

REFERENCE NO - 18/506494/FULL		
APPLICATION PROPOSAL Erection of a detached building to be used as a day room with ancillary facilities. (Resubmission of 18/504791/FULL)		
ADDRESS Stilebridge Paddock Stilebridge Lane Linton Maidstone Kent ME17 4DE		
RECOMMENDATION The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement OR unilateral undertaking to provide the following: <ul style="list-style-type: none"> Obligation on the applicant to ensure that the approved three utility blocks (highlighted on the existing layout plan at paragraph 2.02 of this report) and the stable block to the southern boundary of the site (as shown on the layout plan for 14/506183 provided at paragraph 1.06 to this report) are not constructed in the future and the imposition of the conditions as set out below:		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposals are in keeping with the existing gypsy and traveler use. The applicant has submitted an Unilateral Obligation to give up the rights to build the three utility blocks with extant planning permission. The visual impact of the proposed development is not significant due to its modest scale and design, and the screening from existing site boundary treatment. 		
REASON FOR REFERRAL TO COMMITTEE Linton and Boughton Monchelsea Parish Council requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
WARD Coxheath And Hunton	PARISH/TOWN Linton	COUNCIL APPLICANT Mr J Smith AGENT Graham Simpkin Planning
TARGET DECISION DATE 03/05/19		PUBLICITY EXPIRY DATE 25/01/19

Relevant Planning History

There is a substantial planning history relating to the agricultural/equestrian usage by a previous owner, the most relevant history relating to gypsy and traveller use are listed below:

18/504791/FULL

Erection of a detached building to be used as a day room with ancillary facilities

Refused 5 Nov 2018 for the following reasons

"The proposed day room would cause material harm to the character and appearance of the countryside and general locality and no over-riding justification has been provided for the accommodation. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017); and the National Planning Policy Framework (2018)".

14/506183/FULL

Placement of 2 No mobile homes, utility block, touring caravans and stables and open paddock area

Approved 11 Dec 2015 (Appendix I- Approved Plan)

11/2016

An application for the approval of details pursuant to conditions relating to MA/10/1555 (Use of land for the stationing of two mobile homes and two touring caravans for gypsy/traveller occupation and the keeping of horses plus erection of stables, two utility/day rooms, hardstanding and septic tank) - being details of condition 6 (lighting), 9 (foul water disposal) and 10 (landscaping).
Approved 13 Feb 2012

10/1555

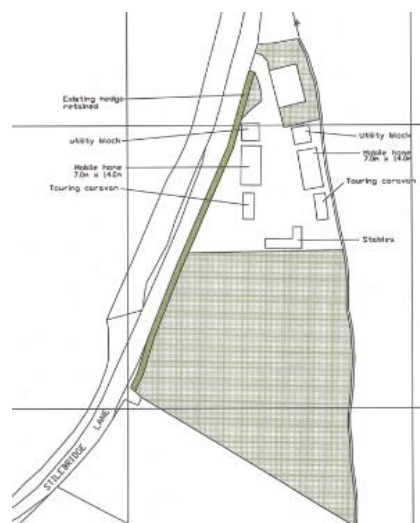
Use of land for the stationing of two mobile homes and two touring caravans for gypsy/traveller occupation and the keeping of horses plus erection of stables, two utility/day rooms, hardstanding and septic tank
Approved (Appendix II- Approved Plan and Utility Block) 30 Jun 2011

