

REPORT SUMMARY
19 December 2017

REFERENCE NO - 17/501477/FULL		
APPLICATION PROPOSAL: Use of land for the siting of 1 No. mobile home, parking for 1No. touring caravan and erection of an amenity building for a member of the travelling community.		
ADDRESS: Land at Pye Corner, Ulcombe, Kent ME17 1ED		
RECOMMENDATION: Grant permanent permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is considered to comply with the policies of the Maidstone Borough Local Plan (Adopted October 2017) and the provisions of the NPPF while no overriding material planning considerations are identified that would otherwise justify refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Ulcombe Parish Council who have requested the application be determined by Planning Committee.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe Parish Council	APPLICANT – Mrs Rhiannon Gilham AGENT – The Rural Planning Practice
DECISION DUE DATE 16.10.2017.	PUBLICITY EXPIRY DATE 27/04/2017	OFFICER SITE VISIT DATE 15/08/2017

MAIN REPORT

- 1.1 This application was deferred at the meeting of the Planning Committee on the 19th October 2017 (Committee Report and updates for this meeting attached as **Appendix 1** to this report).
- 1.2 Members resolved to defer consideration of the application to enable officers to secure an amended site layout involving relocation of the mobile home towards the eastern part of the site both to reduce its visual impact and impact on neighbouring residential amenity.
- 1.3 In response to the above amended plans have been received as follows:
- The application site area as defined by the red outline has been substantially reduced in size. It now only comprises the south eastern part of the triangular shaped field originally comprising the whole application site.
 - Native species screen planting continues to be shown running the whole length of the north east site boundary though additional planting is shown along the west site boundary just in from the access.
 - The mobile home was originally shown at right angles to the road. This has been resited to give a longitudinal relation with the road. The proximity of the mobile home to the western site boundary has now been increased from just under 40 metres to just under 45 metres with the setback from the road to increasing from just under 12 metres to just under 15 metres.
 - Other changes include resiting the amenity building to abut the eastern side of mobile home and reducing the size and amending the configuration of the parking and turning area.

- 1.4 In addition further information is summarised below:
- Have been living at 179 South Park Road, Maidstone for the past 4 years but do not own the property.
 - Required to vacate property and for the past few months have been staying in tourer a few nights a week at the Ulcombe caravan site.
 - Not good for us as a family as the tourer is too small to permanently live in and it is putting a huge strain on our marriage.
 - Currently on the waiting list for a pitch on Ulcombe caravan site but pitches rarely become available with a waiting times of years.
 - Previous to living in 179 South Park Road always lived in caravans travelling around the UK and Europe.
 - Continue travelling to various parts of the country for work and attending horse fairs as part of heritage and culture.
 - Still going to be travelling the country, but need a stable base as eldest daughter will be starting her primary education at local school.
 - Have lived whole life in Ulcombe as does wider family network and have extremely close ties to Ulcombe as a consequence.

- 1.5 Also wish to respond to the following concerns:
- Regarding PROW running across back border application shows a post and wire fence erected along the back border to ensure that the community can continue to use it freely, comfortably and safely.
 - Kent PROW Officer already confirms the PROW should not be affected by the development while there will be screen planting to minimise views of the development.
 - Regarding comments stating that family would bring anti-social behaviour to the community both applicant and her family have been a part of the Ulcombe community for several decades and have never had problems with any one.

2.0 LOCAL REPRESENTATIONS:

2.1 4 objections received in connection with the revised plans which are summarised below:

- Reiterate harm to the character of the area and given the Council is now able to demonstrate a 5 year supply of gypsy and traveller sites can see no justification for permitting development of this site.
- Will affect Greensand Ridge and Ancient Burial Footpath.
- Applicants not homeless as they have a property address in Maidstone.
- Will result in loss of rural land while already 10 established gypsy and traveller sites within a 3 mile radius of Ulcombe.
- Proposed screening will take time to establish while concerns over continued use of public footpath.
- Two statutory declarations submitted to the effect that at a Parish Council meeting in April 2017 the applicant stated she did not have a traveller lifestyle and wanted to live permanently in Ulcombe.

