

REPORT SUMMARY

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 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 Final Draft Maidstone Local Plan (2011-2031) 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 Ulcombe Parish Council who have requested that the application be determined by Committee.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe Parish Council	APPLICANT – Mrs Rhiannon Gilham AGENT – The Rural Planning Practice
DECISION DUE DATE (Extended) 16.10.2017.	PUBLICITY EXPIRY DATE 27/04/2017	OFFICER SITE VISIT DATE 15/08/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site occupies an irregular shaped plot of flat grazing land, and is located in the countryside on the north side of Eastwood Road approximately 250m to the east of Ulcombe at its junction with Headcorn Road. The site is fully enclosed by mature, native species hedgerows interspersed with occasional trees.
- 1.2 A semi-detached pair of traditional two storey dwellinghouses fronting Eastwood Road occupy the south western corner of the site, and are screened from the site by the field hedgerow abutting their rear garden curtilages. A stable complex, comprising both converted traditional farm buildings and purpose built stabling, with adjoining bungalow, lie on the south side of Eastwood Road opposite the access to the site.
- 1.3 Ulcombe comprises a small rural village straddling Headcorn Road/The Street. It benefits from a Primary School but is too small to qualify as a service centre. A footpath runs from Ulcombe in a south easterly direction passing through the site close to its north eastern boundary before emerging on to Eastwood Road in the south east corner of the site.
- 1.4 The site is undeveloped save for two timber/corrugated shelter buildings and a metal container. The site falls within a SLA in the current Local Plan but this falls away in the emerging Plan.

2.0 PROPOSAL

- 2.1 The proposal has been amended, reducing the extent of the red-line application boundary.
- 2.2 Full planning permission is sought for a change of use of land within the amended red line boundary to use as a residential caravan site for a member of the travelling community to include the siting of 1 mobile home, parking for 1 touring caravan and erection of an amenity building.
- 2.3 Two of the three existing site buildings would be removed, while the remaining larger building would be retained for use as storage for maintenance equipment and animal feed. The proposed mobile and its associated facilities would be located towards the south east corner of the site, largely out of public view. Stock fencing would be provided parallel to the public footpath which would for practical purposes delineate the useable extent of the site.
- 2.4 A multi-level screen of indigenous native species trees some 70m in length would be planted to screen the caravans and associated areas from the view of members of the public utilising the footpath. A new 'bellmouth' access would be formed in lieu of the existing field gate arrangement, and lined with hedging. The remainder of the site would remain as grazing land.

3.0 PLANNING HISTORY

- 3.1 The site comprises previously undeveloped grazing land. There is no relevant planning, appeal or enforcement history.

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): SP17, DM15
- Neighbourhood Plan: N/A

5.0 LOCAL REPRESENTATIONS

- 5.1 Ulcombe Parish Council has raised objection and recommends refusal for the following reasons:
- The applicant is not nomadic, although of gypsy descent and lives in Maidstone, with her husband. The applicant family does not fit the definition of Gypsies and Travellers, contrary to (PPTS) 2015, which says applicants have to show they are of nomadic habit and that they have ceased to travel only temporarily.
 - There is consequently no "unmet or proven need" to consider. MBC now has a 5.6 year supply of traveller pitches and should apply existing policies to protect the countryside.

- The site is in open countryside and can be seen from the Greensand Ridge (a Landscape of Local value in the Draft Local Plan) and from the Greensand Way. The site is in the Low Weald Special Landscape Area and in a part of the countryside designated as Ulcombe Mixed Farmlands. It is also a Low Weald National Character Area, and conflicts with Policy ENV34. In the Low Weald particular attention will be given to the protection and conservation of the scenic and distinctive character of the area and priority will be given to the landscape over other planning considerations.
- The site is inappropriate for a mobile home and will overlook neighbours' gardens and cause loss of amenity. It can also be seen from the houses in Chestnut Close and the Headcorn Road. A 20 metre long mobile home is more like a bungalow. The application is contrary to saved policy ENV 28 which states that 'in the countryside, planning permission will not be given for development which harms the character and appearance of the area or the amenities of the surrounding occupiers'. It is also contrary to policy SP17 para 6 in the draft Local Plan 'The distinctive landscape character of the Greensand Ridge ... and Low Weald as defined on the policies map will be conserved, maintained and enhanced where appropriate as landscapes of local value.' Any development on this site will not enhance the landscape.
- The site is visible from the footpath KH321 which runs the length of the northern boundary which happens to be Ulcombe's historic burial path to its Grade 1 church. This application conflicts with the NPPF's protection of heritage assets as this site is visible from the main village and affects the setting of the historic burial path, which the application wants to fence off and make into a constricted urban style pathway in open countryside.
- 6 Because of the proximity of this site to the immediate neighbours and to the settled community near the centre of the village, the addition of another traveller site will aggravate the social cohesion in the village which is contrary to the intent of PPTS 2015 and in particular para 14 'when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community'. The school has already grown from 25% traveller children in 2013 to 75% traveller children in 2017 (the school's figure) and this has resulted in a loss of social cohesion between the settled and traveller communities because of this "domination". This is a serious consequence of previous decisions, and we do not want to make matters worse. Ulcombe already has the highest percentage of traveller sites in Maidstone Borough for a small village.
- The site does not fulfil the definition of "sustainability" in policy DM16 in the Draft Local Plan as Ulcombe has no shops, no health centre and no recreational facilities. There are only 4 buses a day to Maidstone (8 miles away) with the last one at 1.32pm, and no buses to Headcorn (over 3 miles away). Headcorn has the nearest local services including the railway station, doctors and dentists, chemist, library, and shops etc, all of which are not accessible from Ulcombe on foot or by public transport.
- There are also issues of ecology and environment given the nearby stream, ponds and reservoir and the effect on wildlife with a development on a greenfield site.

