

REFERENCE NO - 14/504218/FULL		
APPLICATION PROPOSAL		
Additional mobile home and day room and demolition of former piggeries		
ADDRESS The Mellows Marley Road Harrietsham Kent ME17 1BS		
RECOMMENDATION Grant permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
<p>The site has the benefit of planning permission for the stationing of a mobile home and one touring caravan for residential use by persons of Gypsy status. The structures are relatively well screened from Marley Road by hedging and fencing.</p> <p>The principle of the residential use of the site by persons of Gypsy status has been accepted with the previous grant of planning permission. It is therefore considered that the additional mobile home and replacement building on site would not impact upon the surrounding area. Use of the site by persons other than Gypsies will remain restricted by planning condition.</p> <p>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.</p>		
REASON FOR REFERRAL TO COMMITTEE		
<p>Cllr Sams and Harrietsham Parish Council asked for this application to be considered by the planning committee for the following reasons:</p> <ol style="list-style-type: none"> 1. The development site is within the AONB 2. It can be seen from Pilgrims Way and therefore has a high visual impact 3. There is no evidence of requirement 		
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Mrs Bridget Cash AGENT WS Planning And Architecture
DECISION DUE DATE 06/05/15	PUBLICITY EXPIRY DATE 06/05/15	OFFICER SITE VISIT DATE 9/4/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
<p>MA/12/1518- Application for the removal of conditions 1 and 2 of permission</p> <p>MA/09/1510 (Retrospective planning permission for change of use of land for residence by a gypsy family including stationing of one mobile home, one touring caravan, use of former stable building as ancillary to mobile home and associated works including fencing and hardstanding) – APPROVED</p> <p>MA/09/0581 – Retrospective application for change of use of land for residence by a gypsy</p>		

family - WITHDRAWN

MA/06/1508 – Retrospective application for the stationing of two mobile homes for occupation by two traveller families, erection of polytunnels, retention of stable building and access road – submission of details pursuant to condition 6,

–REFUSED Appeal Allowed for 5 year temporary personal permission 19/12/07

MA/06/0471 – Use of land for the stationing of 2 no. chalet mobile homes; nursery; erection of stable block for agricultural use. Applicants claiming Gypsy status – REFUSED

MA/93/0814 – Erection of a bungalow – REFUSED

MA/88/1428 – Construction of two detached houses – REFUSED – APPEAL DISMISSED

1.0 DESCRIPTION OF SITE

- 1.1 The application site lies in the open countryside within a designated Area of Outstanding Natural Beauty and locally designated North Downs Special Landscape Area. The site is on the western side of Marley Road approximately 80m north of the junction where Marley Road and Dickley Lane meet; and approximately 400m south of where Marley Road and Pilgrims Way meet.
- 1.2 To the north of the site is a Public Bridleway KH291; to the east are residential dwellings on Marley Road; to the south and south-west are curtilages of two detached dwellings. The properties in the vicinity of the site are characterised by planted frontages, substantial plots and a mix of close board fencing and post and rail. There are no footpaths in this location on either side of Marley Road.
- 1.3 The site enclosed by tall hedge on all sides. The access in the south east corner comprises close board fencing, brick piers, walls, and a timber railing.
- 1.4 The application site is sub-divided into different areas. The site contains a large mobile home, a stable/utility building, a lighting column and a dog kennel. Within the site itself the residential element is separated off by dwarf brick walling and an enclosed garden area to provide a safe play area for the applicant's young child. To the south/south west within the site is the former piggery building which is also separated by fencing. A paddock in the North West corner is separated by close board fence, a field gate and a partial line of conifer trees.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the demolition of the piggeries building, stationing of an additional mobile home and a day room. The proposed day room building is required for the applicant's son, who is registered disabled. A letter from the child's hospital is submitted in support of the application.
- 2.2 The proposed dimensions of the child day room would be as follows:
- 2.3 Depth- 5.5m
Width -11m
Height- 3.2m

- 2.4 The proposed building would consist of rendered block work with white UPVC doors and windows.
- 2.5 The site benefits from planning permission granted 18.10.2012 under application MA/12/1518 for the stationing of one mobile home and one touring caravan for residential use by persons of Gypsy status. Condition 2 of the planning permission restricts the use of the land to the stationing of one static caravan and one touring caravan. This proposal is provide a second mobile home with an additional mobile dayroom.
- 2.6 The proposals involves demolition of an existing piggery building and stationing of a static caravan to provide living accommodation for the applicant's daughter. In a supporting letter the applicant has stated that his daughter and her husband are currently living in a touring caravan. She is part of the extended family therefore the addtional mobile home is required for her to live on site.

