

REPORT SUMMARY

REFERENCE NO: - 23/503722/FULL		
APPLICATION PROPOSAL: Demolition of existing dayroom and erection of a replacement dayroom together with associated landscaping (Resubmission 22/505594/FULL).		
ADDRESS: Golden Oaks Pye Corner Ulcombe Kent ME17 1ED		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: Policy SP17 permits replacement buildings in the countryside where they are proportionate in scale and would not compromise the intrinsic character of the site including its sense of spaciousness. Owing to the scale, location, and design of the replacement dayroom, it would not represent a harmful addition to the site. The proposal would conserve the character and appearance of the countryside and would be ancillary to the existing residential accommodation at the site.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Ulcombe Parish Council reasons for the reasons in section 4 of this report.		
WARD: Headcorn	PARISH COUNCIL: Ulcombe	APPLICANT: Mr L Gilham AGENT: Graham Simpkin Planning Ltd
CASE OFFICER: Francis Amekor	VALIDATION DATE: 11/08/23	DECISION DUE DATE: 24/11/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

18/506206/FULL Removal of existing outbuilding and erection of a single storey pitched roof outbuilding for use ancillary to the domestic occupation of the site. Approved 06.03.2019.

20/502291/FULL Minor material amendment to condition 2 (approved plans) and variation of condition 6 (waste and foul drainage) to application 18/506206/FULL for removal of existing outbuilding and erection of a single storey pitched roof outbuilding for use ancillary to the domestic occupation of the site. Approved 16.10.2020.

22/505594/FULL Erection of a replacement dayroom. Refused 01.06.2023. This application was refused for the following reasons.

"The proposed dayroom would result in a level of accommodation which is not ancillary nor essential to serve the occupants of the site, and due to the proposed scale, siting and design of the building would cause adverse harm to the character and appearance of the countryside hereabouts. The proposal would therefore represent unacceptable development, consolidating built form in this sensitive countryside location, contrary to policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); and the National Planning Policy Framework (2021)".

23/502991/PAPL Further advice sought on the above refusal of planning permission for the erection of a replacement dayroom (22/505594/FULL). The advice concluded that "...it

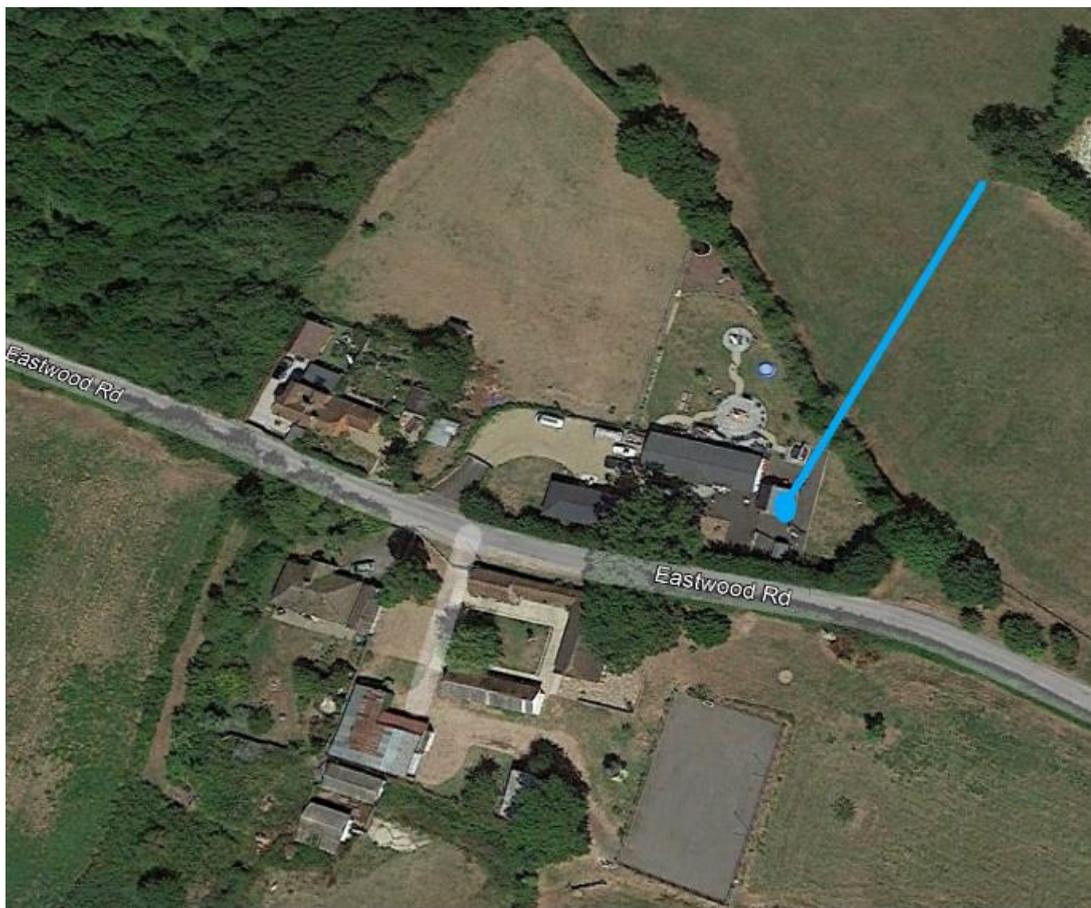
is likely that officers will be able to recommend that planning permission is granted for a future planning application based on the following changes:

