

## REPORT SUMMARY

<b>REFERENCE NO - 11/1194</b>		
<b>APPLICATION PROPOSAL</b> Retrospective application for the variation of Condition 2 of permission MA/09/1685 to allow the stationing of an additional mobile home		
<b>ADDRESS</b> Fairway, Church Hill, Boughton Monchelsea, Kent, ME17 4BU		
<b>RECOMMENDATION</b> Approve subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The site has the benefit of planning permission for the stationing of one mobile home and one touring caravan for residential use by persons of Gypsy status, a stable block and utility block. The approved structures are located within a hardstanding area formed on the Church Hill frontage of the site from where the site is accessed with the rear part of the site remaining as a paddock. The structures are relatively well screened from public views from Church Hill by hedging and fencing along the site frontage to the road, there are however views into the site from the access gateway on Church Hill. Retrospective planning permission is sought for the stationing of a second mobile home within the existing hardstanding area on the Church Hill frontage. The principle of the residential use of the site by persons of Gypsy status has been accepted with the previous grant of planning permission and whilst there is some increased visual impact as a result of the stationing of the second mobile home on the site, it is not considered that any increased visual and amenity impacts would be so significant as to be unacceptably harmful to the locality. Use of the site by persons other than Gypsies will remain restricted by planning condition.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The recommendation is contrary to the views expressed by Boughton Monchelsea Parish Council who wish to see the application refused and have requested that the application is reported to the Planning Committee.		
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Mr B Lee <b>AGENT</b> WS Planning & Architecture
<b>DECISION DUE DATE</b> 11/09/11	<b>PUBLICITY EXPIRY DATE</b> 11/09/11	<b>OFFICER SITE VISIT DATE</b> 12/11/14
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

MA/09/1685 - Retrospective application for the change of use of land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, stable block and utility building with associated works i.e. hardstanding and cess pool. Approved 25.02.10 subject to conditions. Conditions relating to no use of land as a caravan site by any persons other than gypsies, one static caravan and one touring caravan only to be stationed on the land, submission of a scheme of landscaping, approval of external materials of utility block, no external lighting to be erected, removal of all caravans and structures if permitted use ceases, and implementation of landscaping scheme.

MA/10/1544 (Adjoining plot to north) - Planning permission granted on appeal 20.01.12 for change of use of the land from agriculture to a mixed use of agriculture and the stationing of caravans in residential occupation and for related operational development comprising the laying of an area of hardsurfacing, the erection of fencing and gates, the erection of a television aerial mast and the installation of a cesspool. Conditions imposed preventing use of the site by any persons other than gypsies and travellers and no more than 3 caravans on the site at any time of which no more than 2 shall be incapable of being lawfully towed on the public highway.

MA/10/1542 (Plot 1 (next but one to north)) - Planning permission granted on appeal 20.01.12 for change of use of the land from agriculture to a mixed use of agriculture and the stationing of a caravan in residential occupation and for related operational development comprising the laying of an area of hardsurfacing, the erection of fencing and gates, the erection of two timber shed buildings, the erection of a brick utilities box, the erection of a television aerial mast and the installation of a cesspool. Conditions imposed preventing use of the site by any persons other than gypsies and travellers and no more than 2 caravans on the site at any time of which no more than 1 shall be incapable of being lawfully towed on the public highway.

MA/12/1835 (Adjoining plot to south) - Planning permission granted 16.05.13 for retention of breeding pens, bird runs, rearing unit, aviary and feed store; temporary stationing of a mobile home and touring caravan (office); and the siting of new brooding and rearing sheds. Conditions imposed restricting site to no more than one residential caravan and agricultural occupancy.

