

<b>REFERENCE NO -20/503700/FULL</b>		
<b>APPLICATION PROPOSAL</b> Section 73A - Change of Use of land to residential for an additional Gypsy Traveller family to include the stationing of 2 No. static caravans and associated hardstanding - (part retrospective and to include a re-organisation of the whole site layout). (This giving a total of 4. No Static Caravans, 2 No. touring caravans, a Utility/stable block and associated hard standing within the planning unit).		
<b>ADDRESS</b> The Three Sons, Park Wood Lane, Staplehurst. TN12 0DF		
<b>RECOMMENDATION</b> Grant Planning Permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The site is part of an established and lawful Gypsy and Traveller pitch with lawful Gypsy and Traveller pitches boarding the site to the east and west. Whilst intensifying the use of the site and enlarging the planning unit, the proposals would not result in significant landscape harm to the surrounding countryside designated as a Landscape of Local Value. The occupants of the additional static caravans as a family unit comply with the PPTS definition of a Gypsy and Traveller. Whilst some unauthorised structures are currently positioned within the buffer area designed to protect the ancient woodland, a site development scheme condition has been recommended to require removal of the structures. Failure to comply with the condition will render the permission void. All other matters are considered acceptable or can be controlled by condition. The proposals with the mitigation/conditions imposed are therefore considered to comply with established development plan policies.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> At the request of Staplehurst Parish Council		
<b>WARD</b> Staplehurst	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mr Matthew Eastwood <b>AGENT</b> David Bown Building Surveyors
<b>TARGET DECISION DATE</b> 25/01/21 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 17/09/20

**Relevant Planning History**

12/0577 - Change of use of land from agricultural to residential and stationing of 2 mobile homes, 3 touring caravans and 2 utility blocks with associated parking for two gypsy families and keeping of horses as shown on site location plan, block plan and utility building plan date stamped 24 March 2012 and ecological report dated 27 July 2012 and personal information received on 21 September.

Approved on appeal under ref. APP/U2235/c/12//2190048 18.06.2020. (this decision covered part of the current site and the adjoining site Parkwood Stables).

15/510210/FULL

Siting of 2 mobile homes, 2 touring caravans, and a utility/stable block for the benefit of a gypsy family for residential use (part retrospective)

Refused Decision Date: 29.08.2017

17/506097/FULL

Provision of mobile home unit and utility block/day room with associated parking and facilities for one family under gypsy status.

Withdrawn Decision Date: 22.01.2018

18/502851/FULL

Part Retrospective for the provision of 2 no. Mobile Home Units and Utility Block/Day Rooms with associated parking and facilities for under Gypsy status.

Not Proceeded with Decision Date: 13.07.2018

18/503844/FULL

Provision of mobile home unit and utility block/day room with associated parking and facilities for one family under Gypsy status.

Refused Decision Date: 14.09.2018

19/501650/FULL

Change of use of land to residential for two Gypsy Traveller families, including the siting of 2no. static caravans, 2no. touring caravans, and erection of a stable/utility block, with parking for four vehicles, associated hardstanding and infrastructure (retrospective).

Approved Decision Date: 05.08.2019

19/505270/SUB

Submission of Details to Discharge Condition 4 (Site Development Scheme) and Condition 5 (Schedule of Maintenance) Subject to 19/501650/FULL

Approved Decision Date: 06.01.2020

20/503498/FULL

Section 73 - Application for variation of condition 2 (number of caravans on site) pursuant to application 19/501650/FULL for a change of use of land to residential for two Gypsy Traveller families, including the siting of 2no. static caravans, 2no. touring caravans, and erection of a stable/utility block, with parking for four vehicles, associated hardstanding and infrastructure (retrospective).

Decision Date: 14.08.2020 – no further action

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The site is accessed via Park Wood Lane via a private drive with Parkwood stables, a lawful Gypsy and Traveller site to the east. A paddock area lies to the front of Parkwood stables which is visible from Park Wood Lane and which is defined by predominantly post and rail fencing and mature shrub planting. To the immediate south and abutting the site is an area of designed Ancient Woodland which is also a local wildlife site.
- 1.02 The Perfect Place Gypsy and Traveller sites adjoin the site to the west and together with other Gypsy and Traveller sites combine to make a continuous ribbon of sites linking with Frittenden Road. This is best shown by reference to the Appendix 1 plan at the end of this report showing the various Gypsy and Traveller permissions in the immediate area.
- 1.03 The site is located within the defined open countryside and within the designed Landscape of Local Value of the Low Weald.

