

REFERENCE NO - 20/503279/FULL		
APPLICATION PROPOSAL Change of use land for the siting of 1no. mobile home, 1no. touring caravan and the erection of 1no. utility room for Traveller occupation. (Retrospective)		
ADDRESS 4 Ash Gardens, Lenham Road, Headcorn, Kent, TN27 9LG		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is acceptable in relation to the potential impact on Lenham Road, (as well as the access road) in relation to visual harm. The development would not harmfully impact upon the amenity of neighbouring residential amenity nor would it harmfully impact upon highway safety.		
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council considers that the Council has sufficient supply of Gypsy and Traveller sites and additional development which is having a cumulative and detrimental impact upon the settled community is not required. Headcorn Parish Council has requested that the planning application is considered by the Planning Committee if officers are minded to approve planning permission.		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Ms. K Smith AGENT Mr S Copping
TARGET DECISION DATE 30/04/2021 (EOT)		PUBLICITY EXPIRY DATE 04/09/2020

Relevant Planning History

Application site

- 0.1 17/506017/FULL - Change of use of land for the provision of 2 mobile homes and two day rooms. – Refused 08/03/2018 on the grounds that the applicant had not demonstrated firstly that the proposed two additional mobile homes and two day rooms were needed by members of the Gypsy and Travelling community, and secondly that the intended occupiers of the new accommodation had gypsy and traveller status. As such the proposal was considered contrary to Policy DM15 of the Maidstone Local Plan and the National Planning Policy Framework 2012.
- 0.2 Also refused on the grounds of the location of the development within the countryside and that it is visible from Lenham Road, it was considered that the proposal would erode the soft, open and rural landscape and result in a development that detracts from the former open and undeveloped rural character of the site, and given the existence of other Gypsy and Traveller sites nearby, there would be severe accumulation of development in this countryside location to the detriment of the character and appearance of the countryside contrary to the National Planning Policy Framework 2012 and Policies SP17, DM15 and DM30 of the adopted Maidstone Borough Local Plan October 2017.
- 0.3 Appeal allowed on 15/02/2019 under ref: 3199316. The Inspector found that whilst the development would cause harm to the character and appearance of the area, the lack of suitable sites and the need for the applicants to provide a stable environment to raise their children outweighed this visual impact. The needs of the applicant's children were

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given "very significant weight" A personal and temporary permission of three years was granted, which would expire on 15/02/2022.

- 0.4 19/501148/SUB – Submission of details pursuant to condition 5 (Additional landscaping) for the allowed appeal decision (3199316) that related to the refused application under reference 17/506017/FULL – condition details approved 07/05/2019.

Adjacent sites

Ash Gardens

- 0.5 20/502626/FULL - Change of use of land for siting of 1(no) mobile home, 1 (no) touring caravan and erection of dayroom for occupation by Gypsy family. (part retrospective). – Permitted 09/09/2020 a temporary and personal permission for 3 years relating to the applicant.
- 0.6 This permission under reference 20/502626/FULL relates to land immediately to the southeast of the current application site. In a similar manner to the current application site, the 20/502626/FULL site was also included within the larger application site that was previously approved under reference 17/506017/FULL.

Land rear of The Meadows

- 0.7 12/1772 - Use of land as residential to provide 5 plots for gypsy families, with a total of 5 mobile homes, 10 touring caravans and 5 utility blocks with associated works. Permitted 25.04.2013, a temporary permission of 3 years. Appeal to allow for permanent occupation of site dismissed on 16.01.2014.
- 0.8 16/503398/FULL (Plots 1-5) - Variation of conditions 1 and 2 relating to planning permission MA/12/1772 (use of land as residential to provide 5 plots for gypsy families, with a total of 5 mobile homes, 10 touring caravans and 5 utility blocks) to make the temporary permission permanent. Refused 15.12.2016. Appeal withdrawn 11.09.2018.
- 0.9 16/503403/FULL (Plots 6-10) -Variation of conditions 1 and 2 relating to planning permission MA/12/2113 (use of land as residential to provide 5 plots for gypsy families, with a total of 5 mobile homes, 10 touring caravans and 5 utility blocks) to make the temporary permission permanent. Refused 22.12.2016 Appeal Withdrawn 11.09.2018.
- 0.10 21/500604/FULL - Retrospective change of use of land to use as travellers caravan site consisting of 10 pitches, with 13(no) mobile homes and 6(no) utility buildings. (Resubmission of 20/502643/FULL) – Pending Consideration.

