

**REPORT SUMMARY**

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| <b>REFERENCE NO - 17/503647/FULL</b>  |  |   |
| <b>APPLICATION PROPOSAL</b><br>Erection of a day room/utility building.   |  |   |
| <b>ADDRESS</b> Orchard Farm Nursery, Chartway Street, Sutton Valence, Maidstone, Kent, ME17 3JB   |  |   |
| <b>RECOMMENDATION</b> Grant subject to conditions   |  |   |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b><br>The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Modified new local plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.  |  |   |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>Kingswood and Broomfield Parish Council wish to see application refused.   |  |   |
| <b>WARD</b> Leeds   | <b>PARISH/TOWN COUNCIL</b><br>Broomfield & Kingswood | <b>APPLICANT</b> Miss T Ackleton<br><b>AGENT</b> Graham Simpkin<br>Planning |
| <b>DECISION DUE DATE</b><br>27/10/17  | <b>PUBLICITY EXPIRY DATE</b><br>29/09/17             | <b>OFFICER SITE VISIT DATE</b>  |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b><br><br>16/506432/FULL - Retrospective application for the change of use to residential caravan site for one gypsy family with two caravans (1no. static caravan and 1no. mobile home), with creation of hardstanding, erection of amenity building and erection of garden shed – Pending<br><br>15/501168/FULL - Change of use of land to use as a residential caravan site for one gypsy family with one mobile home, one touring caravan, utility building and hardstanding – Permitted. Permanent permission.<br><br>15/507195/FULL – Retrospective application for replacement of gypsy mobile home with one single storey detached dwelling (180sqm footprint) – Refused / Dismissed at appeal – House to be demolished.<br><br>12/1544 - Retrospective application for the change of use of land to use as a residential caravan site for 2 Gypsy families with up to 4 caravans of which no more than 2 would be static caravans, including the laying of hard surfacing and the erection of 2 amenity buildings – Permitted. Permanent permission.<br><br>12/0605 - Change of use of land to use as residential caravan site for one gypsy family with two caravans, erection of an amenity building and laying of hardstanding – Permitted. Permanent permission.<br><br>11/1489 - Variation of condition 01 of planning permission reference MA/09/1697 (retrospective application for the change of use of land to residential for stationing of |  |   |

one no. mobile home) to allow the use to be carried on only by Mr & Mrs Ray Pearce and their dependent children – Permitted. Personal permission.

11/1534 - Change of use of land to use as a residential caravan site for 2 gypsy families involving the siting 4 caravans of which no more than 2 are to be static mobile homes; the erection of 2 amenity blocks; and the laying of hard standing and construction of a driveway – Approved. Permanent permission.

10/2119 - Change of use of the land to a mixed use as a horticultural nursery with a farm shop and cafe. Provision of a revised access – Permission

09/1697 - Retrospective application for the change of use of land to residential for the stationing of 1 no. mobile home – Permitted. Personal permission.

09/0463 - Erection of farm shop to serve plant nursery - Permitted

07/2532 - Retention of mobile home as an ancillary staff shelter/restroom and office in connection with the use of the plant nursery – Permitted

07/1491 - Temporary planning permission for the erection of a mobile home for a period of 3 years relating to the horticultural nursery. (resubmission of planning application MA/06/1922 for the erection of a detached house and garage – Refused

06/1922 - Erection of a new detached house and garage - Refused

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

1.1 The application site relates to a gypsy and traveller site located on the north side of Chartway Street. The wider site contains several static caravans, tourers and utility blocks which benefit from permanent and personal consents. The majority of the pitches benefit from permanent consent as set out in the above history. There are other gypsy traveller sites adjoining the application site to the east and northwest which benefit from a mix of permanent and personal consents. There is a permanent dwelling on adjoining land to the east which was refused under planning application and appeal for 15/507195/FULL and is due to be removed in line with an enforcement notice. There is one plot where there is a current application for a further residential caravan site which has not been determined. There are further gypsy traveller sites to the east.

