

REPORT SUMMARY

REFERENCE NO - 16/505932/FULL		
APPLICATION PROPOSAL: Change of use of 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.		
ADDRESS: Land Rear of Chart View, off Chart Hill Road, Chart Sutton, Kent ME17 3EX		
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 Borough Wide Local Plan 2000), the emerging policies within the Final Draft Maidstone Local Plan and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Chart Sutton Parish Council and the Parish Council has requested that the application be determined by Committee.		
WARD Boughton Monchelsea and Chart Sutton	PARISH/TOWN COUNCIL Chart Sutton Parish Council	APPLICANT – Mr Paul Webb AGENT – Phillip Brown Associates
DECISION DUE DATE (Extended) 16.10.2017.	PUBLICITY EXPIRY DATE 22/08/2016	OFFICER SITE VISIT DATE 14/07/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site occupies a rectilinear shaped plot of agricultural land, and is located in the countryside approximately 2.5 kilometres south of Chart Sutton. The site lies on level ground on the north side of an unclassified single track rural cul-de-sac, known locally as Elderdon Lane, which spurs off Chart Hill Road to the west.
- 1.2 A residential garden within the curtilage of Little Rabbits Cross Farmhouse fronting Charthill Road, lies close to the western flank boundary of the site. A public right of way (footpath) traverses the field on a south west/north east alignment, runs between the site and Little Rabbits Cross and emerges near the junction of Elderdon Lane with Charthill Road. Undeveloped open grazing land within the control of the applicant lies to the north. A lawful Gypsy and Traveller enclosure, benefiting from approval for a single mobile home, touring caravan, utility block and paddock area and originally part of the same field system, adjoins to the east.
- 1.3 Although there is no current direct access to the site, there is evidence in the hedgerow of an overgrown field gate.
- 1.4 The site and its surroundings are subject to Local Plan designation ENV34 which classifies the land as a 'Special Landscape Area (SLA)'. In accordance with the emerging Plan, SLA designation no longer pertains and the land is now classified as a 'Landscape of Local Value' (LLV) where emerging policy seeks to conserve and enhance.

2.0 PROPOSAL

2.1 This is a speculative application seeking full planning permission for a change of use of 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.

3.0 PLANNING HISTORY

3.1 The site comprises previously undeveloped agricultural grazing land.

3.2 Planning application 15/504891 for the development of a single Gypsy and Traveller development on this site was amended in order to provide more separation from the PROW, but was withdrawn prior to determination.

3.2 The adjoining site to the east 'Old Oak Paddocks' was granted permanent non-personal planning permission 11/1780 for a 'Change of use of land as a residential caravan site for one Gypsy family including stationing of caravans, erection of a day room, hardstanding and new access'.

3.3 The site owner has developed and resides at Chart View, a two pitch G&T site to the north, accessed from Chart Hill Road. In accordance with Policy GT1(3) of the emerging Local Plan two additional sites have been allocated adjoining Chart View.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Draft Maidstone Local Plan (2011-2031): SP17, SP17, DM15
- Neighbourhood Plan: N/A

5.0 LOCAL REPRESENTATIONS

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

- Urbanising the countryside
- Tarmac surfacing grazing land
- Gateway access would breach an enclosure award hedgerow
- Detrimental to wildlife
- Over-intensification of whole site

5.4 Seven letters of objection have been received. The objectors comments can be summarised as follows:

- Would spoil the character and appearance of this tranquil rural environment.
- Would be contrary to the Chart Sutton Local Plan and to Government Guidance which requires G&T sites not to dominate the nearest settled community.
- Represents serious harm to the settled community.

- The number of sites allocated at this location seems reasonable provided they are accessed from Chart Hill Road but not additional sites as herein proposed.
- The mobile units and utility buildings have been located against the site boundaries and will result in loss of privacy to neighbouring property.
- Would be located in an area which is prone to flooding.
- Hard surfacings would affect water table and lead to site run-off into the lane.
- People will be deterred from using the public footpath adjoining the site.
- The site would be too densely developed.
- The proposed entrance is off a private road, which is single track with no right of way and would be dangerous for other road users and would obstruct access by emergency services.
- Entry should be from Chart Hill Road.
- Removal of hedging would disturb a nesting barn owl.

6.0 CONSULTATIONS

6.1 The Weald of Kent Protection Society

- The site would occupy grazing land and breach an established hedge, both valued assets.
- The applicant's have not established their Gypsy status.
- There are serious flooding problems which hardstanding will exacerbate.
- Gypsy and traveller sites in the neighbourhood of Chart Sutton are having a cumulative dominant effect which should be discouraged in the interests of the settled community.
- The site if developed would be seriously overcrowded.

6.2 KCC Highways

The Highway Authority do not raise objection.

6.3 Environmental Health

Environmental Health does not consider that the development would result in a risk to health and do not raise objection.

7.0 APPRAISAL

7.1 Policy Background

In accordance with Policy ENV34 of the Local Plan, the site and surroundings are designated as a Special Landscape Area (SLA) where there is a presumption that landscape considerations take preference over other planning issues. The area covered by the SLA is shown on the Proposals Map as falling on the east side of Charthill Road and consequently the site is just 'caught' by the SLA designation. The emerging Local Plan re-classifies the land as Landscape of Local Value (LLV), although this no longer has policy significance. As the emerging Local Plan is nearing formal adoption, Policy ENV34 no longer carries the weight that was historically applied to it.

