

APPLICATION: MA/11/0744 Date: 9 May 2011 Received: 17 August 2011

APPLICANT: Mr & Ms Love, Peckham & Butler

LOCATION: THE ORCHARDS SNOWEY TRACK OFF, PARK LANE, BOUGHTON
MONCHELSEA, MAIDSTONE, KENT, ME17 4JJ

PARISH: Boughton Monchelsea

PROPOSAL: The change of use of the site to a residential caravan site for 4 gypsy families involving the siting of 4 mobile homes, 4 touring caravans, the erection of 4 brick-built amenity blocks with associated parking areas as shown on site location plan received on 10/5/11; and drawing no. MAI/11473/P received on 23/5/11.

AGENDA DATE: 12th January 2012

CASE OFFICER: Geoff Brown

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council and Committee consideration has been requested

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, T23
- The South East Plan 2009: CC1, CC6, C4, H4, NRM5, NRM7, BE6
- Village Design Statement: N/A
- Government Policy: PPS1, PPS3, PPS5, PPS7, PPS9, PPG13, Circular 01/06

2. HISTORY

There is no planning history directly relevant to this case.

3. CONSULTATIONS

BOUGHTON MONCHELSEA PARISH COUNCIL "would like to see the above application **REFUSED** because the proposed development, especially when considered cumulatively with other developments south of Heath Road, would cause significant and irreversible harm to the character and appearance of the open countryside and the area generally. The proposals are therefore contrary to policy ENV28 which is the sole applicable policy of the development plan.

We also consider the proposed development is clearly not in accordance with the development plan. Policy ENV28 states that planning permission will not be granted for development which harms the character and appearance of the area, and that development on countryside will be confined to specific types of development. The proposed development does not satisfy any of these exception criteria set out in the policy.

The development thereby constitutes a departure from the development plan. The consultation on the application should therefore be recommenced and advertised as a departure from the development plan, and the application should be referred to the Secretary of State.

Specifically, the Boughton Monchelsea Parish Council objects because:

1. Development for gypsy and traveller sites on countryside land is not appropriate under the Development Plan except under exceptional circumstances and those circumstances do not apply to the current application as the proposals are contrary to policy ENV28 of the Maidstone Borough – Wide Local Plan 2000. Development which is unrelated to gypsies in the local area has been resisted; application MA/09/1884 for the erection of a bungalow on land at Church Hill was refused on the ground (inter alia) that the proposal would further consolidate existing sporadic development and cause unacceptable harm to the character and appearance of the countryside contrary to policy ENV28 of the Maidstone Borough – Wide Local Plan 2000. The development, if permitted, would cause even more harm.
2. The development, if permitted, would result in visually intrusive and unjustified residential development within open countryside (through which runs the nationally and internationally acclaimed Greensand Way), contrary to Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and Policies CC1,CC6 and C4 of the South East Plan 2009.
3. The developments are visible from the woodland lying to the east of them, in which there are public footpaths. They are seen by those wishing to enjoy the Weald. Tree screening has been removed to make way for gateways and hardcore crossways. There is no screening other than the ancient woodland.
4. The site gates and entrances and roughly made tarmacadam crossovers are all alien features in this otherwise rural landscape.
5. The development, if permitted, would be constitute an over concentration of sites in this locality, which would cause material harm to the character and appearance of the countryside. Regard should be had to the officer's report in connection with Application MA/09/1685 (the application for planning permission made by travellers on nearby land at Church Hill), which acknowledges the potential for over concentration to be an issue and, quite rightly, confirms that precedent is not in itself an overriding consideration for future applications. The development, if permitted to remain would cause incalculable harm.
6. The Council is aware of Circular 01/2006 which refers to gypsy and traveller caravan sites. The Circular is a material consideration but does not form part of the development plan, is not planning policy and does not over-ride, supersede or circumvent planning policy. The Circular provides non-statutory advice and guidance on the application of planning policy.

The Circular is also under review by the Secretary of State who is concerned that it is unfair, and inappropriate application of the Circular has resulted in local planning authorities being “forced” to grant planning permission for development of greenfield land. The Secretary of State also acknowledges that gypsies and travellers have abused the planning system and greater enforcement powers are required to enable action to be taken where the system is abused. We therefore consider limited weight should be applied to the policy and that approval of permission on the grounds of the Circular would be entirely unreasonable.

