

REPORT SUMMARY

REFERENCE NO - 17/504081/FULL		
APPLICATION PROPOSAL		
Removal of condition 1 requiring site vacation after 3 years and condition 2 seeking removal of named occupier appending to planning permission 15/501528 (Change of use of land for the stationing of a mobile home, utility room, stable block and touring caravan for gypsy family (Part retrospective)).		
ADDRESS Maplehurst Lane Frittenden Road Staplehurst Tonbridge		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development, subject to imposition of the recommended conditions , is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE		
RECOMMENDATION CONTRARY TO THE VIEWS OF STAPLEHURST PARISH COUNCIL		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr P Roots AGENT
DECISION DUE DATE 29/09/17	PUBLICITY EXPIRY DATE 07/09/17	OFFICER SITE VISIT DATE 17/8/17

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site is broadly rectangular in shape with an west to east orientation. Existing gypsy and traveller (G&T) development abuts the site to the east and west. These are shown on the plan to be displayed at the Committee meeting identifying lawful and unauthorised sites in the locality. The site is set just under 20 metres back from Maplehurst Lane. There is an existing mobile home, stable block and utility room abutting the southern site boundary with the remaining area mainly made up of an open paddock and hardstanding.
- 1.2 Site access is gained via a narrow trackway onto Maplehurst Lane
- 1.3 In a wider context the site is located in open countryside identified as a Special Landscape Area (SLA) in the adopted local plan. In the emerging local plan the site falls within open countryside identified as a landscape of local value.

2.0 RELEVANT PLANNING HISTORY

- 2.1 15/501528: Change of use of land for the stationing of a mobile home, utility room, stable block and touring caravan for gypsy family (Part retrospective). – APPROVED 26/06/17

3.0 PROPOSAL

- 3.1 Planning permission ref: 15/501528 above was granted subject to a number of conditions including conditions 1 and 2 worded as follows:

Condition 1:

Within 3 years from the date of this consent or the site being vacated by the applicant or his family (whichever is the sooner) all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings the stable block and the utility room shall be removed within 3 months of cessation of the use and the site restored to a condition to be approved in writing beforehand with the Local Planning Authority unless permission is obtained beforehand for a further period.

Reason: In the interests of visual amenity and to enable the position to be reviewed at the end of the stated period.

Condition 2:

The site shall only used as a caravan site for gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 and shall only be occupied by Paul Roots , Tammy Phillips and their dependents.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

- 3.2 However the Committee report and conditions considered by the Planning Committee at its meeting on the 25th May 2017 (attached as **APPENDIX 1**) did not include the above conditions and the Planning Committee resolved to grant planning permission without these conditions.
- 3.3 The planning permission issued nevertheless had conditions 1 and 2 above appended. The applicant wishes conditions 1 and 2 set aside to ensure occupation of the site accords with the intentions of the Planning Committee and his own requirements.

4.0 POLICY AND OTHER CONSIDERATIONS

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- Staplehurst Neighbourhood Plan
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies:SP17, DM15, DM34
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

5.1 26 neighbouring properties consulted – 5 objections received which are summarised below:

- Occupation of the site results in landscape harm, drainage and harm to the free flow of traffic and highway safety.
- No further consent should be granted until the outstanding breaches of planning control has been regularised.
- Following a recent appeal decision the occupation of the site should be the subject of a heritage assessment.
- The heritage character of the area and setting of Listed Buildings continue to be harmed while the site remains occupied by G&T development.
- The matter of the applicants G&T status has not been properly assessed and removal of the conditions would compound this failure.
- Refer to nearby appeal decisions APP/U2235/W/16/3155702 & APP/M2270/W/16/315571 dismissed on grounds of harm to landscape and setting of nearby LB's and other heritage assets and consider same considerations should apply here.
- Removal of the conditions will ensure there is no opportunity for the site to be returned to open countryside.
- Removal of condition will allow subdivision of the sites to continue.

One representation supporting the proposal which is summarised as follows:

- Represent other Travellers nearby and have followed this case online and watched the pod cast of Committee meeting.
- Consent was granted in accordance with the case officer report and not subject to temporary or personal conditions.
- As such do not understand why the decision issued on 26 June contained these two conditions.

