

**Item 14 Pages 9-24**

**Ref: 17/501477/FULL**

Appendix 1 referred to in the Committee Report should have been accompanied by the urgent update referred to and which is attached to this update.

Ulcombe Parish Council

The Parish Council continues to challenge whether the applicant complies with the definition of Gypsies and Travellers (G&T's) including through a letter from solicitors acting for them. The main points are as follows:

- The Council is not applying the correct test for whether the applicants are 'gypsies or travellers'.
- The Council has not properly assessed the submitted evidence in support of their assertion they are 'gypsies or travellers'.
- There appears to be no objective evidence that the applicant is nomadic. We can't see where in law it says attending horse fairs justifies a nomadic lifestyle.
- The applicant is not nomadic in the normal sense of the word and the applicant lives at in a house.
- There is no evidence that the applicants will only reside "temporarily" at Pye Corner.

Officer Comment

For clarity, the Government's Planning Policy for Traveller Sites (PPTS) states that "gypsies and travellers" means:

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

Whilst the applicant has previously lived in a house, evidence has stated that for much of this year she has lived in a touring caravan with her mother, and has travelled for work purposes regularly throughout 2016 and 2017 (diary entries provided up until October 2017). As such, the applicant is considered to pursue a 'nomadic habit of life' and comply with the G&T definition, and will continue to do so when she lives at the site, should planning permission be granted. Details have been provided of the types of work (equestrian work, horse fairs, farm work) and places of work, which is considered to be sufficient information.

The Parish Council appear to suggest that it is only possible to live on a site temporarily in order to comply with the definition of a G&T whereas the applicant has made plain she intends to live on the site permanently. This was assessed as part of the previous urgent update which makes clear that living on a site provides a settled base from which G&T's can continue to live a nomadic lifestyle in pursuit of work. In this case, the applicant and her partner intend to continue with a nomadic habit of life but this would be more limited due to children attending the school.

Representation

1 further representation received which is summarised as follows:

- Refers to the Applicant's documents which states she lives at 179 South Park Road which means that the applicant is not currently nomadic and has no need or unmet need regarding accommodation.
- Land Registry document shows that the applicant's husband's family appears to own no. 179 and therefore it seems strange that the applicant and her husband are about to be evicted, with nowhere to live as maintained by the applicant's husband when giving his 3 minute speech to the Planning Committee in October.

#### Officer Comment

The first is considered above and the ownership of 179 South Park Road has been addressed in the Committee report.

#### KCC Ecology

Comments have been received raising no objections but recommending that once the proposed hedge is established it is only cut on each side once every 3 years to provide greater wildlife benefits.

#### **RECOMMENDATION**

Attach informative:

Details of landscaping submitted to discharge condition 7 shall as part of the management programme make clear that native species hedgerows once established are cut on each side once every 3 years to provide greater wildlife benefits.

Recommendation remains unchanged