The Meadows

- 0.11 13/2014 - Application for variation of condition 1 appended to planning permission MA/12/0760 to allow the occupation of the pitch by Michael O'Brien as shown on drawing no: J001520PL01. - Permitted 12/06/2014 the permission issued was a personal one relating to the applicant and was also conditioned that the site be returned to its original state when no longer occupied by the applicant.
- 0.12 16/502358/FULL - Variation of Condition 5 of planning permission MA/13/2014 (Variation of Condition 1 appended to planning permission MA/12/0760 to allow occupation of a pitch by Michael O'Brien) - To allow stationing of a third mobile home for Mr Michael O'Brien – Refused 29/12/2017 for the following: The proposal is contrary to the terms and conditions of planning permission MA/13/2014, and the intensification of

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the use of the site results in insidious harm due to the further erosion of the area's rural and landscape character and additional cumulative impact thereto, contrary to the aims and requirements of Policies SS1, SP17, DM3, DM15 and DM30 of the Maidstone Local Plan (2017).

- 0.13 19/500169/ENF - Appeal against Enforcement Notice: Without planning permission, the unauthorised siting of two additional mobile homes and associated hard standing over and above that permitted under the approved planning permission MA/13/2014. This is contrary to the national guidance and the Maidstone Borough Local Plan development policies. - In Progress.

2 The Meadows

- 0.14 13/2215 - Use of land for the stationing of a mobile home, a touring caravan and a dayroom for one gypsy/traveller family. – Permitted 01/05/2014. A temporary permission of 2 years was issued, however appeal 3000147 quashed this decision and allowed the site to be occupied for 3 years this decision was issued on 20/02/2015.

- 0.15 18/500672/FULL - Variation of conditions 1 and 4 of appeal decision for application 13/2215 (Use of land for the stationing of a mobile home, a touring caravan and a dayroom for one gypsy/traveller family.) - to amend condition 1 to grant consent on a permanent basis or for a further temporary period, and to amend condition 4 to allow the stationing of 3 caravans (2 static and 1 touring van). – Refused 28/03/2018 for the following: In the absence of sufficient information pertaining to Gypsy and Traveller status there is no justification for allowing this development with the harm it would cause to the openness of the countryside, and the visual impact it would have on the character and appearance of the area. 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 and DM30 of Maidstone Local Plan (2017) and the National Planning Policy Framework (2012). Subsequent appeal withdrawn.

'Land at The Meadows'

- 0.16 11/0917 - Use of land for the stationing of two touring caravans for a gypsy family together with utility room and provision of a hardstanding and temporary toilet, as described in application forms received 3 June 2011, design and access statement received 9 June 2011, certificate B dated 27 January 2012, letters from agent with accompanying documents dated 20 January 2012 and 23 January 2012, and e-mail from agent and accompanying documents dated 14 February 2012, and shown on drawing numbers MAI/17/PL/03 received 5 July 2011 and MAI/17/PL/04 received 10 April 2012. Permitted 17/05/2012 the permission issued was a personal one relating to the applicant and was also a temporary permission of 3 years.

1 DESCRIPTION OF SITE

- 1.01 The application site is located 67m to the north west of Lenham Road, Headcorn. The application site is within open countryside and adjoins two existing authorised Gypsy/ Traveller sites and an equestrian centre.
- 1.02 There is an established dense native species hedgerow approximately 4 metres in height along Lenham Road. This hedge allows filtered views of the Gypsy and Traveller plots that are immediately adjacent to Lenham Road (1 and 2 Ash Gardens). These plots also separate the current application site from Lenham Road.

- 1.03 The caravan site is accessed via the longer access road off Lenham Road that is visible in the image below. The access is not through 1 and 2 Ash Gardens, as the below site plan may give the impression. Fencing approximately 2 metres in height is located alongside the boundaries of the access road. The Ash Gardens sites have brick built planters with hedgerows to the front of boundary fencing. These features all provide screening for the Gypsy and Traveller plots.