### **2. PROPOSAL**

- 2.01 This is a part retrospective application under section 73A of the Town and Country Planning Act for development already carried out. The application seeks the change of use of part of the land and the stationing of two additional static caravans (one is already present on site). This would give a total of 4 No. static, 2 No. touring caravans, a utility/stable block and associated hardstanding within the overall planning unit.
- 2.02 Planning permission was granted on appeal in 2013 for the change of use of the land for two Gypsy and Traveller pitches within the confines of the plan as set out below. It should be noted that the current application red line boundary is larger (incorporating additional land to the west) than that set out below.

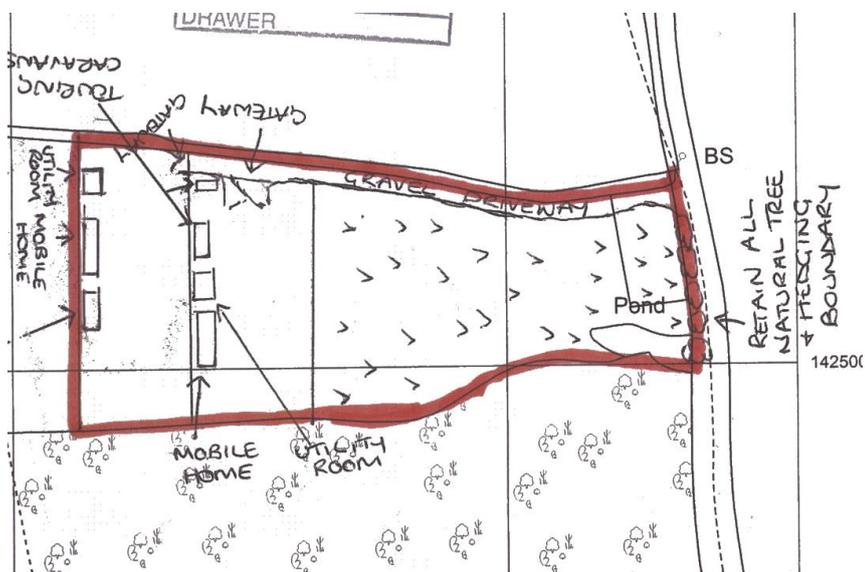


Figure 1 - Red line boundary for 12/0577

- 2.03 Planning permission was then granted under ref 19/501650/FULL for the change of use of land to residential for two Gypsy Traveller families, including the siting of 2no. static caravans, 2no. touring caravans, and erection of a stable/utility block, with parking for four vehicles, associated hardstanding and infrastructure (retrospective).
- 2.04 The application site boundary (Figure 2) and Block plan (Figure 3) for this permission is set out below:

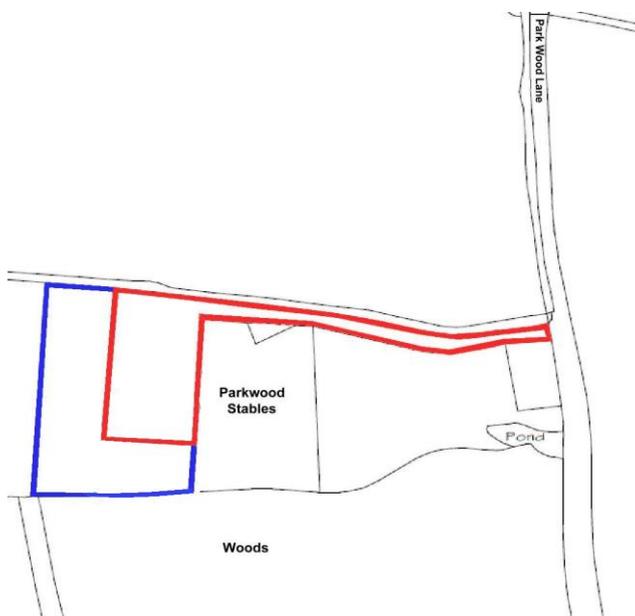


Figure 2 - Application site boundary

2.05 It should be noted that the red line boundary is again smaller than the current application site boundary the subject of this report.

