

REPORT SUMMARY

REFERENCE NO - 15/505938/FULL			
APPLICATION PROPOSAL			
Part-retrospective application for the change of use of land for the siting of one static and one touring caravan for gypsy/traveller occupation. Installation of septic tank and utility room. Creation of hardstanding and post and rail fence to eastern boundary and associated landscaping scheme, as shown on Site Location Plan; received 21.07.2015 and Split cedar 3 rail fence diagram and drawing no. 01/A; received on 29.07.2015 and Proposed Block Plan; received on 23.11.2015.			
ADDRESS Peas Place, Green Lane, Chart Sutton, Kent, ME17 3ET			
RECOMMENDATION – Permission			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The 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			
Chart Sutton Parish Council wish to see the application refused.			
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Chart Sutton	APPLICANT Miss M Phillips AGENT SJM Planning	
DECISION DUE DATE 23/09/15	PUBLICITY EXPIRY DATE 23/09/15	OFFICER SITE VISIT DATE 02/09/2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/0784	Use of land for the stationing of a mobile home and one touring caravan along with the keeping of horses. Erection of a utility block, stables and installation of a septic tank	Refused	03.03.2015
<i>Reasons for refusal:</i>			
1. The development materially detracts from the character and appearance of the surrounding countryside and has a detrimental impact on the visual amenities of the area, contrary to Policy ENV28 of the adopted MBLP 2000.			
2. No exceptional circumstances have been put forward, including the personal circumstances of the applicant or her accommodation needs, which would override the policy to restrict development in the countryside outside the built up confines of any settlement.			
3. Insufficient information has been provided regarding details of the proposed means of access and parking, landscaping and boundary treatment, drainage, personal circumstances to enable the application to be fully assessed.			

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 The site comprises a triangular shaped plot located on the east side of Green Lane. The site is located within the open countryside and Special Landscape Area (SLA). The site has an area of approx. 0.2 hectares with a frontage of approx. 75m onto Green Lane. The north and southwest boundaries are planted with mature trees / hedgerow. The eastern boundary planting is more sporadic and open to views. Vehicle access is taken from Green Lane at the southwestern corner of the application site. The site has been occupied by the applicant since approx. May 2015 and there is one static caravan and a utility building stationed on the site.
- 1.2 PROW KH560A runs from east to west parallel with the northern boundary of the application site. The nearest residential properties on Green Lane are located to the south of the site. Brookside and the Coach House are located some 85m to the south of the site on the east side of Green Lane. Hollands Farm is located on the opposite side of Green Lane approx. 40m from the southern corner of the application site. To the north of the site beyond the PROW lies farmland. To the east of the site is open countryside and farmland.
- 1.3 There are no other gypsy and traveller site along this section of Green Lane. The closest gypsy and traveller sites (Little Acre and Peafield) site are located along Chart Hill Road some 200m from the site, as the crow flies. Further to the south and located on the east side of Chart Hill Road is a gypsy and traveller site known as Chart View (15/504891/FULL – pending determination) which is recommended for allocation under Policy GT1(11) in Draft Local Plan Regulation 18 Consultation 2015. Chart Hill Paddock (15/505138/FULL – pending determination) is another traveller site and is located toward the southern end of Chart Hill Road. Horseshoe Paddock (15/504872/FULL – pending determination) is located to the north of the application site along Chart Hill Road adjacent to Lucks Lane.

2.0 PROPOSAL

- 2.1 Part-retrospective application for the siting of one static and one touring caravan for gypsy/traveller occupation. Installation of septic tank and utility room. Creation of hardstanding and post and rail fence to eastern boundary and associated landscaping.
- 2.2 The applicant has been living on the site since approx. May 2015. One static caravan and a utility shed are currently stationed on the site. The southern section of the site has been cleared and hardstanding (permeable roadstone) covers the southern corner of the site. The static caravan is located adjacent to the east boundary of the site. A double gate is set back from Green Lane and affords vehicle access into the southwestern corner of the site onto the hard standing.

Difference between the refused (14/0784) and current scheme

- Additional landscaping proposed on all three boundaries of the application site.
- Removal of stable block from the proposal.
- Relocation of mobile home away from the eastern boundary of the site.
- Inclusion of a post and rail fence along the eastern boundary.
- Evidence that the applicant's children attend the local school.
- Evidence of gypsy status of the applicant.

3.0 AMENDMENTS

- 3.1 Since the original submission the application has been amended:

- The stable block has been removed from the application.
- Additional information regarding the gypsy / traveller status of the applicant.
- Evidence that the applicant's children attend a local school.
- Temporary permission.

4.0 POLICIES AND OTHER CONSIDERATIONS

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, DM26
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

5.1 Some four objections have been received. The main points of objection are summarised as follows:

- Impact on the character of the surrounding area / countryside.
- Loss of neighbour amenity from noise and disturbance and overlooking.
- Light pollution.
- Detracts from the openness of the countryside.
- Land stability.
- Loss of trees.
- No material change from the previous refusal.
- Site can be viewed from the PROW KH560A and from Green Lane.
- The site is subject to long range views.
- The use of the site is currently unlawful.
- The Council has met its target for gypsy and traveller sites and the current site represents a windfall site.
- The cumulative effects of gypsy and traveller along Chart Hill Road.