Image 1: Site layout approved under 17/506017 at appeal (Red line added by case officer)



- 1.04 The application site is accessed via a close boarded gate located at the south western corner of the plot. The mobile home occupied by the applicant is located at the north eastern end of the site, with a utility building located midway along the south eastern boundary. A tourer is parked in the northern corner of the site. The image below (with annotations added by the case officer) shows the access arrangements.
- 1.05 Existing gypsy and traveller development is evident in the area. To the rear of The Meadows paddock area is a Gypsy and Traveller site (approximately 170m to the north west of the application site) where there is ongoing appeal (public inquiry). A notice was served in august 2018 but inquiry date is still pending. As will be detailed further below there are enforcement cases opposite the application site, two sites without permission and Smith Cottage at the front which has permission for two but has four static caravans on site.
- 1.06 In terms of the surrounding development Image 3 is used to detail the extent of development immediately to the south and opposite the application site. The site opposite (10m to the south west) the application site '2 The Meadows' (highlighted in purple) was granted a temporary permission in 2014, under application 13/2215, this was then extended to 3 years under appeal reference 3000147 in February 2015. An application seeking to allow the site to be occupied on a permanent basis was refused in 2018. The appeal following this decision was withdrawn in July 2020.

Image 2: Proposed Site Plan with access details (added by case officer)



- 1.07 To the north of '2 The Meadows' (14.5m to the west of the application site) is the site known simply as 'Land at the Meadows' (highlighted in green) Application 11/0917 which sought the stationing of two caravans was granted a temporary permission in 2012 for 3 years. This has now expired.
- 1.08 The Meadows site highlighted in orange (20m to the south) is only permitted for use by the current family occupying the site as detailed by permission 13/2014. When they no longer occupy the site, it would be returned to its former state. Application 16/502358/FULL to allow for the placement of an additional mobile home was refused in December 2017 and an enforcement appeal is in progress for the unauthorised placement of two mobile homes.
- 1.09 The development upon the application site itself (highlighted in red) is retrospective. 1, 2 & 3 Ash Gardens immediately to south east (highlighted in blue) are also temporary permissions as detailed in the above planning history section which would expire in 2022 and 2023 respectively.

2. PROPOSAL

- 2.01 The current application seeks planning permission to use the land to provide 1 mobile home, a touring caravan, and the erection of a utility room at 4 Ash Gardens, for occupation by the applicant, and her family.
- 2.02 The current application site forms part of the land that was included within the application site boundary for the planning permission under reference 17/506017/FULL (allowed at appeal for 2 mobile homes and two day rooms shown as the two land plots enclosed in red and blue in Image 3 above). Following the allowed appeal, the larger site has been split up and sold separately. The current application site is at the north west end of the larger site, on the earlier approved plans the land forming the current application site provided a wildflower meadow.

Image 3: Surrounding sites



- 2.03 As such, should planning permission be forthcoming there would be the 2 mobile homes and 2 day rooms (permitted at appeal 17/506017/FULL) associated with 1 & 2 Ash Gardens, the 1 mobile, 1 tourer and day room associated with 3 Ash Gardens permitted under 20/502626/FULL and (the retrospective) 1 mobile home, 1 tourer, 1 utility room and hardstanding associated with 4 Ash Gardens that form part of the current submission.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM3 – Natural environment

DM15 – Gypsy, Traveller and Travelling Showpeople accommodation

DM30 – Design principles in the countryside

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

**Image 4: Left: Proposed block plan (17/506017/FULL, still extant)
– Right: Proposed Block Plan**



4. LOCAL REPRESENTATIONS

Local Residents:

2 representations were received from neighbouring properties objecting to the proposal on the following summarised grounds:

- The development would have a detrimental impact upon neighbouring amenity.
- The development would have a detrimental impact upon the character and appearance of the area and the surrounding landscape.
- Disturbance from the site in terms of anti-social activity.
- Pollution from the site.

5. CONSULTATIONS

Headcorn Parish Council (Summarised)

5.01 Objection: Councillors recommend that the application be refused and referred to MBC Planning Committee were the Planning Officer minded to approve the application for the reasons listed below.

- Headcorn have fulfilled their obligation for the provision of traveller sites in line with the Headcorn Neighbourhood plan and the Maidstone Borough Local plan.
- The traveller population is now dominating the settled population.
- Social cohesion with the village/settled community is very poor and any additional sites granted can only exacerbate this position.
- That the LPA can demonstrate a 5.3 year supply for such sites confirms that there is no unmet or proven need for this site.

