

APPLICATION: MA/09/1685 Date: 16 September 2009 Received: 16  
December 2009

APPLICANT: Mr B. Lee

LOCATION: FAIRWAY, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE,  
KENT, ME17 4BU

PARISH: Boughton Monchelsea

PROPOSAL: Retrospective application for the change of use of land for the  
stationing of 1 no. mobile home and 1 no. touring caravan for  
residential purposes, stable block and utility building with  
associated works i.e., hardstanding and cess pool as shown on site  
location plan, block plan and elevations received on 21/09/09.

AGENDA DATE: 25th February 2010

CASE OFFICER: Geoff Brown

The recommendation for this application is being reported to Committee for decision  
because:

- it is contrary to views expressed by Boughton Monchelsea Parish Council.

### **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28  
The South East Plan 2009: CC1, CC6, C4, H4  
Village Design Statement: N/A  
Government Policy: PPS1, PPS3, PPS7, Circular 1/2006

### **1. HISTORY**

I do not consider there to be any planning history that is relevant to this  
proposal.

### **2. CONSULTATIONS**

- 3.1 BOUGHTON MONCHELSEA PARISH COUNCIL wishes to see the application  
refused and reported to committee for the following reasons:  
"1. The development, if permitted, will set a precedent for other forms of  
development on the south side of the B2163. The Parish Council wishes to see  
the planning authority strongly resist any form of new build or inappropriate

development on the south side of Heath Road. Heath Road should remain a natural boundary of built development with the open countryside.

2. The proposal would result in visually intrusive and unjustified residential development within open countryside, contrary to Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and Policies CC1, CC6 and C4 of the South East Plan 2009.

3. The proposed development is outside the defined boundary of the village and would be contrary to Policy H27 of the Maidstone Borough Wide Local Plan 2000 and CC1, CC6 and C4 of the South East Plan 2009.

4. The proposed development would introduce unjustified additional traffic onto a rural lane which will affect its character contrary to Policy NRM10 of the South East Plan 2009.

5. The proposed development fronts onto Church Hill which a quiet rural lane. Any development with permitted access onto Church Hill would destroy the character and appearance of the lane and would be contrary to Policy ENV36 of the Maidstone Borough Wide Local Plan 2000.

6. The proposed development is outside the defined village boundary, stands in isolation, and does not form part of any existing frontage development and would be contrary to Policies ENV28 and H29 of the Maidstone Borough Wide Local Plan 2000.

7. The development is set close to the edge of the road, resulting in a particularly obtrusive and prominent form of development that is detrimental to the character of the area.

8. The Parish Council expects the planning authority to rigorously vet the status of the applicant and his partner to determine if they fully qualify for the gypsy status they claim."

3.2 LINTON PARISH COUNCIL (THE NEIGHBOURING PARISH) wishes to see the application refused and reported to planning committee for the following reasons:

"Once again agricultural land is being used for residential purposes which, in a normal situation would not be permitted. This should be strongly resisted."

3.3 THE ENVIRONMENT AGENCY has no objection but provide advice on the use of septic tanks/cess pools, treatment of run off from stabling areas and formation of soakaways.

3.4 SOUTHERN WATER has no objection.

3.5 KENT HIGHWAYS has no objection.

3.6 THE ENVIRONMENTAL HEALTH OFFICER has no objection.

### **3. REPRESENTATIONS**

LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM SEVEN LOCAL HOUSES and the following points are made:

- a) This proposal is retrospective having taken place before permission is secured.
- b) The development spoils the countryside and is contrary to guidance and existing and emerging policy. Heath Road forms a natural barrier beyond which new development should be strongly restricted. Buildings and structures are poorly designed and out of character with the surroundings.
- c) Listed buildings and conservation areas are harmed. The setting of Boughton Monchelsea Place is adversely affected.
- d) Traffic generated by the use is detrimental to the safe workings of the local highway network. The site is close to the school and there are potential conflicts with children.
- e) Good quality agricultural land has been taken up.
- f) Residential amenity is adversely affected.
- g) To permit this development would be to set up a precedent for future schemes in the same locality.
- h) The impact on crime and disorder should be considered.
- i) The construction phase leads to disruption.

