

REPORT SUMMARY

REFERENCE NO - 15/505508/FULL		
APPLICATION PROPOSAL: Change of use of the land to the east of The Paddocks to residential including siting of 2 mobile homes, 2 touring caravans and dayrooms/washrooms for accommodation of Gypsy families (amended description).		
ADDRESS: Land east of The Paddocks, George Street, Staplehurst, Kent		
RECOMMENDATION: Grant permanent permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed change of use of the land, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Wide Local Plan 2000, the emerging policies of the Final Draft Maidstone Local Plan and the provisions of the NPPF. There are no overriding material considerations justifying a refusal of permission.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Staplehurst Parish Council who have requested that the application be determined by Committee.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst Parish Council	APPLICANT – Mr J Brazil AGENT – Phillip Brown Associates
DECISION DUE DATE (Extended) 16.10.2017.	PUBLICITY EXPIRY DATE 09/06/17	OFFICER SITE VISIT DATE 14/07/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site occupies a rectilinear shaped plot of untended pastureland, and is located in the countryside on the north side of George Street approximately 0.5 kilometres north west of Staplehurst and on the northern side of the east/west alignment of the Ashford to Redhill (via Tonbridge) rail corridor. The site is level and is screened from the public domain within George Street by an established hedgerow reinforced by several mature trees. George Street is a narrow rural lane characterised by a sylvan backdrop of overhanging tree canopies.
- 1.2 An authorised Gypsy site adjoins to the west with access onto George Street. Land to the east comprises a belt of open scrubland with clumps of trees, which extends to the north and west, with the exception of a parcel of uncultivated land to the rear of the subject site and adjoining Gypsy site. Part of this land in conjunction with the adjoining Gypsy site has been allocated in the Local Plan as a Gypsy and Traveller site in accordance with Policy GT1(10). A separate Gypsy and Traveller site, Bluebell Farm, allocated in accordance with Policy GT1(11), lies a short distance to the west on the north side of George Street.
- 1.3 There is no current direct access to the site.
- 1.4 The nearest settled habitation lies approximately 100m to the east on the south side of George Street and comprises detached and semi-detached dwellinghouses. An accommodation lane serving Abbotsleigh Care Home spurs off the north side of George Street also some 100m or so to the east of the site. A farm steading and a

small number of permanent residential properties are to be found some 300m to the west at the junction of George Street with Clapper Lane, with further residential and some limited business development straddling Clapper Lane as it extends northwards. Land on the south side of George Street comprises playing fields attached to a local Sports Centre.

- 1.5 A footway leading from George Street provides direct access over the railway to the station. Staplehurst is the largest of the borough's Rural Service Centres with access to key community services and facilities, comparison shopping and good transport infrastructure. The site is consequently well related to local services.
- 1.6 With the exception of Gypsy and Traveller site Policy GT1(10) of the Final Draft Maidstone Local Plan, relating to adjoining land at The Paddocks, the site and its surroundings are not subject to any relevant Local Plan or national designation.

2.0 PROPOSAL

- 2.1 This is a speculative application that seeks full planning permission for a change of use of the land to use as a residential caravan site for 2 Gypsy families each with 2 caravans of which no more than one would be a static mobile home, together with erection of two amenity buildings, laying of hardstanding and formation of new access onto George Street.
- 2.2 The proposal has been amended. The size of the site has been reduced significantly and is now intended for occupation by two Gypsy families rather than three as originally submitted. Consequently amended drawings and an amended Design and Access Statement have been submitted.

3.0 PLANNING HISTORY

- 3.1 The site comprises previously undeveloped grazing land.
- 3.2 The adjoining site to the east 'The Paddocks' was originally granted temporary consent as a gypsy and traveller site in 2009. Permanent consent for The Paddocks was subsequently granted at Appeal in 2012 for 2 static caravans and 2 touring caravans.
- 3.3 Bluebell Farm, a separate site further to the west was also granted permanent consent at appeal in 2012.

Note: The Paddocks together with Blue Bell Farm are now subject to emerging Local Plan allocations as Gypsy and Traveller sites under GT1(10) and GT1(11) of the Final Draft Maidstone Local Plan.

4.0 POLICY AND OTHER CONSIDERATIONS)

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28,
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Final Draft Maidstone Local Plan (2011-2031): SP10, SP17, DM15, GT1(10)
- Neighbourhood Plan: N/A (Staplehurst Local Plan area does not extend to include the site).