Headcorn Aerodrome

5.02 No objection. The development is in close proximity to the aerodrome and would be subject to noise resulting from the use of this facility.

KCC Highways

5.03 No objection recommend standard informative on highways land.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Need for Gypsy and Traveller Pitches

- Supply of Gypsy Sites
- Gypsy Status
- Design and landscape impact
- Cumulative impact
- Amenity Impact
- Highways
- Sustainability

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 Show People Accommodation Assessment (GTAA) dated January 2012. The GTAA conclusions on the need for pitches over the remaining Local Plan period are 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 Planning Policy for Traveller Sites' (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 need 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

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

- 6.05 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

- 6.06 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 1st October 2011, the base date of the assessment, up to 31st March 2020.

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

Type of consents	No. pitches
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 1st 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".
- 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 show people or circus people travelling together as such*".
- 6.12 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 in terms of ceasing travel temporarily, 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 The agent acting on behalf of the applicant has submitted a statement detailing the applicant's personal circumstances.
- 6.14 The current occupants of the caravan on site are the applicant, her brother and her four children, two of school age, one just younger than school age and a newborn. Both school age children attend local schools, and two children visit local health clinics. As well as the benefits to the children of having a settled base, there are also detrimental health impacts from living a roadside existence. These issues would be eased by having a settled based. As detailed by the planning inspector in appeal reference 3199316, the

needs of the children must be given "very significant weight" when determining an application in these circumstances.

- 6.15 The applicant's brother lives with and supports his sister both financially and with her children. Due to this fact, and the importance of keeping the children enrolled in education he has maintained a nomadic way of life for economic purposes. The applicant's brother is away for single weeks at a time in order to be able to also assist with the children's care. The family still travel to maintain the nomadic way of life during the summer months such that the children are able to have continued access to education. During periods of travelling the family have attended fairs such as Appleby and Dorset. They also travel to Liverpool where they have family.

Design, landscape and visual impact

- 6.16 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.17 Policies DM1 and DM30 set out how development must respond positively to, and where possible enhance the character of the area and that any detrimental effects to the landscape must be appropriately mitigated.
- 6.18 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.
- 6.19 The application site is located in countryside identified as a Landscape of Local Value, The Headcorn Pasturelands within the Low Weald. In terms of elements of this landscape that are relevant to this application the Landscape Character Assessment notes that "Within the area views are often contained by the hedgerow boundaries which enclose the small fields." The Assessment concludes that this landscape is in good condition, is of high sensitivity and that it should be conserved.
- 6.20 The application site is located approximately 1.5 miles outside the settlement boundary of Headcorn in the countryside and in an area with a mix of traveller sites and the settled community.
- 6.21 Policy DM15 (c) advises that Gypsy and Traveller development should be well screened by existing landscape features. When viewed from the roadside the mobile homes in the area surrounding the application site are visually contained behind the hedgerow located along Lenham Road. Any views of the application site from Lenham Road will be further restricted as the application site is set 67m back from the road and there are other intervening caravans.
- 6.22 Whilst potential views of the application site would be most likely from adjacent gypsy and traveller sites and the access road, as site photos indicate, the site is bordered by a 2m high close boarded fence. There are no public rights of way in the immediate vicinity of the application site and no significant public views into the site. The only views onto the site would be from 'The Meadows' paddock or if someone chose to walk up the access road.
- 6.23 The above assessment has been made in the context of Gypsy and Traveller accommodation that currently exists on neighbouring sites. In order to attach the appropriate weight in the assessment of the current application, the current

non-permanent status of the Gypsy and Traveller plots surrounding the application site needs to be highlighted. 3 Ash Gardens to the south is a temporary permission which would expire in September 2023 (20/502626/FULL). In the event that this temporary permission is not extended the application site would be isolated on the northern side of the access road, although still screened from Lenham Road. The temporary permission (13/2215) at '2 The Meadows' opposite the application site has also expired and application 18/500672/FULL which sought to establish a permanent pitch has been refused, with the subsequent appeal withdrawn.