As the site lies in open countryside it is also 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. This is 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. Given the very 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 and has been accepted by the DLP inspector in his interim report.

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 OAN of 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. This is therefore a speculative application and is not intended for the benefit of any particular Gypsy and Traveller family. 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 a planning condition.

7.5 Visual/Landscape Impact

The site is screened by a mature hedgerow lining Elderdon Lane to the south and would be barely be visible from this public vantage point, except during the winter months when foliage dies back and to a certain extent via the site entrance, subject to

entrance gate, associated fencing and landscape screening specification and layout. The site would however be highly visible to persons using the public footpath, at least until such time as the screen planting became effective. Although there would be an impact on visual amenity in the short term, such impact would be localised, would be seen in the context of neighbouring G&T development and would be insufficient to warrant refusal of planning permission.

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 emerging policy DM15 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 from public vantage points within Elderdon Lane and Charthill Road. Although it is not currently screened from the adjoining footpath, the incidence of use of the PROW is understood not to be significant and can be mitigated by boundary screening, which will become, with time, better assimilated into its surroundings and will provide the required level of screening. Obviously planting specification will need to be robust and sympathetic and fencing detailing will need to maintain a rural rather than urban character. Such matters would be secured by planning conditions.

7.6 Highways

The Highway Authority has not raised objection. Although some neighbours have maintained that the access road is private, such status has not been born out by any submitted evidence or by the Highway Authority. There are no significant highway issues to warrant refusal of the application.

7.7 Cumulative Impacts:

The site lies in close proximity to three existing G&T sites (Two at Chart View and one at Old Oak Paddocks.). A further two sites have been allocated in the Local Plan to the rear of Chart View, accessed from Chart Hill Road. It is considered that due to the layout, screening and location of the sites hereby proposed in conjunction with those existing and those allocated, the development would not result in a cumulative impact upon the resident community sufficient to warrant refusal of the application.

7.8 Ecology Impacts.

The site comprises a grazed field with little ecology value. A Barn Owl has apparently been observed in the vicinity, however, this is not considered grounds to require further assessment or withhold permission.

7.9 Sustainability

Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations. Having regard to Gypsy and Traveller lifestyle choices, sites will almost inevitably be located in countryside locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal on this basis. This follows the reasoning of the Council evidenced by the emerging Local Plan allocation of two neighbouring sites at Chart View.

7.10 Residential amenity

The two proposed sites would be of sufficient size as to ensure that, spatially, living conditions would be acceptable for future occupiers. Although concern as to loss of privacy has been expressed by the neighbour directly to the west, the development would be separated by a public footpath and boundary screening introduced. The existing residential curtilage is also well screened in its own right. Screening within the site will also provide a higher standard of amenity for occupants and ensure a satisfactory relationship with the adjoining G&T site to the east. Given separation distances and the low rise nature of G&T development, residential amenity is considered not to be an issue.

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, this is not substantiated. Subject to conditions to ensure that any hard-standings are porous, there is no reason that oversite run-off should be materially different to that of the undeveloped site. The site and its immediate surroundings are located in Flood Zone 1 (low flood risk) and consequently flooding is not perceived as an issue.

8.0 CONCLUSION

8.1 Although this site will have some visual impact on the character and appearance of the rural area, policy allows that subject to strict control and in order to satisfy the Borough's responsibility to satisfactorily accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, Gypsy sites can be acceptable in the countryside. In this instance the development would be largely screened from certain public views and landscaping would mitigate views from the PROW. As a result the impact would be acceptable.

8.2 A grant of planning permission would assist in meeting the Council's unmet need for Gypsy and Traveller accommodation in the Borough and would comply with the Development Plan (Maidstone Borough-Wide Local Plan 2000), with emerging policies within the Draft Maidstone Local Plan and with National Planning Guidance. Material circumstances indicate that subject to imposition of conditions full permanent (non-personal) 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.

Reason: The site is in the countryside where 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 this part of the Area of Outstanding Natural Beauty 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 this part of the Area of Outstanding Natural Beauty.

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 this part of the Area of Outstanding Natural Beauty.

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:

- Retention of the existing hedge along the south boundary of the site apart from that section required to be removed for the approved access.
- A new double staggered mixed native hedge and trees along the west and north boundaries of the site on the outside of any boundary treatments.

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.

10. The development shall not commence until details of all boundary treatments to include the site entrance shall be submitted to and approved by the Local Planning Authority prior to occupation of the site. The boundary treatment shall allow for establishment of landscaping and shall thereafter be maintained for all time.

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

11. The development shall not commence until details of all hard landscaping to include hard-standings shall be submitted to and approved by the Local Planning Authority prior to that stage of the development. Surfacing elements shall be permeable to enable surface water to percolate directly to the ground below and shall be retained as such thereafter.

Reason: To minimise flooding of neighbouring land and the highway and in the interests of sustainable drainage.

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

OS Location Plan 1:1250
Block (Layout) Plan 1:500
Utility Rooms Plans and Elevations 1:100

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