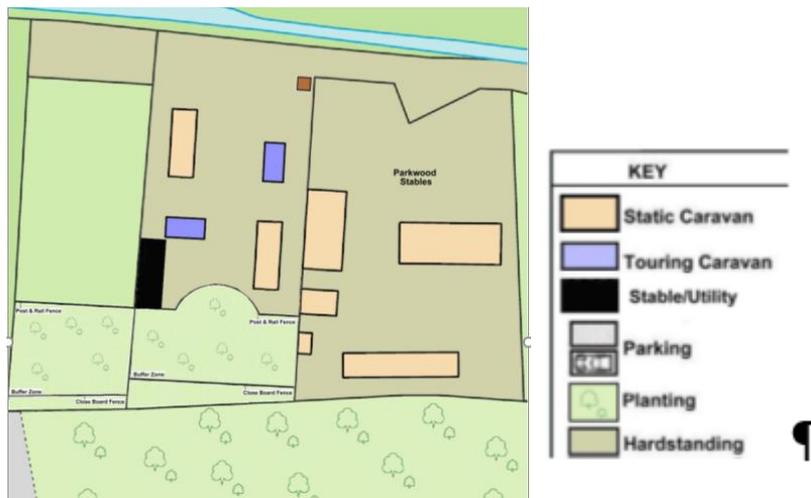


Figure 3 - Block Plan

2.06 Permission was granted under 19/505270/SUB for a Site Development Scheme (required by condition 4 of permission 19/501650/FULL) (see Figure 4) which extended outside the planning application area as shown in Figure 2 above.

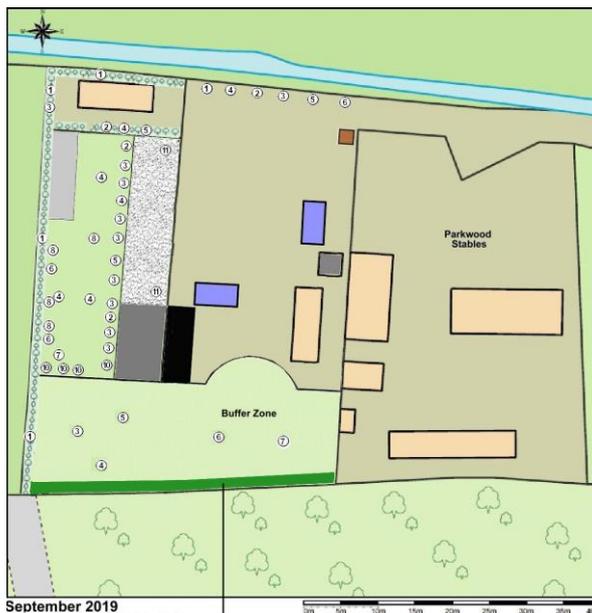


Figure 4 - Site Development Scheme

2.07 It is not known why a site development scheme was granted permission for land outside the application site boundary of the original permission, however this does not detract from the fact that caravans shown as being stationed outside the planning application boundary do not have planning permission granted under 19/501650/FULL or by the earlier appeal decision in 2013.

2.08 The current application (from the same applicant as the 2019 permission) now seeks to regularise the use of site and the enlarged area for the addition of one static caravan (already stationed on the land) and a further static caravan arranged as set out below in Figure 5.

