

REFERENCE NO - 19/500399/FULL	
APPLICATION PROPOSAL Proposed stationing of 4 additional mobile homes for extended Gypsy and Traveller family.	
ADDRESS Meadow View, Marden Road, Staplehurst, TN12 0JG	
RECOMMENDATION Grant Planning Permission subject to conditions	
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The occupants of the mobile homes have demonstrated Gypsy and Traveller status • The proposal will not result in any material harm to the character and setting of the countryside; • The proposal is acceptable in terms of amenity impacts; • The proposal will result in a windfall contribution towards meeting the demand for Gypsy and Traveller sites set out in policy SS1 of the local plan; • The proposal is acceptable in its highways and wildlife impacts. 	
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to the views of Staplehurst Parish Council	
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst
APPLICANT Mr Johnny Saunders AGENT n/a	
TARGET DECISION DATE 30/04/19	PUBLICITY EXPIRY DATE 27/02/19

Relevant Planning History

18/501342/FULL

Retrospective application to vary conditions 2 and 3 appended to planning permission 15/507291/FULL to enable occupation of the site by any Gypsy and Traveller family.
Approved Decision Date: 30.07.2018

MAIN REPORT

1. SITE DESCRIPTION

- 1.1 The application site is located off the north-eastern side of Marden Road. The site is broadly rectangular in shape with a width of approximately 45 metres and extending back from the Marden Road to a depth of approximately 140m.
- 1.2 There are mobile homes stationed in the northern eastern (rear) two thirds of the site with an undeveloped paddock over 50 metres in depth separating the mobile home plots from the site frontage.
- 1.3 Abutting the application site to the west is another Gypsy and Traveller site set back some distance from the road and separated from the site frontage by a large paddock.
- 1.4 The application site lies in open countryside over 800 metres to the west of Staplehurst.

2. PROPOSAL

- 2.1 Planning permission ref: 18/501342 permitted the stationing of 4 mobile homes and 4 tourers for unfettered use by persons qualifying as Gypsy Travellers. It is intended

to station 4 additional mobile homes to meet the further accommodation requirements of the extended family occupying the site. The additional mobile homes will be sited in the area already being used for siting a mobile permitted under ref:18/501342.

- 2.2 The proposal also involves additional native species hedging and tree planting to define the south east extent of the currently area being used for the siting of mobile homes. This landscaping is shown extending along the whole length of the access track running along north west side of the paddock and along the south east side of the paddock up to the pond set back from Marden Road.
- 2.3 The key points of the supporting statements are summarised below:
- Family members have been forced to go back on the road disrupting children's schooling – proposal will enable provision of a stable base.
 - The homes will only be used by family members – cannot allow children and elders to live elsewhere as no public sites available while insufficient finances to buy additional land.
 - Gypsy and Traveller status has never been in dispute and occupation of additional pitches will be subject to the same restrictions.
 - Contend there is a general unmet need while educational need, lack of five-year supply of land, health and human rights and gypsy status must all be taken into account.
 - Would stress that that members of the settled community can extend their properties as their family circumstances. The Gypsy and Traveller community's only recourse in similar circumstances is to place additional mobile homes on a site.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 SP17, DM1, DM15, DM30
Staplehurst Neighbourhood Plan
Planning Policy for Traveller Sites (PPTS)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.1 5 representations received from local residents raising the following (summarised) issues:
- Overdevelopment of a small site beyond its capacity.
 - Harm the outlook of and amenity of dwellings overlooking and abutting the site.
 - Over preponderance of Gypsy and Traveller development in the locality.
 - Lack of on site parking.
 - Insufficient provision for waste water treatment – outflow from this will increase flood risk in the locality.
 - Increased fire risk.
 - Increased light pollution.
 - Harm to aural amenity.
 - Lack of screening.
- 4.2 (Officer comment): Fire risk is not a material planning consideration and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are addressed in the detailed appraisal below.

5 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.1 **Staplehurst Parish Council:** objects on the following grounds:
- Contrary to policy DM15 – unsustainably located without good access to amenities.
 - Over intensive development which will be inadequately screened from neighbouring properties.
 - Site not allocated for Gypsy and Traveller development.
 - Proposal will contribute to waste water drainage problems already experienced by properties in Marden Road.

5.2 **EHO:** No objection

5.3 **Kent Highways:** No objection

6.0 APPRAISAL

- 6.1 The application site already has planning permission for the stationing of 4 mobile and 4 touring caravans. The key issues with the current application are
- Principle of development;
 - Need for Gypsy Sites;
 - Supply of Gypsy sites;
 - Gypsy Status
 - Impact on the character and setting of the countryside;
 - Cumulative impacts;
 - Amenity;
 - Highways and;
 - Wildlife considerations.