5.0 LOCAL REPRESENTATIONS

5.1 Staplehurst Parish Council has raised objection and recommends refusal for the following reasons:

Notwithstanding the draft Local Plans proposed allocation of land in George Street as a gypsy and traveller site, Councillors voiced concern about:

- The sustainability of the location particularly in respect of access to the rest of the village;
- The risk of flooding in the vicinity;
- Safety issues arising from the creation of another access point onto a narrow lane; and
- The view of the Environmental Health team that the application lacked information about foul sewage disposal and potable water provision is shared.

5.2 Four letters of objection have been received. The objector's comments can be summarised as follows:

- There is no existing access that is visible or has been used during the last 25 years;
- Development in the countryside should respect its character and setting;
- All dwellings in George Street have individual road frontages and this should not be contradicted;
- Significant loss of amenity arising from proximity of additional families;
- It is not possible to satisfactorily screen the site, particularly in winter;
- Additional noise from vehicle movements and damage to the highway;
- Pollution from site sewerage currently noticeable during periods of heavy rainfall;
- Loss of trees and landscape features;
- Inadequate landscape drawings – site has potential to protect and retain existing trees;
- Does not address trees, landscaping or ecology;
- The site is too far from the village - an appeal Inspector concluded that George Street was in an unsustainable location for housing.

6.0 CONSULTATIONS

6.1 KCC Highways

The Highway Authority has noted that George Street is an Unclassified Road and has not raised objection subject to the following measures which could be secured by condition:

- Provision and permanent retention of the vehicle parking spaces and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Any gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

6.2 Environmental Health

The Environmental Health Officer has requested details in respect of foul water discharge and provision of a potable water supply.

7.0 APPRAISAL

7.1 Policy Background

The site lies in open countryside and is therefore subject to Local Plan Policy ENV28 which states that 'Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers. Although the policy sets out permissible forms of development it excludes G&T development as this was covered under a separate policy which was subsequently not 'saved'. At this moment in time there are no saved Local Plan policies relating directly to G&T development

However the emerging Local Plan seeks to maintain the thrust of former G & T Policies through Policy DM15. The Plan is closely approaching full weight, particularly as the Inspector's Final Report does not conflict with the GTAA or with draft G&T policy.

A key consideration in the determination of this application is Government Guidance set out in 'Planning Policy for Traveller Sites (PPTS) as amended in August 2015. The guidance places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision) and acknowledgement that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside.

It is accepted that the proposal represents development contrary to the provisions of Policy ENV28. This policy is due to be replaced upon adoption of the emerging Plan by Draft Policy SP17, which follows the broad thrust of Policy ENV28. Policy DM15 is specific to gypsy development, allowing for development subject to compliance with certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology. In addition the existing adjoining site occupied by the applicant has been allocated as a Gypsy and Traveller site in accordance with Policy GT1(10) of the emerging Plan. This establishes that the general location has been deemed appropriate for G&T development in respect of key planning considerations which includes locational sustainability and landscape impact. Given the advanced status of the emerging Plan, Policies SP17 and DM15 are approaching full weight.

Issues of need are dealt with below, but in terms of broad principle, Local Plan Policies and Central Government Guidance both permit G&T sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.

7.2 Need for Gypsy sites

Although the emerging local plan is well advanced, there are not yet any adopted Development Plan policies relating to site provision for Gypsies and Travellers. Local Planning Authorities are required to set their own Local Plan targets for pitch provision in their area. In order to address this, Salford University were commissioned to carry out a Gypsy and Traveller and Travelling Show-people Accommodation Assessment (GTAA) which was published in 2012 to cover the period October 2011 to March 2031.

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

This, is the best current evidence of need, and forms the evidence base to the Local Plan, although it should be acknowledged that the GTAA preceded the August 2015 publication of the revised PPTS which redefines amongst other things, status qualifications, and as a result the accuracy (albeit not substantially) of the GTAA figures.

The target of 187 additional pitches is included in Policy SS1 of the emerging Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016, has been accepted by the DLP inspector in his interim report and is approaching adoption.

The GTAA predates publication of the revised PPTS, which sought to redefine the definition of Gypsies and Travellers. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the DLP. The GTAA had already asked those surveyed whether they had ceased to travel. The only recognised omission was whether those who had ceased to travel intended to resume travelling. The Inspector concluded that a new survey to address this would be unlikely to result in anything but small changes to the needs figures. The Inspector concluded that the needs evidence is adequate.

7.3 Supply of Gypsy Sites

Under the terms and conditions of The Housing Act (2004), accommodation for Gypsies and Travellers is a specific form of housing, which Councils have a duty to provide. Draft Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.

