

REPORT SUMMARY

REFERENCE NO - 16/508545/FULL		
APPLICATION PROPOSAL Moving mobile home and erection of new day building.		
ADDRESS 4 Quarter Paddocks Bletchenden Road Headcorn Kent TN27 9JB		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - Headcorn Parish Council wish to see application refused.		
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Mr Jimmy Baker
DECISION DUE DATE 06/03/17	PUBLICITY EXPIRY DATE 03/02/17	OFFICER SITE VISIT DATE 28/02/17
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- 15/509482 (plot 1) – Extension to existing site to form additional plot, comprising of siting 1 static mobile home and 1 touring caravan. Re-positioning of 1 static mobile home and erection of storage/dayroom to plot 1 (part-retrospective) - Approved
- MA/13/1315 – Continued occupation of site but with variation of following conditions to allow:

Condition 2: To enable unrestricted occupation by any gypsy/traveller family;
Condition 3: To enable permanent occupation by gypsy and traveller family;
Condition 4: Increase number of caravans on site to 4 static and 4 tourers - Approved
- MA/03/2366 - Change of use of land for stationing of 3 mobile homes for gypsy family – Refused (allowed at appeal)

MAIN REPORT

1.0 Site description

- 1.01 The application site relates to plot 4 of Quarter Paddocks, which is the western-most plot on the site. Currently on site is 1 mobile home and a small utility room; and vehicle access into the site is from Bletchenden Road, some 290m to the west of the junction with Biddenden Road. The road frontage of the site is landscaped with substantial planting abutting both sides of the access track and for part of the length of the internal service road. For the purposes of the adopted Local Plan the proposal site is within the countryside that falls within a Special Landscape Area; and the submitted version of the Local Plan sees the site within a Landscape of Local Value.

2.0 Background information

- 2.01 The proposal site, known as plot 4 Quarter Paddocks, benefits from an unrestricted permanent permission under MA/13/1315; and Mr Baker and his wife and children (and now grandchildren) have lived on the site since 2003.

3.0 Proposal

- 3.01 The proposal is for the erection of a new day building, which is to be sited where the mobile home is currently stationed. The mobile home would be moved forward (northwards) by some 11m. The day building is not proposed to be used as additional sleeping accommodation.
- 3.02 With its hipped roof, the day building would measure some 15.8m by 7.6m; its eaves height would be some 2.4m; and its ridge height some 5.3m.

4.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34
 - National Planning Policy Framework
 - National Planning Practice Guidance
 - Planning Policy for Traveller Sites (2015)
 - Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
 - Submitted version of Local Plan (2011-2031): SP17, DM16, DM34
 - Headcorn Neighbourhood Plan
- 4.01 Please note that emerging policies SP17, DM16 (now to be DM15) and DM34 (now to be DM30) are part of the Schedule of Proposed Main Modifications to the Reg 19 Maidstone LP (March 2017).

5.0 Consultee responses

- 5.01 **Headcorn Parish Council:** Wishes to see the application refused and reported to planning committee;

"The committee reviewed the application and detail and had the following observations:-

- *Property is situated in Flood Zone 3;*
- *Flood Risk Assessment was dated 2004;*
- *FRA was in relation to a mobile home and not a permanent structure;*
- *Proposed structure was substantial building, on par with bungalow and could not be considered a day room given amenities that it would include. The level and type of amenities would suggest that mobile would be used only for sleeping and this proposal did not fit with "gypsy life style" and was more akin to settled life style;*
- *Structure of this nature would adversely affect drainage and cause additional flooding to neighbouring properties."*

- 5.02 **Environment Agency:** Raise objection (see main body of report).
- 5.03 **Environmental Protection Team:** Raises no objection.
- 5.04 **KCC Highways:** Raise no objection.
- 5.05 **Upper & Lower Medway IDB:** Object to application if day room is to be slept in, in terms of site being within Flood Zone 3.
- 5.06 **Neighbour responses:** 1 representation received from Shenley Farms (Aviation) Ltd, raising no objection provided development would not have adverse impact on Headcorn Aerodrome.