Principle of development

- 6.2 The site lies in open countryside and the proposal is for Gypsy and Traveller development on an existing Gypsy and Traveller site. As such there is no objection in principle to what is proposed and consideration turns on matters of detail.
- 6.3 The proposal is subject to the following local plan policies and Government Guidance. Policy SP17 states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted.
- 6.4 Policy DM15 states that planning permission for Gypsy and Traveller development will be granted if it would not result in significant harm to the landscape and rural character of the area. The requirement remains that 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.
- 6.5 Policy DM30 specifically requires , amongst other things, that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features; that impacts on the appearance and character of the landscape will be appropriately mitigated and that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.
- 6.6 There is also Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) amended in August 2016. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.
- 6.7 Issues of need are dealt with below but in terms of broad principle both local plan policies and Central Government Guidance permit Gypsy and Traveller sites to be

located in the countryside as an exception to the general development restraint policies applying in the countryside.

Need for Gypsy Sites

- 6.8 Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031		187 pitches

- 6.9 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the local plan. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 6.10 The target of 187 additional pitches is a requirement of Policy SS1 of the Maidstone Borough Local Plan.

Supply of Gypsy sites

- 6.11 Policy SS1 of the adopted local plan identifies a need for 187 new pitches in the plan period 2011-2031 with 41 pitches identified on allocated sites.
- 6.12 As set out below, since 1 October 2011 the base date of the GTAA, a net total of 173 permanent pitches have been granted permission. A further 14 permanent pitches are needed by 2031 to meet the need identified in the GTAA. The following permissions for pitches have been granted (as of March 2019):
- 148 permanent non-personal pitches
 - 25 permanent personal pitches
 - 4 temporary non-personal pitches
 - 37 temporary personal pitches
- 6.13 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The Local Plan allocates specific sites sufficient to provide 41 additional pitches by 2031.
- 6.14 In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.
- 6.15 A lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting temporary consents. The 5 year supply position is reviewed on the 1 April each year. The Council's current position is it can demonstrate a 5.2 year supply of Gypsy and Traveller sites as of the 1st April 2018.

- 6.16 As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS advice that Councils should consider granting a temporary consent carries little weight.

Gypsy Status

- 6.17 National planning guidance for Gypsy and Traveller development contained in 'Planning Policy for Traveller Sites' (PPTS). Revised guidance is now in force with the planning definition of 'gypsies & travellers' being amended to exclude those who have ceased to travel permanently. The revised definition is as follows; "*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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such*".
- 6.18 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.19 In relation to the current application the persons referred to below are all related to the existing site occupants who are part of a long-established Irish traveller family. This is a well-known family and related to most of the larger Irish traveller families across Kent, the UK and Ireland. They attend several horse fairs around the UK including those in: Peterborough, Nottingham, Leicester, Dartford, Kenilworth, Barnsley, Stow on the Wold, Wickham, Appleby, Cambridge, Slough, Staplehurst, New Forest and Somerset.
- 6.20 It is only necessary to demonstrate Gypsy and Traveller status in relation to the occupants of the additional mobile homes. The following has been submitted to address this:
- Mobile Home 1: Two working age adults - one is unable to maintain a nomadic lifestyle due to long term health issues.
 - Mobile home 2: One working age adult with childcare responsibilities for 3 school age children.
 - Mobile Home 3: One working age adult with childcare responsibilities for one pre school child.
 - Mobile Home 4: One working age adult who is unable to maintain a nomadic lifestyle due to long term health issues.
- 6.20 All working age adults live a nomadic lifestyle in the same manner as the existing site occupants except where health, age or childcare commitments preclude this. It is considered the submitted information is sufficient to demonstrate that the mobile home occupants meet the above definition.

Impact on the character and setting of the countryside

- 6.21 The site in its current form is considered to have an acceptable impact on the character and setting of the countryside. Nevertheless a condition was imposed on planning permission ref: 18/501342 requiring native species planting along the south west perimeter of the caravan enclosure and boundaries of the paddock separating the occupied part of the site from the Marden Road frontage.
- 6.22 The additional mobile homes will be sited within the existing compound. The intention is solely to increase the number of mobile homes in this area from 4 to 8. Subject to the condition to secure perimeter landscaping it considered the visual

impact of the existing and additional mobile homes will continue to be contained within the existing site compound.

- 6.23 The impact of the additional mobile homes on the character and setting of the adjoining countryside is acceptable meeting the provision policies SP17, DM15 and DM30.

Cumulative Impacts

- 6.24 Increasing the number of mobile homes on this lawful site for the reasons set out above will have minimal effect on the cumulative impact of existing lawful Gypsy and Traveller development on the locality.

