

REPORT SUMMARY

REFERENCE NO - 15/505493/FULL		
APPLICATION PROPOSAL Change of use of land to a residential caravan site for two gypsy traveller families containing two static caravans, two touring caravans, parking for four vehicles with associated hardstanding and water treatment plant		
ADDRESS Land Adjoining Greengates, Lenham Road, Headcorn, Kent		
RECOMMENDATION		
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 - It is contrary to views expressed by Headcorn Parish Council.		
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Mr T Cosgrove And Mr L Doran AGENT BFSGC
DECISION DUE DATE 10/09/15	PUBLICITY EXPIRY DATE 10/09/15	OFFICER SITE VISIT DATE 29/07/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

None specific to the proposal site.

- 'Greengates' (to front of site):
 - 14/504021 – Application to vary condition 1 of MA/10/2177 to allow any gypsy family to live on site - Under consideration
 - MA/10/2177 – Change of use of land for stationing of 4 caravans for residential occupation by extended Gypsy family and associated development (stationing of 3 touring caravans, extended hardstanding – Approved (3yr temporary personal)
 - MA/05/0518 - Retrospective change of use of land to stationing of mobile home and touring caravan – Refused (permanent personal allowed on appeal)
 - MA/01/1320 - Change of use of land to for stationing of 1 mobile home – Refused (3yr temporary personal allowed on appeal)
- Land to east (behind) of proposal site known as 'Long Lane':
 - 15/502956 – Continued use of land for private gypsy family with 2 caravans and 1 utility block – Under consideration
 - MA/09/1821 – Change of use of land to use as residential caravan site for gypsy family with 1 caravan – Approved (3yr temporary personal)
- 'Acers Place' (site adjacent 'Greengates'):
 - 14/503775 - Variation of condition 1 of MA/10/0266 to allow any gypsy family to live on site – Under consideration
 - MA/10/0266 - Change of use for stationing of mobile home and touring caravan with associated works – Approved (3yr temporary personal)

- MA/06/1790 - Land adjoining Greengates (now known as Acer Place). Change of use of agricultural land to residential for stationing of gypsy caravans and associated development. Approved with conditions
- Oak Tree Farm (site adjacent 'Acers Place'):
 - 15/503517 - Variation of condition 1 of MA/10/1522 to change the names - Under consideration
 - MA/10/1522 - Retrospective change of use of land to mixed use for agriculture, keeping of horses, stationing of 2 mobile homes and storage of 1 touring caravan - Approved (personal permanent)

MAIN REPORT

1.0 Site description

1.01 The proposal site is set back approximately 100m from Lenham Road, making use of an existing vehicle access that is already in use by the occupants of the gypsy site behind ('Long Lane') and those at 'Greengates' which fronts onto the highway. The site is currently vacant, with an existing stable building on site and there is mature tree planting along the site's south-eastern boundary, with the access running along the south-western boundary. The surrounding area is rural in character with sporadic development, including other gypsy and traveller sites, along this section of Lenham Road; and there is a public footpath (KH331B) some 150m away to the south-east of the site. For the purposes of the Development Plan, the proposal site is within the designate countryside that falls within the Low Weald Special Landscape Area (SLA).

2.0 Background history

- 2.01 'Greengates' benefited from a personal 3yr temporary permission which expired on the 3rd April 2016 (MA/10/2177), and there is a current application under consideration in for this site to make it a permanent permission for any gypsy or traveller site (14/504021).
- 2.02 The site behind the proposal site benefited from a personal 3yr temporary permission which expired in October 2012 (MA/09/1521), and there is a current application under consideration in for this site to make it a permanent permission for any gypsy or traveller site (15/502956).
- 2.03 As it stands, the cluster of gypsy sites around the proposal site benefit or have benefited from both permanent and temporary personal permissions.

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. The proposal would include the laying of hardstanding; the retention of the existing stable block; additional planting along the north-eastern boundary and the north-western boundary; and the retention of the mature planting along the south-eastern boundary. Vehicle access to the site would be from the existing access from Lenham Road.