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

- Inappropriate development which threatens the unique character of the village
- Can be seen from Green Sand Ridge Path which is in an AONB
- There are 3 traveller community encampments within 3 miles of Ulcombe, housing 10 families. Further development of rural land for this use is inappropriate.

- Access onto the lane is awkward for caravans and could be dangerous
- Continued enjoyment of the footpath could be jeopardised, it is a much used route for dog walking and conflict with site dogs is envisaged, use will be diverted to the road which does not have footways and would be dangerous
- The scale of the mobile home will not be perceived as 'temporary'.
- Will imperil the village by introducing anti-social behaviour and noise
- Not within the village envelope, will spoil the setting of the village and must remain as agricultural land
- The applicant lives in a permanent home, is not nomadic and does not qualify for Gypsy status.

6.0 CONSULTATIONS

6.1 KCC PROW : No objections.

6.2 KCC Highways: No objections subject to conditions in respect of the following (which pass the tests for conditions): Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

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 and 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. Given the advanced status of the emerging Plan, Policies SP17 and DM15 are approaching full weight.

Regard must be given to Policy ENV34 however Policy ENV34 is due to expire upon adoption of the emerging plan anticipated for this month. The emerging Plan does not designate the site or its surroundings in landscape terms and consequently affords no special protection other than that afforded through SP17, the implications of which are described above.

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 DM16 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.

Between the base date 01.10.2011 of the GTAA and 21.08.2017, a net total of 110 permanent pitches were provided. This means that a further 77 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:

92 permanent non-personal pitches
18 permanent personal pitches

3 temporary non personal pitches
36 temporary personal pitches

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 applicant is from the Travelling community and intends to continue with this lifestyle. Rhiannon has submitted a Statutory Declaration setting out her Romani-Gypsy family history and heritage, evidence of cultural events attended and travelling for work associated with horses, fruit picking and Gypsy craft enterprise. It is accepted that she qualifies for Gypsy status in accordance with the provisions of the Governments PPTS.

7.5 Visual/Landscape Impact

The site is screened along Eastwood Road by a mature hedgerow with limited views available of the site interior. Although open to public view from the public footpath to the north east, substantial multi-tiered screening has been proposed which upon establishment and with the passage of time will provide effective screening of the development. While the site would be temporarily exposed to view from the public footpath pending establishment of the proposed screen planting, the development would not obstruct long range views of the surrounding countryside from footpath vantage points and would as a presumption only be experienced by a limited number of people.

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, while Policy ENV28 of the adopted local plan and Policy SP17 of the DLP state 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 from public vantage points and subject to further screening will become, with time, better assimilated into its surroundings. In this instance Policy ENV28, Policy SP17 of the emerging Local Plan, and the provisions of the NPPF would be satisfied.

7.6 Highways

KCC has provided a list of requirements relating to access provision. Those that pass the relevant tests for conditions will be applied.

7.7 Cumulative Impacts:

The site comprises an isolated G&T site in the countryside and would be of such scale and density so as not to result in any cumulative impact to the detriment of the existing resident community.

7.8 Ecology Impacts.

The land is semi-improved horse pasture, generally considered to be species poor. There is no evidence of protected species and subject to precautionary condition in respect of nesting birds, there is no reason to withhold permission on ecology grounds.

7.9 Sustainability

Although this is a rural site, it lies in close proximity to Ulcombe which benefits from a primary school and bus service. Although not in a highly sustainable location having regard to shopping opportunities and other such facilities, Gypsy sites are traditionally located in rural areas as that contributes to the lifestyle choice. In accordance with Policy DM15 this is not so serious as to warrant refusal.

7.10 Residential amenity

There are no adjoining Gypsy sites. The adjoining dwellinghouses occupied by the settled community are sufficiently distant and well screened and as such would not be compromised by noise and disturbance, or potential overlooking and any resulting loss of privacy. The site layout is generous and the living conditions of the proposed future residents would not be unacceptably compromised.

7.11 Flooding

Although a small watercourse is shown to lie alongside the western site boundary, the watercourse or subject site has not been indicated as being susceptible to flooding and lies wholly with Flood Zone 1.

8.0 CONCLUSION

8.1 Although this site will have a 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 at a site where there is already a presence of development, would not be prominent from Eastwood Road and significant landscaping would in time screen/soften views from the public footpath.

- 8.2 A 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 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.

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 - Site Plan (Block Layout) as Proposed 1:500

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:

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

Drawing No. 4803/01RevB - OS Location Plan 1:2500

Drawing No. 4803/03RevC - Site Plan (Block Layout) as Proposed 1:500

Drawing No. 4803/04 - Amenity Building Plans and Elevations 1:50

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