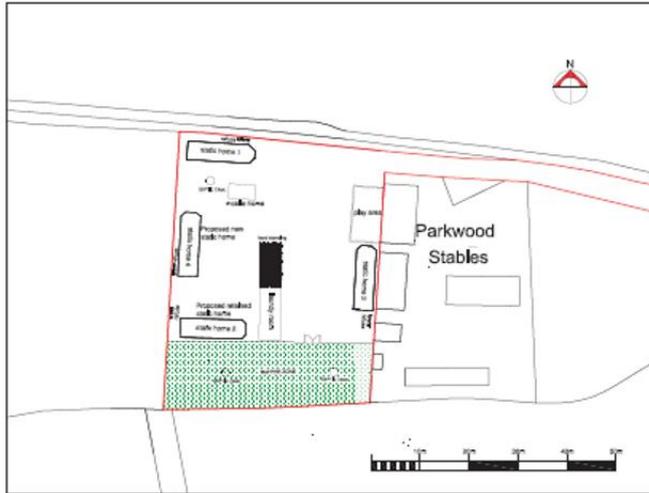


Figure 5 - Current application proposal

- 2.09 The effect of the current application would be to allow 4 static caravans, 2 touring caravans, a stable/utility block and hardstanding areas within the red line of the application site. As a result of the analysis above, there was a need to change the description of development from that originally applied for which was subsequently re-advertised.
- 2.10 During the officer site visit it became apparent that there were buildings/structures located within the 15 metre buffer area of the Ancient Woodland. This comprised the utility building with associated hardstanding around the building (referred to in 19/501650/FULL) and a larger what appeared to be a storage building. These structures are not authorised by any of the above permissions and indeed as can be seen from Figures 3 and 4 above, the area around the Ancient Woodland was to be kept free of development in order to provide a buffer area to the woodland.

### 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 – SS1, SP17, DM1, DM3, DM15, DM30,  
 Neighbourhood Plan – Staplehurst Neighbourhood Plan – policies PW2, PW4  
 National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)  
 Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)  
 Maidstone Landscape Character Assessment (amended 2013)

### 4. LOCAL REPRESENTATIONS

#### Local Residents:

- 4.01 No representations have been received from local residents at the time of writing this report.

### 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)

- 5.01 *Staplehurst Parish Council* –  
 Maintain their recommendation for refusal following re-consultation on the amended description for the following reasons:

“Councillors commented that in 2018 this site was refused by both the Parish Council and MBC due to the harm it would have on the landscape and the rural character of the countryside as this location is in a Landscape of Local Value. The site was against policies SS1, SP17, DM1, DM3, DM15 and DM30 of the Local Plan and policy PW2 of the Staplehurst Neighbourhood Plan. In 2019 the Parish Council

refused application 19/501650. This application was subsequently approved by the MBC Planning Officer with conditions which are relevant to the current application: condition (2) No more than four 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 (Plot shown as The Three Sons on the submitted Site Location Plan ref: BP-01-2019) at any one time, of which no more than two shall be a static caravan or mobile home, and no further caravans shall be placed at any time anywhere within the site. Unless agreed in writing by the Local Planning Authority, the static caravan or mobile home shall be stationed on the site only in the position shown on the plan (Drawing Number: BP-01- 2019 (Site Plan/Block Plan) 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.

Condition (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.

The current application means that yet more of this site will be occupied by additional buildings and vehicles along with associated domestic paraphernalia, with further hardstanding. There is no information on the disposal of foul or surface water for the site which lies close to the protected ancient woodland. This application is against policies SP17, DM1, DM3 and DM30 of the MBC Local Plan and PW2 of the Staplehurst Neighbourhood Plan. This whole area has now been urbanised and there seems to be no way to stop this continual expansion or subdivision of the Maplehurst sites”.

- 5.02 *MBC – Environmental Health Officer -*  
No objection but refers to matters relating to discharge of foul water and inconsistencies with the information on how this will be handled on site. Request details of provision of potable water and how sewerage will be dealt with by way of a condition. Also request a condition to control lighting.
- 5.03 *Kent Highway Services -*  
No objection

## **6. APPRAISAL Main Issues**

- 6.01 The key issues for consideration relate to:
- Need for Gypsy and Traveller Pitches
  - Supply of sites
  - Gypsy status
  - Design and landscape impact (including cumulative impact)
  - Ecology
  - Amenity
  - Highways
  - Other matters
- Need for Gypsy and Traveller Pitches**
- 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. The GTAA conclusions on the need for pitches over the remaining Local Plan period is shown in the table below.

- 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.

**Need for Gypsy and Traveller Pitches Oct 2011 to March 2031**

<b>Period</b>	<b>No. of Pitches</b>
Oct 2011 – March 2016	105
April 2016 – March 2021	25
April 2021 – March 2026	27
April 2026 – March 2031	30
<b>Total - Oct 2011 to March 2031</b>	<b>187</b>

- 6.05 The target of 187 additional pitches is included in policy SS1 of the Maidstone Borough Local Plan (2017).

**Supply of Gypsy sites**

- 6.06 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.

