

REFERENCE NO 20/502134/FULL (Plot 3)		
APPLICATION PROPOSAL Siting of 1no. mobile home, 1no. tourer and erection of a dayroom (Retrospective).		
ADDRESS 1B Martins Gardens (previously known as 3 Martins Gardens) Lenham Road Headcorn TN27 9LE		
RECOMMENDATION - GRANT PLANNING PERMISSION subject to planning conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <p>The plot is part of an established Gypsy and Traveller site within Martins Gardens which comprises a row of six such plots – both authorised and unauthorised.</p> <p>The plot is well screened from views from Lenham Road by existing trees and hedgerows. A public footpath runs adjacent to the north-eastern boundary of 4 Martins Gardens to the north-east. Whilst the mobile home, touring caravan and utility room would be visible they are distanced from the public footpath and screened by the existing and proposed mobile home development on the adjoining Gypsy and Traveller plots (Plots 4, 5 and 6). As a result, there will not be any significant increased visual impact in views from the public footpath as a result of the mobile home, touring caravan and small utility room.</p> <p>The application shows a native species landscaped buffer zone planted to the north-west of the repositioned rear (north-west) boundary line. The planting of a landscaped buffer will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape and the harm to the area of Ancient Woodland which includes land where caravans will be stationed.</p> <p>In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the previous approval, and the additional mobile home, touring caravan and utility room proposed in this application will not have a significant and unacceptable harmful visual and landscape impact in the locality.</p> <p>A condition is recommended on any grant of planning permission to ensure that the accommodation is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.</p>		
REASON FOR REFERRAL TO COMMITTEE Ulcombe Parish Council have requested that the planning application is considered by the Planning Committee if officers are minded to approve for the reasons set out in paragraph 5.01		
WARD Headcorn	PARISH/TOWN Ulcombe	COUNCIL APPLICANT Mr James Cash AGENT L Jennings
TARGET DECISION DATE 08/10/2020 (EOT)		PUBLICITY EXPIRY DATE 14/07/20

Relevant Planning History

- History for current application site 1B Martins Gardens (previously known as 3 Martins Gardens) (Plot 3).
18/506272/FULL Siting of 1 mobile home, 1 tourer and 1 dayroom. (Part retrospective) approved 12.08.2019 (committee decision)

18/504254/FULL - Proposed siting of a mobile home, touring caravan and a utility room at 3 Martins Gardens. Refused 19.10.18 for the following reasons:

'In the absence of sufficient information pertaining to Gypsy and Traveller status there is no justification for allowing this development, given the adverse visual harm it would have on the character and appearance of the countryside hereabouts that falls within a Landscape of Local Value and is of high overall landscape sensitivity that is sensitive to change. 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); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); and the National Planning Policy Framework (2018).'

MA/11/1122 An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Approved 23.12.11.

MA/09/1722 An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Split decision (Part refused/part approved) 24.12.09.

ENF/10155 (Enforcement notice A) Appeal allowed, and enforcement notice quashed 24.07.09. The allowed appeal granted permission for the change of use of the land from a mixed use of woodland and nil use to stationing and residential occupation of caravans, the parking and storage of motor vehicles, the erection of fencing on the site and a new entrance gate at the access onto Lenham Road and the placing on the land of domestic and other paraphernalia all ancillary to the residential occupation of caravans on the land.

ENF/10155 (Enforcement notice B) Appeal allowed, and enforcement notice quashed 24.07.09. The allowed appeal granted permission for operational development comprising the construction of hardsurfacing and engineering operations comprising the infilling of a pond.

- Adjacent plots

Decisions on the following planning applications for adjacent plots of land are currently pending. There are current applications for 4 out of the 6 plots. No applications are submitted for Plot 2 (1A Martins Gardens) or Plot 5 (3 Martins Gardens/5 Martins Gardens). The planning history for these adjacent sites is provided in the relevant reports.

Plot 1

Oaklands/1 Martins Gardens- 20/502133/Full - this is the current application site. Siting of 1no. additional mobile home and 1no. additional tourer (Retrospective).

Plot 2

1A Martins Gardens - No current planning application (Medical reasons have been given for not submitting an application at this time)

Plot 3 – The current application relates to Plot 3 which is the subject of this report

1B Martins Gardens - 20/502134/full - Siting of 1no. mobile home, 1no. tourer and erection of a dayroom (Retrospective).

