permission.			
The site is also allocated for 6 gypsy and traveller pitches under policy GT1(4) in the submitted Local Plan (2011-2013), which is considered to attract significant weight, and the proposals fundamentally comply with this policy.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Contrary to the views expressed by Coxheath Parish Council			
<b>WARD</b> Coxheath And Hunton Ward		<b>PARISH/TOWN COUNCIL</b> Coxheath	
		<b>APPLICANT</b> Ms Lisa Smith <b>AGENT</b> The Penshurst Partnership	
<b>DECISION DUE DATE</b> 26/08/12		<b>PUBLICITY EXPIRY DATE</b> 26/08/12	
		<b>OFFICER SITE VISIT DATE</b> 24/05/2016 & 10/02/17	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/08/0671	Change of use of land for the stationing of two mobile homes with associated hardstanding for a gypsy family and the erection of two utility rooms	Approved	17/12/09

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site is located within the countryside just to the north of Coxheath, on the east side of Stockett Lane. Maidstone urban area is some 4km further to the north
- 1.02 Access to this 1.5ha site with a 70m long frontage onto Stockett Lane is via a 9m wide splayed access point with the Public Right of Way KM49 traversing across the north western corner of the site
- 1.03 The site already has an established use as a gypsy site (MA/08/0671 – December 2009) for two mobile homes positioned to the front and centrally within the site (Plots 1 & 3) and linked by a gravel track located along the southern boundary of the site. Other static caravans and ancillary buildings are presently also located on the site and two of these plots are being considered under this application (Plots 2 & 4). Two other plots have been created more recently since this application was originally submitted

but are not subject to this application. (The applicant has indicated that they will be seeking permission but are awaiting the outcome of this application first).

- 1.04 A well-established hedge forms the northern boundary of the site and beyond this is an established gypsy site on adjacent land at 'Silverleas'. To the east the site is bounded by beech hedging, with open countryside beyond, and to the south another established gypsy site with planning permission at 'Primrose Paddock'. The western boundary with Stockett Lane is formed by an established native species hedge. Internally the plots are landscaped with native species in places but also significant laurel hedging
- 1.05 The site falls within the countryside currently designated part of the Southern Anti-Coalescence Belt (saved policy ENV32) but this is not proposed to be taken forward in the new Local Plan. The site will fall in a proposed Landscape of Local Value (LLV) in the submitted Local Plan but is allocated as a Gypsy and Traveller site under Policy GT1(4) for 6 pitches.

## **2.0 PROPOSAL**

- 2.01 This application seeks retrospective planning permission for the positioning of two additional mobile homes (Plots 2 & 4) with associated utility blocks and hardstanding positioned broadly centrally and to the east within the site. These are already in place with the site divided into four plots each linked to the highway by a shared permeable granite driveway.
- 2.02 Each plot contains a single mobile home, space for one touring caravan, a septic tank, vehicle parking, a utility building (approximately 11m x 4m, height 3m) all located on areas of hardstanding. The occupants would be the applicant's 2 step children who are of adult age and seek their own plots.
- 2.03 The application would seek to improve and maintain the perimeter hedge planting along the route of the PROW, and also shows boundary hedge planting (hawthorn, field maple and beech) and tree planting.

## **4.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV32, ENV28, T13
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites (PPTS)
- Draft Maidstone Local Plan (2011-2031): SP13, SP17, GT1(4), DM1, DM7, DM16

## **5.0 LOCAL REPRESENTATIONS**

- 5.01 3 letters have been received from local residents objecting to the proposal on the following grounds:
- The area is designated as agricultural land and for no other use;
  - Out of keeping with the nature of the land
  - Earlier applications have been refused;
  - Positioning of static caravans on this site would be detrimental to the rural character and appearance of the area;
  - Additional traffic that would be generated;
  - Reduction in the important buffer of land between Maidstone and the Greensand villages;

- Increase in the number of travelling families populating the remnants of Forstal Farm is of concern to locals.

## **6.0 CONSULTATIONS**

6.1 **Coxheath Parish Council:** Recommends that the application be REFUSED for the following (summarised) reasons:

- Considerable urbanisation and diminution of the local rural character;
- Consultations (2012) limited only to local mobile home residents;
- No evidence produced to support gypsy and traveller status of the applicant and intended occupants
- Concern over the size of the utility blocks 36ftx13 ft. wide;
- No details of recycling bins
- No details submitted of design or finishes of mobile homes and utility buildings;
- PIR lighting within the countryside is potentially intrusive
- The public right of way needs to be protected.