#### **4. CONSIDERATIONS**

##### **5.1 Description of the Site**

The application site is located in the rural area to the south of the village of Boughton Monchelsea. The site involves a rectangular area of former grassland, approx. 38m by 130m, located off the west side of Church Hill. The site is one of a number of rectangular plots in this vicinity. The parkland of Boughton Monchelsea Place is located on the opposite side of Church Hill, whilst Boughton Monchelsea Primary School is located approx. 100m to the north at the crossroads of Church Hill with Heath Road. There is woodland to the west of the site.

##### **5.2 The Proposed Development**

- 5.2.1 The application is retrospective and involves the establishment of a gypsy caravan site. The site has been occupied for less than 6 months. Only the front part of the site is to be developed to any degree with the remainder left as a paddock. The block plan submitted with the application shows a mobile home located in the north east corner of the site with a brick utility block just to the south of the mobile home. To the south side of the access a timber clad stable block is proposed with space for a touring caravan to the west of that. Hardstanding is proposed for the site frontage to a depth of approx. 13m.

5.2.2 The site is occupied by Mr Bob Lee and his new partner Jo. Mr Lee is no longer with his wife but has three children who would visit, including his son Bob Lee Junior who is expected to come and live on the site. Mr Lee is from a large gypsy family based in Kent and Essex and was based in Dartford before more recently moving to Havering on a temporary basis. Mr Lee is a horse dealer who attends the main horse shows. Whilst not from the local area, Mr Lee has family connections with gypsy families in Coxheath, Maidstone, Kingswood and Charing Heath. Mr Lee wishes to establish a base on this site and no special circumstances (in terms of health, education, etc.) are claimed.

### **5.3 Principle of Development**

Development in the countryside is restricted by the terms of Development Plan Policy and Central Government Guidance. As an exception to the general theme of restraint policy and guidance allow for the creation of private gypsy caravan sites where there is a demonstrated need. Other than the very general advice in Policy H4 of The South East Plan 2009, there is no directly relevant adopted policy here and the advice in Circular 01/2006 is the most pertinent.

### **5.4 Gypsy Status and Need**

5.4.1 Circular 01/2006 provides the following definition of gypsies and travellers:

*"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 or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."*

5.4.2 Paragraphs 17 and 18 of the Circular refer to the changing patterns of employment amongst gypsies and travellers and the fact that the community has generally become more settled. The Circular states that there is a need to provide sites in locations that meet the current working patterns of gypsies and travellers.

5.4.3 On the issue of gypsy status, the agent has provided evidence to support the view that Mr Lee meets the definition of a gypsy given above. He has local connections with known gypsy families and is himself engaged in horse dealing. Mr Lee travels for work to most of the horse fairs throughout the summer months and tries to find landscaping work during the winter months. On the evidence I have concluded that Mr Lee meets the definition of a gypsy.

5.4.4 *Planning Policy Statement 3: Housing* makes specific reference to the need to accommodate Gypsies and Travellers. *Circular 01/2006: Planning for Gypsy and*

*Traveller Caravan Sites* gives guidance on how this should be achieved, including the need to start the process with a clear assessment of needs through Gypsy and Traveller Accommodation Assessments.

- 5.4.5 There is a clear and identifiable need for gypsy accommodation within the Borough that stems from the Gypsy and Traveller Accommodation Assessment (GTAA), which was undertaken in 2005/06 and covers four local authorities – Ashford, Maidstone, Tonbridge & Malling and Tunbridge Wells. Based on this assessment, there is a need for some 32 new pitches in the Borough over the five year period which equates to 6.4 pitches/year. The extremely low turnover of pitches on the Council sites, which is confirmed by the Council's Gypsy and Caravan Sites Officer, increases the yearly requirement by 2 to 3 pitches, meaning a yearly requirement of 8 to 10.
- 5.4.6 Work has begun on a gypsy DPD with consultation expected spring 2010 with adoption planned for July 2011.
- 5.4.7 At the time of writing this report the number of pitches allowed since 2006 is as follows:-
- 27 permanent permissions
  - 9 temporary permissions
  - 12 permanent with personal permissions
  - 15 temporary with personal permissions
- 5.4.8 From the above information it is clear that there is a significant need for gypsy sites within the Borough. This need and the absence of any allocated sites are given significant weight by Inspectors when determining appeals.
- 5.4.9 The Council does not have any public sites available and there are no new designations for public sites.
- 5.4.10 Whilst there is a significant need, this must be balanced against any harm caused in each case. Having dealt with general matters I now turn to an assessment of this particular site.