Plot 4

2 Martins Gardens 20/502135/FULL Siting of 2 mobile homes and 2 tourers (Retrospective).

Plot 5

3 Martins Gardens/5 Martins Gardens - No current planning application (Medical reasons have been given for not submitting an application at this time)

Plot 6

4 Martins Gardens/6 Martins Gardens - 20/502136/Full - Siting of 1no. additional mobile home (Retrospective).

MAIN REPORT

1. DESCRIPTION OF SITE

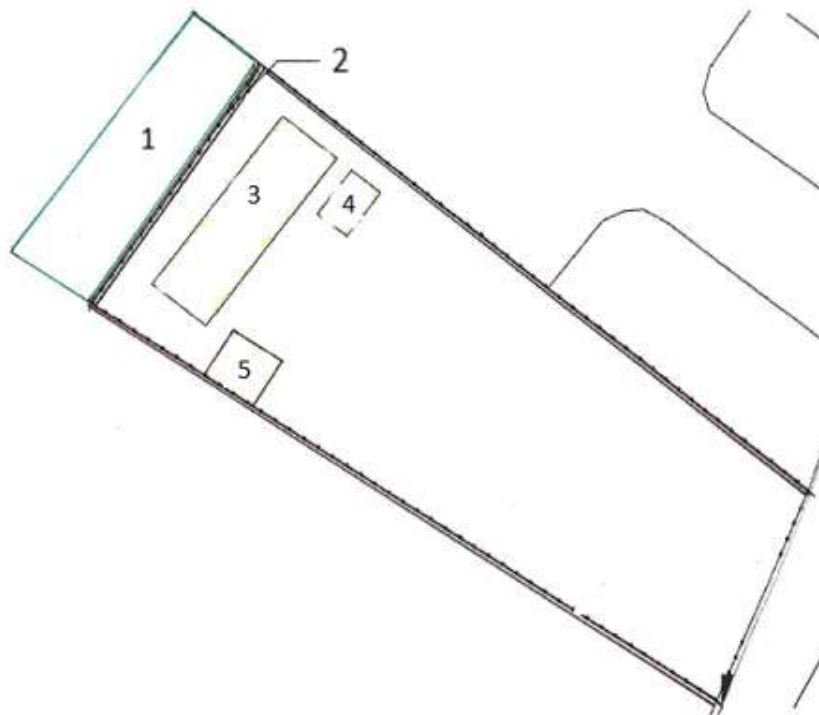
- 1.01 The site is located off the north-western side of Lenham Road and comprises the third plot from the south-western end of a row of six Gypsy sites running along the north-western side of Lenham Road.
- 1.02 The plot is accessed from a shared accessway off Lenham Road which also serves four of the five neighbouring Gypsy sites forming Martins Gardens. The fifth site, The Oaklands, at the south-western end of the row of sites has its own separate access off Lenham Road.
- 1.03 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites, including the rear of the current application site, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The site is within the KCC Minerals Safeguarding Area.
- 1.04 The site is less than 2km from the edge of Headcorn village (to the south-west of the site) and for the purposes of the Local Plan, the site is within the open countryside and within the Low Weald Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan.
- 1.05 The plot referred to in the current application as 1B Martins Gardens (3 Martins Gardens with regards to the Relevant Planning History listed above) does not benefit from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of static/touring caravans. Any mobile homes and touring caravans currently on the plot are unauthorised from a planning point of view.

2. PROPOSAL

- 2.01 The current application seeks planning permission for same number of caravans as previously approved (consisting of one mobile home and one touring caravan and a dayroom).
- 2.02 The submitted plan shows the mobile home and tourer on a slightly different location on the site. The current proposal also seeks the removal of an existing mobile home and the construction of a dayroom (7 metres by 3.5 metres, eaves 1.8 metres and ridge 2.1 metres) as set out in the description of the earlier permission. Whilst the proposed dayroom is larger than previously approved (see layout plan for 18/506272/FULL below), in terms of overall floorspace, the current plans also show the removal of an existing shed from the site.
- 2.03 The Planning Statement submitted in support of the application states that the mobile home will be occupied by a family member and his partner who have a young child and who now needs a stable base for health reasons.