7. Paragraph 54 of Circular 01/2006 provides that there should not be a high concentration of pitches in any one area, especially where they place undue pressure on the local infrastructure. The application does not address the numbers of persons residing at the site but, whatever the number (and initial estimates put this at four families with other persons coming and going), this, added to the numbers of travellers already residing at the Church Hill sites amount to an *extremely high* concentration of travellers in the parish compared with members of the settled community. Paragraph 70 of Circular 01/2006 makes reference to human rights. Whilst gypsies have the right to a place to stay, a balance between this right and the rights of the long standing residents and the children of the village to enjoy the homes and school which they have done for decades must be struck. The rights of the settled community are being further and quite wrongly undermined.
8. There are few services from which the applicants might benefit. The village has a very poor bus service and an oversubscribed primary school. There is no doctor’s surgery and it is submitted that the site is not sustainable within the terms of the guidance in paragraph 64 of Circular 01/2006. The site has poor access to the urban area, being accessible only by car. It does therefore not meet the criteria embodied in Structure Plan policy HP9 or Circular 01/2006. The village infrastructure will not accommodate what is, in effect, *another* new hamlet. Paragraph 64 refers to the promotion of peaceful and integrated co-existence between the site and the local community. The local community is mindful of the harm which the development would, if approved, cause to the open countryside and of the future effect on the primary school, which is currently oversubscribed. One of the aims of the circular is the integration and co-existence with the local community. It is difficult to imagine how this might emerge from this site, given the strength of feeling concerning this application, which has already resulted in a petition to the Borough Council being prepared.
9. The applicants moved in without discussing with the local planning authority the likelihood of planning consent being obtained. This is contrary to advice that applicants are required to seek to establish good communications with members of the local community and obtain planning permission first. The Secretary of State has made public his view that this type of underhand tactic is unacceptable and should not be rewarded by special treatment; that the planning system is being taken advantage of by people who deliberately develop without permission and seek retrospective permission on the assumption that applications are viewed differently once the use is established.
10. The development, if permitted, will clear the way for other forms of development on the south side of the B2163. The Parish Council wishes to see the planning authority strongly

resist any form of new build or inappropriate development on the south side of Heath Road. Heath Road should remain a natural boundary of built development with the open countryside.

11. The proposed development accesses Park Lane, which is a quiet rural lane. Any further development with permitted access onto Park Lane would significantly harm the character and appearance of the lane and would be contrary to Policy ENV36 of the Maidstone Borough Wide Local Plan 2000. The proposed development would introduce unjustified additional traffic onto a rural lane which will affect its character contrary to Policy NRM10 of the South East Plan 2009.
12. The effect of the development on the ecology of the area has not been considered at all, but there will certainly be some negative impacts. Trees have been cut down and large areas of impermeable surfacing have been laid, where previously there were none, which may affect the local eco-system. No investigation has been carried out to establish the effect of this. Permission cannot be granted until more evidence is submitted on the potential impacts and what mitigation can be offered to ensure no significant harm is caused.
13. The effect on the adjacent prehistoric earthwork has not been properly investigated but there is significant potential for adverse impacts.
14. The Parish Council expects the planning authority to vet rigorously the status of the applicants to determine if they fully qualify for the gypsy status they may eventually seek to claim.
15. The availability of alternative accommodation for travellers is being addressed by the local authority and the provision of this should be awaited before any decision which would cause irreparable harm to the open countryside is taken.
16. The Parish Council acknowledges the need for accommodation to be found for travellers but urges the Borough Council to be circumspect, especially given the recent publicity regarding Circular 01/2006 and the weight that should be applied to it. The granting of planning permission for this application would cause irreversible loss of rural land.”

THE KENT COUNTY COUNCIL BIODIVERSITY PROJECTS OFFICER states that the site looks to be of low interest for biodiversity and so an ecological scoping survey is not necessary. There is ancient woodland adjacent to the site and therefore it is advised that lighting is controlled; landscaping incorporates native, local provenance species; landscaping is properly managed; and the applicants are made aware of the importance of the ancient woodland.

THE KENT WILDLIFE TRUST points out the presence of ancient woodland to the east and south west of the site and the importance of such woodland. The introduction of a residential use may give rise to harmful disturbance within the woodland: the Council should ensure that adequate open space exists for domestic animals and boundaries should be secured to prevent unsupervised dispersal of such animals.

KENT HIGHWAY SERVICES has no objection.

THE KENT COUNTY COUNCIL PUBLIC RIGHTS OF WAY OFFICER makes the comment that no gate or obstruction should be erected on the access road where it is shared with the public footpath.