MA/10/1545 (Plot 5 (next but one to south)) - Planning permission granted on appeal 20.01.12 for change of use of the land from agriculture to a mixed use of agriculture and the stationing of a caravan in residential occupation and for related operational development comprising the laying of an area of hardsurfacing, the erection of fencing and gates, the erection of two timber shed buildings, the erection of a wooden wendy house, the erection of a brick utilities box and the installation of a cesspool. Conditions imposed preventing use of the site by any persons other than gypsies and travellers and no more than 2 caravans on the site at any time of which no more than 1 shall be incapable of being lawfully towed on the public highway.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located off the west side of Church Hill and forms part of the open countryside to the south of the village of Boughton Monchelsea. The site comprises a rectangular area of former grassland, approximately 38m by 130m (0.5 hectares approx.), with a frontage to Church Hill. The eastern part of the site fronting Church Hill comprises an area of hardstanding on which two mobile homes, a touring caravan, a utility building and a stable block are located together with associated parking and vehicle manoeuvring space. The remaining western part of the site is used as a paddock. Apart from the gateway opening where the site is accessed, the site is enclosed by hedging and fencing along the Church Hill frontage and woodland bounds the site to the west.
- 1.02 The site is adjoined by similar rectangular shaped plots along this section of Church Hill. Four of the plots, including the current application plot, have planning permissions for the stationing of mobile homes for occupation by gypsies and travellers only. The adjoining plot to the north has permission for a mixed use of agriculture and the stationing of caravans in residential occupation and is restricted by condition to no

more than 3 caravans at any one time. The adjoining site to the south has permission for the retention of breeding pens, bird runs, rearing unit, aviary and feed store, including the temporary stationing of a mobile home and touring (office). The next but one site to the south also has permission for a mixed use of agriculture and the stationing of a caravan in residential occupation and is restricted by condition to no more than 2 caravans at any one time. The parkland of Boughton Monchelsea Place is located on the opposite side of Church Hill to the east. Boughton Monchelsea Primary School is located approximately 100m to the north at the crossroads of Church Hill with Heath Road. As noted above, the application site forms part of the open countryside but does not fall within any other specifically designated environmental area as shown on the Proposals Map to the Maidstone Borough-Wide Local Plan 2000.

## **2.0 PROPOSAL**

- 2.01 The site has the benefit planning permission granted 25.02.10 under application MA/09/1685 for the stationing of one mobile home and one touring caravan for residential use by persons of Gypsy status, a stable block and utility block. Condition 1 of the planning permission prevents the use of the land as a caravan site by any persons other than gypsies and condition 2 restricts the use of the land to the stationing of one static caravan and one touring caravan. A second mobile home has been stationed on the land in breach of condition 2 of the existing planning permission and the current retrospective application seeks to vary the condition to allow the retention of the currently unauthorized additional mobile home. The application states that the additional mobile home has been stationed on the site since February 2011.
- 2.02 The eastern part of the site fronting Church Hill comprises an area of hardstanding with a central access gateway into the site off Church Hill. The existing approved mobile home on the site is located on the northern side of the frontage to Church Hill within the area of hardstanding and the second unauthorised mobile home is also located within the area of hardstanding on the site frontage but on the southern side of the frontage where the approved touring caravan, utility building and stable block are also located.
- 2.03 In order to assist in the consideration and determination of this application, the applicant was requested to provide further information as to who resides in the additional mobile home that retrospective permission is sought for, information on the gypsy status of the occupiers, whether the occupiers have dependents, and if so, their ages, attendance at school, etc, and whether there are any health issues which need to be taken into consideration. The applicant has not responded to this request for the additional information.
- 2.04 When the original application (MA/09/1685) was considered in 2009 it was stated that the site at the time was occupied by Mr Bob Lee (the current applicant) and his new partner Jo. Mr Lee was no longer with his wife but had three children who would visit, including his son Bob Lee Junior who was expected to come and live on the site. It was further stated that Mr Lee is from a large gypsy family based in Kent and Essex and was based in Dartford before more recently moving to Havering on a temporary basis. It was stated that Mr Lee is a horse dealer who attends the main horse shows and that whilst not from the local area, Mr Lee had family connections with gypsy families in Coxheath, Maidstone, Kingswood and Charing Heath. It was stated that Mr Lee wished to establish a base on this site and no special circumstances (in terms of health, education, etc.) were claimed.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework 2012 (NPPF)  
Planning Policy for Gypsy Sites 2012 (PPGS)  
National Planning Practice Guidance 2014 (NPPG)  
Maidstone Borough-Wide Local Plan 2000: Policies ENV6, ENV28, ENV49  
Emerging Local Plan: Policies SP5, GT1, DM6, DM10, DM26, DM30

#### **4.0 LOCAL REPRESENTATIONS**

- 4.01 Five properties in the locality were formally notified of the application. A site notice was displayed at the site on 10<sup>th</sup> August 2011.
- 4.02 One representation has been received from a neighbouring property objecting to the application. The representation states that the stationing of an extra mobile home here should not be allowed, the huge mistake of allowing one in the first place should not be compounded, especially as attempts are being made to fight off mobile homes on adjoining plots.