- 2.04 The Planning Statement further states that although the family member and his partner have been travelling and using the roadside to stop in, it is not safe for them both to continue to be continuous travelling gypsies for health reasons and the stable base will allow access to health care treatment and the new child to enrol in main stream school and receive an education in the future.
- 2.05 The currently unauthorised mobile home plot extends to a greater depth back from Lenham Road than the more restricted depth of plot (38m approx.) to which this current application relates. In addition to the proposed reduction in the depth of the current unauthorised mobile home plot, it is proposed to provide a 5m wide native species landscaped buffer to the rear of the plot which forms part of an area designated as Ancient Woodland.
- 2.06 The southern boundary of the proposed buffer zone (annotated as a new boarded fence on the plan below) was a distance of 28 metres south of the northern site boundary as part of the previously approved application. In a change from the previously approved proposal, the submitted plans show the southern boundary of the proposed buffer zone relocated and it is now 6 metres from the northern site boundary.

Previously approved proposed site layout under application 18/506272/FULL



1.5 metre landscape buffer zone
2.New boarded fence
3.New mobile home

4.Utility
5.Shed

- 2.07 The current application is a revised submission following the grant of planning permission on the 19.10.18 under application reference 18/504254/FULL for the proposed siting of a mobile home, touring caravan (not shown on the plan above) and a utility room on the plot. A planning condition attached to this permission stated that no more than 2 caravans are stationed on the land of which no more than one shall be a static caravan or mobile home. The proposal also included the retention of the shed on the site.

- 2.08 The differences between the approved proposal and the current application include the relocation of the buffer zone northwards increasing the useable area of the site. A larger dayroom/utility building is proposed with the removal of the shed. The previously approved layout is shown above, with the following plan showing the layout currently proposed with the removal of the existing dayroom annotated as 1 on the plan below. The approval of the previous layout that was considered acceptable by both officers and members. This earlier decision is a material factor in considering the current application and no reason has been found to reach different conclusions.

Current application - caravans to be removed and proposed caravans.



1. Removed existing mobile
2. Proposed dayroom

3. Proposed mobile
4. Proposed tourer

- 2.09 A planning condition attached to the earlier planning permission (18/506272/FULL) was drafted so that the approval would lapse if a number of details were not submitted to the Council by the applicant within the 3 months following the decision.
- 2.10 The applicant has explained that to the best of their knowledge the required details were submitted within the required time limit, however due to a number of issues including several family bereavements the submission was not chased up.
- 2.11 The Council has no record of these details being received and the current planning application is submitted on the basis that the earlier planning permission (18/506272/FULL) has now lapsed. Whilst this earlier permission cannot be implemented, the committee decision from August 2019 remains a strong material consideration in the assessment of this current planning application.

- 2.12 A similar condition (condition 4) to that referred to above is recommended to be attached to this resubmitted application with a reduced compliance time period of 6 weeks (previously 12 weeks). Whilst 6 weeks would normally be considered an unreasonably short time period for the submission of details, in this case the applicant is already fully aware of the condition requirements and has stated that a submission was previously prepared. The condition requires additional detail on the means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone including details of species, plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and a timetable for implementation of these details.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: Policies SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites (PPTS) (2015)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- Landscape Character Assessment (2012 – amended 2013)
- Landscape Character Assessment Supplement (2012)
- KCC Minerals Plan
- Gypsy and Traveller and Travelling Showpeople Accommodation Assessment January 2012
- Gypsy and Traveller and Travelling Showpeople Topic Paper (2016)
- Draft Headcorn Neighbourhood Plan (see note below)

NB: The Final Examiner's Report on the Headcorn Neighbourhood Plan was published on 19 March 2017. In his report the examiner set out a number of failings that were found with the submitted neighbourhood plan. As a result of his conclusions the examiner recommended, in accordance with legislation that the neighbourhood plan should not proceed to a local referendum. The neighbourhood plan has since been withdrawn.

4. LOCAL REPRESENTATIONS

Local Residents

- 4.01 No response from local residents.

Shenley Farms (Aviation) Limited

- 4.02 No objection raised providing the development will not be in any way inconsistent with the existing and well established use of and activity at Headcorn Aerodrome.

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)

Ulcombe Parish Council

- 5.01 Objection. Making the following comments:
- The Parish Council are "astonished and unimpressed" at having to revisit Martins Gardens where the positions and number of caravans are constantly changing.