THE KENT COUNTY COUNCIL ARCHAEOLOGY OFFICER has no objection subject to the imposition of a condition requiring an archaeological watching brief over any excavation.

THE MBC ENVIRONMENTAL HEALTH MANAGER has no objection subject to the imposition of a condition requiring more precise details of foul water disposal. The officer points out that caravan sites licence conditions would need to be met.

THE MBC LANDSCAPE OFFICER has no objection subject to conditions requiring details of foundations of the amenity blocks, services, tree protection and proposed landscaping.

4. REPRESENTATIONS

A PETITION of approximately 1200 signatures in relation to the open countryside around Wierton, Chart Sutton, Boughton Monchelsea and the Greensand Way has been received which makes references to a number of gypsy sites, including the application site and also to a proposed residential conversion. To summarise it states that the Council has the highest number of authorised and unauthorised sites in Kent, considers that the Council has a lack of rigour concerning process and enforcement and that checks and procedures have not been followed and that it has not planned sufficiently to meet the needs of travellers with the result that many have had to resort to unlawful developments which is harming community cohesion and is not fair on the residents, nor on the travellers.

LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM 37 LOCAL HOUSEHOLDS, FROM PLANNING CONSULTANTS REPRESENTING LOCAL RESIDENTS AND FROM PROTECT KENT. The (summarised) points of objection are:

- a) The application is contrary to Development Plan Policy and there are no material considerations here to justify a departure from its provisions. The application is contrary to Central Government Guidance.
- b) The Council refer to this being a development for gypsies in its description but that was not the description on the application form. Subsequent submissions do not prove that the applicants are gypsies and there is no evidence that the applicants need to live on this site. If the applicants are not gypsies Circular 01/06 offers no support. A refusal of permission here would not be contrary to human rights legislation and there is evidence that the applicants are not actually living on site.

- c) The proposals cause significant harm to the character of the unspoilt countryside. The site is clearly visible from the local footpath network. The site harms the settings of valuable listed buildings.
- d) There is an undesirable over-concentration of traveller site in the area and this makes matters worse.
- e) This is not an appropriate location for a residential site being poorly related to basic services and public transport. This is a form of unsustainable development.
- f) The development leads to a loss of wildlife resources and is harmful to the ecology of the area.
- g) Trees and vegetation have been removed to facilitate the development.
- h) Ancient earthworks would be damaged as a result of this scheme.
- i) The access track is not suitable to accommodate the development. It is not suitable for emergency vehicles and there would be conflicts between pedestrians using the footpath and vehicles. The access track emerges onto Park Lane at a sharp bend and exit visibility is poor. The local highway network is inadequate for the level of traffic that would be generated. The application proposals are harmful to highway safety.
- j) The development would cause noise and disturbance harmful to local residents. The application has generated strong opposition from the local community.
- k) This is high quality agricultural land that should not be developed.
- l) The Council should have taken enforcement action against this development when it was first commenced. The development applied for is not the same as that to be found 'on the ground'.
- m) To allow this development would be to set a precedent for future similar schemes.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located in open countryside off the south side of Park Lane. The land hereabouts is not the subject of any landscape designation in the Local Plan. The site involves a rectangular area of approx. 1.3 ha that is bordered by woodland and shelter belts. The site is served by a rough access track that runs south from a right-angled bend in the highway. The track passes Tilt's Wood on its eastern side and more open parcels of land on its western side, including a woodyard immediately to the north of the site. Tilt's Wood is protected by TPO 7/1982. The line of public right of way KM119 runs along the

length of the access track before leading off south eastwards through the woods, roughly at the point where the track meets emerges onto the application site.

- 5.1.2 The site comprises a former cherry orchard with grassland under small trees. The site is relatively flat and is bordered to the east by the access track and Tilt's Wood, to the south and west by lines of trees with agricultural land beyond, and to the north by a line of trees with a woodyard beyond that.

5.2 Proposal

- 5.2.1 The application proposes the change of use of the land to a caravan site for 4 gypsy families. Four plots are proposed each served with an access drive running westwards into the site with space for a mobile home, a touring caravan, an amenity block and associated parking/turning area: all at the western end of each plot. The plans show the retention of the remaining orchard trees and the aforementioned natural boundary treatments. The amenity blocks would be small pitched roof structures, 5m by 4m.
- 5.2.2 At the time of the case officer's latest site visit in December the proposed development had been partially implemented in that there was a collection of mobile homes and touring caravans at the western end of the site and at least some of these seem to be lived in. No buildings had been erected. Access drives had been laid down but of tarmac, not of gravel as notated on the submitted drawing.