#### **5.0 CONSULTATIONS**

- 5.01 **Boughton Monchelsea Parish Council** – Comment that they wish to see the application refused and request the application is reported to the Planning Committee for the following planning reasons:
1. The original planning application on this site (MA/09/1685) was personal to the applicant, Mr B Lee. The new application has again been submitted by Mr B Lee however no substantiating information has been provided as to why the applicant needs an additional mobile home on the site. The Borough Council should have requested proper documentation from the applicant prior to validating the application. As it stands, there is insufficient information to make a considered decision on the application and it should therefore be refused.
  2. The proposed development, especially when considered cumulatively with other development on the site, would be visually intrusive and would cause unacceptable harm to the character and appearance of the open countryside, contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan and Policy C4 of The South East Plan 2009.
  3. The reason the original condition was imposed by the Borough Council was so that the site conformed with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policy C4 of The South East Plan 2009. The Parish Council's view therefore is that, logically, to remove this condition would render the whole site in contravention of these policies.
- 5.02 **Environmental Health Officer** – Comments that the concerns raised in the original retrospective application (MA/09/1685) are outstanding and that the concerns this department raised regarding the suitability of the foul drainage have not been addressed. Comments further that the addition of an extra mobile home, to the stables (which may send roof drainage and yard drainage to the foul drainage system) as well as the utility block (which may also send grey water to the foul sewerage system) makes the assessment of drainage details essential to ensure they are fit for the proposed purpose. Comment that for this reason refusal is recommended until details of foul drainage have been submitted to and approved by the Local Planning Authority. Recommends refusal until foul drainage details have been supplied and approved by the Local Planning Authority. Recommends further

that if planning permission is to be granted, the following condition and informative are imposed:

Drainage:

Within 3 months of the date of this permission a scheme of foul drainage shall be submitted to and approved by the Local Planning Authority. Details should include the method of sealing the septic tank.

If a method other than a cesspit is to be used, the applicant should also contact the Environment Agency to establish whether a discharge consent is required. These details should be submitted to and approved by the Local Planning Authority.

Informative:

Caravan Site Licensing

The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence.

- 5.03 **KCC Highways Officer** – Raises no objections to the proposals in respect of highway matters subject to the following condition being attached to any permission granted;

Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

## 6.0 APPRAISAL

### Principle of Development

- 6.01 In terms of policy, there are no saved Local Plan policies relating to this specific form of development, however policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 relates to development in the countryside in general, 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”.*

- 6.02 The policy outlines the types of development which are acceptable in the open countryside, this does not include Gypsy development; this was formerly dealt with under the scope of housing policy H36, however this is not a saved policy in the Maidstone Borough-Wide Local Plan 2000.
- 6.03 A key consideration in the determination of this application is central Government guidance contained with ‘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. This policy guidance effectively supersedes the policy of restraint set out in policy ENV28 in respect of Gypsy accommodation. Although work on the emerging Local Plan is progressing, however there are, as yet, no adopted Local Plan policies relating to the provision of Gypsy and Traveller sites.

- 6.04 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 Council, 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 Core Strategy 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

- 6.05 These figures were agreed by Cabinet on the 13<sup>th</sup> March 2013 as the pitch target included in the consultation version of the emerging Local Plan, which 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, as set out above.
- 6.06 Accommodation for Gypsies and Travellers is 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 criteria are met, as set out in the policy wording. This is in accord with central government planning policy as set out in the PGTS. The emerging Local Plan also confirms 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.
- 6.07 Issues of need are dealt with below but, in terms of broad principles, emerging 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 set out in policy ENV28. In the case of this specific site, the principle has already been established as a permanent non-personal use for persons of Gypsy status by way of the previous consent, and therefore the principle of the development, subject to assessment of all other material considerations, is acceptable in the current national and local policy context.

#### **Need**

- 6.08 As outlined above, the accommodation need was agreed by Cabinet on 13<sup>th</sup> March 2013 to be 187 pitches for the emerging Local Plan period to 2031.
- 6.09 The current figures for pitches granted (net) since October 2011 is now as follows:
- |                                       |
|---------------------------------------|
| 59 Permanent non-personal permissions |
| 16 Permanent personal permissions     |
| 0 Temporary non-personal permissions  |
| 33 Temporary personal permissions     |
- 6.10 Therefore a net total of 75 permanent pitches have been granted since 1<sup>st</sup> October 2011. 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. Therefore although the pitch target is high for the first five years, the immediate need does not appear to be overriding. However, the latest GTAA clearly reveals an ongoing need for pitches.