1.2 The site is served by an established access from Chartway Street and the access also serves five other plots. In a wider context the site is located in open countryside but not subject to any specific landscape designation

### **2.0 PROPOSAL**

2.1 The proposal is for the erection of a new day / utility building, which is to be sited on land where a mobile has been granted permission. The permitted mobile home (not currently in situ) would be relocated just to the south of the day / utility building. The

day / utility building is not proposed to be used as additional sleeping accommodation.

- 2.2 The day room/utility building would measure 98sqm (external footprint). With its hipped roof, the day building would measure some 2.4m to the eaves; and its ridge height some 6m.
- 2.3 The proposed utility building would be located within Plot 6 of Orchard Farm Nursery but the Planning Statement advises that the building is also intended to serve Plots 3, 4, 5 and 6.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework  
National Planning Practice Guidance  
Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)  
Planning Policy for Traveller Sites (PPTS)  
Maidstone Local Plan (2017): SP17, DM1, DM3, DM15, DM34

### **4.0 LOCAL REPRESENTATIONS**

- 4.1 **Local Residents:** No comments
- 4.2 **Broomfield and Kingswood PC:** *‘Councillors wish to see this application refused and require it to be reported to the planning committee. Councillors consider the proposal for the erection of such a significant sized and permanent development is incompatible with this rural environment. Further building works at this location will give the impression of lasting fixed development when taking into consideration existing permanent buildings already at this traveller site’.*

### **5.0 CONSULTATIONS**

- 5.1 None

### **6.0 APPRAISAL**

- 6.1 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.
- 6.2 The proposal site is subject to the normal constraints of development in the countryside under saved policies ENV28 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.”
- 6.3 Policy SP17 seeks to protect the landscape character of the countryside. Emerging policy DM15 accepts G&T development in the countryside subject to the detail of any proposal.
- 6.4 This proposal is for a new day building and would involve the repositioning of a consented mobile home for a gypsy family; 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.

- 6.5 In summary, this type of development in the countryside is considered to be acceptable subject to the details which will now be discussed. The key issue is considered to be the visual impact on the character of the countryside hereabouts.

#### **Visual impact**

- 6.6 Whilst guidance in the PPTS gives no specific reference to landscape impact, this is addressed in the NPPF; local plan policies SP17, DM15 and DM34.
- 6.7 View of the utility building and relocated mobile home, would be limited from Chartway Street given the central location within the site, set back from the road and established hedge and fence boundary along Chartway Street and further landscape (conifer) screening within the site. The proposed utility building would be built where a mobile home is consented, being set back some 40m from the road; it would be located within a cluster of mobile homes and, the proposal is not extending built development into the countryside. 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 the utility building would appear visually harmful from any public vantage point.
- 6.8 As can be seen from the history there are mobile homes and utility buildings on the site and at adjoining neighbouring gypsy traveller sites. I am therefore satisfied that this proposal would not appear visually incongruous, when read in the wider context of the site and immediate surrounding area. I am also of the view that a building of the size / footprint proposed is justified as it would be shared by five plots.

#### **Residential amenity**

- 6.9 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.

#### **Highway safety implications**

- 6.10 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.

#### **Other considerations**

- 6.11 As regard to the floor area proposed and use of the day room, 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 buildings at other traveller sites in the borough. The proposal is therefore not considered entirely unreasonable with modern day family requirements and the numbers of pitches the building would serve. 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.
- 6.12 Sewerage would be dealt with via an existing cess pit. Given the existing development on the site and the nature of the proposal, no objection is raised on arboricultural or ecological grounds.

- 6.13 The issues raised by Kingswood and Broomfield Parish Council have been considered in the determination of this application.

## **7 Conclusion**

- 7.1 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.

### **RECOMMENDATION – Grant subject to conditions**

#### **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) 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.

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans:

00, 01, 02, 04, 05, PR02, PR03, PR04, PR05, PR06; received 30.08.2017

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

Case Officer: Andrew Jolly

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