5.3 Principle of Development

- 5.3.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the Local Plan relates to development in the countryside stating that:

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"

- 5.3.2 ENV28 then outlines the types of development that can be permitted. This does not include gypsy development: this was previously formally covered under housing Policy H36 but this is not a 'saved' policy.
- 5.3.3 There is no specific gypsy accommodation policy in The South East Plan 2009 although Policy H4 makes reference to providing accommodation for gypsies and therefore there is no need to advertise this application as a departure from the Development Plan. Policy CC1 concerns sustainable development and ensuring the physical and natural environment of the South East is conserved and enhanced. Policy CC6 outlines that actions and decisions associated with the development and use of land should respect, and where appropriate enhance,

the character and distinctiveness of settlements and landscapes. Policy C4 concerns landscape and countryside management, essentially outlining that outside nationally designated landscapes, positive and high quality management of the region's open countryside will be encouraged, protected and enhanced, securing appropriate mitigation where damage to local landscape character cannot be avoided.

5.3.4 PPS7: Sustainable Development in Rural Areas outlines at paragraph 15 that:

"Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced."

5.3.5 PPS4 is also considered relevant, as whilst it relates to economic development, it provides the Government's most recent stance on the protection of the countryside at Policy EC6 –

"Local Planning Authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all."

5.3.6 Also key in the determination of this appeal is Central Government Guidance contained within Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites will need to be found in rural areas. The Government has carried out consultation on a Planning Policy Statement for traveller sites but this guidance has not yet been finalised or formally adopted.

5.3.7 Work on the Local Development Framework is progressing; however there is, as yet, no adopted Core Strategy. Now that the Government intends to abolish the South East Plan, local authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas. The Core Strategy will set the target pitch figure for the Borough for the period 2006 to 2016. The Core Strategy will contain a gypsy and traveller policy to assess any windfall sites. The initial Core Strategy public consultation has recently ended, which includes the agreed Cabinet target of 71 pitches for the period 2006 to 2016.

5.3.8 The Local Development Scheme Priority Documents were considered by Cabinet on 8th June 2011. In relation to the Gypsy and Traveller Pitch Allocations DPD, Cabinet agreed to no longer pursue this as a specific DPD but instead to merge it with, and allocate pitches within the overall Land Allocations DPD (under a new title of Development Delivery DPD). (The Land Allocations DPD will allocate the specific sites for residential and non-residential development, as well as dealing with landscape designations and village boundaries). A revised Local

Development Scheme was reported to the Task and Finish Panel on the 20 September 2011 with a revised timescale for the adoption of documents. This indicates that the Development Delivery DPD is scheduled for adoption in March 2015. This Council, in partnership with Sevenoaks District Council, has procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment and work on that continues.

5.3.9 Issues of need are dealt with below but, in terms of broad principles, Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint.

5.3.10 The consultation draft of the National Policy Framework has recently been published and whilst regard has been paid to it this decision does not turn on matters raised by this consultation document.

5.4 Gypsy Status

5.4.1 Circular 01/06 defines gypsies and travellers 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 show people or circus people travelling together as such."

5.4.2 The surnames Love, Peckham and Butler are well known traveller names and, when this development commenced, it became obvious to enforcement officers that this was to be a gypsy caravan site: hence the description given to this application. During the consideration of the application, officers formally requested information to support the gypsy status of the applicants and their families.

5.4.3 In response a document has been submitted which, on balance, I consider is sufficient to prove the gypsy status of the persons involved. The document explains that the four plots would be occupied by Mitchell and Nadine Love; Shane and Laura Love; James Peckham; and Mark and Joanne Butler. It would seem that the families have travelled extensively, including travel to the various horse fairs throughout the country. Gypsy status is supported by statements from applicants, from persons at locations where they have periodically stopped, from a Kent County Council officer, photos of the applicants and their families on various sites, and extracts from books to evidence gypsy heritage.

5.4.4 No particular personal circumstances have been put forward here as to why the applicants need to live on this particular site. For example, there is no detailed

information on health or education issues as they may affect the applicants. The application should therefore be determined purely on its planning merits.

5.5 Need for Gypsy Sites

5.5.1 Planning Policy Statement 3: Housing makes specific reference to the need to accommodate Gypsies and Travellers. Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites gives guidance on how this should be achieved, including the need to start the process with a clear assessment of needs through Gypsy and Traveller Accommodation Assessments.