- 6.07 The following table sets out the overall number of pitches which have been granted consent from 1<sup>st</sup> October 2011, the base date of the assessment, up to 31<sup>st</sup> March 2020.

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

<b>Type of consent</b>	<b>No. of pitches</b>
Permanent consent	196
Permanent consent + personal condition	30
Consent with temporary condition	4
Consent with temporary + personal conditions	39

- 6.08 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 7 year supply of Gypsy and Traveller sites at the base date of 1<sup>st</sup> April 2020.

- 6.09 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”. This criteria based policy for the purpose of the Maidstone Borough Local Plan is mainly policy DM15.

- 6.10 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**

- 6.11 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*".
- 6.12 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.
- 6.13 In terms of the applicant, their Gypsy status has been explored in the previous grant of planning permission for 19/501650/FULL and the applicant was found to comply with the definition.
- 6.14 When asked to demonstrate the status of the occupants of the additional mobile homes (one already stationed on the land and one proposed) the applicant has indicated that the mobile homes are required for the applicant's sister, her new partner and her five children. The agent representing the applicant has confirmed that the new partner referred to above is employed in the family roofing business in and around Kent and the Greater London area. Three of the children attend the local primary school with a fourth to start next year. One of the children has a variety of medical conditions which requires attendance at a local special school.
- 6.15 As set out above, the applicant's nomadic status was previously confirmed under application 19/501650/FULL and the need for two additional static caravans has arisen due to the need to house the applicants sister, her partner and her 5 children. I consider as a family unit, with the partner undertaking a nomadic habit way of life (travelling for business purposes), that the family unit comply with the definition as set out in the PPTS.

### **Design and landscape impact**

- 6.16 Policy DM1 states that development must respond positively to, and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality design approach.
- 6.17 Policy DM15 states that Gypsy and Traveller development must not result in harm to the local landscape character and that development should be well screened by existing landscape features.
- 6.18 Policy DM30 requires, amongst other things, that development maintains, or where possible, enhances local distinctiveness including landscape features; and that impacts on the appearance and character of the landscape will be appropriately mitigated.
- 6.19 Policy SP17 requires that the distinctive landscape character Low Weald will be conserved and enhanced as a Landscapes of Local Value.

- 6.20 Policy PW2 of the Staplehurst Neighbourhood Plan states "Proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, .... Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported."
- 6.21 Policy PW4 continues stating that new development within Staplehurst must have regard to the wider landscape.
- 6.22 The site is located in countryside identified as a Landscape of Local Value and included within the Shereden Wooded Hills character area. The Landscape Character Assessment (LCA) describes the condition assessment of this area as very good, with a sensitively assessment as high, a very strong sense of place, strong functional integrity and moderate visibility. Amongst the summary of actions, the LCA guidelines are to conserve the overall character with key actions comprising "conserve the abundance of ancient woodland blocks and enhance through sensitive management for nature conservation and woodland products, conserve oak as the dominant hedgerow tree species, and plant new oak standards within hedgerows to replace ageing species and conserve and enhance the species rich hedgerows, ensuring that they are correctly managed and gaps replanted".
- 6.23 The majority of the application site is a lawful Gypsy and Traveller site with an additional piece of land incorporated into the planning unit as part of the current proposals. The site is bounded by lawful Gypsy and Traveller development to the east (Parkwood Stables) and the Perfect Place site to the west. This can be seen in the plan attached as Appendix 1.
- 6.24 Therefore whilst additional land has been included as part of this application (to regularise the current layout and use of the site) in the wider landscape context, the application proposals will not have a noticeable impact on the wider countryside or its setting. The site is well established with Parkwood Stables to the east with its paddock area to the front proving a strong landscape buffer to views of both sites from Park Wood Lane and a similar arrangement provided by the Gypsy and Traveller sites to the west.
- 6.25 Due to existing roadside/field boundary hedging, only sporadic views from Frittenden Road towards the application site are gained and therefore the site is generally well contained in the landscape. It is therefore not considered that the small increase in the planning unit and the addition of two extra static caravan units would result in "significant harm to the landscape and rural character of the area" being the bar set by policy DM15 of the Local Plan.
- 6.26 The design of the static caravan unit already on site is similar to those already found on site which comprise generally white caravan units. It is not considered reasonable or necessary to require the additional unit (which includes the proposed caravan not already on site) to be clad in say a timber finish as the permission under 19/501650/FULL did not require this and given the self-contained and screened nature of the site.
- 6.27 The size of the site is capable of accommodating the overall number of caravans applied for without appearing overly cramped or harmful to landscape character, however the unauthorised buildings and hardstanding within the buffer area of the ancient woodland need to be addressed.
- 6.28 Standing advice for buffer areas adjacent to ancient woodland generally seek to secure a minimum 15m buffer adjacent to such woodland. The previous approved plans (see figures 3 and 4 above) showed an average of 15 metres, albeit some areas were shorter and other longer than 15 metres. The current plans (see figure 5) show an approximate 15m buffer area, but do not show the existing unlawful

