

REPORT SUMMARY

REFERENCE NO - 13/1453			
APPLICATION PROPOSAL Change of use of land to use as a residential caravan site for one gypsy family with two caravans, including one static mobile home, together with the erection of a utility building and laying of hardstanding.			
ADDRESS Land Off, Clapper Lane, Staplehurst, Kent, TN12 0RB			
RECOMMENDATION Approve with conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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 aims and objectives of the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council wish to see the application refused.			
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Frank Uden AGENT Philip Brown Associates Ltd	
DECISION DUE DATE 31/10/13	PUBLICITY EXPIRY DATE 31/10/13	OFFICER SITE VISIT DATE 27/03/2015	
RELEVANT PLANNING HISTORY No planning application on this site. Relevant history on adjacent sites is as follows.			
App No	Proposal	Decision	Date
10/1221	Removal of condition 1 (to allow permanent occupation) and the variation of condition 3 (to allow no more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a static caravan or mobile home) shall be stationed on the site at any time) of permission MA/08/1919	Approved at committee	22.06.2011
08/1919	Application for the change of use of land to residential including the siting of 4 no. mobile homes, washroom, waste recycling enclosure and provision for 2 no. touring caravans for a gypsy family and the erection of a stable block and change of use of land for the keeping of horses and relocation of access	Approved at committee	30.04.2009
09/1083	Variation of Condition 11 of MA/08/1919 (Application for the change of use of land to residential including the siting of 4 no. mobile homes, washroom, waste recycling enclosure	Approved	14.08.2009

	and provision for 2 no. touring caravans for a gypsy family and the erection of a stable block and change of use of land for the keeping of horses and relocation of access) to allow an entrance width of 6m		
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MAIN REPORT

1.0 This application was recommended for approval by Members at 23 April 2015 planning committee. The application is being referred back to committee as some local residents did not receive written notification from the council about the 23 April committee meeting. This was due to an internal error with the council's computer system.

2.0 DESCRIPTION OF SITE

2.1 The application site comprises a parcel of land located to the north of the junction at Clapper Lane and George Street. The site is located on the east side of Clapper Lane.

2.2 The application site is located in the open countryside as defined on the Local Plan proposal Maps.

2.3 There is a mature tree line with hedgerow below along the east boundary. The west boundary adjacent to Clapper Lane benefits from a mature tree lined boundary. The southern boundary adjacent George Street has a more sporadic tree and hedgerow planting. The northern boundary is more open with dense woodland located further to the north.

2.4 To the southeast of the site located on the northern side of George Street is an existing gypsy site as approved by planning application 08/1919 which the applicant's son resides at. The nearest residential property to the application site is located opposite the Clapper Lane and George Street junction, approximately 80m from the site.

3.0 PROPOSAL

3.1 This application proposes a change of use of land to use as a residential caravan site for one gypsy family with two caravans, including one static mobile home, together with the erection of a utility building and laying of hardstanding and parking.

3.2 A new vehicle access would be formed from Clapper Lane. The majority of the site would be laid with shingle with a narrow grass boundary between a post and rail fence to be located inside the existing tree / hedgerow boundary. A maximum of three caravans are proposed on the south and west boundary of the site. Two parking spaces and a turning area are proposed on site. A single storey pitched roof utility building is proposed on the west boundary of the site.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

- Draft Maidstone Borough Local Plan: SS1, SP5, GT1, DM2, DM3, DM6, DM10, DM26

5.0 LOCAL REPRESENTATIONS

5.1 When the application was first received in August 2013 letters were sent out to neighbouring properties and a site notice was put up on a telegraph pole on Clapper Lane adjacent to the site.

5.2 Some five letters of representation have been received from neighbouring properties. Comments are summarised as follows:

- Inappropriate vehicle access
- Out of character with the countryside
- Disposal of waste
- Light pollution
- Sewage
- Flood risk
- Loss of wildlife
- Loss of trees
- Too many gypsy sites in Staplehurst
- Unsustainable development in the countryside
- Unjustified development
- Protected species on the site
- Gypsy status of the applicant

5.3 Following the committee meeting on the 23 April 2015 the council received several complaints from local residents stating they had not received notified of the meeting. The letters also reiterated previous objections to the proposal.

6.0 CONSULTATIONS

6.1 **Staplehurst Parish Council:** *‘Councillors noted a series of objections to the application that residents had sent to the borough council. Councillors expressed concern about the impact of undertaking such development in open countryside and particularly questioned the proposed new separate access in Clapper Lane, which they believed to be unsuitable; they also questioned its necessity when the proposed site was for relatives of the existing residents. For these reasons councillors voted to recommend REFUSAL to the MBC Planning Officer’.*

6.2 Prior to the committee meeting on 23 April 2015 an additional representation was received from Staplehurst Parish Council (summarised) as follows:

- Staplehurst Parish Council will not be sending a representative to speak at the committee meeting
- The Parish Council reiterates its recommendation for refusal but has not requested referral to Planning Committee
- Staplehurst Parish Council send a question and supplementary comments as follows:
 - (i) they asked whether proof of the applicant’s and intended residents’ status had been sought;
 - (ii) there was evidence that site water was discharging into a public culvert;

- (iii) the site exit is too close to the T-junction from which a minimum distance of 35 metres should apply.