Since the base date a net total of 119 permanent pitches have been provided. This means that a further 68 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of provision to 21.08.2017 can be broken down as follows:

98 Permanent non-personal mobiles
21 Permanent personal mobiles
3 Temporary non-personal mobiles
37 Temporary personal mobiles

The PPTS states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption (currently anticipated as late 2017). The Draft Plan allocates a number of sites sufficient to provide 41 additional pitches by 2031. Although this figure does not satisfy identified demand there will be potential uplift through the provision of windfall sites yet to come forward. Accordingly it is considered that the objectively assessed need (OAN) for 187 pitches can realistically be achieved.

The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. As the Council considers itself to be in a

position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply.

7.4 Gypsy status

Permission is sought on the basis that the proposed two sites would contribute towards the supply of G&T sites in the borough. It is not intended for any specific Gypsy and Traveller family and is therefore a speculative application in addition to the two sites allocated to the applicant in the emerging Local Plan. It is consequently not necessary to demonstrate G&T status at this point as qualification for site residency will be subject to G&T status secured through condition.

7.5 Visual/Landscape Impact

The site is screened along George Street by a mature hedgerow with an abundance of mature trees lining the rural lane. Consequently the site would only be visible via its proposed entranceway and broken views possible during the winter months when the existing native species vegetation has died back. Such views can be further mitigated by landscaping provision arranged around the highway access, the internal site access route and as 'back-up' to the highway boundary vegetation.

The site would be substantially screened from the north and east by existing vegetation, and from the west by the existing Gypsy site at 'The Paddocks'.

The site is not subject to any Local, Emerging Plan or national landscape designation and as such does not form part of or can be viewed from within any protected landscape. As such only landscape Policy ENV28 of the adopted Plan to be superseded by Policy SP17 of the emerging Plan can be applied.

Guidance in the PPTS states that Local Planning Authorities should very strictly limit new traveller development in the countryside but also states that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure. Although the PPTS does not refer to landscape impact this is addressed in the NPPF, Policy ENV28 of the adopted local plan and Policy SP17 of the DLP which states that provided proposals do not harm the character and appearance of an area, small scale residential development necessary to meet a proven need for G&T accommodation will be permitted.

In addition Policy DM15 of the emerging Plan 'Gypsy, Traveller and Travelling Show-people accommodation', states that, permission will be granted if a site is well related to local services, would not result in significant harm to the landscape and rural character of the area due to visual impacts, including cumulative visual impact and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding and wildlife considerations are taken into account.

The site is currently well screened by existing vegetation from public vantage points and subject to further boundary screening will become, with time, better assimilated into its surroundings. This fully accords with Draft Policy DM15 criteria for Gypsy and Traveller sites, in addition to policy ENV28 of the existing Local Plan.

7.6 Highways

KCC has provided a list of requirements relating to access provision. These are to be secured by condition.

7.7 Cumulative Impacts:

The site adjoins an existing G&T site at 'The Paddocks' where there is an allocation for further limited G&T development. A further site lies at 'Bluebell Farm', a short distance along George Street to the west, which also benefits from a G&T site allocation. It is considered that due to the layout, screening and location of the development hereby proposed having regard to those existing and those allocated, set against the quantum and location of dwellinghouses in the area occupied by the settled community, that the proposed development would not result in a cumulative impact sufficient to warrant refusal of the application.

7.8 Ecology Impacts.

The access into the site is to be located in the south west corner of the site. So as to avoid impact on unprotected boundary trees it is recommended that a condition be attached to any permission requiring submission of details that would ensure access provision without potentially impacting upon tree rooting systems. The amended Design and Access Statement addresses concerns raised by neighbours in respect of potential site ecology. Attention is drawn to a study undertaken by Collingridge Ecological Consults. Although the study is substantively dated, site characteristics do not indicate a need for contemporary re-appraisal. The study asserts that the land is semi-improved horse pasture, generally considered to be species poor. No evidence of protected species was found and the site does not provide habitat suitable for migrating or foraging amphibians. Although it did recognise the potential of development for disturbing nesting birds and foraging wildlife in the hedgerow, this can be covered by imposition of appropriate condition.

7.9 Sustainability

Although this is a rural site, it lies in close to proximity to Staplehurst and is consequently in a highly sustainable location with excellent means of access to public road and rail transportation networks and having excellent access to local services including schooling, community facilities and shopping. This amply satisfies the sustainability requirements of emerging Policy DM15.

7.10 Residential amenity

The layout drawings show that regard has been given to spatial requirements. Satisfactory levels of privacy for the intended occupants and for the adjoining Gypsy site at 'The Paddocks' would consequently be achieved. Given the separation from neighbouring residential properties there are no issues that would reasonably arise in respect of the impact on the amenity of those properties.

7.11 Flooding

Although neighbours have raised concerns that the development would lead to the potential for increased flooding in the lane to the south of the site, the site lies in an extremely low risk area (Flood Zone1), and potential surface water run-off from the site can be avoided through requirement for porous ground surfacing. As such there is not a requirement for Flood Risk Assessment.

