

REPORT SUMMARY

REFERENCE NO - 14/506183/FULL		
APPLICATION PROPOSAL Placement of 2 No mobile homes, utility blocks, touring caravans and stables and open paddock area		
ADDRESS Stilebridge Paddock, Stilebridge Lane, Linton, Kent		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION 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 there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Linton Parish Council wish to see the application refused.		
WARD Coxheath And Hunton Ward	PARISH COUNCIL Linton	APPLICANT Mr Joe Smith AGENT Mr Martin Potts
DECISION DUE DATE 15/12/15	PUBLICITY EXPIRY DATE 26/11/15	OFFICER SITE VISIT DATE 10/07/15
RELEVANT PLANNING HISTORY:		

MA/13/2198 - Application to vary condition 2 of MA/10/1555 to allow siting of 1 additional static caravan and 1 additional touring caravan – Withdrawn

MA/10/1555 - Use of land for stationing of 2 mobile homes and 2 touring caravans for gypsy/traveller occupation and the keeping of horses plus erection of stables, two utility/day rooms, hardstanding and septic tank – Approved with conditions

MAIN REPORT

1.0 Site description

1.01 The application site is located on the eastern side of Stilebridge Lane, to the south of 'Stilebridge Paddock' and to the north of other gypsy sites including 'Stilebridge Stableyard' and 'Greenfields'. The site is some 0.4ha in area, and the eastern (front) and western (rear) boundaries benefit from well established, mature shrubs and trees. As evident on site, the northern and southern boundaries have been recently planted with native hedging (Hawthorn, Maple, Hazel and Blackthorn); and the land is a well maintained grass area with an access track laid. Post and rail fencing encloses the site, and the existing access is from Stilebridge Lane. The site is some 500m to the north-east of the A229/Stilebridge Lane junction and is within the countryside as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

2.0 Background history

2.01 'Stilebridge Paddock' to the north has a permanent, non-restrictive permission (under MA/10/1555) for 2 mobile homes and 2 tourers. MA/10/1555 included the current site but development was restricted to the northern part.

2.02 This proposed development is to the south of this site, beyond the plum orchard that provides a soft buffer between the 2 areas.

2.03 Mr Joe Smith (the applicant for this application), with his wife, son (Joe) and 2 daughters, occupies the site to the north.

3.0 Proposal

3.01 The proposal is for the change of use of the land for the stationing of 2 mobile homes with 2 tourers, 1 utility room and 1 stable building with paddock area.

3.02 The 2 pitches are for Mr Smith's 2 sons and their families. One unit will be occupied by Mr Aby Smith (22 years of age) and his partner and 2 young children, and the other unit will be occupied by Mr Jack Smith (24 years of age) and his partner and 3 young children.

3.03 At the time of my site visit a driveway through the site had been laid and entrance gates erected; and largely ornamental shrubs and trees had been planted directly in front of the entrance gates, with further native planting along the southern boundary. It should be noted that the current track is temporary and the layout as shown on the submitted block plan (ref:P767/1 received 05/08/15) is that proposed. Access into the site is from an existing access onto Stilebridge Lane.

3.04 The utility room would measure some 11.5m by 5.5m in floor area; and with its dual pitched roof would stand some 4.2m in height from ground level. The 2 mobile homes and the utility room would be located to the rear of the site, close to the site's eastern boundary.

3.05 The proposed stable block would take on a general 'L' shape, and at its longest would measure some 15m and at its widest measure some 7.2m. With its hipped roof, the proposed stable block would stand some 3.5m in height from its ridge to ground level. The stable block would be sited towards the rear of the site, along the southern boundary of the site, with the paddock area centrally located within the site. There would be approximately 4/5 horses on the site at any one time, however this will only be in the winter in bad spells of weather. Horses will only be kept in the stables during severe weather conditions, and are predominantly kept in various paddocks in the Wierton Hill area. The horses are not for business use.

4.0 Policies and other considerations

- Development Plan 2000: ENV6, ENV28, ENV46
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, DM26

5.0 Local representations

5.01 1 neighbour has made representations raising concerns over the proposal going against the previous planning restrictions on the adjoining site; harm to the countryside and the cumulative impact of the proposal with other planning applications/sites; and that the proposed homes are not mobile homes.