MAIN REPORT

2. DESCRIPTION OF SITE

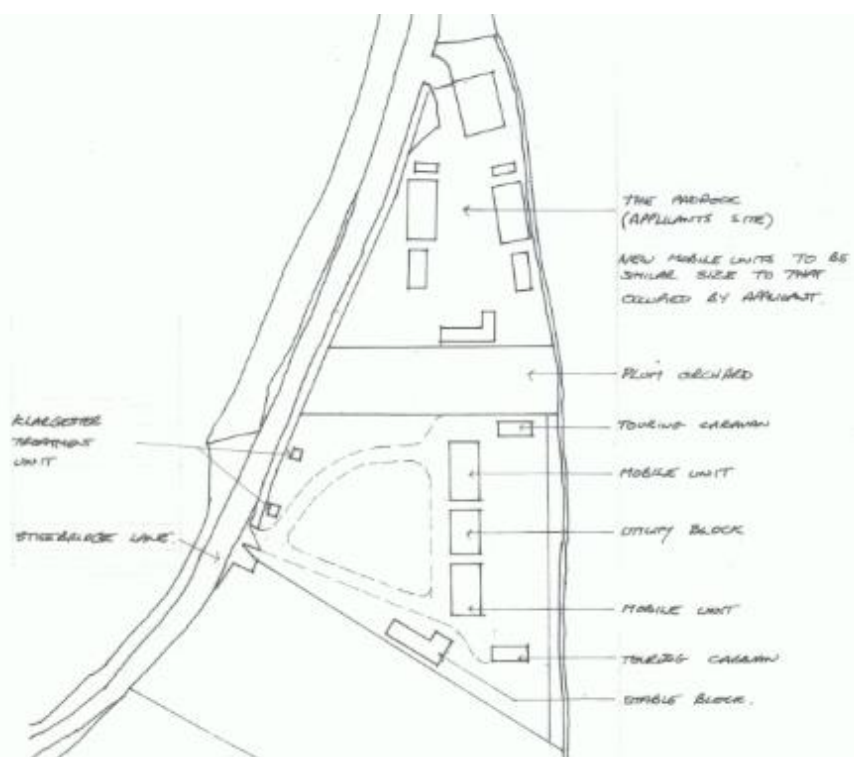
- 2.01 The application site is a broadly triangular plot of land (0.8 hectares) to the east of Stilebridge Lane in Linton. The site is located within the open countryside as designated in the Maidstone Borough Local Plan 2017, but not subject to any other designations. Further unrelated gypsy and traveller accommodation is located to the south of the site along Stilebridge Lane
- 2.02 The site is accessed from Stilebridge Lane, and bounded by close boarded fence and a mix of tall hedges and trees on the western (front) and eastern (rear) boundaries. The site is situated on a level slightly higher than the highway. A barn is located at the northern end of the site. The site is within the Linton Parish with the rear site boundary also the boundary with Boughton Monchelsea Parish.
- 2.03 Although interlinked, the current application site consists of three areas, with the narrower northern part and the wider southern part occupied by caravans and a central open part marked as an orchard. Two permanent, non-restrictive planning permissions have previously been granted for the use of the land for gypsy and traveller accommodation.
- 2.04 The application with reference 10/1555 just related to the northern part of the current application site. Planning permission was given for two mobile homes and two touring caravans, the erection of stables, two utility/day rooms, hardstanding and septic tank.

Fig 1: Extract from approved layout for 10/1555



- 2.05 Of the buildings approved under application 10/1555, the stables and the mobile home on the eastern (Stilebridge Lane) have been constructed on site. Only a base has been constructed for the approved mobile home on the western side of the site. The two approved utility blocks have not been constructed.
- 2.06 The permission under reference 14/506183 related to all of the land that the current planning application covers and not just the land to the north covered by 10/1555. The permission under reference 14/506183 included the stationing of a total of 4 mobile homes (2 on the northern part of the site and 2 to the south), 4 touring caravans (2 to the north and 2 to the south), 3 utility blocks (2 to the north and 1 to the south), stables and hardstanding for the Smith family. At the time of the officer site visit, 3 mobile homes, 1 touring caravan, 3 stables and hardstanding were present on the site

Fig 2: Extract from approved layout for 14/506183



3. PROPOSAL

- 3.01 This application is for the erection of a dayroom that measures 16m x 7m in footprint (112m² in floor area). With its hipped roof the roof ridge is 4.2m in height with the building sited along the eastern boundary of the site. The proposed dayroom is sited in the location of one of the mobile homes previously approved and the submitted plan shows this mobile home moved north and adjacent to the existing barn.
- 3.02 The 4 mobile homes and sewage treatment plant proposed under 14/506183 have been located in slightly different locations on the site to that shown on the approved plans (see approved plan above and current plan below). The stables shown on the approved as a single building adjacent to the southern boundary has been replaced with two separate stable blocks to the rear of the two mobile homes and next to the eastern site boundary. The stables block on the northern part of the site has a slightly different footprint and two sheds and aviaries have also been provided.