3.0 POLICY AND OTHER CONSIDERATION

Maidstone Borough-Wide Local Plan 2000: EN6, ENV28, ENV49
National Planning Policy Framework 2012 (NPPF)
Planning Policy for Gypsy sites 2012 (PPGS)
Emerging Local Plan: Policies SP5, GT1, DM6, DM10, DM26 and DM30

4.0 LOCAL REPRESENTATIONS

Cllr Janetta Sams would like to call in the application as it would impact on the AONB and traffic issues as Marley Road is very narrow.

9 properties in the locality were formally notified of the application. A site noticed was displayed at the site on 26th March 2015.

3 Letters have been received objecting to the proposal on the following grounds:

- The Development site is within the Kent Downs AONB
- The proposal would be seen from Pilgrims Way, from Marley Road and from the bridle path.
- There is no evidence of requirements or exceptional need that would override the policies of residential development within an AONB.
- If application is granted it would harm the AONB
- Additional mobile home would cause foul sewage that would dispose by cess pit resulting in additional smells, noise and disturbance on a regular basis.
- Proposal would generate additional traffic for the new accommodation facilities and this would be unacceptable for single traffic access road to the site.
- The mobile home would generate significant noise and light pollution in the countryside location.
- The layout of the proposed building is not consistent with extended accommodation due to the applicant's son.
- Additional buildings on site would become more prominent and visually blight the surrounding area.
- There is evidence presented with this application to justify further damage to the AONB/Special landscape area
- If planning department and council approve this development then proposal needs to be relocated with additional screening.

- The proposed day care room and proposed residential caravan would be visible from Pilgrims way and other public footpaths.
- The development would generate unwanted noise and traffic movements/fumes which would affect the enjoyment of the adjacent gardens.
- Former piggeries building is only left for wildlife such as grass, snakes and slow worms.

5.0 CONSULTATIONS

- 5.1 Harrietsham Parish Council- wish to see this application refused and have asked for the application to go to Committee. They believe the proposal would have high visual impact on the site and would impact upon the AONB.
- 5.2 Public Rights of Way Access –No objection to the application.
- 5.3 Environmental Heath- No objection subject to a condition attached to the application as the land may be contaminated.

6.0 APPRAISAL-

Principle of Development

- 6.1 There are no saved Local Plan Policies that relate directly to this type of development. Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 (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”*
- 6.2 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 but this is not a ‘saved’ policy. Policies ENV33 and ENV34 relate to the AONB and SLA status of the site and will be considered under the visual impact section of this report.
- 6.3 A key consideration in the determination of this application is Central Government guidance contained in ‘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.
- 6.4 Work on the emerging local plan is progressing; however there is, as yet, no adopted Local Plan which includes a specific policy relating 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 2022	25 pitches

	April 2021 – March 2026	27 pitches
	April 2026 – March 2031	30 pitches
Total	Oct 2011 – March 2031	187 pitches

- 6.5 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 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.
- 6.6 Accommodation for Gypsies and Travellers is a specific type of housing that councils 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 PPTS. 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 permission and through the allocation of sites. The timetable for adoption is currently beyond 2016.
- 6.7 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 non-personal use for persons of Gypsy status by way of the previous consent and therefore the principle use of the site as a gypsy site has already been established and accepted. It is therefore necessary to consider the acceptability of all other material considerations in the current national and local policy context.

Need for Gypsy Sites

- 6.8 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.
- 6.9 Taking into account this time period, since 1st October 2011 the following permissions for pitches have been granted (net):
- 62 Permanent non-personal permissions
 - 16 Permanent personal permissions
 - 0 Temporary non-personal permissions
 - 33 Temporary personal permissions
- 6.10 Therefore a net total of 79 permanent pitches have been granted since 1st October 2011.
- 6.11 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 is so high for the first five years.

- 6.12 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

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 dependents’ 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”.

- 6.13 The site has the benefit of the existing planning permission under MA/12/1518 for the change of use of the land for the stationing of 1 no. mobile and 1 no. touring caravan for residential purposes. Condition 2 of this permission prevents the stationing and use of additional touring caravan and mobile home. The current application seeks to vary this condition and therefore allow one additional mobile home and one day room to be provided in order to provide additional accommodation for the daughter and a special area for the child with the disability.
- 6.14 In the consideration and determination of this application. The applicant has provided a letter from Kent Community Health NHS that states that her child requires additional accommodation for his lifetime disability and needs. The principle use of the land for the stationing of a mobile 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 additional touring caravans and mobile home 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 recognized need for accommodation for Gypsies and travellers, in line with national and emerging planning policy.
- 6.15 Therefore from the evidence provided, I consider that the applicant complies with the definition of a gypsy as outlined in Government guidance in Planning Policy for traveller sites.

7.0 VISUAL IMPACT

- 7.1 The 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 Local Plan policy ENV28.