6.0 Consultation responses

6.01 **Linton Parish Council:** Wish to see the application refused and request the application is reported to Planning Committee;

"1. The application site was identified by a plan showing it to be adjacent to and south of a site for which conditional planning permission was granted to Mr Bill Lee under MA/10/1555 for the stationing of two mobile homes and two touring caravans for Gypsy/Traveller occupation etc. (Condition 2). Condition 4 provides that the site is not to be used as a caravan site by any persons other than gypsies and travellers as defined in ODPM Circular 01/2006.

2. By Application MA13/2198 dated 18 December 2013 permission was sought to vary the above Condition 2. The applicant was a Mr Joe Smith. Accompanying the Application was a Completion of Registration Statement by the Land Registry showing as registered proprietors Joe Rocky Smith and Sharon Smith. The latter had not been shown as a co-applicant. It is not known whether either of these persons complied or comply with the above Condition 4. As a Mr Joe Smith is identified as applicant in the current Application 14/506183/FULL, please indicate whether the Borough is thoroughly satisfied that he and Sharon Smith have been and continue to be within the above definition as subsequently adopted in the Government's NPPF and 31 August 2015 definitions in its Planning Policy for Traveller Sites.

3. Your email indicates that Application 13/2198 has been withdrawn.

4. The present Application 14/506183/FULL seeks to change the use of the southern block of the whole site of which the Smiths appear to be registered proprietors from "Open Land" to the placement of two mobile homes, utility blocks, touring caravans (number unspecified) and stables and open paddock. Plans accompanied a letter to you from Martin Potts Associates dated 5 August 2015. The Utility Block is now 11.5m x 6m. There are five stables. Potts' Plan P/767/1 shows the extent of the north and now the proposed south blocks to be quite inconsistent with the countryside protection policies specified in Conditions 2 and 4 when MA/10/1555 was granted planning permission.

The applicant seeks, through the agent and his own subsequent letters shown on line, to persuade the Planning Authority that the proposed expansion is justified under Traveller's guidance for the occupation of Mr Joe Smith, two sons and families. The sons, aged 22 and 24, are described as having "a nomadic demeanour and generally work in the same civil engineering business of resurfacing, tarmacing etc". There are two mothers and six children. "The proposed units will allow them to settle into one area next to their parents and grandparents". The Council remains clearly of the view that this group does not comply with the Government's latest requirements (a) whether they have previously led a nomadic habit of life [hundreds of thousands of people travel to and from their places of work yet are not of nomadic habit] and (c) whether there is an intention of living a nomadic habit of life in the future and, if so, how soon and in what circumstances [there has been no answer]? The Parish Council reiterates its opposition to the further extended traveller development in Stilebridge Lane to which planning consent would lead. Moreover it is noted that it is not contemplated in the additional Gypsy Site Allocations in the latest Borough Plan Consultation which concluded on 30 October."

6.02 **Boughton Monchelsea Parish Council:** They are the adjoining parish council and wish to make the following comments;

"The Parish Council would like to support Linton Parish Council's comments about the need for clarification about the status of outstanding applications. Without this clarification it is very difficult to see how this application sits with those remaining applications and what would be consented to or not.

We wish to refer to and reiterate our previous comments made in response to the January 2015 application and consultation. These are;

- 1. The proposal constitutes an over concentration of sites in this location, which would cause material harm (NB Location is across several parish boundaries but focused in this specific area).*
- 2. The utility blocks are too big for the site and for the domestic use for which they are proposed. The units are almost as big as the mobile homes that they are intended to be ancillary to.*
- 3. If the Borough Council is minded to approve this application then the proposal should be adequately screened from the local road and from the local countryside beyond."*

6.03 **Environmental Health Team:** Raise no objection.

6.04 **KCC Highways:** Raise no objection.

6.05 **Environment Agency:** Raises no objection.

7.0 Principle of development

7.01 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."

7.02 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.