## **7.0 APPRAISAL**

### **Policy Background**

7.01 The site lies in open countryside and therefore policy ENV28 of the adopted local plan applies. This states that.

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

7.02 Policy ENV28 sets the parameters of the type of development that can be permitted in the countryside but excludes gypsy and traveller (G&T) development as this was provided for under a specific G&T policy which was not saved. However, 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.

7.03 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.

7.04 In addition, the submitted version of the new Local Plan has been through public examination. This Plan and its policies are considered to hold significant weight. The Council under policy GT1(4) has allocated the site for 6 gypsy traveller pitches, whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

7.05 Policy GT1(4) states that planning permission for six (6) permanent pitches will be granted if the following criteria are met:

1. *The total capacity of the site does not exceed 6 Gypsy & Traveller pitches;*
2. *Access to the site is maintained via the existing access off Stockett Lane*
3. *The additional pitches are sited within the boundaries of the site as defined on the policies map;*

*4. A landscaping scheme for the site is approved which shall provide which provides for the retention and future maintenance of the hedgerows and tree planting along the site's northern, southern, western and eastern boundaries and the native hedgerow bordering the public footpath which crosses the site.*

- 7.06 The fact that the Council has allocated the site for additional mobile homes is considered to weigh considerably in favour of granting permission at the site subject to the criterion being met, which will be discussed in more detail below.

### **Need for Gypsy sites**

- 7.07 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**

- 7.08 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 those 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.

- 7.09 The robustness of the assessment (largely due to the definition change) was discussed and questioned by third parties at the Local Plan Examination. In the Inspector's Interim Findings Report (December 2016) where the Inspector has advised where main modifications may or may not be required to make the Plan sound, there is no mention of the needs assessment and so it is considered that the Inspector has no issues with the robustness of the assessment and the need figure of 187 pitches.

- 7.10 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan.

### **Supply of Gypsy Sites**

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

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

86	Permanent (non-personal)
18	Permanent (personal)
3	Temporary (non-personal)

### 33 Temporary (personal)

Therefore a net total of 104 permanent pitches have been granted since 1<sup>st</sup> October 2011. A further 83 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

- 7.13 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 this year.
- 7.14 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

- 7.15 This application was validated on 2<sup>nd</sup> July 2012 just under 3 years before the date when the Government revised national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS) came into force. In this, the planning definition of 'gypsies & travellers' was amended to exclude those who have ceased to travel permanently with the revised definition reading 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 show-people or circus people travelling together as such."*

- 7.16 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 to 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.
- 7.17 In response to this, the applicant, who already benefits from a full planning permission for two mobile homes on the application site (MA/08/0671) has submitted a statement to substantiate her and her wider family's status as gypsies and travellers. The additional mobile homes are for the applicant's two step children and information has been provided outlining that her step son has travelled extensively and maintains himself by finding work (which has not ceased) and wishes to use the site as a settled base and to be close to his family. With regard to the applicant's step daughter, she has recently had a baby. She used to travel with her father, but now intends to cease travelling due to her baby's health/future education needs but intends to travel once more when it is appropriate to do so. Based on the information provided, it is

considered the proposed occupants of the 2 additional mobile homes comply with the definition of gypsies and travellers.

### **Visual Impact**

- 7.18 Criterion 1 of policy GT1(4) requires that the site capacity does not exceed 6 pitches and at 4 pitches, the application complies. Criterion 2 requires access to be via Stockett, which is the case. Criterion 3 requires that the additional pitches are within the site boundaries, which they are. Criterion 4 requires that the outside landscape boundaries are retained and managed, and native hedgerows bound the PROW. The 1.5-2m metre high boundary hedge of native species, which largely screens views of the site from Stockett Lane, would be retained and this can be secured by condition. Native hedge/tree lines exist on the northern, western and southern boundaries, which also serve to contain the visual impact of the site and can be secured by condition. This complies with the draft policy. Native planting has been carried out on the south side of the PROW in connection with proposed Plot 2 in line with the draft policy but laurel has been planted on the north side associated with Plot 1. Plot 1 already has consent and so it is not reasonable to seek to change this. Apart from this minor conflict, the proposals comply with the draft policy for the site.
- 7.19 Overall, the additional pitches would not result in any unacceptable harm to the landscape beyond the lawful status of the site for 2 pitches with landscaping retained to limit any impact. With this in mind and the allocation of the site for up to 6 pitches it is considered that there are no grounds to object on landscape impact.
- 7.20 The site is outside of any area of designated landscape but is proposed as a Landscape of Local Value (LLV) in the submitted Local Plan. However, the site is obviously allocated for the development in this plan and so notwithstanding that there wouldn't be any unacceptable harm, the landscape impact in this LLV has been accepted by the Council.
- 7.21 The Parish Council and neighbour comments have raised the issue of location within the Southern Anti-Coalescence Belt (saved policy ENV32). Within this area the policy seeks to resist development that would significantly extend the defined urban area or settlement or, by infilling, would consolidate existing areas of development. Two additional mobile homes are not considered to contravene the aims of that policy (which seeks to prevent rural settlements around Maidstone coalescing with the urban area). In addition, this policy is not proposed to be taken forward in the new Local Plan.