- 7.2 As stated the site lies within a designated AONB and SLA. Local plan policy ENV33 states that the conservation of the AONB will be given priority over other development plan policies. The main purpose of Policy ENV33 is to ensure that the quality of the landscape is protected and enhanced. As is widely known, the status of an AONB is considered greater than an SLA. The preferred location for developments of the nature being considered would clearly be in an area not with such recognised landscape quality. It is therefore fair to say that the development could be considered harmful by definition within an AONB. The level of harm however needs to be assessed in light of the site specific characteristics and the context of the site in relation to the surrounding landscape features. It would be unreasonable to state that because the site is within the AONB it is unacceptable in principle to grant planning permission.
- 7.3 The site is located outside of the village boundary of Harrietsham in an area where there are a number of other residential properties. Views of the site are not prominent as there is an existing high fence and hedges around the curtilage. The site is therefore well screened from adjoining properties and the front street scene.
- 7.4 The proposed day room building would be placed closer to the existing residential caravan and towards the existing cluster of buildings. These buildings have previously been granted planning permission. 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 structure's.
- 7.5 The proposed static caravan would replace and have an identical footprint as the existing dilapidated piggery building which will be demolished. In terms of its visual appearance the new caravan would be well screened by 22m high Ash trees and positioned within the site, 45m from the front entrance. As such it would not be visually prominent and intrusive when viewed from the road and surrounding area. Therefore approaching the site from either the north or south on Marley Road the site is well screened by the roadside hedgerow and the access is not prominent unless viewed within a few metres of the site.
- 7.6 Views from the north, Pilgrims Way where the land rises to the escarpment; it is possible to see the site in the context of the other properties in the vicinity. It would therefore be fair to conclude that the main visual impact is localised with less dominant views from a distance.
- 7.7 I consider that because the site sits in close proximity to other residential sites and is not in an isolated location or more prominent location within the open AONB then the harm would not be significant enough that justify refusal of the application, especially given the impact of the existing mobile home and touring caravan on this site. The proposal would not significantly exacerbate the current lawful use of the land subject to a planning condition limiting the number of touring caravans and mobile homes on this site.

8.0 RESIDENTIAL AMENITY

- 8.1 There are number of resident properties in the locality particularly on the eastern side of Marley Road. The closest property is located approximately 28m to the east of the site on the opposite side of Marley Road. The property 'Greensleaves' is arguably the most affected by the proposal as the access is opposite their site. In terms of amenity impact the dwelling is set sufficiently back that there would not be a significant impact on the amenities of the occupier of this property.

- 8.2 Giddyhorn to the south-east and Ridgedown to the south are approximately 40 and 45m away respectively; similarly I do not consider there would be an unacceptable amenity impact on these properties

9.0 HIGHWAY SAFTY

- 9.1 There is no change to the existing access or the sightlines and the site has a large area for off street parking purposes. Therefore no highway issues would be caused from this proposal.

10. DRAINIAGE

- 10.1 The environmental officer states that the existing land could be contaminated with the associated piggery building. The site has been used for human habitation for a number of years and the proposal involves removal of the piggery building which appears to have been used for domestic purposes and has not been used as an animal shelter for many years. On balance, it is considered that given the background to the site, the condition suggested by the environmental health officer would not be necessary in this case.

11.0 OTHER MATTERS

- 11.1 I consider that the personal circumstances of the youngest child carries significant weight in the determination of this application. The child will always be dependent on his parents, family and cares of different capacities. The requirement of a separate building to accommodate the young child is important for his needs. The building would be positioned close to the existing cluster of additional buildings and as such would not appear prominent and out of character in the locality.
- 11.2 The need for an additional mobile home/ residential caravan for the applicant's daughter is important for the extended family as they currently have no residential accommodation. The daughter currently lives in a temporary site with her husband. The proposed caravan would enable the daughter to be close to her family.

12 CONCLUSION

- 12.1 The application site forms part of the open countryside and AONB 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/12/1518 and MA/09/1510 for use of land for residence by a gypsy family including stationing of one mobile home and one touring caravan.
- 12.2 In the context of the existing lawful use of the site it is considered that the proposal is not dissimilar; the modest intensification of the use of the application site as a result of the stationing of a second mobile home and day room building, is considered to be acceptable in terms of visual impact and overall impact on the character and appearance of the open countryside and this AONB location, as well as in regards to matters such as residential amenity, highway safety, the ecological interests of the site and cumulative impact.

- 12.3 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/09/1510, the conditions 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 planting landscape are also recommended to be imposed to further soften the impact of the proposal in the context of its surrounding.

13 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) 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; Planning Committee Report
 - 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.

- (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 additional static and day room 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.

Case Officer: Ravi Rehal

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.