structures within this area. The current plans also show the use of the buffer area for two septic tanks which according to planning records have not been formally approved.

- 6.29 It is not considered acceptable to have structures or apparatus within the buffer area as this undermines the role of the buffer area in seeking to protect the ancient woodland and the fauna and flora. The applicant's agent in communication with the case officer has indicated that the applicant will remove the offending structures from within the buffer area. This can be secured by condition if planning permission is granted and included within a site development scheme to be approved.
- 6.30 Therefore, the addition of 2 further static caravans and the change of use of some additional land within the extended planning unit will not cause sufficient landscape harm to warrant a refusal of the application and certainly will not cause the higher bar landscape harm i.e "significant" as set out in policy DM15.

#### *Cumulative Impact*

- 6.31 Policy DM15 requires the cumulative effect on the landscape arising as a result of the development in combination with existing lawful caravans to be assessed and to ensure no significant harm arises to the landscape and rural character of the area. Appendix 1 shows the extent of lawful caravans pitches in the immediate vicinity of the site, with sites to the immediate east and west of the application site. These sites are relatively self-contained and it must be borne in mind that the existing application site is a lawful Gypsy and Traveller site for the stationing of two static, two touring caravans and utility/day room. The further extension of this site, and the addition of two further static caravans adjacent to the existing lawful Perfect Place site to the west and the Parkwood stables to the east will not result in significant cumulative landscape harm sufficient to warrant a refusal on cumulative harm.

#### **Domination and pressure on local infrastructure**

- 6.32 The Planning Policy for Traveller Sites, paragraph 25 states "Local Planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure".
- 6.33 It is not considered that the addition of two further static caravans on an existing lawful Gypsy and Traveller pitch will dominate the nearest settled community or place undue pressure on local infrastructure. Three children from the site currently attend the local primary school with a further one attending next year. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.

#### **Ecology**

- 6.34 As set out above, the application site sits adjacent to Ancient Woodland to the south, with this land also designated as a local wildlife site. The previous permission for the site secured an average 15m buffer area as shown by figures 3 and 4 above in line with Standing Advice for Ancient Woodlands. This was designed as an area to be free of development. However, the officers site visit found two unlawful structures within this buffer area which were not previously approved.
- 6.35 Removal of these structures and the details secured for the alternative siting of the septic tanks is the minimum necessary to ensure no harm arises to the designed woodland in terms of impact on its flora and fauna. This should be secured by a way of a suitably worded condition which requires the submission of a site development scheme setting out a timeframe for the removal of the buildings/structures and the septic tanks from the buffer area, the restoration of the

site including robust landscaping in this area and the details of the location for the new septic area, its design and capacity.

- 6.36 As the site is an existing lawful Gypsy and Traveller pitch, it would not be reasonable to require further ecological mitigation, other than that outlined above.

#### **Amenity**

- 6.37 As previously stated, the site adjoins existing Gypsy and Traveller development to the east and west of the site. However, the current proposals do not result in any amenity issues due to the distances involved, the single storey nature of caravan development, existing boundary treatment and fencing.

#### **Highway Safety**

- 6.38 The addition of two static caravans on the application site is not considered to have an adverse impact on highway safety. Access to the site is to/from Park Wood Lane and there is considered to be satisfactory visibility splays serving the site so as not to cause a highway safety issue. Sufficient parking exists on site to serve all the caravans.