- The Parish Council are “incredibly disappointed that enforcement notices were not served, and that the applicants have been able to circumvent the threat of enforcement by putting in almost identical planning applications to those submitted in December 2018”.
- It must be determined whether the applicant is a gypsy or traveller in planning terms.
- Evidence that the applicant is leading a “nomadic habit of life” needs to be provided.
- There is no “unmet or proven need” for gypsy and traveller sites.
- Maidstone Borough Council now has a 5.3 year supply of traveller pitches.
- There is a high proportion of gypsy and travellers in Ulcombe
- Existing countryside protection policies should be applied in the Low Weald Landscape of Local Value.
- The Parish Council object to all proposals for Martins Gardens that exceed the permissions granted as a result of the 2009 appeals.
- long suffering residents of Lenham Road have consistently complained about the very high levels of noise, and the intrusive light pollution from Martins Gardens. This is affecting the health and quality of life of these residents, and is contrary to the NPPF 2019, paragraph 180, which states that planning policies and decisions should take into account the potential sensitivity of the site or the wider impacts.
- The conditions laid down by the planning committee have been blatantly and cynically ignored, surely it is time for MBC to make a stand and refuse permission on this site.

Headcorn Parish Council (Neighbouring Parish Council)

5.02 Objection, making the following comments:

- The committee expressed complete dismay that we are faced with further retrospective applications for the above sites. Very similar applications were considered and approved by MBC in August 2019.
- Despite requests, no enforcement action was taken in relation to the site delivery planning condition that was attached to earlier approvals.
- The gypsy/traveller status of the applicant;
- Gypsy and Traveler housing need verses supply.
- Development in the Open Countryside and paragraph 25 of the PPTS which states that Local Authorities should strictly limit Traveler site development in open countryside.
- Particular attention drawn to the fact that the area concerned was once 80% ancient woodland and ponds and due regard must be paid to reinstating what has been lost
- Poor social cohesion with the villages settled community with many feeling unable to comment on the situation for fear of reprisals.
- Contrary to SS1, SP17, DM1, DM15, and DM30.
- The Committee wish to see these applications refused and referral to planning committee is required.

Kent Highways

5.03 No objection. Recommend informative about highways approvals.

KCC Minerals and Waste Planning Policy Team

5.04 No objection. The site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.

- 5.05 With regard to land-won minerals safeguarding matters it is the case that the area of the application site is entirely coincident with a safeguarded mineral deposit, that being the Paludina Limestone (a marble that is used as a specialist building stone). The application benefits from exemption criterion (6) of Policy DM 7: Safeguarding Mineral Resources and as result a Minerals Assessment is not required.

Forestry Commission

- 5.04 Comment that Ancient Woodland is an irreplaceable habitat. The NPPF (para. 175) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Natural England

- 5.05 No comment. Referral to standing advice

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Need for Gypsy sites
 - Supply of Gypsy sites
 - Gypsy Status
 - Personal circumstances
 - Visual and landscape impact
 - Cumulative impacts
 - Design
 - Siting sustainability
 - Residential amenity
 - Parking and highway safety
 - Area of Ancient Woodland and ecological interests
 - Human Rights and Equality

Need for Gypsy sites

- 6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans.
- 6.03 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.
- 6.04 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 need 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 somewhat 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.

6.05 The GTAA concluded the following need for pitches over the remaining Local Plan period:

Need for Gypsy and Traveller Pitches Oct 2011 to March 2031

Period	No. of pitches
Oct 2011 – March 2016	105
April 2016 – March 2021	25
April 2021 – March 2026	27
April 2026 – March 2031	30
Total Oct 2011 to March 2031	187

6.06 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

6.07 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.

6.08 The table on the following page sets out the overall number of pitches which have been granted consent from 1st October 2011, the base date of the assessment, up to 31st March 2020.

6.09 A total of 226 pitches have been granted permanent consent since October 2011 (196+30). These 226 pitches exceed the Local Plan's 187 pitch target. The Council's current position is that it can demonstrate a 8 year supply of Gypsy and Traveller sites at the base date of 1st April 2020.

6.10 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS at paragraph 11 advises "...Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community".