### **Highways**

- 7.22 The existing access would be used (in line with the draft policy), and Kent Highways have previously raised no objections to the access or use of the site. Nevertheless concerns have been raised by some local residents that the proposal would result in an increase in car use within the locality, in their mind, to the detriment of highway safety. The additional pitches would result in some increase of vehicle movements on local roads, however, this would not be to a level that would have any material impact. The access to and from the site is of a good standard with good visibility splays in either direction and on this basis there are considered no grounds to object on highway safety.

### **Other Matters**

- 7.23 The nearest residences to the site are other neighbouring gypsy and traveller sites and the distance from these properties is considered to be sufficient to prevent any harm to amenity. The nearest 'dwellings' are some 280m to the south of the site, where no harmful impact would be felt.
- 7.24 Public Right of Way KM149 would remain unimpeded to allow continued public access and use.
- 7.25 The site is located close to local amenities such as schools, shops and surgeries all within walking distance of Coxheath. Also available in Coxheath are public transport links to Maidstone town centre. The proposals are considered to be a suitable location in the context of gypsy and traveller development.
- 7.26 Other matters raised relate to concern over the size of the utility blocks, no details of recycling bins, and no details of design or finishes of mobile homes and utility buildings. The utility blocks are considered to be of a reasonable size (approx. 11m x 4m, and 3m height) but more importantly they are not considered to cause any unacceptable harm at this well-contained site. They are finished with weatherboarding and hipped tiled roofs. It is considered unnecessary and unreasonable to seek to control the colour or appearance of any mobile homes. Details of bins are not a planning consideration but there is clearly room for storage of bins.

## **8.0 CONCLUSION**

- 8.01 The site has been allocated by the Council in the submitted Local Plan for 6 gypsy and traveller pitches under policy GT1(4), which is considered to attract significant weight. The application seeks an additional 2 pitches bringing the total to 4 pitches.
- 8.02 For the reasons outlined above, the proposals fundamentally comply with the draft policy for the site, and would not cause any unacceptable harm to the countryside subject to retained landscaping, which will be secured by condition, which is in accordance with policy ENV28 of the Local Plan. The proposals would cause no other harm and there are considered to be no grounds to warrant refusal. On this basis, planning permission is recommended subject to the following conditions.

## **9.0 RECOMMENDATION – GRANT planning permission subject to the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:
  - Unnumbered Site location plan received 29<sup>th</sup> June 2012
  - 1111-01 (Proposed Static Mobile Homes, Parking and Landscape) received 29<sup>th</sup> June 2012

Reason: to ensure that the quality of the development is maintained and to maintain the character of the surrounding countryside.

2. The site shall not be used as a caravan site by any persons other than gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

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.

3. No more than two static caravans and two tourers in connection with this planning permission, 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 by the Local Planning Authority;

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

4. Within three months of the date of this permission, specific details of a landscaping scheme, designed in accordance with the principles of the Council's landscape character guidance, including implementation and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
  - Retention and future maintenance of the hedgerows and trees along the site's northern, southern, western and eastern boundaries.
  - Native hedgerow planting along the south side of PROW KM49.

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

5. Any planting shall be carried out in accordance with the approved landscape scheme no later than the planting season from October 2017 to February 2018 unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of five years 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 for a variation.

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

6. Within three months of the date of this permission, elevation plans of the utility blocks shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of clarity and to safeguard the character and appearance of the countryside.

7. Within three months of the date of this permission, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Lighting shall only be installed in accordance with the approved details.

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

8. No commercial or business activities shall take place on the land, including the storage of vehicles or materials and livery use;

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