#### **Other matters**

- 6.39 The Parish Council raise concerns with the intensification of use of the site and the restrictions placed with the previous permission. In response to this, there is nothing that prevents an applicant for submitting a further application to seek a greater use of a site. It is for the decision maker to decide in each case whether the more intensified use complies with established development plan policy. This report recommends that the more intensive use of the site will not have a significant landscape harm, however further mitigation is required in order to ensure harm does not arise to the adjacent ancient woodland.

#### **Public Sector Equality Duty**

- 6.40 In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
  - advance equality of opportunity between persons who share protected characteristics and persons who do not share it; and
  - foster good relations between persons who share protected characteristics and persons who do not share it.

Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Gypsies and Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.

## **7. CONCLUSION**

- 7.01 The proposal forms part of an established Gypsy and Caravan pitch permitted under 19/501650/FULL which granted consent for two static, 2 touring caravans and a utility/stable block. The current proposals seek to increase the size of the pitch in land area and include an additional two static caravans for the applicant's sister, her new partner and her five children. The applicant's gypsy and traveller status has previously been accepted by the grant of the above referenced permission and it is considered the family unit for the new statics comply with the PPTS definition.
- 7.02 The design of the proposed caravans is similar to those already on site and is considered acceptable in this location without requiring additional external cladding

control. The site is capable of accommodating the additional caravans without causing significant harm to the landscape character (the policy DM15 test), will not result in significant cumulative harm in combination with nearby lawful gypsy and travellers sites and will not dominate the nearest settled community or place undue pressure on local infrastructure. The proposals are therefore considered to comply with policy DM15 of the Local Plan and do not conflict with the principles of PW2 and PW4 of the Staplehurst Neighbourhood Plan.

- 7.03 There are however unlawful structures and hardstanding's within the buffer area of the ancient woodland which should be required to be removed in order to safeguard the ancient woodland. A suitably worded condition has been recommended to address this matter requiring the submission of a site development scheme. Should this condition not be complied with, then the permission would become void.
- 7.04 All other matters are considered acceptable or can be controlled by condition and the application is recommended for approval due to conformity with the development and neighbourhood plans.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The additional mobile homes 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 six 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 four shall be static caravans or mobile homes, and no further caravans shall be placed at any time anywhere within the site. The static caravans or mobile homes shall be stationed on the site only in the positions shown on the plan (Site & Block Plan and elevations) 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. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site.

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.

- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials associated with this permission and 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 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 5 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 and timings for the demolition of the existing storage structure and its associated hardstanding within the buffer area of the Ancient Woodland; the relocation of the previously approved amenity/stable block from within the

buffer area to an area outside the buffer area and the breaking up of the concrete/hardstanding area in this location and details of the location of the new area proposed to site the amenity/stable block; the relocation of the septic tanks from within the buffer area to an area outside the buffer area with details submitted of the new location of these septic tanks, their design, storage capacity (measured in terms of capacity per person) and method of emptying; new tree and hedgerow planting within the landscape buffer zone including details of species (should not include the planting of Sycamore trees), plant sizes and proposed numbers and densities; details of the measures to enhance biodiversity within the buffer area; and, the said Scheme shall include a timetable for its implementation. The timetable referred to above shall ensure the storage building, amenity/stable block and associated hardstandings including the septic tanks shall be removed from the buffer area within 6 months from the date of this decision notice.

- (ii) within 5 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: In order to protect the flora and fauna of the Ancient woodland and its soils from inappropriate development.

- 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 the Ancient Woodland 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: In order to protect the buffer area and subsequently the ancient woodland from inappropriate development.

- 6) Thereafter following the measures required by condition 4 and 5, no development whatsoever including any storage of any material, stationing of any chattel, parking/storage of any vehicle shall be carried out in the area shown on the approved plan numbered 16/-7/20/1 Rev B as the buffer zone adjacent to the ancient woodland.

Reason: In order to protect the buffer area and subsequently the ancient woodland from inappropriate development.

- 7) No external lighting shall be put in place or operated on the site as a result of the additional static caravans hereby permitted 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.

- 8) The development hereby permitted shall be carried out in accordance with the following approved plan – Site& block plans and elevations numbered 16/07/20/1 Rev B except for the location of the septic tanks which are shown in the buffer area and which are required to be removed by the terms of condition 4.  
Reason: To clarify which plans have been approved.

Case Officer: James Bailey