### **Gypsy status**

6.11 Annex 1 of the PPTS 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.”*

6.12 The site has the benefit of the existing planning permission granted under application MA/09/1685 for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, a stable block and utility building with associated works i.e. hardstanding and cess pool. Condition 1 of the existing planning permission prevents use of land as a caravan site by any persons other than gypsies. The current application does not seek to vary this condition and therefore the condition will be re-imposed on any new permission granted. In the consideration and determination of the original application (MA/09/1685) it was accepted that the current applicant (Mr Lee) met the definition of gypsy.

6.13 As noted in 2.03 of the report above, in order to assist in the consideration and determination of this application, the applicant was requested to provide further information as to who resides in the additional mobile home that retrospective permission is sought for, information on the gypsy status of the occupiers, whether the occupiers have dependents, and if so, their ages, attendance at school, etc, and whether there are any health issues which need to be taken into consideration. Whilst the applicant has not responded to this request for the additional information, no overriding objection to the application is raised on the grounds that the occupiers of the additional mobile home are unknown. The principle of the use of the land for the stationing of a mobile home and touring caravan for residential occupation by persons of Gypsy status has previously been fully considered and found to be acceptable in this location, and the condition preventing the use of the land as a caravan site by any persons other than gypsies will remain in place. The condition will safeguard the occupation of the site in order to secure the provision of the residential use towards the recognised need for accommodation for Gypsies and travellers, in line with national and emerging planning policy.

### **Visual Impact**

6.14 The latest guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in open countryside (paragraph 23) but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined in the document, however, this is addressed in the National Planning Policy Framework and clearly under Maidstone Borough-Wide Local Plan policy ENV28.

6.15 In this case, the proposal is for the intensification of the previously permitted use of the site. The site was, prior to the development for which retrospective planning permission is now sought, occupied by a single mobile home and a touring caravan for residential occupation by persons of Gypsy status, together with a stable block

and a utility building. The intensification for which consent is sought amounts to the stationing of an additional mobile home on the land. The currently unauthorised mobile home is located within the area of hardstanding on the site frontage to Church Hill. Whereas the existing approved mobile home on the site is located on the northern side of the frontage to Church Hill within the area of hardstanding, the second mobile home for which retrospective permission is sought is on the southern side of the frontage where the approved touring caravan, utility building and stable block are also located.

- 6.16 The structures within the area of hardstanding on the site frontage to Church Hill are relatively well screened from public views from Church Hill by hedging and fencing along the site frontage to the road, there are however views into the site from the access gateway on Church Hill when the timber gates are open. The additional mobile home for which retrospective permission is sought is sited amongst the small group of structures originally approved for the site and is viewed in the context of these structures. The small group of structures on the site are also viewed in the context of the not dissimilar groups of mobile homes, caravans and other structures on the frontages of the neighbouring plots along Church Hill. The additional mobile home is sited back from the Church Hill frontage in relation to the other structures on the site and, as noted above, the additional mobile home and other structures are well screened from public views from Church Hill by the hedging and fencing along the site frontage to the road. There is limited increased visual impact in the locality as a result of the stationing of the second mobile home on the site, and it is not considered that any increased impact would be so significant as to be unacceptably harmful to the locality. In the circumstances it is considered that the proposals are acceptable in terms of visual impact.

### **Residential Amenity**

- 6.17 As noted in 6.12 of the report above, the site has the benefit of the existing planning permission granted under application MA/09/1685 for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, a stable block and utility building with associated works i.e. hardstanding and cess pool. Use of the land as a caravan site by any persons other than gypsies is controlled by planning condition. Neighbouring plots along the west side of this section of Church Hill are not dissimilar in terms of being occupied by mobile homes and caravans for residential use and associated structures. The parkland of Boughton Monchelsea Place is situated opposite the site. The current retrospective application proposes the stationing of a single additional mobile home on the land for residential use and it not considered that the intensification of the previously permitted residential use of the site gives rise to conditions likely to conflict with neighbouring residential uses. The additional mobile home for which retrospective planning permission is now being sought appears to have been stationed on the site for some three years. The intensification of the previously permitted residential use of the site does not appear to cause any unneighbourly impacts and it would not be reasonable to refuse the current application on this basis.

