

REPORT SUMMARY

REFERENCE NO - 14/502411/AMRCON			
APPLICATION PROPOSAL Variation of condition 3 of MA/11/0744 to allow the removal of amenity block and the siting of additional 2 mobile homes on plot 3 with a total of 6 mobiles for the plot.			
ADDRESS The Orchards Snowey Track Off Park Lane Boughton Monchelsea Kent ME17 4JJ			
RECOMMENDATION Grant Planning Permission			
SUMMARY OF REASONS FOR RECOMMENDATION The site is considered to be very well screened and acceptable in terms of its impact on the character of the rural area. There are already 4 plots in this location and a total of 12 mobile homes - an additional two mobiles on one of these plots does not greater the impact to such an extent that the condition should not be varied.			
REASON FOR REFERRAL TO COMMITTEE The application is contrary to views expressed by the Parish Council and Committee consideration has been requested.			
WARD	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Mr K Love AGENT	
DECISION DUE DATE 17/09/14	PUBLICITY EXPIRY DATE 17/09/14	OFFICER SITE VISIT DATE 24/11/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/12/2077	Variation of condition 3 of permission MA/11/0744 (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) to allow the siting of two additional mobile homes on plot 2 and two additional mobile homes on plot 3 involving the extension of hard surfacing.	APPROVED	
<i>Summarise Reasons</i>			
MA/11/0744	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.	APPROVED	16/1/12

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1. The application site is located in open countryside off the south side of Park Lane, Boughthon Monchelsea. The site is not the subject of any landscape designation in the Local Plan. The site is one of four plots which adjoin each other - all of which were the subject of a combined planning application for four gypsy families. The site area of plot 3 is approximately 0.3 ha. Immediately flanking the site are the other plots and then beyond this the character of the area is 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 unmade access track (not part of the application site) before leading off south eastwards through the woods, beyond this is the access into Orchard Place.
- 1.2 All four of the plots that were granted consent have been developed. The application plot is in good order with a well maintained lawn to the front of the site which is approximately 2/3 of the length of the overall plot. The rear third of the plot is where the hardstanding is in place with the mobile homes (both approved and proposed) already in situ. Planning permission is currently in place for 3 mobile homes on the application site and a total of 12 mobile homes across all four plots.

2.0 PROPOSAL

- 2.1 The application seeks consent to vary the planning condition on the original approval to facilitate two additional mobile homes on plot3. In lieu of this, the applicant would not build the previously approved amenity block on the site. A previous application allowed an additional two mobiles on this site. The reason for the application is to accommodate the applicant's elderly relatives - in the future the mobiles would likely be used by the younger generation within the family.
- 2.2 Other than seeking permission for the additional two mobiles on the site there are no other changes proposed. The level of hardstanding remains as existing - which incidentally is tarmac and not gravel as the plans suggest. In total there will be 5 mobile homes on plot 3.

3.0 POLICY AND OTHER CONSIDERATIONS

- Development Plan: ENV28
- Government Policy: National Planning Policy Framework, National Planning Practice Guidance, Planning Policy for Traveller Sites
- Draft Local Plan policies SP5, GT1, DM26

4.0 LOCAL REPRESENTATIONS

No representations were received in response to the site notice or letters sent out.

5.0 CONSULTATIONS

BOUGHTON MONCHELSEA PARISH COUNCIL: The proposal represents an over accumulation of units in the open countryside. We are concerned at the environmental and health and safety issues that would result from this proposal.

KENT HIGHWAY SERVICES has no objection.

6.0 BACKGROUND PAPERS AND PLANS

Documents comprising past committee reports from applications listed in history section of this report and Design and Access Statement and plan no. MAI/14031/P received on 23 July 2014.

Appraisal

7.0 Principle of Development

7.1.1 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"

7.1.2 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.

7.1.3 A key consideration in the determination of this application is central Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

7.1.4 Though work on the emerging local plan is progressing, as yet there are no adopted local plan policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 - March 2016	-	105 pitches
April 2016 - March 2021	-	25 pitches
April 2021 - March 2026	-	27 pitches
April 2026 - March 2031	-	30 pitches

Total: Oct 2011 - March 2031 - 187 pitches

7.1.5 These figures were agreed by Cabinet on the 13 March 2013 as the pitch target and were included in the consultation version of the Local Plan.