3.02 The 2 proposed pitches will be occupied by Mr Larry Doran and his partner and 4 children (6 months, 3yrs, 11yrs and 14yrs of age); and Mr Thomas Cosgrove who is currently on his own.

4.0 Policies and other considerations

- Development Plan 2000: ENV6, ENV28, ENV34
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Maidstone Draft Local Plan (Reg 19)
- DCLG - Planning Policy for Traveller Sites (August 2015)

5.0 Consultations

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

"This application was considered by the Council and they wish to see it refused due to:- Visual Impact on the Countryside Our commitment to the G&T community, as stated in the Headcorn Neighbourhood Plan, has been fulfilled There are vacant plots on the existing established site known as the Meadows The objection by WKPS was noted. If they are minded to approve this application it should be on a temporary basis only."

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

6.0 Other representations

6.01 No neighbour representations have been received.

6.02 **Weald of Kent Protection Society:** Raises objection:

- *The site is a greenfield site used for grazing animals.*
- *The numerous traveller sites located on the Lenham Road spoils the rural landscape of the area.*
- *Headcorn has many traveller sites within the area and significant disturbances have occurred with the local people.*
- *Headcorn's primary school is full with many local parents having to send their children to neighbouring schools.*

6.03 **Shenley Farms (Aviation) Ltd (Headcorn Aerodrome):** States site is close to the aerodrome and within the area covered by the safeguarding map and certain noise connected with the aviation activity will be apparent.

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 2021	-	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 DM16 of the Regulation 19 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 2021	-	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):

- 79 Permanent non-personal permissions
- 10 Permanent personal permissions
- 3 Temporary non-personal permissions
- 33 Temporary personal permissions

7.11 Therefore a net total of 89 permanent pitches have been granted since 1st October 2011. As such there has been a shortfall of 16 pitches for the 2011-2016 period.

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' 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."

7.14 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 in terms of ceasing travel temporarily, 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 agent has confirmed that the families have not ceased to travel permanently or temporarily, travelling to fairs, horse fairs, auctions, markets, and family and cultural events throughout the year across the UK; and that they continue to travel for work throughout the year either individually or collectively with other family members. With the evidence before me I am of the view that the applicants lead a nomadic habit of life and accept that they fall within the gypsy status definition for the purposes of planning.

Personal circumstances

7.16 There are personal circumstances related to this application, and these have been set out in the submitted Education and Health Statement. Whilst this information is confidential, a summary will be given. Mr Cosgrove and his partner have 4 children under the age of 16 and their educational needs are considered a priority. Mr Doran has a number of health issues (cardiac and mobility related) and is required to take medication for the foreseeable future. It has also been confirmed that

the families are currently homeless and have been living on the roadside or doubling up on other gypsy and traveller sites, and that the families require a stable base to access their health care and educational needs. This information is attached as a confidential appendix.

Sustainability

- 7.17 Gypsy traveller sites will almost inevitably be located in countryside locations, and the village of Headcorn, with its services/amenities and public transport links, is located approximately 2km to the south-west of the site. 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. The Planning Policy for Traveller Sites also recognises the benefits of a settled base when assessing sustainability.

8.0 Visual impact

- 8.01 Guidance in the PPTS states that Local Planning Authorities should very 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 has been outlined, however this is addressed in the NPPF and saved Local Plan policy ENV28.
- 8.02 Whilst set behind the road frontage, views of the proposal site are possible at certain points along Lenham Road (when approaching the site in both directions), although the existing hedging and belt of trees along this section of road and neighbouring sites do break up the views; and there are views of the site from the public footpath (KH331B) some 150m away to the south-east of the site. When seen, the proposal (with 2 mobile homes, 2 touring caravans, hardstanding and any fencing) would detract from the landscape. Additional landscaping could be provided but this is not sufficient reason to make the proposal acceptable.
- 8.03 The proposed development would be visually harmful to the area but this is localised with no significant medium to long range landscape impact. However, the proposal would see a relatively open site more developed in the form of 2 mobile homes and 2 touring caravans and the attendant paraphernalia that comes with this. With this considered, the proposal would cause harm to the countryside and Special Landscape Area, and I therefore do not consider a permanent permission is appropriate for this site.