### **Highways**

- 6.18 The site access is centrally located on the frontage to Church Hill and no changes to the existing access are proposed in the current application. When the original planning permission was granted under application MA/09/1685 for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, a stable block and utility building with associated works i.e.

hardstanding and cess pool it was considered that the access to Church Hill had adequate visibility and that there was ample space on site to park and turn vehicles. Kent Highways raised no objection to the original application. The modest intensification of the previously permitted residential use of the site as a result of the additional mobile home on the site is not likely to have resulted in any significant increase in vehicle movements to and from the site or parking requirements within the site. Notwithstanding the condition recommended by Kent Highways requiring any entrance gates to be set back a minimum distance of 5.5m from the carriageway edge, the existing previously accepted access arrangements are considered satisfactory and it would not be reasonable to refuse the current application on highway safety grounds.

### **Landscaping**

- 6.19 The eastern part of the site fronting Church Hill comprises an area of hardstanding on which two mobile homes, a touring caravan, a utility building and a stable block are located together with associated parking and vehicle manoeuvring space. The remaining western part of the site is used as a paddock. Apart from the gateway opening where the site is accessed, the site is enclosed by hedging and fencing along the Church Hill frontage and woodland bounds the site to the west. The original planning permission granted under application MA/09/1685 included a condition requiring the submission and approval of a scheme of landscaping including hedging on the southern and northern site boundaries protected by an inner fence, hedging and tree planting between the hardstanding and paddock protected by an inner fence, and increased landscaping in the north-east corner of the site. Given the location of the second mobile home, the subject of this application, on the western edge of the area of hardstanding at the eastern end of the site, some additional landscaping/planting between the mobile home and the open paddock area to the western part of the site would be appropriate. The details of the additional landscaping/planting can be secured by condition imposed on any grant of planning permission.

### **Drainage**

- 6.20 The original planning permission for the site granted under application MA/09/1685 incorporated the formation of a hardstanding and a cess pool. In light of the concerns raised by the Environmental Health Officer (see para. 5.02 of the report above) regarding the suitability of the foul drainage and the potential impact of an additional mobile home on the site on the original drainage requirements, it is considered appropriate to impose the condition recommended by the Environmental Health Officer on any grant of planning permission to enable details of a scheme of foul drainage for the site to be submitted for consideration and approval.

### **Ecology**

- 6.21 The additional mobile home for which retrospective planning permission is being sought is sited within an area of hardstanding on the eastern part of the site fronting Church Hill where the originally approved mobile home, touring caravan, utility building and stable block are located together with associated parking and vehicle manoeuvring space. The remaining western part of the site is used as a paddock. The impact of the original proposals for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes, a stable block and a utility building with associated works on any ecological interests at the site was considered at the time and the development was considered acceptable in this regard. The current retrospective application for the stationing of a further mobile

home within the approved hardstanding area at the site does not raise any new issues with regards to impact on ecological interests.

### **Other Matters**

- 6.22 With regards to the representations received from Boughton Monchelsea Parish Council (see para. 5.01 above), the original planning permission granted under application MA/09/1685 was not personal to the applicant, Mr B Lee. Condition 1 of the original planning permission prevents use of land as a caravan site by any persons other than gypsies. The current application does not seek to vary this condition and therefore the condition will be re-imposed on any new permission granted.
- 6.23 As noted in paras. 2.03 and 6.13 of the report above, in order to assist in the consideration and determination of this application, the Council did request that the applicant provide further information as to who resides in the additional mobile home that retrospective permission is sought for, information on the gypsy status of the occupiers, whether the occupiers have dependents, and if so, their ages, attendance at school, etc, and whether there are any health issues which need to be taken into consideration. Whilst the applicant has not responded to this request for the additional information, no overriding objection to the application is raised on the grounds that the occupiers of the additional mobile home are unknown. The existing condition preventing the use of the land as a caravan site by any persons other than gypsies will remain in place.
- 6.24 As noted in the Relevant Planning History section of the report (at the start of the report), the Council was not supported on appeal in 2011 in seeking to resist the stationing of caravans/mobile homes for residential use by gypsies and travellers on neighbouring plots.