Supply of Gypsy and Traveller Pitches Oct 2011 to 31 March 2020

Type of consents	No. of pitches
Permanent consent	196
Permanent consent + personal condition	30
Consent with temporary condition	4
Consent with temporary + personal conditions	39

6.11 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

6.12 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) 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*".

- 6.13 As noted above, the definition 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.
- 6.14 The Planning Statement submitted in support of the application states that the additional mobile home will be occupied by a close family member of the applicant and their partner who have one young child and who need a stable base.
- 6.15 It is advised that although they had previously been travelling and using the roadside to stop in it is unsafe for a close family member and their partner to be continuous travelling gypsies due to family health reasons. There is also a need for the child to be enrolled in mainstream school and receive an education. The close family member will continue to travel.
- 6.16 The couple have previously led a nomadic life and have travelled with the applicant as a family across the country to attend the horse fayres at Appleby, Cotswolds, Kent and Stow on the Wold (Gloucestershire) where they seek work and deal in horses. They have no intention of giving up this life but need a base for health reasons. The close family member works alongside the applicant and travels the UK for work doing landscaping and door to door canvassing for work and this has never been disputed.
- 6.17 The gypsy status of the occupiers of the caravan were accepted as part of the assessment of the earlier application and there has been no change in circumstances. Personal details provided in this report have been anonymised in line with guidance from the Council's Data Protection Officer.

Visual and landscape impact

- 6.18 The site lies in the open countryside to the north-east of the Headcorn village settlement. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value.
- 6.19 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west).
- 6.20 Policies SP17 and DM30 of the Local Plan require that landscape protection should be given significant weight in considering development in the Low Weald Landscape of Local Value. In accordance with the Maidstone Landscape Character Assessments, the Low Weald generic guidelines seek to "...conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads"; and more specifically, Landscape Area 43 (Headcorn Pasturelands) is an area being of *high* overall landscape sensitivity and is *sensitive to change*.
- 6.21 In this case of Plot 3, the siting of 1 mobile home, 1 tourer and 1 dayroom on the site was previously considered acceptable under application (18/506272/FULL) that was granted planning permission on the 12 August 2019 (this permission has subsequently lapsed).

- 6.22 The site is predominantly hardsurfaced and enclosed by close boarded fencing. The site is seen in the context of the neighbouring Gypsy and Traveller plots in Martins Gardens to the north-east and south-west.
- 6.23 It is generally accepted that residential caravans/mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or discreetly located in unobtrusive locations, they are normally considered unacceptable due to their visual impact. Consequently, where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours, as required by policy DM15 of the adopted Local Plan.
- 6.24 The mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing and proposed mobile homes on the adjoining Gypsy and Traveller plots (Plots 4, 5 and 6). As a result, there will be no increased visual impact in views from the public footpath as a result of the mobile home on the plot. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the mobile home, touring caravan and small utility room proposed in this application will not have any significant or unacceptable harmful visual and landscape impact in the locality.
- 6.25 The currently unauthorised mobile home plot extends to a greater depth back from Lenham Road than the plot to which this current application relates. The current extent of the plot back from the Lenham Road frontage has impacted on part of the area of Ancient Woodland to the rear of the plot and it would appear that a significant number of established trees that formerly existed on the land have been lost and the landscape harmed.

Photograph looking north to the centre of the plot showing caravan to be removed.



- 6.26 The reduction in the depth of the plot proposed in the current application will allow the rear part of the site which forms part of the area designated as Ancient Woodland to be landscaped with native species planting which will provide some mitigation for the harm which has taken place and provide further screening for the mobile home, touring caravan and utility room on the plot.

- 6.27 As part of the current application a 5m wide native species landscaped buffer along the re-positioned rear boundary of the plot is to be planted. The landscaped buffer which, apart from mitigating against the harm to the Ancient Woodland which has taken place, will also provide visual screening to the plot. In the circumstances the mobile home, touring caravan and utility room proposed on the application site will not result in adverse visual harm within this part of the defined Low Weald Landscape of Local Value. This is the same finding as the recently lapsed permission.
- 6.28 The resulting impact on the visual amenities, landscape and rural character of the area does not raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.

