

REFERENCE NO - 18/504157/FULL			
APPLICATION PROPOSAL Erection of ancillary dayroom building.			
ADDRESS Perfect Place Frittenden Road Staplehurst Tonbridge Kent TN12 0LD			
RECOMMENDATION - APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION The development is considered to be in accordance with the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant, and a recommendation of approval is made on this basis.			
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council wish to see application reported to Planning Committee			
WARD Staplehurst	PARISH Staplehurst	COUNCIL	APPLICANT Mr M. Delaney AGENT Philip Brown Associates
TARGET DECISION DATE 09/11/18			PUBLICITY EXPIRY DATE 03/10/18

Relevant planning history

- *Most relevant planning history for application site:*
 - MA/13/0466 – Permanent (unrestricted) permission for retention of mobile home, touring caravan & pole barn, together with permanent permission for utility room, 2 stable blocks and sand school on existing gypsy site – Approved
- MA/09/1767 - Continued use of land for gypsy family – Approved
- MA/07/0837 - Erection of 2 stable blocks - Approved
- *Adjacent land to east (also part of 'Perfect Place'):*
 - 17/504433 - Gypsy site & keeping of horses, including stationing of 6 caravans (no more than 3 statics); 3 amenity buildings; 3 stable buildings – Refused
- There is a current Injunction Order served on 'Perfect Place' preventing further works to be carried out on site (Planning Enforcement reference: ENF/17/500529). As this planning application has been submitted, enforcement action has not been taken in respect of the dayroom works.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site relates to the western-most plot of 'Perfect Place', which benefits from permanent unrestricted permission for 1 mobile home under planning application reference MA/13/0466. The remaining land to the east relating to 'Perfect Place' is the subject of planning refusal 17/504433, and the application site is not part of this.
- 1.02 The application site is accessed from a lane leading off from Frittenden Road to the west of the site, with Park Wood Lane some 265m to the east. For the purposes of the Maidstone Local Plan, the site is within the countryside that falls within the Low Weald Landscape of Local Value; and the woodland to the south-east of the site (some 45m away) is classified as Ancient Woodland and a Local Wildlife Site.

2. PROPOSAL

- 2.01 This application is for the erection of a dayroom that measures some 12.8m x 7m in footprint (approx. 90m² in floor area). With its hipped roof it would stand some 5.2m in height, and it is sited along the western boundary of the site. Work has

commenced on the dayroom, with the structure in place albeit with the internal works unfinished.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan (2017): SS1, SP17, GT1, DM1, DM15, DM30
National Planning Policy Framework
National Planning Practice Guidance
Planning Policy for Traveller Sites (2015)
Staplehurst Neighbourhood Plan (2016-2013)

4. LOCAL REPRESENTATIONS

4.01 **Local Residents:** No representations received.

5. CONSULTATIONS

5.01 **Staplehurst Parish Council:** Wish to see application refused and reported to Planning Committee if minded to recommend approval for following (summarised) reasons;

- *Wish to see enforcement action followed up*
- *Building is not ancillary*
- *Urbanisation of rural area/cause harm the appearance and character of the area*
- *Site is not allocated for gypsy and traveller occupation in Local Plan*
- *Development contrary to policy PW2 of the Neighbourhood Plan*
- *Drainage*
- *Impact upon ancient woodland*
- *Light pollution*

5.02 **Frittenden Parish Council (neighbouring parish):** Objects for following (summarised) reasons;

- *Unauthorised development should be material for refusing application*
- *Building is substantial and not ancillary*
- *Causes harm the appearance and character of landscape/countryside*
- *Risks to contamination of water courses; ecology; and impact on ancient woodland*

5.03 **Environmental Protection Team:** Raise no objection.

5.04 **Natural England:** Has no comment to make and refers to standing advice.

6. APPRAISAL

Main issues

6.01 The development would be subject to the normal constraints of development in the countryside as designated under the Maidstone Local Plan (2017), and proposals in the countryside are not permitted unless they accord with other policies in the Local Plan and would not result in unacceptable harm to the character and appearance of the area.

6.02 In general terms, policies SS1, SP17 and DM30 of the Local Plan state that Landscapes of Local Value will be conserved and enhanced; that protection will be given to the rural character of the borough; and that new development should maintain, or where possible, enhance the local distinctiveness of an area. Policy PW2 of the Staplehurst Neighbourhood Plan seeks new development in the countryside to be assessed in terms of its visual and ecological impacts, and other material planning considerations. So whilst there is no Local Plan policy specifically relating to the scale, design and siting of dayrooms in association with gypsy and Traveller development, the principle for such buildings is acceptable subject to its assessment against all material planning considerations.