6.0 Policy background

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

- 6.02 The proposal site is subject to the normal constraints of development in the countryside that is within a Special Landscape Area under saved policies ENV28 and ENV34 of the adopted Local Plan; and saved policy ENV28 states;

“Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers.”

- 6.03 The submitted version of the Local Plan is also considered to hold significant weight and emerging policies SP17 and DM34 within it seek to protect the landscape character of the countryside that falls within a Landscape of Local Value; and emerging policy DM16 accepts G&T development in the countryside provided subject to the detail of any proposal. Please note that emerging policies SP17, DM16 (now to be DM15) and DM34 (now to be DM30) are part of the Schedule of Proposed Main Modifications to the Reg 19 Maidstone LP (March 2017).
- 6.04 Furthermore, the NPPF makes it clear that there should be a presumption in favour of sustainable development (paragraph 14) which is defined as having three dimensions, those being economic, social, and environmental.
- 6.05 It should also be noted that the Inspector’s examination on the Headcorn Neighbourhood Plan was held in October 2016 and the Inspector’s ‘*Report to Maidstone Borough Council of the Examination into the Headcorn Neighbourhood Plan*’ was released on 19th March 2017. The Inspector’s recommendation is that this neighbourhood plan does not meet the Basic Conditions in terms of: having appropriate regard to national planning policy; contributing to the achievement of sustainable development; being in general conformity with the strategic policies in the adopted development plan for the local area; and compatibility with human rights requirements has not been demonstrated in the preparation of the Plan. The Inspector therefore concludes that the Plan should not proceed to a referendum. As such, the draft Headcorn Neighbourhood Plan is considered to carry very limited weight in the determination of this application.
- 6.06 This proposal is for a new day building and would involve the repositioning of the existing mobile home for a gypsy family that have occupied the site since 2003; and the site benefits from an unrestricted permanent planning permission. It is therefore considered unnecessary to discuss the need and supply of G&T sites; Gypsy status; and the sustainability of the site in terms of its location.
- 6.07 In summary, this type of development in the countryside is considered to be acceptable subject to the details which will now be discussed.

7.0 Visual impact

- 7.01 Whilst guidance in the PPTS gives no specific reference to landscape impact, this is addressed in the NPPF; saved adopted Local Plan policies ENV28 and ENV34; and emerging Local Plan policies SP17 and DM34.
- 7.02 Views of plot 4 are limited from Bletchenden Road, given the well established hedge along the front boundary, limiting views to glimpses through the hedge and the vehicle access. Plot 4 is not significantly visible from any other public view point; and the proposal is not extending built development southwards into the countryside. The proposal would see the existing mobile home moved forward (northwards) some 11m, which would still see it set back more than 25m from Bletchenden Road. The proposed building would then be built where the mobile is currently stationed, being set back more than 40m from the road. Given the continued setback, the repositioned mobile home is not considered to be any more visually harmful when

compared to the current situation; and given that the proposed building would be further screened by the mobile home it cannot be argued that it would appear visually harmful from any public vantage point.

- 7.03 It should also be noted that plot 1 Quarter Paddocks benefits from planning permission for a day building under 15/509482, and this is currently being built. This building is in a similar position to this proposal, in terms of setback from the road; and it would have a larger footprint (16m x 8m) and would be taller (5.5m) than what is proposed under this application. There are also other mobile homes and buildings on the Quarter Paddock site. I am therefore satisfied that this proposal would not appear visually dominant or incongruous, when read in the wider context of the site.