Cumulative impacts

- 6.29 Guidance set out in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. Adopted Local Plan policy DM15 states that permission will be granted if a site would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.30 There are various gypsy and traveller sites in the vicinity of the current application plot – both authorised and unauthorised, including the neighbouring plots in Martins Gardens to the south-west and north-east of the current application plot.
- 6.31 There will be some increased cumulative effect as a result of the combined effect of other current mobile home applications for the neighbouring Gypsy and Traveller plots in Martins Gardens. The implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the north-eastern, north-western and south-western perimeters of the six plots will mitigate the additional impact. In the context of the existing authorised development, with the implementation of the landscaped buffer to be secured by planning condition, the combined cumulative effect in terms of impact on the countryside and landscape would not be so significant as to be considered in conflict with this aim of Local Plan Policy DM15.
- 6.32 Given that the current application for one mobile home, a touring caravan and a small utility room on the site is relatively modest in relation to the extent of other gypsy and traveller development – both authorised and unauthorised - in the near vicinity, an objection on grounds that the development would overwhelm the local community and services cannot be pursued.

Design

- 6.29 The assessment below is structured around the categories used to assess proposals in design and access statements which are 'Use', 'Amount', 'Layout', 'Scale', 'Landscaping' and 'Appearance'.

Use

- 6.30 The use of the site and the status of the occupants of the caravans is considered earlier in this statement.

Amount

- 6.31 The current retrospective application involves the siting of 1 mobile home, 1 tourer and a dayroom. The development description is identical to the earlier approval under application 18/506272/FULL and the amount of development is acceptable for this plot.

Layout

- 6.32 The proposed site layout is comparable to the layout previously considered acceptable by officers and members in the assessment of the earlier planning application. The layout is considered acceptable in terms of the relationship between dwellings, internal circulation and amenity.

Scale

- 6.33 Whilst slightly raised off the ground, the proposed caravan is single storey. The width of the caravan can be seen in the plans provided earlier in this statement. As set out earlier in this report, the scale of the caravan is considered acceptable for the site, especially with the screening that is currently available.

Landscaping

- 6.34 The applicant has submitted written information on landscaping in the Planning Statement referring to the potential provision of Hawthorn, Field Maple, Plum Cherry, Hazel, Blackthorn, Crab Apple, Privet, Dogwood, Rowan, Holly and Spindle. A planning condition is recommended seeking further details of landscaping and a timetable for the implementation of the agreed details.

Appearance

- 6.35 The appearance of the caravan will be similar to existing caravans on neighbouring plots. With the single storey height of the buildings and the screening from public views the appearance of the caravan is acceptable and it is not considered reasonable to request alternative external facing materials. If thought necessary by members, the painting of the buildings a darker colour could be considered and included as part of a planning condition.

Siting sustainability

- 6.36 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is less than 2km from the edge of Headcorn village (to the south-west of the site) with its local services, amenities and public transport links. Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not considered to be so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Residential amenity

- 6.37 The site is adjoined to the north-east by neighbouring gypsy and traveller sites in Martins Gardens (Plots 1A, 1B, 2, 3 and 4 Martins Gardens). The application site and the neighbouring gypsy and traveller sites in Martins Gardens are not adjoined by residential properties and the closest neighbouring properties are on the opposite side of Lenham Road.
- 6.38 Given the nature of the neighbouring development and the separation between the gypsy and traveller development in Martins Gardens and the closest neighbouring residential properties on the opposite side of Lenham Road, it is not considered that the use of the current application plot for the stationing of one mobile home and one touring caravan and erection of a dayroom would impact on residential amenity.
- 6.39 Vehicular and pedestrian movements to and from the site via the established shared access off Lenham Road which serves four of the five neighbouring Gypsy and Traveller plots in Martins Gardens is not likely to impact on any neighbouring property. No overriding residential amenity issues are considered to be raised in the application.

Parking and highway safety

- 6.40 The current application seeks to retain the existing access arrangements. This access is considered acceptable in relation to highway safety.
- 6.41 Adequate hard surface space is available within the plot for the parking of vehicles associated with the proposed mobile home use of the site and for vehicle maneuvering enabling vehicles to enter and leave the site in a forward gear.
- 6.42 The level of additional vehicle movements to and from the site resulting from the mobile home and touring caravan on the plot is not likely to be so significant as to raise any overriding highway safety issues.
- 6.43 The impact of the development on the local highway network including access and parking arrangements have been considered by KCC as the Local Highways Authority. KCC Highways raise no objection to the planning application.