- The dayroom building footprint is reduced to maximum of 90 square metres.
- The dayroom building is moved 4-5 metres north away from the front boundary.
- Landscaping enhancement is set out to strengthen the front boundary and the existing hedge.

MAIN REPORT

1. DESCRIPTION OF SITE

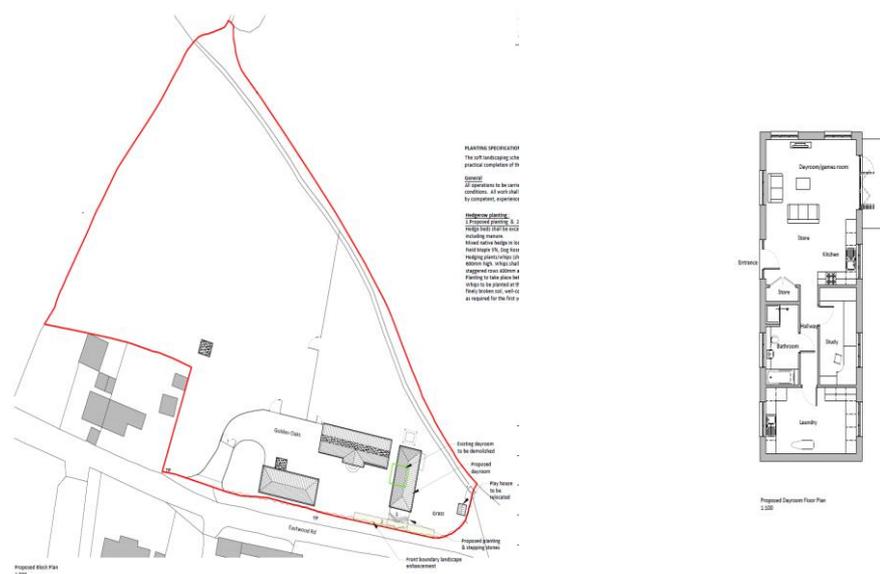
- 1.01 The application relates to an established gypsy traveller site located on the north side of Eastwood Road, approximately 250 metres east of Ulcombe village. The site accommodates an existing static mobile home, a stable building, and a dayroom. There is an area of hardstanding within the site and hedgerows to the southern, eastern, and northern site boundaries. The remainder of the site consists of an 0.44-hectare open field located to the north of the group of buildings.
- 1.02 The Maidstone Landscape Character Assessment identifies the site as falling within the Ulcombe Mixed Farmlands landscape character area which is found to be in very good condition with a very high sensitivity, with guidelines to conserve. The surrounding landscape is rural and characterised by traditional agricultural field pattern, scattered semi-wooded stretches, ponds and enclosed arable fields, orchards and polytunnels. Access to the site from Eastwood Road is gained via a gated entrance.
- 1.03 A public right of way runs from Eastwood Way adjacent to the north east application site boundary.



Aerial photo showing dayroom location.

2. PROPOSAL

- 2.01 The application is a resubmission of a previous application under reference number 22/505594/FULL for demolition of an existing dayroom building positioned to the east of the main static caravan, and its replacement with a larger day room.
- 2.02 The earlier application was refused on the basis that the accommodation provided would not be ancillary or essential to serve the occupants of the existing planning unit, and that the scale, siting, and design of the building would cause adverse harm to the character and appearance of the countryside.
- 2.03 The dimensions of the previously refused dayroom were 15 metres long, 8 metres wide, 4 metres above ground level at the roof ridge and eaves at 2.5 metres. This dayroom occupied a floor area of approximately 120m².
- 2.04 The dimensions of the revised dayroom are 14.5 metres long, 6 metres wide, 4 metres above ground level at the roof ridge and eaves at 2.5 metres. This dayroom would occupy a floor area of approximately 90m².
- 2.05 The dayroom as currently proposed has been relocated further away from the front boundary when compared to the previously refused application and has a smaller footprint. The current proposal also includes landscaping enhancement between the dayroom and the front boundary. The revised proposal includes the changes recommended by officers as part of the pre application advice that is outlined above.