3.0 CONSULTEES:

3.1 **Ulcombe Parish Council:**

- Awaiting a legal opinion on how PPTS 2015 should be interpreted in relation to "gypsy and nomadic status" and "domination" both of which seem to have been disregarded.
- Moving the mobile park home closer to other neighbours and the footpath ignores the fundamental issues of gypsy and nomadic status and domination.

- Have Statutory Declarations confirming the applicant in a well attended parish council meeting in April 2017 where she stated she did not have a traveller lifestyle and wanted to live permanently in Ulcombe.
- Planning Committee should not consider application until the matters of gypsy and traveller status and what constitutes domination have been clarified.

3.2 **KCC Public Rights of Way:** No further comment regarding revised plans.

4.0 **APPRAISAL:**

4.1 Since Members first considered this application the Local Plan has been adopted. The key relevant policies SP17 and DM15 therefore carry full weight. Furthermore it remains the position that the Council's current position in relation to gypsy and traveller sites is that it can demonstrate a 5.6 year supply at the base date of 1st April 2016. However even where it can be demonstrated a 5 year supply of G&T sites exists this does not preclude further gypsy and traveller sites being permitted if the provisions of policies SP17 and DM15 of the local plan are considered to be satisfied. Unidentified or 'windfall' G&T sites also contribute to meeting the adopted targets for gypsy and traveller development within the Borough.

4.2 This assessment has already been undertaken in the Committee report attached as **APPENDIX 1** where it was concluded that the impacts of this gypsy and traveller proposal were acceptable.

4.3 It is considered the revised siting of the mobile home further to the east and its reorientation, layout changes and additional landscaping near the access, further reduce the impact of the development on its setting and impact on adjoining dwellings in accordance with Members wishes.

Other matters

4.4 Just to remind Members, the application was accompanied by a statutory declaration (SD) from the applicant, which amongst other things, confirmed she fully intended to continue her families gypsy lifestyle.

4.5 However at a subsequent Parish Council meeting she apparently confirmed she did not have a traveller lifestyle and wanted to live permanently in Ulcombe. Two SD's have been received from objectors to this effect.

4.5 Given this contradicts the SD originally submitted with the application clarification was sought. It transpires the applicant, who is not used to public speaking, may have inadvertently contradicted herself. It is maintained that despite the impression that may have been given the applicants intention is to continue to live a gypsy lifestyle.

5.0 **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 two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 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

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. Lighting shall only be erected in accordance with approved details and retained as such at all times thereafter.

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. Details of a scheme of landscaping, using indigenous species which shall be in accordance with BS:5837(2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management plan shall be submitted for approval in writing by the Local Planning Authority, prior to the commencement of development. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and include the following:

- 70m belt of mixed native hedge, shrubs and tree planting as shown on Drawing No. 4803/03 rev D.
- Tree planting shall include Nursery light standard size trees (6-8cm girth, 2.5-2.75m height).
- Native hedge planting to supplement the existing hedge alongside Eastwood Road.

Reason: To safeguard the character and appearance of the countryside, and in the interests of biodiversity.

8. 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.

9. Details of all boundary treatments and fencing to include the site entrance splays and gateway, shall be submitted to and approved by the Local Planning Authority and thereafter erected prior to occupation of the site. The boundary treatment shall reflect the rural nature of the site and allow for establishment of landscaping and shall thereafter be maintained for all time.
Reason: To safeguard the character and appearance of the countryside and the amenity of adjoining occupiers.
10. Details of all hard landscaping to include vehicular hard-standings, turning areas and the site access road shall be submitted to and approved by the Local Planning Authority prior to that stage of the development. 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.
11. 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.
Reason: In order to secure a satisfactory form of development.
12. The site access shall unless otherwise agreed by the Local Planning Authority be constructed so as to 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.
13. Notwithstanding the provisions of Schedule 2 Part 2 Class A (Minor Operations) 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 gates, walls, fences or other means of enclosure shall be erected on the land without the prior permission of the local planning authority.
Reason: To prevent unsympathetic urbanisation and safeguard the rural character and appearance of the countryside.
14. The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: 4803 01 rev C, 03 rev D and 04.
Reason: In the interests of amenity.

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.