6.0 CONSULTATIONS

6.01 **Staplehurst PC:** The conditions having been applied to the granted permission should be complied with and enforced. For this reason recommended the application be **REFUSED**.

6.02 **Kent Highways:** No objection

6.03 **Weald of Kent Protection Society:** Object as no justification put forward for the proposed changes.

7.0 APPRAISAL

7.1 Members originally determined this application on the basis of granting a permanent non personal G&T consent for this site (report attached as **APPENDIX 1**) However the decision notice issued included both time limited and personal occupancy conditions contrary to the Committee resolution and was an error.

7.2 Regarding whether there have been any material change in planning circumstances since this decision was issued, when application ref: 15/501528 was considered policy DM16 of the emerging local plan (ELP) specifically relating to G&T development was referred to. This policy was amended by the local plan inspector and renumbered DM15. Criterion 2 was amended to state that planning permission for G&T development would be granted if it would not result in significant harm to the landscape and rural character of the area. The requirement remains that the

development should be well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts 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.

- 7.3 At the time policy DM15 could only be given limited weight given the stage of the ELP in moving towards formal adoption. However the situation has now changed in that the ELP is now close to formal adoption. As such policy DM15 can now be given very significant weight in determining G&T applications.
- 7.4 Given the circumstances set out in the Committee report attached as **APPENDIX 1**, that very significant weight can now be given to policy DM15 of the ELP and there has been no material change in site circumstances, it remains the case there is no planning justification for making occupation of this site either temporary or personal to the applicant.

Other matters

- 7.5 Objectors refer to harm to the landscape, highway safety, drainage concerns and impact on heritage assets. They also seek to question the G&T status of the applicant claiming this failed to take into account latest Government Guidance. However all these matters were assessed in the Committee report attached as **APPENDIX 1**.
- 7.6 Regarding the appeal decisions referred to, these relate to applications refs:15/503884 and 15/505149 relating to land At Pullen Farm Staplehurst Road Frittenden in connection with use of land to provide a solar farm and its enclosure by fencing; with the erection of solar panels, along with the provision of associated transformers, switch gear housing and a substation.
- 7.7 Given the scale of these proposals it is considered they are not comparable to what is now being sought i.e. to permit a committed G&T site to be occupied in accordance with the original intentions of the Planning Committee.

8.0 CONCLUSION

- 8.1 In the absence of any material change in planning policy or site circumstances since planning permission was granted under ref: 15/501528, it is considered there is no objection to planning permission being granted enabling the site to be occupied for G&T purposes on a permanent and non personal basis. As such permission should be granted for the current proposal reflecting the original Committee resolution for this site.

9.0 RECOMMENDATION – GRANT Subject to the following conditions

- (1) The site shall only be used as a caravan site for gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.

Reason: To reflect the special circumstances of the application.

- (2) No more than one caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

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

- (3) No external lighting whatsoever shall be placed on the site without first obtaining the prior approval in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the night time rural environment.

- (4) No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use.

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

- (5) Within three months of the date of this decision details of the method of foul and surface water disposal, general waste disposal and potable water provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 3 months of approval retained as such at all times thereafter.

If the details are not (a) submitted and (b) implemented within the stated periods the use of the site for gypsy and traveller purposes shall cease, the mobile home, touring caravan any hardstandings and other related development be removed and the site restored to its previous condition.

Reason: in the interests of health and safety and to prevent water pollution

- (6) The stables and utility room hereby approved shall only be used in connection with the use of the site as a gypsy and traveller site and not for any trade or business purpose.

Reason: In the interests of amenity.

- (7) The development hereby approved shall only be carried out in accordance with the following submitted plans being those received on the 23rd March 2015 in connection with application ref: 15/501528.

Reason: In the interests of amenity.

INFORMATIVES:

Foul sewage:

Details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Caravan site licence:

Planning Committee Report

It will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Enforcement Team on 01622 602202 in respect of a licence.

General waste provisions:

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager. Clearance and burning of existing wood or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from Environmental Enforcement/Protection.

Case Officer: Graham Parkinson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.