6.3 **MBC Landscape Officer:** No objections subject to conditions requiring an Arboricultural Method Statement in accordance with BS5837: 2012

6.4 **KCC Highways:** No objections

'I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

Use of a bound surface for the first 5 metres of the access from the edge of the highway.

Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 0300 333 5539) in order to obtain the necessary Application Pack'.

6.5 **KCC Ecology Advice:** *'We have reviewed the ecological information which has been submitted with the planning application and we are satisfied that there is limited potential to impact protected species provide the precautionary mitigation is carried out and we require no additional information to be provided prior to determination.*

The precautionary mitigation detailed within the report must be implemented as a condition of planning permission.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

We acknowledge the site is small however the proposed site can still include enhancements. We suggest that the hedgerows could be enhanced for reptiles and GCN by creating hibernacula or native trees could be planted in any gaps within the hedgerows.'

6.6 **MBC Environmental Health:** No objections subject to conditions relating to sewage and lighting.

7.0 **APPRAISAL**

- 7.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP 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.”

- 7.2 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a ‘saved’ policy.

- 7.3 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.

- 7.4 Though work on the emerging local plan is progressing as yet there are no adopted 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 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 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

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

- 7.6 Regulation 18 version of the Draft Local Plan states that the 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 councils have the 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 beyond 2016.

- 7.7 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, there is no reason to object to a permanent unrestricted use as a gypsy site.

Need for Gypsy Sites

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

7.9 As stated above, the projection accommodation requirement is as follows:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2012	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

7.10 Taking into account this time period, since 1st October 2011 the following permissions for pitches have been granted (net):

- 61 Permanent non-personal permissions
- 16 Permanent personal permissions
- 0 Temporary non-personal permissions
- 33 Temporary personal permissions

7.11 Therefore a net total of 77 permanent pitches have been granted since 1st 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. This explains why the need figure appears so high in the first 5 years.

7.12 The latest GTAA demonstrates the ongoing need for pitches although any potential pitch needs to be assessed on its merits, and in rural areas with particular regard to its impact on the character and appearance of the countryside.

Gypsy Status

7.13 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.”

7.14 I do not raise an objection to this application on the grounds that the future occupiers are unknown. Indeed, as explained, there is a proven ongoing general need for pitches and future occupants of the site will have to fall within the Annex 1 of the PPTS definition, which will be ensured by way of condition.

8.0 Visual Impact

8.1 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the 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, however, this is addressed in the NPPF and clearly under Local Plan policy ENV28.

- 8.2 Whilst the proposal would result in new development in the countryside, the parcel of land in question is well screened by the existing buffer of trees and hedgerow along the western site boundary adjacent to Clapper Lane. The site is also well screened by tree and hedgerow planting along the east boundary and the woodland to the north of the site would also offer a good level of screening. Glimpses of the site would be afforded during the winter months however it is considered that these short distance views would be overtly prominent given the level of screening along the boundaries. An existing access on the southern boundary provides short range views into the site from George Street which would be re-enforced by additional landscaping and secured via condition.
- 8.3 In terms of views, whilst there are glimpses of the site from short range along George Street, there are no significant medium to long distance views of the site from any other public vantage point. I therefore take the view that the site is not prominent in the wider landscape.
- 8.4 Given the site's location and the good level of well established landscaping that already surrounds the site, and the re-enforced landscaping that will be ensured by way of condition, I am of the view that this development would not appear visually dominant or incongruous in the countryside hereabouts and raise no objections in this respect.

9.0 Residential amenity

- 9.1 A residential use is not generally a noise generating use; the nearest residential properties are the existing caravan site located to the southeast with frontage onto George Street and a residential property known as Critoph located opposite the junction at Clapper Lane and George Street. Critoph is located some 80m from the site on the opposite side of Clapper Lane with significant mature landscape screening. The caravan site occupied by the applicant's son is located some 50m distance and is also separated by mature vegetation. Given this, I am satisfied that the provision of one pitch in this location would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of general noise and disturbance, privacy, light or outlook. Any excessive noise from the site that does have a significant impact should be dealt with under Environmental Health legislation.