- 6.03 It is considered that the main issues are whether or not the development is considered to be ancillary to the main residence, and what impact it has upon the visual amenity of the countryside hereabouts that falls within a Landscape of Local Value. Other material planning considerations will then be assessed.

Level of proposed accommodation

- 6.04 The proposal site benefits from permanent unrestricted permission for a mobile home and it is not unreasonable for a utility building to be sited on a lawful and permanent Gypsy site. The submitted plans show the original building this development has replaced to be some 25m² in floor area; although it is also worth noting that the utility building on this site approved under MA/09/1767 measured approximately 12.9m by 3.9m at its largest (some 50m² in floor area), and standing some 2.7m in height. Whilst it is not clear what the exact dimensions of the original building was, it is still worth highlighting that this application is for a replacement building on an already developed site. Notwithstanding this, new buildings should remain ancillary to the main living space on site, and are usually only necessary to provide access to basic facilities like hot and cold water supply; washroom; kitchen/dining area; utility area; and electricity supply. This proposal is considered to be suitably designed and located, and not excessive in terms of its size to provide these basic facilities; and a suitable condition will be imposed to prevent the use of the building as self-contained living accommodation. The building is therefore considered to be ancillary accommodation necessary to serve the existing and lawful static mobile home.

Visual impact

- 6.05 It is accepted that the building is larger than the building it has replaced (albeit sited in a similar location), and in comparison it would result in the site appearing more domesticated given the scale, design and appearance of the building. However, the building is more than 175m from the access road to the west of the; it would be more than 180m from Frittenden Road to the north of the site; and some 250m from Park Wood Lane to the east. In addition and given the orientation of the building, any views of the building from Frittenden Road would be of it largely side on, further reducing its bulk. Natural and built development in the surrounding area also breaks up views of the building, and the development would see additional planting within the site to further soften and screen it from public view. So whilst there may be glimpses of the building, and in particular its roof, the separation distance from any public vantage point and the surrounding lawful context of the site results in this building not appearing visually dominant or incongruous in the area. So whilst the Low Weald Landscape of Local Value is a sensitive landscape, it is considered on balance that the development would not result in unacceptable harm to this landscape and the rural character of the countryside hereabouts.

Other matters

- 6.06 Given the intended use of the building on an existing and lawful Gypsy site, and the separation distances of it from any other property, no objections are raised in terms of residential amenity and highway safety. No objection is raised in terms of flood risk, as the site is within Flood Zone 1. Foul sewage and surface water disposal will be via a package treatment plant and soakaway respectively, and this is considered acceptable and no further details are required in this respect. Given that the development is for a replacement dayroom on a lawful Gypsy site, and given its location, the development would not have an unacceptable impact upon ecology, light pollution, and Ancient Woodland. The Environmental Protection Team also raises no objection in terms of noise, air quality and land

contamination; and no objection is also raised in terms of the site's proximity to Headcorn Aerodrome.

- 6.07 In accordance with national planning policy, the issue of intentional unauthorised development has been a material consideration in the determination of this application, however in this instance there is not considered enough justification to refuse this application on this basis. The representations made by Staplehurst and Frittenden Parish Councils have been considered in the determination of this application.

7. CONCLUSION

- 7.01 It is accepted that the development would be ancillary accommodation associated to a lawful (unrestricted) Gypsy site and on balance it is considered that the development would not result in unacceptable harm to the character and appearance of the countryside hereabouts that falls within a Landscape of Local Value. The development is therefore considered to be in accordance with the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant, and a recommendation of approval is made on this basis.

8. RECOMMENDATION

- 8.01 GRANT planning permission subject to following conditions:

- (1) Within 1 month from the date of this permission, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

- (2) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the building or the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance to the development.

- (3) The building 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 and at no time shall it be occupied as separate and self-contained living accommodation;

Reason: To retain control over the use of the building in the interests of amenity.

- (4) No external lighting, whether temporary or permanent, shall be placed on the building unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall

Planning Committee Report
8th November 2018

thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- (5) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan (1:2500); site layout plan; and proposed elevations and floor plan received 07/08/18;

Reason: To ensure a satisfactory appearance to the development.

Case Officer: Kathryn Altieri