7.1.6 Regulation 18 version of the Draft Local Plan states that Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed the need for 187 permanent Gypsy and Traveller pitches to be provided in the Borough during the period October 2011 and March 2031. Accommodation for Gypsies and Travellers is also a specific type of housing that Council's have a duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently for the latter half of 2016.

7.1.7 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. In the case of this specific site, the principle has already been established as a permanent unrestricted use for gypsy families.

Need for Gypsy Sites

7.1.8 The PPTS gives guidance on how much gypsy accommodation should be achieved, including the requirement to assess need.

7.1.9 The projection of accommodation has been set out earlier. Taking into account the requirements within the set time periods, since 1 October 2011 the following permissions have been granted (net):

- 56 permanent non-personal permissions
- 10 permanent personal permissions
- 0 temporary non-personal permissions
- 28 temporary personal permissions

7.1.10 Therefore a net total of 66 permanent pitches have been granted since October 2011. As such a shortfall of 39 pitches remains outstanding.

7.1.11 It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. This explains why the need figure appears so high in the first 5 years.

7.2 Gypsy Status

- 7.2.1 At the time of the original application the gypsy status of the Love family was accepted - the reasoning set out in the previous report to planning committee.

7.3 Visual Impact

- 7.3.1 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside (paragraph 23). In this instance the site is existing and therefore the assessment is how much of an additional visual impact two more mobile homes will have on the character of the area.
- 7.3.2 The application site is situated approximately 200m south of the bend in Park Lane so it is well away from the local road network. I agree with the previous officer's report in January 2012 which stated that 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. Whilst the situation has changed in that the plots are now occupied, their visual impact is as limited as anticipated.
- 7.3.3 The siting of the two additional mobile homes is within the grouping of existing mobiles (3 in number) on the hard standing at the western end of the site. This means the development is away from the track/public footpath.
- 7.3.4 This is a well screened site, particularly from long and medium distance views, on land that is not designated for its landscape value. I do not consider that two additional mobile homes in the positions indicated on the site plan compromise the character of the area or views of the site.
- 7.3.5 The Parish Council have raised objection on the cumulative impact of the mobile homes and the health and safety of this. I would comment that there are several metres between each of the mobile homes within plot 3, a caravan site license will secure the appropriate precise spacing. I do not consider the additional two mobiles compromise the living conditions of the other residents.
- 7.3.6 Furthermore, by accommodating additional mobiles on an existing site, it will prevent a further new plot needing to be created elsewhere potentially causing greater harm to the countryside.

7.4 Landscaping

- 7.4.1 As discussed above, I do not consider the additional two mobiles have any greater impact than the existing development and do not give rise to the need for any further planting.

7.5 Residential Amenity

7.5.1 Save from the immediate neighbours on the adjoining gypsy site, there is a great deal of separation from residential neighbours: the nearest being approx. 200m away to the north and north west. Any additional 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.

7.6 Other matters

7.6.1 Kent Highway Services has raised no objection on highways matters.

7.6.2 Sustainability, archaeology, drainage and ecology were all matters considered under the original permission. The placing of the two additional mobiles within the existing developed area of the plot does not give rise to any new issues.

8 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 are already 4 plots in this location and a total of 12 mobile homes - an additional two mobiles on one of these plots does not greater the impact to such an extent that the condition should not be varied.

8.1 Recommendation

Grant Planning Permission subject to the following conditions:

CONDITIONS to include

(1) No more than 14 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 10 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/14031/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.

(2) This site is not to be used as a caravan site by any persons other than gypsies and travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2012.

Planning Committee Report

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.

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

To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside.

(4) No external lighting shall be placed on site unless details have been submitted and approved 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.

(5) Full details of the proposed means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority with two months of the date of this approval. The development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of proper drainage and prevention of pollution.

(6) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. MAI/14031/P received on 23 July 2014.

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

INFORMATIVES

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

Planning Committee Report

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Amanda Marks

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.