

Ulcombe Parish Council Representation

The parish council has expressed concern that their objections have not been adequately represented in the Report to Committee specifically as to:

- The applicant wishes to live permanently on the site and not 'temporarily' as required under PPTS 2015;
- Why there is no 'need'; and
- How the development can be justified in the light of Maidstone's 5.6 year land supply having been satisfied.

The parish has asked that the full content of their first two points be reported in full:

"1) The applicant is not nomadic, although of gypsy descent. As per her Application, she lives in South Park Road, Maidstone, with her husband. The applicant confirmed at the parish council meeting that they both wish to live on this site, permanently. The applicant family does not fit the definition of Gypsies and Travellers. This is contrary to the Planning Policy for Traveller Sites (PPTS) 2015, Annex 1, paras 1 & 2, which says applicants have to show they are of nomadic habit and that they have ceased to travel only temporarily. This is also contrary to the Glossary definition of Gypsies and Travellers in Maidstone's Draft Local Plan.

2) Because the applicant lives in a house in Maidstone, there is no "unmet or proven need" to consider, as per para 24 of PPTS 2015. In policy SP17 para 1 ii (b) of the Draft Local Plan it says there should be a "proven need before considering development". The issue of "need" is therefore not applicable or relevant if the applicant is resident in Maidstone. MBC now has a 5.6 year supply of traveller pitches as per its Traveller Topic Paper 2016 and thus it should apply existing policies to protect the countryside by rejecting this application."

The parish council has also requested that an error in Paragraph 5.4 relating to a neighbour comment be corrected to refer to 'within a 3 mile radius of Ulcombe there are 10 Travelling community encampments. To grant a further one would be 11 areas of Rural/Green belt having been developed'.

Notwithstanding the above The Parish Council has asserted that in accordance with Maidstone's own Spatial Policy this figure should be '159 authorised traveller mobile homes and tourers, plus 49 unauthorised mobile homes and tourers within 3 miles of Ulcombe'.

Officer Comment

Living on a site does not mean that an occupant does not comply with the G&T definition. G&T pitches provide a 'settled base' for occupants to live and from where they can pursue a nomadic habitat of life. Indeed, this is the case for the vast majority of gypsy and travellers in Maidstone who have a site/pitch.

In terms of G&T status, whilst the applicant has lived in 'bricks and mortar' housing, there is nothing in PPTS to suggest that anyone who would otherwise qualify for G&T status, and who has temporarily taken up residence in a 'dwellinghouse' should forego their G&T status.

Notwithstanding this, the applicant has confirmed that prior to moving into the house, she had always lived in caravans, travelling around the UK and Europe, (and has also confirmed that travelling for work purposes has still taken place from that property). The PPTS can allow for temporary cessation of travelling, and for persons 'intending to resume a nomadic

life in the near future'. So even if the view was taken that 'travelling' had ceased, the applicant would still comply with the definition.

The applicant has also stated that she does not own the property and needs to vacate it by the end of October 2017, and for several months has been living partly in the house and partly on Ulcombe caravan site in her mother's caravan.

In conclusion, it is considered that the applicant complies with the G&T definition and would continue to comply if living on the proposed site.

In terms of need/supply, the fact that the Council can demonstrate 5.6 years supply of G&T sites does not mean that any windfall sites should be automatically refused permission. Just like 'bricks and mortar' housing, regardless of overall need, if a development is not harmful, permission should be granted. The Local Plan also states that G&T pitches and plots, "*will be delivered through the granting of planning consents and through the allocation of sites.*" (para 4.10). The Local Plan meets the need through providing for windfall sites and so if a site is considered acceptable under policy DM15 (as is considered to be the case here), planning permission should be granted.

In respect of Item 5.4 of the Committee Report,

It is accepted that neighbour reference to Gypsy and Traveller development in the area should be corrected to read:

- Within a 3 mile radius of Ulcombe there are 10 Travelling community encampments. To grant a further one would be 11 areas of Rural/Green belt having been developed.

The Parish Council has asserted that in accordance with Maidstone's own Spatial Policy these figures are significantly higher giving rise to a much greater density.

It is considered that as this site is for single family use, and is isolated from other 'G&T' development, it would not in any practical sense overburden local infrastructure or create a perception of domination over the countryside or resident community.

Neighbour Representation

Neighbour comments not previously addressed can be summarised as:

- Change of use from rural/Greenbelt land to residential;
- The revised multi-level screening would take a long time to establish, leading to years of visual blight at the entrance to the village (as viewed from the footpath);
- How is the footpath to be kept from being overgrown and impassable;
- The foul drainage and treatment plant will give rise to smells.

Officer Comment

- While it will take some time for the landscape belt to establish and fully screen the development from views from the public footpath, the selection of appropriate plant species secured by planning condition will ensure that this will be achieved in the shortest possible time-frame. (In this respect, amendments to the landscaping condition 7 to include suitably sized trees are set out below)
- The PROW would be unaffected by development.

- Provided the sewage treatment plant is maintained properly, there is no reason that smells would be a problem. In any case, this would be dealt with under Environmental Health legislation.
-

Conditions

Landscaping

Condition 7 amended as follows (changes in bold):

Details of a scheme of landscaping, using indigenous species which shall be in accordance with BS:5837(2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management plan shall be submitted for approval in writing by the Local Planning Authority, prior to the commencement of development. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and include the following:

- 70m belt of mixed native hedge, shrubs and tree planting as shown on Drawing No. 4803/03 - Site Plan (Block Layout) as Proposed 1:500
- **Tree planting shall include Nursery light standard size trees (6-8cm girth, 2.5-2.75m height).**
- **Native hedge planting to supplement the existing hedge alongside Eastwood Road.**

Reason: To safeguard the character and appearance of the countryside, and in the interests of biodiversity.

Fencing

In order to prevent the erection of inappropriate 'suburban' fencing a further condition will be added to remove permitted development rights for fencing.

Notwithstanding the provisions of Schedule 2 Part 2 Class A (Minor Operations) of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure shall be erected on the land without the prior permission of the local planning authority.

Reason: To prevent unsympathetic urbanisation and safeguard the rural character and appearance of the countryside.

RECOMMENDATION

My recommendation remains unchanged subject to the amended/additional conditions above.

APPROVE subject to conditions