5.5.2 A Gypsy and Traveller Accommodation Assessment (GTAA) was conducted previously to assess the level of need for gypsy accommodation over the five year period from April 2006 to April 2011 and resulted in the overall pitch requirement being identified of 44 pitches for the whole 5 year period.

5.5.3 Since April 2006 the following permissions for pitches have been granted (net):

- 46 permanent non-personal permissions
- 15 permanent personal permissions
- 8 temporary non-personal permissions
- 27 temporary personal permissions

5.5.4 Therefore a net total of 61 permanent planning permissions have been granted since April 2006.

5.5.5 The Council has agreed its public consultation draft pitch requirement for the period 2006 to 2016 for inclusion in the draft Core Strategy as 71 pitches so there is currently a shortfall of 10 pitches. This target is currently being updated as a revised Gypsy and Traveller Accommodation Assessment is being carried out.

5.5.6 In terms of unauthorised pitches, based on the January 2011 count and according to the Council's database at the time of writing this report, there are 51 unauthorised mobile homes and 72 touring caravans.

5.5.7 Numerous Inspectors at appeal consider that the level of unauthorised mobiles is an indication of general need; however, I do not consider this to be currently overriding.

5.5.8 It is considered that the Council has met the identified need for the period 2006 to April 2011 through the Development Management process. However, the need for pitches continues beyond April 2011.

5.6 Visual Impact

- 5.6.1 Whilst there is no criteria-based policy for the determination of gypsy caravan applications (Circular 01/06 is the key document), the impact of such developments on the character and appearance of the countryside is a prime consideration.
- 5.6.2 In this case, this land involves countryside that is not the subject of any landscape designation. The application site is situated approx. 200m south of the bend in Park Lane so it is well away from the local road network. In my consideration the site is very well screened in long and medium term views by Tilt's Wood to the east and by blocks of woodland to the south and west. From the bend in Park Lane, the site is not visible: all that is apparent is the established access track down towards the site.
- 5.6.3 Closer to the site, and as one approaches the site along the public footpath, the site becomes more apparent but is still quite well screened by trees on either side of the access track and by the established shelter belt trees that immediately border the site. As an additional factor, the proposed siting for the caravans, amenity blocks, etc. is at the western end of the site, ie away from the track/public footpath and where there are some additional screening benefits from the retained orchard trees.
- 5.6.4 I conclude that this is a very well screened site, particularly from long and medium distance views, on land that is not designated for its landscape value.
- 5.6.5 Representations raise the issue of this development, if approved, leading to an over-concentration of traveller sites in the area. Maidstone Borough has a large traveller population and it is inevitable that caravan sites will occasionally be sited close to each other. Whilst there are traveller caravans on site at New Barn Farm to the north (off the bend in Park Lane) the application site is relatively isolated and I do not consider that the two sites could be viewed together. The cumulative scale of sites in the area is not significant enough for there to be an undue concentration in terms of visual impact and impact on the social infrastructure. I conclude that there would be no over-concentration should permission be granted here.
- 5.6.6 In my view the site would have no impact on the setting of listed buildings.

5.7 Landscaping

- 5.7.1 As discussed above, I consider the site to be well screened by blocks of woodland, shelter belts and orchard trees. The submitted drawings show the boundary trees/hedging around the site and the orchard trees to be retained. These existing features could be supplemented with additional planting. The

Landscape Officer has no objection subject to conditions requiring details of foundations of the amenity blocks, services, tree protection and proposed landscaping.

5.8 Residential Amenity

5.8.1 The application site is well divorced from residential neighbours: the nearest being approx. 200m away to the north and north west. Any noise and disturbance generated on site and by the passage of vehicles is unlikely to be so significant as to affect local housing. I conclude that the development would not have a significant adverse impact on residential amenity.

5.9 Highways

5.9.1 Kent Highway Services has raised no objection on highways matters. I agree that there are no justifiable grounds to refuse planning permission on such grounds. The access track is long established and, whilst it is single track width, I see no reason as to why it could not satisfactorily accommodate the development. At the junction of the access road with Park Lane, visibility to the east is adequate but visibility to the west/north is restricted by hedging and the right angled bend in the highway. I acknowledge this problem but do not believe this restricted visibility to be so significant as to withhold permission for the development. The local highway network is adequate and there is plenty of space on site for parking and turning. I see no reason as to why an emergency vehicle could not negotiate the access track.

5.9.2 It is inevitable that gypsy sites will be located beyond the bounds of settlements and within the rural area. In my view this site is not so remote from basic services and public transport opportunities as to warrant objection on the basis that this is not a sustainable location. There is a regular bus service along Heath Road to the north, whilst the site is less than 1km away from the village boundary of Boughton Monchelsea to the north west of the site. There is a post office in Boughton Monchelsea and there are junior and senior schools along Heath Road to the west.