Fig 3: Extract from Layout proposed as part of the current application



3.03 As part of the proposal, the applicant has signed a Unilateral Obligation which gives up the right to build the three utility blocks (total floor area of about 136m²) that have the benefit of extant planning permission. The location of these three blocks are highlighted on the above plan

4. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1, SP17, GT1, DM1, DM15, DM30
Planning Policy for Traveller Sites (2015)

5. LOCAL REPRESENTATIONS

Local Residents:

5.01 No representations were received.

6. CONSULTATIONS

Linton Parish Council

6.01 Object to the application and would like to see it referred to Planning Committee should the application be recommended for approval. Key concerns included:

- Insufficient justification for expanding the previous planning permission and neither does it warrant the overturning of the refused application (18/504791/FULL).
- Negative impact of cumulative development on countryside
- Visual impact

- Excessive size for a dayroom
- The perimeter fencing along Stilebridge Lane is industrial in appearance
- Requested up to date aerial photo of the site.

Boughton Monchelsea Parish Council

- 6.02 Object to the application and would like to see if referred to Planning Committee should the application be approved. They fully support the response made by Linton Parish Council and states the proposal comprises unacceptable intensification of the site.

Natural England

- 6.03 No comments to make.

**7. APPRAISAL
Main Issues**

- 7.01 The key issues for consideration are the:
- Principle of development
 - Visual impact on the countryside
 - Previous refusal

Principle of development

- 7.02 The proposal relates to a new day room for existing approved gypsy and traveller accommodation. The proposed dayroom consists of a communal laundry, communal kitchen, bathroom, study room, gym room, and dayroom for use by the occupiers of the four mobile homes.
- 7.03 The proposal would not accommodate new families on the site, with the building only providing ancillary space and function to the main existing lawful living accommodation. The provision of dayrooms as part of gypsy and traveller accommodation is established across the borough.

Visual impact on the countryside

- 7.04 The development would be subject to the normal development constraints in the countryside as set out in Policy SP17 of the Maidstone Borough Local Plan (2017). 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. Other policies in the Local Plan state 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.
- 7.05 Whilst there is no Local Plan policy or guidance specifically relating to the scale, design and siting of gypsy and traveller dayrooms, the principle for such buildings is acceptable subject to its assessment against all material planning considerations. The main issues are whether or not the development would be ancillary to the main accommodation, and the visual impact on the countryside.
- 7.06 The principle of gypsy and traveller accommodation and associated buildings on the application site has been established with the approval of two earlier planning permissions. The current application does not involve additional accommodation but improved facilities for existing occupiers. A planning condition is recommended to ensure that the building remains as ancillary accommodation and to prevent the use of the building as self-contained living accommodation.
- 7.07 The proposed dayroom would have a pitched roof with a maximum height of 4.2m and is considered to be in keeping with the existing mobile homes (about 3.5m in height) and the barn (about 8m in height). The site is bounded by 2m tall close boarded fence and further screened by trees and hedges along Stilebridge Lane to the north and western boundary.

- 7.08 The proposed building located along the eastern boundary would not be visible from Stilebridge Lane given the screening provided by existing boundary treatment, the barn, and the entrance gate. Whilst the dayroom would be slightly visible from the neighbouring field, I do not consider that it would result in any significant visual harm to the character and appearance to the countryside with the modest design and height, existing boundary treatment screening, and the location of the nearest public footpath more than 400m away,
- 7.09 Whilst not currently constructed on site, planning permission has previously been granted for three utility blocks (two on the northern part of the site and one to the south) which have a combined total footprint of 136m² (two 6m x 6m blocks from permission 10/1555 and one 11.5m x 5.5m block from permission 14/506183).
- 7.10 The proposed communal dayroom to be used by four families, with a total footprint of 112m² and when compared to the approved buildings would result in a reduced building footprint of about 24m². In comparison to the approved three utility blocks, this single building is considered an improvement and will consolidate the built form on the site.
- 7.11 The current application includes a unilateral undertaking placing a legal obligation on the applicant to not construct the day rooms that form part off the earlier planning permission. This is similar to the approach set out in policy DM32 in relation to rebuilding dwellings in the countryside.
- 7.12 The site is generally screened by high hedges and the changes outlined in section 2 of this committee report from previous approvals are considered acceptable. Moving the mobile homes towards the rear of the site is a positive step that reduces any impact in views from the site entrances in Stilebridge Lane.
- 7.13 In summary, the proposal does not involve an increase in the occupancy of the site; it does not involve additional buildings and will result in a reduction in the overall building footprint on the site.
- 7.14 Whilst the scale of the dayroom is similar to the existing mobile homes, the size of the dayroom providing for four families is not excessive. The building is ancillary accommodation necessary to serve the existing and lawful static mobile homes. The proposed building would not result in unacceptable harm to the character and appearance of the area and will maintain local distinctiveness.