Area of Ancient Woodland and ecological interests

- 6.44 The application site includes an area of land designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The application site boundary and the Ancient Woodland designation is shown on the plan below. As shown on the proposed layout plans provided earlier in this report the current application involves excluding an area at the rear of the site from development with a landscape buffer across the rear of the site.

Boundary for 1B (Plot 3) and the Ancient Woodland designation.



- 6.45 Whilst the mobile home plot being considered as part of this current application still encroaches into both the ancient woodland and the 15m exclusion zone, there was incursion into these areas with the earlier application considered acceptable previously by both officers and members and granted planning permission.

- 6.46 Whilst it is highlighted that the current plot is larger than that previously approved, the current application is recommended for approval because of the benefits arising from the current submission including the proposed landscape buffer. The imposition of the 15 metre buffer would leave little to no developable area on the site.
- 6.47 Records show that Great Crested Newts have previously been recorded within this area and there is no reason to suggest that they are not still present within the surrounding area. However, as the quality of habitat has significantly declined, there has been a reduction in foraging and commuting habitat for terrestrial species such as (but not necessarily limited to) the Great Crested Newt to and from surrounding habitats.
- 6.48 The implementation of a scheme of native species tree and hedgerow planting to provide a landscaped buffer will enhance the ecological/biodiversity interests at the site. As such, a grant of planning permission for the additional mobile home and touring caravan on the current application plot, together with native species landscaping/planting to be secured by planning condition, would enable ecological mitigation and/or enhancements to be secured by condition in accordance with Government guidance in the NPPF (para. 175).

Human Rights and Equality

- 6.49 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010.
- 6.50 The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.
- 6.50 Apart from the desire to provide additional mobile home accommodation for existing family members on the site who have outgrown the existing permitted mobile home/caravan accommodation and to provide a settled base for the educational needs of the existing children living on the site no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. The needs of the existing family members, including children, in this instance, are considered to outweigh the limited visual harm to the countryside landscape.

7. CONCLUSION

- 7.01 The current retrospective application involves the siting of 1 mobile home, 1 tourer and a dayroom. The development description is identical to the earlier approval under application 18/506272/FULL in a revised layout and the amount of development is acceptable for this plot. The plot is well screened from views from Lenham Road by existing trees and hedgerows. A public footpath runs adjacent to the north-eastern boundary of plot 6 (4 Martins Gardens at the north-eastern end of the row of six gypsy sites).
- 7.02 Whilst the rear part of the application plot (plot 3) and that of the neighbouring plots in Martins Gardens are visible in views from the footpath, the current application site, is distanced from the public footpath and will be screened from views by existing permitted mobile homes on the adjoining Gypsy and Traveller plots (plots 4, 5, 6 Martins Gardens). In these circumstances the visual impact is acceptable in views from the public footpath.

- 7.03 The implementation of a scheme of native species planting to the repositioned rear boundary to provide a 5m wide landscaped buffer to the boundary will mitigate the visual impact of the existing plot in the open countryside location. The native species planting will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements could be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).
- 7.04 A condition is recommended on any grant of planning permission to ensure that the mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.
- 7.05 The mobile home and touring caravan on the established gypsy plot will not result in adverse visual harm within this part of the defined Low Weald Landscape of Local Value. In the context of the permitted Gypsy and Traveller development in Martins Gardens, the development, together with the implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the rear boundary of the plot, there are no overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan. The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The mobile home and tourer hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document).
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/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.
- 2) No more than two caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, of which no more than one shall be a static caravan or mobile home, and no further caravans shall be placed at any time anywhere within the site. The static caravan or mobile home shall be stationed on the site only in the positions shown on the plan (Proposed Block Plan as Proposed) hereby approved.
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.
- 3) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time.
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.
- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of: the external appearance of the caravan and the dayroom, removal of the shed, means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone to the repositioned north-western boundary of the plot including details of species, plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and, the said Scheme shall include a timetable for its implementation.
- (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- (5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within 5m wide landscape buffer zone for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority.
Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- 7) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision;
Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.

- 8) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site.
Reason: In order to safeguard residential and local amenity generally.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plans and information: Site Location Plan, Proposed Block Plan and Planning Statement
Reason: To clarify which plans have been approved.

Case Officer: Tony Ryan