Proposed block and floor plans.

3. POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Local Plan 2017:

- Policy SS1 – Maidstone Borough Spatial Strategy
- Policy SP17 – Countryside
- Policy DM1 – Principles of good design
- Policy DM3 – Natural environment
- Policy DM2 – Sustainable design
- Policy DM8 – External lighting
- Policy DM15 – Gypsy, Traveller, and Travelling Show People Accommodation
- Policy DM23 – Parking standards
- Policy DM30 – Design principles in the countryside

Emerging draft policy: Maidstone Draft Local Plan:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time. The relevant policies are as follows:

Policy LPRSS1- Maidstone Borough Spatial Strategy
Policy LPRSP9- Development in the Countryside
Policy LPRSP15- Principles of Good Design
Policy LPRQ & D4- Design principles in the Countryside
Policy LPRTRA4 – Parking
Policy LPRSP10(C) - Gypsy & Traveller Site Allocations
Policy LPRHOU 8 - Gypsy, Traveller and Travelling Show people Accommodation

The National Planning Policy Framework -NPPF (2023)

Section 2 – Achieving Sustainable Development
Section 4 – Decision Making
Section 6 – Building a strong, competitive economy
Section 12 – Achieving well Designed Places

Supplementary Planning Document

Maidstone Landscape Character Assessment
Landscape Character Assessment (2013) & Supplement (2012)
Landscape Capacity Study: Sensitivity Assessment (2015)
Planning Policy for Traveller Sites (2015)
Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)
Para 99 of Govt Circular (ODPM 06/2005) & Natural England Standing Advice

4. LOCAL REPRESENTATIONS

Local residents:

4.01 No response to neighbour consultation.

Ulcombe Parish Council:

4.02 Objection on the following summarised grounds:

- Application contrary to local plan policies
- Unacceptable development as due to its size the dayroom would be unattractive in the open countryside.
- Replacement dayroom is nearly four times the size of the existing dayroom.
- The previous grounds for refusal have not been overcome.
- If officers are minded to approve requests that this application be referred to the MBC Planning Committee.

5. CONSULTATIONS

KCC Public Rights of Way

Raise no objection.

6. APPRAISAL

The key issues are:

- Countryside impact - policies SP17 and DM15
- Level of accommodation
- Residential amenity

Countryside impact - policies SP17 and DM15

- 6.01 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
a) there is no harm to local character and appearance, and
b) they accord with other Local Plan policies.
- 6.02 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.03 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling, agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall.
- 6.04 In this case, policy DM15 accepts that new Gypsy and Traveller accommodation will be in the countryside and lists 5 criteria that planning applications will be assessed against. As the current application relates to an existing Gypsy and Traveller site, the following criteria in DM15 is relevant.
- DM15 ii. The development would not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to: a. Local landscape character; b. Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans; and c. Existing landscape features - development is well screened by existing landscape features and there is a reasonable prospect of such features' long term retention; Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development.
- 6.05 The Maidstone Landscape Character Assessment identifies the site as falling within the Ulcombe Mixed Farmlands landscape character area which is found to be in very good condition with a very high sensitivity, with guidelines to conserve. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 6.06 The replacement dayroom would have a traditional appearance that would reflect the character of its surroundings. It is accepted that the footprint of the replacement dayroom is larger than the existing dayroom. It is also highlighted that the existing dayroom is significantly smaller than others found acceptable on sites across the borough and that the size of the dayroom currently proposed is comparable to the size of other dayrooms across the borough.
- 6.07 The proposed dayroom is in proximity to existing buildings and has been moved away from the front boundary as part of this revised proposal. The scale of the

building is in keeping with nearby buildings and the site generally. There is existing screening to the application site and the submitted plans show landscape enhancement between the building and the site boundary. It is recommended that this landscaping is secured through a planning condition.

- 6.08 With reference to DM15 the proposal will not result in significant harm to the landscape and rural character of the area. With the backdrop of woodland to the west, the dayroom will be screened by existing boundary treatments and additional planting is proposed to supplement existing landscaping.
- 6.09 The proposed dayroom taken with other buildings at the site would not cumulatively be harmful to the character of the wider landscape. In accordance with policies DM1 and DM30, the type, siting, materials, design, mass, and scale of the dayroom would maintain and respond positively to local distinctiveness.
- 6.10 The proposed dayroom would result in some harm to local character and appearance, however with reference to the two parts of policy SP17, the proposal is in accordance with policies DM1, DM15 and DM30 of the Maidstone Borough Local Plan, and paragraph 174 of the NPPF (2023) which jointly require development to respect and complement the local character and avoid harm to visual amenity.