Previous Refusal

- 7.15 The application under reference 18/504791/FULL *was refused for the following reasons "The proposed day room would cause material harm to the character and appearance of the countryside and general locality and no over-riding justification has been provided for the accommodation. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017); and the National Planning Policy Framework (2018)".*
- 7.16 The current application seeks to address the reasons for the previous refusal of permission. This includes a reduction in the maximum height of the dayroom by 1.5m (from 5.7m to 4.2m). The resubmitted application has provided adequate justification for the size of the dayroom in that it would be used by four families and would avoid the need for the previously approved three separate dayroom buildings. The submission includes a Unilateral Obligation as a commitment to not build the 3 approved utility blocks. The current submission has in addition provided greater clarification of the buildings on the site.

- 7.17 In summary, the current application has adequately addressed the previous reasons for refusal.

Other matters

- 7.18 The proposal is in a site that is provided with screening from fences and hedges. This screening and the separation distance from other accommodation will ensure that the proposal is acceptable in relation to residential amenity. No response has been received as a result of neighbour consultation.
- 7.19 With no increase in occupancy and no change to access arrangements, the proposal is acceptable in relation to highway safety.
- 7.20 Linton Parish Council have expressed concern about the industrial appearance of the fence along Stilebridge Lane. As this fencing is existing and not form part of the current proposal, its visual impact cannot be considered as part of this current application. In response to a Linton Parish Council request, the applicant has submitted an aerial photo of the site dated 2015.

8. CONCLUSION

- 8.01 The development would be ancillary accommodation associated Gypsy accommodation and the applicant has confirmed the previously approved 3 utility blocks would not be built. As such, the current proposal would not result in any intensification of buildings the site, and the reduced building height and justification has addressed the visual harm to the countryside given in the previous refusal reason.
- 8.02 The development would not result in unacceptable harm to the character and appearance of the countryside. The development is in accordance with the relevant provisions of the Development Plan, the NPPF and all other relevant materials considerations.
- 8.03 Officers recommend that planning permission is given subject to conditions and a legal agreement or unilateral undertaking. The legal agreement or unilateral undertaking shall ensure that the three utility blocks and the stable block to the southern boundary of the site (as shown on the layout plan for 14/506183 provided at paragraph 1.06 to this report) are not constructed in the future

9. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement OR unilateral undertaking to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- Obligation on the applicant to ensure that the approved three utility blocks (highlighted on the existing layout plan at paragraph 2.02 of this report) and the stable block to the southern boundary of the site (as shown on the layout plan for 14/506183 provided at paragraph 1.06 to this report) are not constructed in the future.

and the imposition of the conditions as set out below:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing Block Plan, No. 02 Rev D received on 19 March 2019
Proposed Block Plan, No. 05 Rev F received on 21 March 2019
Proposed Elevations, No. 04 Rev E received on 21 March 2019
Proposed Floor and Roof Plan, No. 03 Rev C received on 14 December 2018

Reason: To clarify which plans have been approved.

- 3) The building hereby approved shall only be used as ancillary accommodation in connection with the use of the site as a gypsy and traveller site, the building shall not be used for any trade or business purpose and at no time shall it be occupied as separate or self-contained living accommodation;

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

- 4) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been 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 thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interests of visual amenity.

Case Officer: Michelle Kwok