6.0 CONSULTATION RESPONSES

6.1 **Chart Sutton Parish Council:** Wish to see the application refused for the following reasons:

- No material amendments to the previous application.
- The application is incomplete.
- The site is situated on the Greensand ridge within an area of ancient woodland.
- Harm to the countryside and contrary to ENV28.
- Unsustainable location.
- Damage to wildlife habitats.
- Loss of trees.
- Gypsy status needs to be confirmed.
- Details of surface water disposal need to be provided.
- Lack of space on site for keeping horses.
- Impact on neighbour amenity from overlooking.

The Parish Council recommends the following conditions if the application is approved:

- No external lighting.
- Additional boundary screening.
- No business activities.
- Temporary permission only.

- 6.2 **KCC Highways:** Raise no objection.
- 6.3 **Environment Agency:** No comments received. The application site is not located within Flood Zone 2 or 3.
- 6.4 **Southern Water:** EA should be consulted regarding the septic tank. Should any sewer be found during construction SW should be consulted.
- 6.5 **Environmental Health Team:** Raise no objection subject to conditions. Requires further information about supplies of services and all waste disposals. Foul sewage conditions recommended.

7.0 PRINCIPLE OF DEVELOPMENT

- 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. Policy ENV34 (Special Landscape Area) affords greater protection of is designed to control the spread of inappropriate development.
- 7.3 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.
- 7.4 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). 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

- 7.5 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. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

7.6 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.

7.7 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

7.8 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):

- 71 Permanent non-personal permissions
- 10 Permanent personal permissions
- 3 Temporary non-personal permissions
- 31 Temporary personal permissions

7.11 Therefore a net total of 81 permanent pitches have been granted since 1st October 2011. As such a shortfall of 25 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 The gypsy status of the applicant Maria Phillips and her two children, Mary Ellen Fuller and Oliver Fuller, who both attend the local school, was accepted during the consideration of the last application. Supporting evidence has previously been submitted with application 14/0784 showing a history of occupation of various traveller sites in the surrounding area by the applicant's family including Stockbridge, Farthing corner, Stile Bridge and Marden. The previous report stated that there was no evidence to suggest the applicant is not a traveller.

- 7.14 Since the previous application was refused, 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' have 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."

- 7.15 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.
- 7.16 The applicant's agent has submitted a letter to demonstrate how Maria Phillips falls within the current definition of a gypsy / traveller. The following information has been provided to address criteria a-c:
- Evidence that the applicant has lived on various other traveller sites in the past.
 - Evidence that the two children attend the local school.
 - Various destinations that the applicant travels to each year.
 - A statement explaining that the applicant intends to continue living a nomadic habit of life after the children have finished school.
- 7.17 The personal circumstances of the applicant are put forward as justification for the need for this site with the applicant's two children in full time education at the local school. With the evidence before me, I am of the view that applicant has led a nomadic habit of live and accept that she falls within the gypsy status definition.
- 7.18 Given the fact the Council is unable to offer any alterative accommodation and, taking into consideration the needs of the children living at the site leads me to give the needs of the applicant weight in the determination of this application.

7.19 VISUAL IMPACT

- 7.20 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 and ENV34.
- 7.21 The previous application for this site was refused due to the visual impact of the development on the open countryside. It is therefore necessary to assess the changes put forward by the applicant to address the previous reason for refusal.
- 7.22 During the assessment of the 2014 application it was noted that the caravan was sited directly behind the entrance gates onto Green Lane and the caravan was

considered to be clearly visible from Green Lane as there was no natural screening around the entrance to mitigate the visual impact. The current application proposes to relocate the static caravan more towards the centre of the site, away from the eastern boundary and no longer directly behind the vehicle access gates. Additional landscaping is also proposed at the entrance of the site.