- 6.24 MBC Enforcement have been informally consulted on the enforcement status of the sites in the immediate area. Both of the sites opposite (the application site) and Smiths Cottage at the front of the site, which has two extra caravans are all subject to formal enforcement action. All three sit on the priority tracker awaiting enforcement notices. There is no indication how long before enforcement notices are served due to the ongoing public inquiry of the land to the rear of the Meadows and the volume of notices we have waiting to be served.
- 6.25 Whilst it can still be concluded that the caravans included as part of the current application do not have a harmful impact upon the visual amenity of the area, the weight given to the surrounding sites must take into account their temporary nature. In the appeal decision related to this site (3199316) the inspector notes in paragraph 16 "At my request I was provided with a table and plan showing the history of the other sites and the majority of these are unauthorised or have temporary permissions. Further, this cluster is not to an extent that such development has become a predominant element of the overall landscape character and I afford the presence of the potentially unlawful and temporary sites little weight".
- 6.26 In summary, as detailed above the site is situated some distance from Lenham Road and the close-boarded fence to the north west of the site means that the site has little visual effect for the most part, only the tops of the mobile homes are visible from The Meadows paddock. Views are restricted by neighbouring Gypsy and Traveller plots, the site is not prominent when viewed within the context of other development in the area, any views that would be possible would be glimpses.
- 6.27 The mobile home itself is a single storey building with, a shallow gable ended roof. It is 10.9m in length and 3m in height, clad in white weather boarding with 'slate' coloured roof tiles, similar to the mobile on the site to the south east. As was case officer noted during the assessment of that site "In the specific context of other surrounding Gypsy sites, the appearance of the mobile is unlikely to appear incongruous in terms of scale and design". The same assessment is made for this mobile.

Cumulative impact

- 6.28 Policy DM15 advises that the cumulative effect on the landscape arising as a result of the development in combination with existing lawful caravans needs to be assessed and to ensure no significant harm arises to the landscape and rural character of the area.
- 6.29 The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent sites. These sites are relatively self-contained, and it must be borne in mind that the neighbouring site has a lawful use currently up until September 2023.

- 6.30 The current submitted proposal for one additional mobile, one additional tourer and a utility building will not result in significant cumulative landscape harm sufficient to warrant a refusal on cumulative harm.

Amenity

- 6.31 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties.
- 6.32 In terms of the impact upon the amenity of other Gypsy and Traveller accommodation, the closest caravan is located immediately south east of the application site, number 3 Ash Gardens. As site photos show, views into the plot of No.3 are restricted by the boundary fence, and when considering the distance of 13m no overshadowing impact or loss of privacy would occur.
- 6.33 Due to the distance plots opposite the application site would not be impacted upon by the proposed development.
- 6.34 In terms of the impact upon the settled community, representations have been received from neighbouring properties. The nearest house is at least 30 metres away from the application site. When considering that the proposed caravans and utility building are single storey in height there would be no loss of privacy or overshadowing impact on the nearest house.
- 6.35 Representations received also raise a concern about anti-social behaviour on the site. The proposed use is residential and there is nothing to indicate that the site would cause a loss of amenity in relation to anti-social behaviour. Any issue that may arise in relation to excessive noise is considered under separate legislation outside the planning system.

Highways

- 6.36 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. Policy DM15 states that there must be safe site access from the highway. DM30 also continues this theme stating that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.37 With the small scale nature of the submitted proposal, the vehicle movements from the application site are easily accommodated on the local road network. The current proposal does not raise any highway safety issues in relation to the use of the existing access on to Lenham Road including in terms of diver sightlines. A refusal would not be warranted in relation to the individual impact from the additional caravan currently proposed or in terms of the cumulative impact from other local development.
- 6.38 No objections to the development have been raised by the local highway authority.

Ecology

- 6.39 The National Planning Policy Framework encourages net gains for biodiversity to be sought through decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.