7.03 A key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

7.04 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). Whilst this work is set to be revisited in light of the changes to the PPTS, at this time it has not commenced and this information does remain the current need figure. The GTAA concluded the following need for pitches over the remaining Local Plan period:

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

- 7.05 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.
- 7.06 Accommodation for Gypsies and Travellers is 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 for the latter half of 2017.
- 7.07 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general theme of restraint.

Need for Gypsy sites

- 7.08 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.
- 7.09 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):
- 69 Permanent non-personal permissions
 - 10 Permanent personal permissions
 - 3 Temporary non-personal permissions
 - 31 Temporary personal permissions
- 7.11 Therefore a net total of 79 permanent pitches have been granted since 1st October 2011. As such a shortfall of 26 pitches remains outstanding.
- 7.12 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.

Gypsy status

- 7.13 Since the application was submitted, the Government has issued revisions on the national planning guidance for Gypsy & Traveller development

contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of 'gypsies & travellers' has been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

"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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 7.14 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 7.15 The applicant has confirmed that since 2010/2011 (if not before), both sons have separately travelled around the country (staying on a number of sites, including in the New Forest, Wickford, Sheerness, Essex, Bournemouth, Canterbury and Maidstone) for work including block paving, tarmacking, tree work, and roofing. The applicant has also confirmed that both sons will continue to travel for work, with their partners and children settled at the site so that the children can hold a regular place at nursery/school and the doctors. It should also be noted that during the school summer holidays, each son tends to travel with their whole family. With the evidence before me, I am of the view that both sons lead a nomadic habit of life and accept that they fall within the gypsy status definition.

Sustainability

- 7.15 Gypsy traveller sites will almost inevitably be located in countryside locations, and the site is some 500m to the north-east of the A229/Stilebridge Lane junction. In my view, I do not consider the site to be so far removed from basic services and public transport opportunities as to justify grounds to refuse this application in terms of being unsustainable; and clearly other gypsy sites have been allowed next door.

8.0 Visual impact

- 8.01 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside 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 saved Local Plan policy ENV28.
- 8.02 The application site is not located in an area designated for its landscape value and is well screened by mature boundary planting along the eastern

and western boundaries, which are to be retained as a part of the development. In addition, the site is well screened to the north by the boundary planting surrounding the existing development at 'Stilebridge Paddock'; and to the south, the roadside hedges and the existing development at the other gypsy sites also provide a good level of screening. The applicant has also recently planted native hedging along the northern and southern boundaries of the site, and the planting area to the front of the access (within the site) will be enhanced with further native planting that will be ensured by way of condition. I am satisfied that there are good levels of natural and built screening, in short range views from Stilebridge Lane and from wider views from the A229 to the west and the network of country lanes to the north and east, with main views of the site likely to be through the point of access. The caravans, utility room and stable block would be set back into the site, and the access roads (as shown on drawing no. P767/1 received 05/08/15) are not considered excessive. I consider this level of built form to be modest and of a reasonable scale for this site in this rural location. In my view this type of low level development here can be satisfactorily accommodated without having a significant adverse impact on the character of the countryside. I am therefore satisfied that the proposal would not be an intrusive feature in the countryside from either medium or long distance views.

- 8.03 The development approved under MA/10/1555 was restricted to the north of the site in order to keep the mobile homes and buildings grouped together rather than spreading the development out over a larger site. Representations have now been made questioning why it is now acceptable to develop the south of the site. Planning permission was granted for a small development on a smaller area, and for the reasons outlined above I am satisfied that this current proposal would not appear visually dominant or incongruous in the countryside hereabouts and raise no objections in this respect.

9.0 Residential amenity

- 9.01 There are other gypsy sites in close proximity to the site and no house would be within 100m of the site. A residential use is not generally a noise generating use, and I am satisfied that the proposed development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of general noise and disturbance, and privacy.

10.0 Highway safety implications

- 10.01 The site benefits from an existing access; I am satisfied with the visibility splays; and I also consider the local highway network to be capable of accommodating any additional (and relatively low) vehicle movements to and from the site. There would also be adequate parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have also raised no objection.