- 7.23 A stable block was previously proposed adjacent to the western boundary next to Green Lane. During the assessment of the previous application there were concerns that the stable block would have been visible from Green Lane. There were also concerns that the site was not of a sufficient size to accommodate stables and horses. The stable block has been removed from the current application to overcome this objection.
- 7.24 Assessing the visual harm of the current application I noted during my site visit that the north and southwest (Green lane frontage) boundary of the application site benefit from a good level of natural screening in the form of hedgerows and trees. Glimpses into the site are afforded through gaps in the vegetation, however, I am of the view the site is reasonably well screened along these boundaries at present and the proposed additional boundary planting would supplement the existing landscaping and provide additional screening. Views into the site are afforded at the vehicular access point, however, the caravan would be relocated to a more central position within the site and additional landscaping is proposed adjacent to the entrance gates such that I consider the caravan would not appear visually prominent from Green Lane at the entrance to the site. Further, the static caravan would also be sited away from the Green Lane frontage and the southwest boundary of the site.
- 7.25 Photographic evidence submitted by local residents demonstrates that the site can be viewed from PROW KH560A when approaching from the east. The eastern boundary of the application is more open in character than the north and west boundary with landscaping only providing partial screening. The applicant proposes a new post and rail fence and a new mixed native hedgerow along the eastern boundary to screen the development from public views. The static caravan would also be moved away from the east boundary. In my views these measures would, over time, help to screen the development and any long distance views into the site from the PROW are unlikely to be so visually damaging to warrant refusal of the application on grounds of visual impact and countryside harm.
- 7.26 The nearest listed buildings at Chart Hill Farm are a considerable distance away from the site and the proposal would not have any significant impact on their setting.
- 7.28 The site is currently well screened along the north and west boundary and the additional supplementary planting along these boundaries together with new native hedgerow planting along the east boundary would screen the development. Subject to the additional boundary screening and relocation of the static caravan it is not considered that the development as proposed would have undue impact on rural or landscape character and the previous reasons for refusal are considered to have been overcome.
- 7.29 SUSTAINABILITY**
- 7.30 Gypsy traveller sites will almost inevitably be located in countryside locations, and the site is located less than 2 miles from the centre of Sutton Valance. In my view, I do not consider the site to be so far removed from basic services, schools and other facilities as to justify grounds to refuse this application in terms of being unsustainable.

7.31 RESIDENTIAL AMENITY

7.32 The site is located some distance from the nearest residential properties at Brookside, The Coach House and Hollands Farm such that I am satisfied that the development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of loss of light outlook and privacy and in terms of general noise and disturbance.

7.33 HIGHWAY SAFETY IMPLICATIONS

7.34 The site has a single vehicle access onto Green Lane with suitable visibility splays. The development would not result in a significant increase in traffic movements and I consider the local highway network to be capable of accommodating the relatively low vehicle movements to and from the site. There is sufficient 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 raised no objection on highways safety or parking grounds.

7.35 LANDSCAPE AND BIODIVERSITY IMPLICATIONS

7.36 At the time of my site visit that site had been cleared and hardstanding had been laid. Local residents have raised objections regarding the loss of wildlife habitats and trees during the site clearance and construction works. The loss of trees and habitat is regrettable, however, the landscape officer has confirmed that none of the trees were subject to a TPO and the additional landscaping proposed along the site boundaries would be mitigation for the trees and vegetation that have already been removed.

7.37 OTHER CONSIDERATIONS

7.38 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk. The layout plan indicates a septic tank within the site but no further details have been provided. In the event of permission being granted a condition is recommended for further information on drainage and the septic tank.

7.39 There are other gypsy and traveller sites within the wider area along Chart Hill Road 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 given the distance between each of the sites. Further, given the sporadic residential development within the immediate area and relatively sustainable location, it is not considered that this site would individually or cumulatively dominate the nearest settled community or place undue pressure on the local infrastructure.

7.40 I am satisfied that the 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.

8.0 CONCLUSION

8.1 Given that the applicant's two children attend the local school and the fact that the Council is unable to offer any alternative accommodation, leads me to give the needs of the applicant and her children weight in the determination of this application.

8.2 The site is currently well screened along the north and west boundary and the additional supplementary planting along these boundaries and new native hedgerow along the east boundary would screen the development. Subject to the additional boundary screening and relocation of the static caravan it is not considered that the development as proposed would have undue impact on rural or landscape character and the previous reasons for refusal are considered to have been overcome.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

- (1) The use hereby permitted shall be carried on only by Miss Phillips, her partner and their dependant children only.

Reason: Because of the special circumstances demonstrated and to restrict occupation of the site in accordance with Policies ENV28 of the Maidstone Borough-Wide Local Plan 2000.

- (2) Within 5 years from the date of this permission the use hereby permitted shall cease and the caravans, and all other materials and equipment brought onto the premises in connection with the use shall be removed. The land shall then be restored to its former condition on or before a date not later than three months following the vacation of the site, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: Permission has been granted on a temporary basis in recognition of the overriding need to provide sites for gypsies in the short term and to reflect the personal circumstances demonstrated in the application. A temporary condition is necessary to protect the character and appearance of the countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000.

- (3) 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.

- (4) No more than one caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 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.

- (5) 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.

- (6) Within three months of the date of this decision notice, details of any external lighting 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.

Planning Committee Report

- (7) Within three months of the date of this decision notice, 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) The retention and enhancement of the existing planting along all three 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 after the date of the decision notice; 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) 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.

- (10) The development hereby permitted shall be carried out in accordance with: Site Location Plan; received 21.07.2015 and Split cedar 3 rail fence diagram and drawing no. 01/A; received on 29.07.2015 and Proposed Block Plan; received on 23.11.2015.

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

- (11) Within three months of the date of this decision notice, details of 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 Planning Authority

The submitted details should include the size of individual cess pits and/or septic tanks and/or other treatment systems and should show the exact location on site and details as to where the system will discharge to. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority.

Reason: in the interests of health and safety and to prevent contamination.

INFORMATIVES

1. to Applicant: APPROVAL

Planning Committee Report

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 applicant/agent was provided formal pre-application advice.

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

2. Environment Agency

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether discharge consent is required

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.