Amenity

- 6.25 Abutting the south east corner of the site is the detached property known as Clara which has a flank elevation facing the application site. The current view from this property is across a paddock.
- 6.26 Subject to a condition ensuring the paddock abutting Clara is not used for the stationing of mobile homes and additional landscaping as proposed, it is considered that the additional mobile homes will not result in any material increase in harm to the outlook for amenity of the occupants of Clara.
- 6.27 Turning to the amenity of the site occupants, the mobile homes are mainly shown looking into small courtyards. The council has no adopted planning standards by which to assess the layouts of Gypsy and Traveller development. However persons living together as a family group are less likely to be concerned by living in close proximity to one another. As such no objection is identified to amenity of the site occupants.
- 6.28 As such subject to conditions relating to lighting and no business use the proposal can be seen to comply with the local plan and is acceptable in its amenity impacts.

Highways

- 6.29 The proposal is considered to be acceptable in its highway impacts and no objection has been received from Kent Highways.

Wildlife

- 6.30 Apart from the areas where the existing mobile homes are sited the remainder of the application site is currently grassed with a pond in the south east corner of the site. The pond, which may make a contribution as a wildlife habitat is not affected by the proposed siting of the mobile homes.
- 6.31 The remainder of the site apart from boundary hedgerows provides little in the way of wildlife habitat. The additional native species planting required to define the south west extent of the compound and to screen the developed part of the site will provide a valuable and proportionate response to wildlife concerns.
- 6.32 The application approved under ref18/501342 required the submission of an ecological scoping survey of the site and surrounding ponds for the presence of Great Crested Newts along with mitigation measures. This condition should be imposed to a future permission.

Other matters

- 6.33 It is contended that the proposal represents unsustainable development remote from local services and is therefore contrary to one of the provisions of policy DM15. However given the mobile homes will be sited in a lawful Gypsy and Traveller site it would be problematic to argue their siting in relation to local services is any worse than that which has already been permitted.

- 6.34 The development needs to be screened as to whether it should have been accompanied by an Environmental Impact Assessment. It is concluded the development is not of a scale or impact justifying an Environmental Impact Assessment. It should be stressed this is a technical assessment which has no bearing on the consideration of the planning merits of the proposed development carried out below.

Conclusions

- 7.1 The key conclusions are as follows:
- The occupants of the mobile homes will satisfy the definition of Gypsy and Traveller;
 - The proposal will not result in any material harm to the character and setting of the countryside;
 - The proposal is acceptable in its amenity impacts;
 - Will result in a windfall contribution towards meeting the demand for Gypsy and Traveller sites set out in policy SS1 of the local plan;
 - The proposal is acceptable in its highways and wildlife impacts.
- 7.2 It is recommended that planning permission is granted subject to conditions.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 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 site shall only be 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: To reflect the special circumstances of the application.
- 3) No more than 16 caravans, (of which no more than 8 shall be statics) 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. Reason: In the interests of the visual amenity.
- 4) The existing and proposed mobile homes shall only be sited in the area and laid out as shown on the plan showing the siting of the proposed mobile homes. Reason: In the interests of visual amenity.
- 5) 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 interest of amenity.
- 6) No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use; Reason: In the interests of amenity.
- 7) Within three months of the date of this decision the method of foul sewage treatment and potable water provision must 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 homes, touring caravans 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.

- 8) The native species landscaping/planting scheme shown on the plan accompanying the submitted landscaping statement shall be carried out in the first available planting season following the date of the decision and maintained in accordance with the submitted details. Any specimens which within a period of five years of planting dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; Reason: To ensure a satisfactory setting and appearance to the development.
- 9) Prior to the additional mobile homes hereby permitted being stationed on the land, an ecological scoping survey of the site and surrounding ponds for the presence of Great Crested Newts shall have been submitted to and approved in writing by the Local Planning Authority. If required, the survey shall inform a detailed mitigation strategy for the carrying out of the development and an enhancement strategy; any enhancement shall be in place in accordance with agreed timescales. Reason: In the interests of biodiversity protection and enhancement.
- 10) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be erected anywhere on site without the prior permission of the local planning authority. Reason: In the interests of the visual amenity.
- 11) The development shall be carried out in accordance with the site location plan at a scale of 1:1250, plan showing existing site layout and plan showing proposed site layout. Reason: In the interests of amenity.

Informatives:

- (1) The details submitted pursuant to the requirements of condition 5 of this planning permission 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).
- (2) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of the date of the planning permission. Failure to do so could result in action by the council under the Act as caravan sites cannot operate without a licence. General enquiries about caravan site licences can be emailed to communityprotection@maidstone.gov.uk or by telephoning 01622 602202.
- (3) Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager. Clearance and burning of existing wood or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from Environmental Enforcement/Protection.

Case Officer: Graham Parkinson