Level of accommodation

- 6.11 Material consideration in this case relates to whether the level of accommodation provided in this current scheme would be ancillary or essential to serve the occupants of the existing planning unit, and secondly the effect on the character and appearance of the site and surrounding countryside.
- 6.12 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide under the Housing Act (2004). A dayroom building is usually necessary to provide access to basic amenities and services (such as a hot and cold-water supply; washroom; kitchen/dining area; and electricity supply). However, such a building must still appear subordinate and ancillary to the main living accommodation at a site.
- 6.13 In this instance, the proposed dayroom would occupy a floor area of approximately 90m². The building would also be sufficiently subordinate to the 160m² accommodation currently on site. The submitted floor plan for the dayroom includes uses considered ancillary to the residential use of the site.
- 6.14 On this basis, the level of accommodation provided in the replacement dayroom is ancillary accommodation necessary to serve the existing static mobile home. Given these factors, the replacement dayroom building would represent a subservient amenity building and a sensitive addition to a site in a countryside location.

Residential amenity

- 6.15 Policy DM1 of the Maidstone Borough Local Plan requires that development should respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in excessive noise, activity, or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.16 The closest neighbouring residential properties are Rose Cottage to the west and Vale Beck to the south- west, as well as the stables to the south. These dwellings are approximately 50 metres away from the application site, a separation distance is sufficient to prevent any adverse amenity effects with regards to noise, sunlight, daylight, or outlook.

- 6.17 The plans and application form do not indicate there is an intention to install outside lighting. Given the location of the site a condition is recommended requiring details of external lighting associated with the dayroom is submitted for prior approval by the Council.
- 6.18 Given the above, the proposal is in accordance with the requirements of policy DM1 of the Local Plan.

PUBLIC SECTOR EQUALITY DUTY

- 6.19 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.
- 6.20 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish 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.
- 6.21 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.

7. CONCLUSION

- 7.01 In summary, policy SP17 permits development in the countryside where a) there is no harm to local character and appearance, and b) they accord with other Local Plan policies. Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 7.02 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling, agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall.
- 7.03 In this case, policy DM15 accepts that new Gypsy and Traveller accommodation will be in the countryside and lists criteria against which planning applications will be assessed. The replacement dayroom is proportionate in scale and would not compromise the intrinsic character of the site. With the scale and location of the replacement dayroom, it would not represent a harmful addition to the site. It would maintain the character and appearance of the countryside and would be ancillary to the existing residential accommodation.
- 7.04 The proposals would not conflict with the requirements of Policy DM1 of the Maidstone Borough Local Plan Local Plan seeking protection of residential amenity for all existing and future occupiers of buildings. On this basis, the proposals overall would comply with policies SS1, SP17, DM1, DM15 and DM30 of the Maidstone Local Plan (2017), the Maidstone Landscape Character Assessment and Supplement (2012) and the National Planning Policy Framework (2023).

8. RECOMMENDATION – GRANT Subject to the following conditions - with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

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

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

- 2) The development shall be carried out in accordance with the following approved plans:

Application Form

Drawing Number: 01 (Site Location Plan)

Drawing Number; 02 (Existing Block Plan)

Drawing Number: 03 (Existing Floor Plan and Elevations)

Drawing Number: 04 (Proposed Block Plan)

Drawing Number: 05 (Proposed Floor Plan)

Drawing Number: 06 (Proposed Elevations)

Planning Statement

Reason: To ensure a satisfactory appearance to the development and to prevent harm to the surrounding countryside.

- 3) All external facing materials shall accord with the plans and application details hereby approved.

Reason: To ensure that the development does not harm the character and appearance of the area or visual amenity of the locality.

- 4) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

- 5) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character, and appearance of the countryside; and in the interests of residential amenity.

- 6) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
- b) be in accordance with the recommendations of Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
- c) include a layout plan with beam orientation.
- d) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- e) an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 7) Prior to the dayroom construction proceeding above ground level a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall:
 - a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character a) Assessment Supplement 2012).
details of the number, size, species, maturity, spacing and position of proposed native trees and landscaping.
 - b) a timetable of implementation of the approved scheme and
 - c) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 8) All planting, seeding, and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five years from planting die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 9) Prior to the dayroom construction proceeding above ground level details of biodiversity enhancement on the site, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall provide for the enhancement of biodiversity through integrated methods into the design and appearance of the building structure by means such as swift bricks, bat tube or bricks and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 10) Prior to the dayroom construction proceeding above ground level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual

energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the approved building and maintained thereafter.

Reason: To ensure an energy efficient form of development.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.