

REPORT SUMMARY

REFERENCE NO - 15/501537/FULL		
APPLICATION PROPOSAL Change of use of land for the permanent stationing of a mobile home, utility room, stable block and touring caravan for gypsy family. (Part retrospective)		
ADDRESS Maplehurst Lane Frittenden Road Staplehurst Kent		
RECOMMENDATION - Approve		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to imposition of the recommended conditions , is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to the views of Staplehurst Parish Council and due to an error in the drafting of condition 1.		
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Lena Collins AGENT
DECISION DUE DATE 18/05/15	PUBLICITY EXPIRY DATE 18/05/15	OFFICER SITE VISIT DATE 27/04/2017

1.0 MAIN REPORT

1.1 This application has already been considered by the Planning Committee (report attached as **APPENDIX 1**) and at its meeting on the 25th May 2017 it resolved to grant planning permission subject to a number of conditions including condition (1) worded as below

“The site shall only used as a caravan site for gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 and shall only be occupied Lena and Tom Collins and their dependents.

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”.

1.2 The condition was appended in error as it makes the consent personal to the applicant which was not what was intended by the report author.

1.3 The application is therefore referred back to the Planning Committee for its further consideration taking into account that in resolving to grant planning permission this was on the basis of a personal/ permanent planning permission.

2.0 APPRAISAL

- 2.1 Members originally determined this application on the basis of granting a permanent/personal G&T consent.
- 2.2 When this application was considered policy DM16 of the emerging local plan (ELP) specifically relating to G&T development was referred to. This policy was amended by the local plan inspector and renumbered DM15. Criterion 2 has been amended to state that planning permission for G&T development will be granted if it would not result in significant harm to the to the landscape and rural character of the area. The requirement remains that the development should be well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts and is well screened by existing landscape features, is accessible by vehicles , not located in an area at risk of flooding and wildlife considerations are taken into account.
- 2.3 At the time policy DM15 could only be given limited weight given the stage of the ELP in moving towards formal adoption. However the situation has now changed in that the ELP is now close to formal adoption meaning that policy DM15 can now be given significant weight in determining G&T applications.
- 2.4 Given the circumstances set out in the Committee report attached as **APPENDIX 1** and significant weight now to be given to policy DM15 of the ELP, and in light of the drafting error by the report author, it remains the case there is no planning justification for making occupation of this site personal to the applicant.

3.0 CONCLUSION

- 3.1 There is no planning justification for making any consent personal and that condition 1 be amended accordingly.

4.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

- (1) The site shall only used as a caravan site for 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.

- (2) No more than one 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;

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

- (3) No external lighting whatsoever shall be placed on the site 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 retained as such at all times thereafter.

Reason: To safeguard the night time rural environment.

- (4) 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.

- (5) Within three months of the date of this decision details of the method of foul and surface water disposal, general waste disposal and potable water provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 3 months of approval of the details and retained as such at all times thereafter.

If the details are not (a) submitted and (b) implemented within the stated periods the use of the site for gypsy and traveller purposes shall cease, the mobile home, touring caravan any hardstandings and other related development be removed and the site restored to its previous condition.

Reason: in the interests of health and safety and to prevent water pollution.

- (6) The stables and utility room hereby approved shall only be used in connection with the use of the site as a gypsy and traveller site and not for any trade or business purpose.

Reason: In the interests of amenity.

- (7) The development hereby approved shall only be carried out in accordance with the following submitted plans being those received on the 23rd March 2015.

Reason: In the interests of amenity.

INFORMATIVES:

Foul sewage:

Details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Case Officer: Graham Parkinson

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