## **7.0 CONCLUSION**

- 7.01 The application site forms part of the open countryside but does not fall within any other specifically designated environmental area as shown on the Proposals Map to the Maidstone Borough-Wide Local Plan 2000. Central government planning policy and emerging Local Plan policy clearly allow for gypsy sites to be located in such locations. The site has previously been considered to be acceptable for such use with the granting of permission under application MA/09/1685 for the change of use of the land for the stationing of 1 no. mobile home and 1 no. touring caravan for residential purposes by persons of Gypsy status, a stable block and utility building with associated works. Similar uses, including the stationing of mobile homes and touring caravans, have been permitted on four neighbouring plots, three of which were granted on appeal by decision dated 20.01.12.
- 7.02 In the context of the existing permitted use of the application site and the stationing of a mobile home, touring caravan, stable block and utility building on it, and the not dissimilar use and groups of mobile homes, caravans and other structures on the frontages of the neighbouring plots along Church Hill, the modest intensification of the use of the application site as a result of the stationing of a second mobile home on it, is considered to be acceptable in terms of visual impact and overall impact on the character and appearance of the open countryside location, as well as in regard to matters such as residential amenity, highway safety, the ecological interests of the site and cumulative impact.

- 7.03 It is not considered that there are any other overriding planning considerations which warrant a refusal of the application. As with the original grant of permission under application MA/09/1685, the conditions preventing the use of land as a caravan site by any persons other than gypsies and restricting the number of mobile homes and touring caravans stationed on the land at any one time are recommended to be re-imposed on any grant of permission. Conditions relating to the submission and approval of a scheme of foul drainage for the site and details of a scheme of planting landscaping are also recommended to be imposed.

**8.0 RECOMMENDATION – GRANT Planning Permission subject to the following conditions:**

- (1) This permission does not authorise the use of the land as a caravan site by any persons other than gypsies, 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 is in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

- (2) No more than two static caravans and one touring caravan shall be stationed on the land at any one time;

Reason: In the interests of visual amenity and in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

- (3) Within 2 months of the date of this decision a scheme of landscaping, using indigenous species, to provide hedging and tree planting between the hardstanding area and additional mobile home hereby permitted and the paddock to the western part of the site, shall be submitted to the Local Planning Authority for approval in writing by the Local Planning Authority. The landscaping scheme shall include a programme for the approved scheme's implementation and the scheme's long term management. The landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and Landscape Character Assessment Supplement 2012;

Reason: To ensure a satisfactory setting and appearance to the development, safeguard the character and appearance of the open countryside, and safeguard biodiversity assets.

- (4) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the Local Planning Authority's approval in writing of the landscaping scheme required by condition 3, and any trees or plants which within a period of five years from the implementation of the scheme 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 a satisfactory setting and appearance to the development, safeguard the character and appearance of the open countryside, and safeguard biodiversity assets.

(5) No external lighting shall be erected on the site at any time unless previously agreed in writing by the Local Planning Authority;

Reason: To safeguard the character and appearance of the area and to prevent light pollution in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

(6) If the use of the site for the stationing of 2 no. mobile homes and 1 no. touring caravan for residential purposes hereby permitted ceases, the mobile homes, caravan, and associated structures, equipment and materials, including the hardstanding and utility building, shall be removed;

Reason: To safeguard the character and appearance of the countryside location in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

(7) Within 3 months of the date of this permission a scheme of foul drainage for the site shall be submitted to the Local Planning Authority for assessment and approval in writing. The submitted scheme of foul drainage should include details of the method of sealing the septic tank, size of individual cess pits and/or septic tanks and/or other treatment systems, the precise location of plant on the site plus any other relevant information such as where each system will discharge to. The scheme of foul drainage shall be fully implemented in accordance with the details approved within 2 months of the date of approval in writing and shall be maintained in a functioning condition thereafter;

Reason: In the interest of local amenity and to prevent pollution of the environment.

#### INFORMATIVES

(1) The applicant is advised that with regards to the requirements of condition 7 of this grant of planning permission, if a method other than a cesspit is to be used, the applicant should also contact the Environment Agency to establish whether a discharge consent is required. These details should be submitted to the Local Planning Authority as part of the scheme of foul drainage for the site to be submitted to the Local Planning Authority for assessment and approval in writing pursuant to the requirements of condition 7.

(2) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence.

Case Officer: Jon Barnes

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.