5.10 Archaeology

5.10.1 The Kent County Council Archaeology Officer has examined the proposals and carried out a site visit. She comments that the site lies adjacent to earthworks associated with the iron age oppidum at Boughton Monchelsea. The earthworks are unlikely to be directly affected by the development and a watching brief condition is all that is necessary here.

5.11 Ecology

5.11.1 As reported above, the Kent County Council Biodiversity Projects Officer states that the site is likely to be of low interest for biodiversity and so an ecological scoping survey is not necessary. Subject to conditions to control lighting and landscaping there is no reason to object to this application on ecological grounds.

5.12 Drainage

5.12.1 Foul drainage is said to be dealt with via a septic tank but no further details are provided and this matter should be the subject of a condition as indicated by the Environmental Health Manager.

5.13 Other Matters

5.13.1 The site and surrounding area comprise agricultural land of Grade 2 quality on the Agricultural Land Classification. As stated in PPS7 the 'loss' of high quality agricultural land to alternative uses needs to be taken into account in arriving at a decision. However, this is essentially 'reversible development' in that caravans could be moved off site, whilst the need to provide more gypsy sites, particularly on sites that are otherwise acceptable, must be given significant weight.

5.13.2 The application has raised significant objection from the settled community but this needs to be balanced against the advantages that this site presents in providing additional traveller accommodation, at no cost to the public purse, on a site that I do not consider causes significant harm.

6. CONCLUSION

The application site is located in an area of the countryside that is not designated for its landscape value. I consider the site very well screened and acceptable in terms of its impact on the character of the rural area. There is no justifiable reason here for a temporary or personal permission and I phrase my recommendation accordingly. Representations state that enforcement action should have been taken when the use commenced but that issue was fully considered and deemed to be inappropriate. I see no significant difference between the development applied for and that 'on the ground'. A granting of permission here would not set a precedent for further development.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. Before works commence on the amenity blocks, details of the proposed foundation works and services to those buildings, along with tree protection measures during the course of construction of those buildings, shall be submitted to and approved by the Local Planning Authority;

Reason: In order to protect the boundary trees and hedging around the site. This in accord with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

2. Before works start on the construction of the amenity blocks, full written details of the proposed external materials to be used in those buildings shall be submitted to and approved by the Local Planning Authority;

Reason: In the interests of visual amenity. This in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC1 and CC6 of The South East Plan 2009.

3. No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be a static caravan or mobile home) shall be stationed on the site at any one time. The caravans shall only be sited on the areas marked on drawing MAI/11473/P as 'GRAVEL STANDING' and caravans shall not be sited on any other part of the site;

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC1 and CC4 of The South East Plan 2009.

4. This site is not to be used as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

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 who satisfy these requirements pursuant to Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This in accordance with Maidstone Borough-Wide Local Plan 2000 Policy ENV28 and The South East Plan 2009 Policies CC1 and CC6.

5. No commercial or business activities shall take place on the land, including the storage of vehicles or materials and livery use;

Reason: To prevent inappropriate development and safeguard the amenity,

character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

6. Within 2 months of the date of this decision details of existing and any proposed external lighting within the site shall be submitted for approval in writing by the Local Planning Authority. No further external lighting shall be installed at the site beyond that approved under this condition;

Reason: To safeguard the character and appearance of the countryside and the ecology of the area. This in accordance with Policy ENV28 of The Maidstone Borough-Wide Local Plan 2000 and Policy NRM5 of The South East Plan 2009.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. MAI/10/PL/01, 02, 03 and 04 received on 30/9/10;

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) and Policies CC1 and CC6 of The South East Plan 2009.

8. Within 2 months of the date of this decision full details of the proposed means of foul water disposal shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of proper drainage and prevention of pollution. This in accordance with Policy CC1 of The South East Plan 2009.

9. Within 3 months of the date of this decision details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management plan shall be submitted to for approval in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No such details have been submitted and to ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policies CC1 and C4 of the South East Plan 2009 and PPS7.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting and seeding season (October 2011 - March 2012); and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policies CC1 and C4 of the South East Plan 2009 and PPS7.

11. With regard to the amenity blocks, no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded. This in accordance with Policy BE6 of The South East Plan 2009.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and The South East Plan 2009 and there are no overriding material consideration to indicate a refusal of planning consent.