7.12 Environmental Health

The EH Officer has recommended the submission of details in respect of foul sewage and potable water. The applicant has submitted details of a domestic wastewater

treatment plant. The applicant controls land outside of the application site boundary and it is considered that the approved apparatus could be conveniently and safely sited an appropriate distance from the proposed mobile homes so as not to impinge on the living conditions of future site occupants, while ensuring that groundwater will not be at danger of contamination. All such matters can be satisfactorily addressed by condition.

8.0 CONCLUSION

8.1 The site is considered to conform to Policy DM15 of the Draft Maidstone Local Plan which states that permission will be granted for Gypsy and Traveller sites if a range of criteria are satisfied. The site is accessible to local services, would be satisfactorily screened from public view, is not subject to flooding and would not give rise to unacceptable harm to the character or appearance of the surrounding countryside, or to the residential amenity of neighbouring communities.

8.2 Grant of planning approval would assist in meeting the Council's unmet need for viable Gypsy and Traveller accommodation in the Borough and would comply with the provisions of the Development Plan (Maidstone Borough-Wide Local Plan 2000), the emerging Local Plan and with National Planning Guidance. Material circumstances indicate that subject to imposition of conditions full permanent planning permission should be granted.

9.0 RECOMMENDATION

GRANT Full permanent 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. No more than four 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) shall be stationed on the site at any time.

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

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; permitted and an exception has been made to provide accommodation solely for Gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites. Should the use hereby permitted cease, or the site be abandoned, the owner of the land shall ensure that all caravans, hardstandings, structures, materials and equipment brought onto the land in connection with the use, shall be removed in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

Reason: The site is in the countryside where such development is considered to cause visual harm to the character and appearance of the countryside and the

stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

4. No external lighting shall be erected on the site at any time unless previously agreed in writing.

Reason: To safeguard the rural character and appearance of the countryside and to prevent light pollution.

5. No commercial activities shall take place on the land, including the outdoor storage of materials;

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

6. Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority.

Reason: To prevent overdevelopment of the site and to safeguard the rural character and appearance of the countryside.

7. No development shall take place until details of the proposed method of foul sewage treatment for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved means of foul sewage disposal shall be implemented prior to occupation of the site and thereafter maintained in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of development and prevent groundwater contamination.

8. The development shall not commence until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to provide:

- Strengthen the hedge/tree line along the southern boundary of the site and screen/soften views through the new access.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following commencement of development, 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, and in the interests of biodiversity.

10. Prior to commencement of development construction details having regard to BS 5837(2012) 'Trees in relation to Design, Demolition and Construction' shall be submitted to and approved in writing by the Local Planning Authority showing the method by which access into the site will be achieved without impacting to the detriment of the rooting systems of trees in the vicinity of the access. The approved details shall be implemented prior to commencement of construction of the access and thereafter retained.

Reason: To safeguard the sylvan character and appearance of this part of George Street.

11. The development shall not commence until details of all boundary treatments to include the site entrance splays and gateway and the boundary between the two individual sites has been submitted to and approved by the Local Planning Authority and thereafter erected prior to occupation of the site. The boundary treatment to the north, east and south site perimeter shall be of traditional timber post and rail construction, shall allow for establishment of landscaping and shall thereafter be maintained.

Reason: To safeguard the character and appearance of the countryside and the amenity of adjoining occupiers.

12. The development shall not commence until details of all hard landscaping to include vehicular hard-standings, turning areas and the site access road have been submitted to and approved by the Local Planning Authority. All surfacings shall be permeable to enable surface water to percolate directly to the ground below and avoid overflow onto the public highway and shall be retained as such thereafter.

Reason: To minimise flooding of neighbouring land and the highway in the interests of sustainable drainage and to ensure a satisfactory standard of development.

13. The vehicle parking spaces and turning facilities shown on the approved plans shall be provided prior to first use of the site. The approved parking spaces and turning facilities shall thereafter be retained for the life of the development.

Reason: In order to secure a satisfactory form of development.

14. The site access shall unless otherwise agreed by the Local Planning Authority be constructed so as to:

- a) Utilise a bound surface for a minimum of the first 5.5 metres of the access from the edge of the highway.
- b) Ensure that any gates open away from the highway and are set back a minimum of 5.5 metres from the edge of the carriageway.

Reason: In order to ensure a satisfactory and safe means of access and egress.

15. The development hereby permitted shall be carried out in accordance with the following approved plans:

OS Location Plan 1:2500 (amended)
Block (Layout) Plan 1:500 (amended)
Utility Rooms Plans and Elevations 1:50 (amended)

Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.