10.0 Highway safety implications

- 10.1 A new vehicle access is proposed onto Clapper Lane to the northwest section of the site. The first section of the vehicle access onto Clapper Lane would be formed of block paving while the parking / turning areas on the site would be shingle. KCC Highways have been consulted and do not raise any objections to the proposal from a highways safety or parking perspective subject to suitably worded conditions.
- 10.2 The proposed access is considered to provide adequate visibility and it is considered that the proposal would not result in any significant intensification of traffic movements to and from the site. A condition would be attached to ensure the vehicle access gates would be set back a suitable distance to allow a vehicle to wait off Clapper Lane while waiting to enter the property. There would also be adequate turning facilities within the site.
- 10.3 KCC Highways has not raised objections to the location of the proposed site entrance/exit which would be located more than 100m distance from the nearest T-junction. The break in the hedgerow on George Street to the south of the site (not

adjacent the boundary of the application site) would be infilled with new planting as required by condition 4.

11.0 Landscape and biodiversity implications

11.1 One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. In the first instance no ecological information had been submitted with this application, and the KCC Biodiversity Officer was of the view that the proposal did have the potential to result in ecological impacts, and in particular on Great Crested Newts. An ecological survey was therefore requested to be carried out assessing the potential for, inter alia, Great Crested Newts to be present and impacted by the proposed works. The applicant subsequently submitted a Ecological Report by Collingridge Ecological Consultants , and the Biodiversity Officer at KCC is satisfied that this has been carried out to an appropriate standard and advises that no further ecological survey work is necessary at this time.

11.2 The submitted report did conclude that the site has limited ecological interest and recommendations are provided to minimise the potential for ecological impacts, which are in summary:

Hedgerows could be enhanced for reptiles and GCN by creating hibernacula or native trees could be planted in any gaps within the hedgerows.

11.3 In the interest of biodiversity, a landscaping condition will be imposed requesting that additional hedgerows should be enhanced as per the above and is submitted for approval prior to the commencement of any works.

11.4 There are no protected trees on, or immediately adjacent to this site, but there are significant hedgerow trees along the west boundary of the site where the new access would be formed. The Landscape Officer is concerned that the laying of hard surfacing could potentially adversely affect these trees. So whilst there are no arboricultural grounds on which to object to this application, a pre-commencement condition requiring an arboricultural method statement in accordance with the recommendations of BS5837:2012 will be imposed. A landscaping scheme will also be secured by way of condition to ensure that new planting, particularly along the southern boundary, will be native species.

12.0 Drainage

12.1 The layout plan indicates a septic tank located to the south of the site but no further details about services and waste disposal have been provided. In the event of permission being granted Environmental Health has requested details on the proposed method of foul sewage treatment, along with details regarding the provision of portable water and waste disposal, must be submitted to and approved in writing by the local authority prior to the occupation of the site.

13.0 Conclusion

13.1 I am of the view that the proposed development would not result in severe visual harm to the character and appearance of the countryside hereabouts, and consider it an acceptable development in the countryside. I am therefore satisfied that a permanent (non-restrictive) consent would be appropriate in this instance.

13.2 I consider that this proposed development would not cause any demonstrable harm to the character, appearance or vitality of the area, and would not significantly harm the amenities of existing residents. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant; and recommend conditional approval of the application on this basis.

14.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

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

(2) The site shall not be used as a caravan site by any persons other than gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2012;

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

(3) No more than two caravans, including one static mobile home, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the application site at any time;

Reason: To safeguard the character and appearance of the countryside.

(4) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;
- ii) Native hedge planting along the southern boundary of the site and along the north side of George Street to the south of the site.

Reason: In the interests of visual amenity and biodiversity.

(5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the use of the land; and any trees or plants which within a period of five years from the commencement of the use of the land, 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 external appearance to the development.

(6) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement which shall be in accordance with BS 5837 (2012) Trees in relation to design, demolition and

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construction - Recommendations and shall include a decompaction specification and details of no-dig permeable driveway construction;

Reason: To ensure the retention of existing trees within and adjacent the site.

(7) No commercial activities shall take place on the land, including the storage of materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.

(8) The development shall not commence until details of the proposed permeable materials to be used in the hardsurfacing within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details. The hardsurfacing details shall include the following:

Use of a bound surface for the first 5 metres of the access from the edge of the highway.

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure adequate drainage.

(9) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the commencement of the use of the land and maintained thereafter. The boundary treatment details shall include the following:

Vehicle access gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

(10) Details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.

These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

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 and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To ensure adequate drainage arrangements.

(11) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment.

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(12) No floodlighting shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

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

Drawing nos. Unnumbered 1:1250 Site Location Plan; received on 6/9/2013, 1:500 Site Location Plan and Proposed Amenity Building; received on 21/08/2013.

Reason: In the interests of clarity and to prevent harm to the residential amenity of neighbouring occupiers and the character and appearance of the countryside.

Informatives:

to Applicant: APPROVAL

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:

The applicant/agent was advised of minor changes required to the application and these were agreed.

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: Andrew Jolly

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.