9.0 Residential amenity

- 9.01 A residential use is not generally a noise generating use; and the nearest residential property would be more than 150m away. Given this, I am satisfied that the addition of 2 mobile homes would not have a significant detrimental impact on the residential amenity of any neighbouring property or other neighbouring gypsy site, in terms of general noise and disturbance, and privacy.

10.0 Highway safety implications

10.01 The proposal makes use of an existing access from Lenham Road with no history of crashes; it would provide sufficient parking and turning facilities; the proposal is unlikely to lead to a significant increase in traffic generation or an unacceptable intensification of use of the access; and I also consider the local highway network to be capable of accommodating any additional traffic. The Highways Authority have also raised no objection, and so I am satisfied that this proposal would not result in an adverse highway safety issue.

11.0 Other considerations

11.01 Given the current condition and location of the proposal site, and the nature of the proposed development, I am satisfied that there are no objections to be raised in terms of flood risk and drainage and it is considered unnecessary to request any further ecological information with ecological enhancements coming through the additional native planting. The proposal will include 2 cess pits, and Building Control raise no objection to the use of these in this location, and no further details are required. It is thought that the proposal would not result in an over concentration of gypsies and travellers in the area.

11.02 The issues raised by the Parish Council and other representatives have been addressed in the main body of this report. However, I would add that this application is only concerned with the impacts of the site proposed and no evidence has been submitted to back-up claims that this site would cause unacceptable disturbances to local residents; the addition of 2 families in the area would not place unacceptable burden on local primary schools; and I do not consider it reasonable to refuse this application purely on the grounds that the site is close to Headcorn Aerodrome.

12.0 Conclusion

12.01 There are specific health and educational requirements of the applicants and it is clear that there is a personal need for the applicants to have a permanent base. However, due to the location of this site in an area afforded additional landscape protection, I consider it inappropriate to grant a permanent non-personal permission. The determination of this application centres on the balance to be struck between the harm to the character and appearance of the countryside and SLA, the on-going need to provide accommodation for gypsies and travellers and the personal circumstances of the applicants.

12.02 The applicants are currently homeless and the need for their children to regularly attend school and their on-going medical issues where regular access to a doctors surgery is essential. The applicants personal circumstances have to be given substantial weight in the overall balance, and I consider this to outweigh the harm. So whilst the proposed development would cause some visual harm, which will be mitigated to a degree through a condition for appropriate landscaping, the specific health and educational requirements of the applicants together with the continual

need to provide accommodation for gypsies and travellers leads to a recommendation for a personal permission and I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The occupation of the site hereby permitted shall be carried on only by the applicants Mr Larry Doran and Mr Thomas Cosgrove and their partners and resident dependents, and when the site ceases to be occupied by Mr Larry Doran and Mr Thomas Cosgrove the use hereby permitted shall cease and all materials and equipment brought onto the land in connection with the use, including hardstandings, fencing and gates, sheds, greenhouses, utility room, outbuildings hereby approved shall be removed and the land restored to its former condition;

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 reflect the personal needs of the named persons and their families, and to safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

- (2) 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 that falls within a Special Landscape Area.

- (3) 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 that falls within a Special Landscape Area.

- (4) 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 first occupation of the building(s) or land and maintained thereafter;

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

- (5) The development shall not commence until details of the proposed 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;

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

- (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 countryside that falls within a Special Landscape Area.

- (7) 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) Retention and enhancement of south-eastern boundary planting;
- iii) Native hedge planting along the north-eastern and north-western boundaries of the site.

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area and in the interests 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 that falls within a Special Landscape Area and in the interests of biodiversity.

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

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area.

- (10) The development hereby permitted shall be carried out in accordance with site location plan received 16/07/16 and plan BP-01 received 06/07/15;

Reason: To safeguard the character and appearance of the countryside that falls within a Special Landscape Area and to prevent harm to the residential amenity of neighbouring occupiers.

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.