11.0 Landscape and biodiversity implications

- 11.01 There are no protected trees on site, or immediately adjacent to this site. However, there is well established boundary planting along the eastern and western boundaries, and new native hedge planting along the northern and southern boundaries. So whilst there are no arboricultural grounds on which to object to this application, the imposed landscaping condition will ensure that the existing planting along the boundaries shall be retained. The planting directly in front of the vehicle access will also be enhanced through additional native planting.
- 11.02 The existing boundary planting is to be retained as part of this application; the access road has already been laid; and the site is largely well mown grass. I am therefore of the view that this proposal is unlikely to have a significant impact on any protected species or habitats and do not consider it reasonable to request any further information in this respect.

12.0 Equestrian use and stables

- 12.01 The application makes provision for the keeping of horses and for the erection of a stable block. It is quite common for gypsies to keep horses, and to find stables in the countryside; and I do not consider that such a use and the erection of the proposed modestly sized and appropriately designed and located building would have any significant negative impact on the character, appearance, amenity and functioning of the area. The applicant has confirmed that the horses are for personal use and a condition will be attached to any consent restricting the equestrian use to private stabling.

13.0 Other considerations

- 13.01 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk and drainage; and the proposal will include 2 'Klargester' treatment plants which I consider to be acceptable in terms of waste disposal. The Environment Agency raises no objections and recommended informatives which have been added.
- 13.02 There are other gypsy and traveller sites on Stilebridge Lane but I do not consider the granting of permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm; and given that there are no houses within 100m of this site, it would not dominate the nearest settled community or place undue pressure on the local infrastructure.
- 13.03 I am satisfied that the 2 mobile homes fall within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this; and that that the utility blocks are of an appropriate size for their intended use.

14.0 Conclusion

- 14.01 The issues raised by the one neighbour and the Parish Councils have been addressed in the main body of this report. I would add that whilst Mr Joe Smith is the applicant and the landowner, it is the circumstances of his 2

sons and their families, as the intended occupants, that this application has been assessed on.

14.02 In my view the determination of this application centres on the balance to be struck between the limited harm to the character and appearance of the countryside and the on-going need to provide accommodation for gypsies. 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. There is no justifiable reason here for a temporary or personal permission and I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION – GRANT PERMISSION subject to the following conditions:

- (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 and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

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 for Gypsy and Traveller Caravan Sites.

- (3) 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 static caravans or mobile homes) shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

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

- (4) If the use hereby permitted ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings, stable blocks and utility rooms shall be removed within 3 months of cessation;

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

- (5) The development shall not commence until details of all fencing, walling and other boundary treatments shall be submitted for approval in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (6) The development shall not commence until details of any external lighting within the site shall be submitted to and approved in writing by the local planning authority and anything else beyond this will require further written consent from the local planning authority;

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

- (7) The development shall not commence until details of 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 plan shall be submitted for approval in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;
- ii) Enhancement of planting area in front of the vehicle access with native planting;
- ii) The retention of the existing planting along all four boundaries of the site.

Reason: To safeguard the character and appearance of the countryside, and in the interest of biodiversity.

- (8) 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 occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

- (9) The stable building and equestrian use of land hereby permitted shall only be used for the private stabling and keeping of horses in the ownership of the occupiers of the lawful residential use of the site hereby permitted and when no longer used for these purposes shall, together with any other related development, be demolished and the resulting material removed from the land to the satisfaction of the Local Planning Authority;

Reason: To ensure that adequate security and supervision is provided for the animals kept on the land.

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

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

- (11) The development hereby permitted shall be carried out in accordance with plan P767/1 received 5th August 2015;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) The applicant is reminded that there should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. The Environment Agency will not support infiltration systems where they could lead to pollutants discharging to ground or to the creation of new pathways for pollutants to groundwater or mobilise contaminants already in the ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to controlled waters.
- (2) All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to the Environment Agency's guidance "PPG1 - General guide to prevention of pollution", which is available on their website at www.environment-agency.gov.uk.
- (3) Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:
- i. Duty of Care Regulations 1991
 - ii. The Waste (England and Wales) Regulations 2011
 - iii. Hazardous Waste (England and Wales) Regulations 2005
 - iv. Pollution Prevention and Control Regulations (England and Wales) 2000
 - v. Environmental Permitting (England and Wales) Regulations 2010

Case Officer: Kathryn Altieri

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.