- 6.40 Policy DM3 states that development proposals will be expected to appraise the value of the boroughs natural environment and take full account of biodiversity present including the retention and provision of native plant species.
- 6.41 The current application is retrospective and as such this would include the gravel surface the development is located on. As part of the previous permission (17/506017/FULL) the application site was shown as a 'wildflower meadow'.
- 6.42 Paragraph 18 of appeal relating to the site (3199316) states "Policy H of the PPTS advises that weight should be attached to well-planned or soft-landscaped sites that positively enhance the environment and increase openness. In this case, a significant part of the appeal site's hardcore and gravel surface would be replaced with an area to be seeded with wild flowers. Although its visual effects would be limited given the siting to the rear, it would nevertheless represent an environmental enhancement".
- 6.43 Condition 5 was imposed upon the permission which required "seeding of the relevant part of the appeal site with grass and wild flowers" as well as its retention and maintenance "in accordance with the approved details". The condition specified that these works should have been carried out within one month of the decision; this condition was discharged on 07/05/2019, three months after, it is not clear if the planting ever took place.
- 6.44 When taking into account the size of the plot, and that it is occupied, it is not possible to return to the 'status quo' of a wild flower meadow. Whilst it was considered to represent an 'environmental enhancement' and was conditioned, the inspectorates' decision did not hinge on securing this. The inspectorate concluded that the "proposal would cause harm to the character and appearance of the area" (Paragraph 20), despite the inclusion of the wildflower meadow. The appeal decision does not appear to give any particular consideration to the ecological impact of the development.
- 6.45 The development at 3 Ash Gardens (20/502626/FULL) also resulted in the erosion wildflower meadow, with the officer report coming to a similar conclusion as the inspectorate regarding the harm to the character and appearance of the area. The current development would result in the wild flower meadows loss in its entirety. Whilst this is regrettable, beyond the application sites location within the countryside, this is not a 'protected' area and the ecological impact must be weighed against the fact that the development would provide a home for a family with young children.
- 6.46 Similar to the conclusion of the report to 3 Ash Gardens if permission is refused, it is likely that the applicant would have to live a roadside existence, and this would harmfully interfere with the care and education of her children as well as the employment of her brother. On the balance of weight, the presence of a wild flower meadow is not attributed more weight than the needs of the applicant.
- 6.47 On this basis a planning condition is recommended requiring the applicant to submit details of biodiversity enhancement to achieve a net biodiversity gain on the application site. This could be in the form of retro fitted bird boxes bat boxes, and where relevant bee bricks.

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 one mobile and one touring caravan and a utility building will dominate the nearest settled community or place undue pressure on local infrastructure. Children from the site currently attend the local primary school. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.

Sustainability

- 6.48 The supporting text to policy DM15 states in relation to gypsy and traveller accommodation *"It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. Frequently, because of land availability, more rural sites are proposed. Where such sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside"*.
- 6.49 The site is approximately 1.6 miles north east of Headcorn where there is access to a comprehensive range of services, amenities and facilities.
- 6.50 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

Human Rights and Equality

- 6.51 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.
- 6.52 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

Conclusion

- 6.53 The above report has set out the planning history on the application site and the history relating to neighbouring sites where gypsy and traveller accommodation are currently located and has highlighted temporary permissions. In reaching a conclusion on the current proposal the decision maker has to take account of the possibility of neighbouring caravans being removed from the site. This was confirmed in the Blossom High Court decision which found that the potential change to the character of an area needs to be assessed "if the Council took action or if the temporary permission expired".
- 6.54 Whilst unlikely to take place, if all neighbouring caravans without permanent planning permission were to be removed, the application site would still be screened from Lenham Road by existing landscaping. A planning condition is also proposed to provide additional landscaping.
- 6.55 As is detailed in the planning history section, previous appeals at the application site indicate that the needs of the applicant's children and the benefits of raising them in a stable environment should be given significant weight in the decision making process. This requirement and as outlined in this report the lack of any significant harmful visual impact leads to the conclusion that planning permission should be approved.

6.56 The development is in keeping with local and national planning policies, and approval is recommended subject to planning conditions.

7. RECOMMENDATION

Grant 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 one mobile home and one tourer 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, , and no further caravans shall be placed at any time anywhere within the site. The mobile home and tourer shall be stationed on the site only in the positions shown on the plan (J003545-DD-03A – Proposed Site 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.
- 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 mobile home and utility building; means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage at the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting including details of species (should not include the planting of Sycamore trees), plant sizes and proposed numbers and densities *and; details of the* 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.

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- (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 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.

- 5) 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.
- 6) 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.
- 7) 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.
- 8) The development hereby permitted shall be carried out in accordance with the following approved plans and information:

Application for Planning Permission

J003545-DD-01A	Site Location Plan
J003545-DD-02A	Existing Site Plan
J003545-DD-03A	Proposed Site Plan
J003545-DD-04	Proposed Utility Block Plan
Covering Letter	

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Reason: To clarify which plans have been approved.

Case officer: William Fletcher