## 5.5 Visual Impact

- 5.5.1 I consider the main issue here to be the impact of the proposals on the character of the countryside. This area does not form part of the Greensand Ridge Special Landscape Area and is not covered by any particular designation. In such an area Circular 1/2006 allows for gypsy caravan sites in principle. Only one mobile home is proposed here (albeit with a utility room, a stable block and room for the parking of a tourer) and I regard the development as relatively small scale.

This is flat land that is reasonably well shielded from views from Church Hill by the roadside hedge between the grassed verge and the site's boundary fencing. The main public views are from this highway as there are no roads or public rights of way to the west. I acknowledge that the hedge does not completely screen the mobile home and there are views of the site from the gateway (there was a field entrance there previously) but I do not consider the harm to the countryside is so great as to warrant a refusal on this issue. Looking at detailed design issues the mobile home on site is of fairly standard design and the two proposed buildings are of modest proportions and appropriate materials. The detail of the external materials can be controlled by condition.

5.5.2 There are no other gypsy sites in the vicinity of the site and therefore it can not be the case that a permission here would lead to an undue concentration of sites. In terms of setting a precedent each case should be determined on its own merits and any future proposals should be judged on that basis.

#### 5.6 Conservation Issues

The Conservation Officer has confirmed my view that the development has no significant impact on the setting of the historic parkland on the east side of Church Hill. No listed buildings or conservation areas are affected here.

#### 5.7 Residential Amenity

A residential use should not be a significant noise generator. The application site has no near neighbours and I do not consider the development causes any significant harm to residential amenity through noise and disturbance, loss of privacy, etc.

#### 5.8 Sustainability

It is inevitable that many gypsy sites will be located in the rural area and, to my mind, this site occupies a reasonably sustainable location close to the junior school and the public transport opportunities of Heath Road. The village boundary of Boughton Monchelsea is approx. 250m to the north and this is by no means a remote site. In my view it provides a settled base without the need for long-distance travelling as outlined at paragraph 64 of Circular 01/2006.

#### 5.9 Highway Safety

On the issue of highway safety the road is straight at this point and the access enjoys adequate visibility. The site access is a significant distance from the school. There is ample space on site to park and turn vehicles. In all I agree with Kent Highways that there is no reason to refuse this application on highways grounds.

## 5.10 Other Issues

- 5.10.1 The site previously involved part of a grassed field split into paddocks behind a roadside hedge: land which I do not regard as being of any specific value in terms of ecology and I see no reason to refuse this application on the basis of an adverse impact on fauna and flora.
- 5.10.2 Whilst land in this area is potentially good quality agricultural land, this is a small scale development the built element of which takes up only a fraction of the site area. The land was not part of a significant agricultural enterprise and its 'loss' to agriculture is not of significance here.
- 5.10.3 Finally, issues of crime and disorder are matters for the police, whilst disruption during the construction phase is not a planning matter.
- 5.10.4 On balance I consider that, whilst the proposal adds to sporadic development and causes some harm to the character and appearance of the countryside, this limited harm is outweighed by the ongoing need to provide sites for gypsies and I recommend that planning permission be granted.

## **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. This permission does not authorise the use of the land as a caravan site by any persons other than gypsies, as defined in paragraph 15 of ODPM Circular 01/2006.

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 pursuant to Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This in accordance with Maidstone Borough-Wide Local Plan 2000 Policy ENV28 and The South East Plan 2009 Policy C4.

2. No more than one static caravan and one touring caravan shall be stationed on the land at any one time;

Reason: In the interests of visual amenity and in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of The South East Plan 2009.

3. Within 3 months of the date of this permission a scheme of landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall use

indigenous species and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted. This in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of The South East Plan 2009.

4. Before works commence on the utility block details of the proposed external materials of that block shall be submitted to and approved by the Local Planning Authority;

Reason: In the interests of visual amenity. This in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of The South East Plan 2009.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.