8.0 Flood risk

- 8.01 The site is located within Flood Zone 3a and the Environment Agency (EA) have raised objection for the following reason:

"We have previously objected to and maintained our objection to the siting of caravans in flood zone 3. We are unable to remove our objection as guided by the National Planning Policy Framework which states that caravans, mobile homes and park homes intended for permanent residential use are classed as "Highly vulnerable" and should not be permitted in Flood Zone 3a. We also explain that there is a distance of over 100 metres from the caravan site along the access road where the flood depth will be 150mm. After around 100 metres, the road level rises and it is only then that dry access can be gained (heading east towards the A274)."

- 8.02 As previously explained, Plot 4 Quarter Paddocks benefits from an unrestricted permanent permission under MA/13/1315; and this proposal would see the mobile home moved forward from its current position by some 11m only. Given the lawful status of the mobile home and the modest distance it is being repositioned (where land levels do not noticeably change), it is considered unreasonable to now refuse the application on the grounds of flood risk when this was a material planning consideration under previous applications. It should also be noted that permission for an additional pitch at Quarter Paddocks has also been recently approved under 15/509482. As such, there is considered to be insufficient reasons to raise objection to the repositioning of the mobile home on flooding grounds, despite the objections of the EA on emergency access and escape grounds. It is also considered, given the elevated nature of the mobile home that it would sit above the minimum level of 20.93m AOD (as required by the Environment Agency).
- 8.03 With regards to the proposed day building (which is not intended for sleeping accommodation), the EA have not objected in terms of flood storage capacity. Notwithstanding this, the EA have advised that day building would need to be at a height 300mm higher than the 100 year plus climate change flood level of 20.33m AOD, therefore a minimum floor level of 20.63m AOD. The applicant has confirmed that this will be the case and that the scale of the building (as shown on the submitted drawings) would not be altered to achieve this finished floor level.

9.0 Residential amenity

- 9.01 The proposed development, given its scale, design and location, will not have a detrimental impact on the residential amenity of any neighbouring property and so no objection is raised in this respect.

10.0 Highway safety implications

- 10.01 This proposal is for a day building only; the existing access will be unaffected; and the site will continue to have ample on-site parking/turning facilities. Therefore, no objection is raised on highway safety grounds.

11.0 Other considerations

- 11.01 Objections have been raised that the day building is comparable to a permanent dwelling. Such buildings are multi-functional in use comprising both family and service functions, and the proposal is consistent in scale with the already approved day building on plot 1 Quarter Paddock. The proposal is therefore not considered entirely unreasonable with modern day family requirements. In addition, there is no adopted policy in terms of what size day buildings should be; it is clear from the plans that it is not to be used as additional sleeping accommodation; and as set out above it does not result in any significant visual harm. No objection is therefore raised in this respect.
- 11.02 The Environmental Protection Team has raised no objection in terms of noise, amenity, air quality, land contamination and sewage (which will be dealt with via an existing septic tank). Given the existing development on the site and the nature of the proposal, no objection is raised on arboricultural or ecological grounds.
- 11.03 The issues raised by Headcorn Parish Council have been considered in the determination of this application and no objection is raised in terms of Headcorn Aerodrome.

12.0 Conclusion

- 12.01 The proposal would not have a visually harmful impact upon the character and appearance of the countryside hereabouts; no objection is raised in terms of flood risk; there would be no harm to the amenity of any surrounding property; and there is no highway safety objection. I therefore consider that this proposal is acceptable with regard to the relevant provisions of the adopted and emerging Development Plans, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

13.0 RECOMMENDATION – APPROVE

- (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 day building hereby approved shall be constructed in the external materials specified on the application form. It shall thereafter only be used in connection with the use of the site as a gypsy and traveller site, not for any trade or business purpose and at no time shall it be used as additional sleeping accommodation;

Reason: To ensure a satisfactory appearance to the development and in the interests of flood risk.

- (3) The day building hereby permitted shall have a minimum finished floor level of 20.63m AOD;

Reason: In order to reduce the risk to occupants from flooding.

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: 26791, 2 and 3 received 14/12/16;

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