

REPORT SUMMARY

REFERENCE NO - 17/504435/FULL		
APPLICATION PROPOSAL Erection of a dayroom.		
ADDRESS The Mellows Marley Road Harrietsham Maidstone Kent ME17 1BS		
RECOMMENDATION: Grant permanent planning permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development is considered to comply with the policies of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE: Harrietsham Parish Council and Councillor Sams wish to see the application refused		
WARD Harrietsham And Lenham	PARISH/TOWN Harrietsham	COUNCIL
		APPLICANT Mrs Bridget Cash AGENT Mr Spencer Copping
DECISION DUE DATE 04/12/17	PUBLICITY EXPIRY DATE 13/11/17	OFFICER SITE VISIT DATE 23/11/17
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):		
14/504218/FULL – Additional mobile home and day room and demolition of former piggeries – Application Permitted		
MA/12/1518- Application for the removal of conditions 1 and 2 of permission		
MA/09/1510 (Retrospective planning permission for change of use of land for residence by a gypsy family including stationing of one mobile home, one touring caravan, use of former stable building as ancillary to mobile home and associated works including fencing and hardstanding) – APPROVED		
MA/09/0581 – Retrospective application for change of use of land for residence by a gypsy family - WITHDRAWN		
MA/06/1508 – Retrospective application for the stationing of two mobile homes for occupation by two traveller families, erection of polytunnels, retention of stable building and access road – submission of details pursuant to condition 6,–REFUSED Appeal Allowed for 5 year temporary personal permission 19/12/07		
MA/06/0471 – Use of land for the stationing of 2 no. chalet mobile homes; nursery; erection of stable block for agricultural use. Applicants claiming Gypsy status – REFUSED		
MA/93/0814 – Erection of a bungalow – REFUSED		
MA/88/1428 – Construction of two detached houses – REFUSED – APPEAL DISMISSED		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies in the open countryside within the Kent Downs Area of Outstanding Natural Beauty. The site is on the western side of Marley Road approximately 80m north of the junction where Marley Road and Dickley Lane meet; and approximately 400m south of where Marley Road and Pilgrims Way meet.
- 1.02 To the north of the site is a Public Bridleway KH291; to the east is a small group of residential dwellings facing on to Marley Road; to the south and south-west are further detached dwellings. The properties in the vicinity of the site are characterised by planted frontages, substantial plots and a mix of close board and post and rail fencing. Public footpath KH292 is located to the east of the site.
- 1.03 The site is enclosed by tall hedges and fencing on all sides. The access is located in the south east corner and comprises close board fencing, brick piers, walls, and a timber railing. To separate the sites there is a small close boarded fence with conifers now planted along the boundary which are approximately 1m high.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a new day room, which is to be sited adjacent to the existing mobile home, approximately in the centre of the site. The day room is proposed to be used for a disabled family member and the application is supported by a letter from Kent County Council Social Care on the need for the day room to care for the needs of this member of the family.
- 2.02 The building would measure 124sqm (external footprint). The building would measure some 2.4m to the eaves; and its ridge height some 3.4m. The building would be constructed from facing bricks, would have a sliding door and window on both the front and rear elevation and a tiled roof.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework 2012 (NPPF)
Planning Policy for Gypsy sites 2012 (PPGS)
Planning Policy for Traveller Sites (PPTS)
Maidstone Borough Local Plan: Policies SP17, GT1, DM15 and DM30

4.0 LOCAL REPRESENTATIONS

- 4.01 Councillor Sams: Application should be refused due to overdevelopment of the site and visual impact in the AONB.
- 4.02 3 Neighbour objections on the following summarised grounds:
- The proposal can be seen from public footpath KH292, from Pilgrims Way and from land north of Pilgrims Way and would cause harm to the AONB;
 - The plans are simplistic and do not have height measurements or roof material detail;
 - The dayroom would be too large and bigger than the static caravan and would not appear as a modest outbuilding and would be capable of being occupied independently;
 - Traffic movements on the site exceed 30 trips per day and any further development would increase the amount of traffic;

- No need for the dayroom as the previous dayroom was granted for the purposes of assisting the disabled family member;
- Breaches of previous planning conditions in regards to the location of the mobile unit and day room;
- Block Plan is inaccurate and does not include the entrance gate, hard standings and internal closed board fencing;
- MBC planning portal includes applications MA/12/1900 and MA/13/1929 for conversion of outbuildings at Ringstead which is located a few metres north of the Mellows and were refused as they were capable of being occupied independent and would cause visual harm to the countryside;
- Overdevelopment of the site;
- All buildings should be located away from the boundaries of existing properties to avoid loss of privacy on adjacent properties; and
- Previous day room has not been constructed.

5.0 CONSULTATIONS

5.01 Harrietsham Parish Council: Wish to see application refused.

“From information received from residents, there appears to be abuse of previously approved planning application in respect of non-compliance. Recognising that the location of this property is located within the AONB, we do not wish to have a large structure constructed which will be in full view of the Pilgrims Way and footpath north of The Mellows.

If the Planning Officers view differs, the Parish Council would request that the application is reported to the Planning Committee.”

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of Development;
- Visual Impact
- Residential Amenity

Principle of Development

6.02 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.

6.03 The proposal site is subject to the normal constraints of development in the countryside. Policy SP17 seeks to protect the landscape character of the countryside. Policy DM15 accepts Gypsy Traveller development in the countryside subject to the detail of any proposal.

6.04 Therefore, 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

- 6.05 Whilst guidance in the PPTS (Planning Policy for Traveller Sites) gives no specific reference to landscape impact, this is addressed in the NPPF; local plan policies SP17, DM15 and DM30.
- 6.06 Views of the day room would be limited from Marley Road and the wider area given the proposed location within the site, set back from the road and established hedge and fence boundary along Marley Road and to the north of the site along public footpath KH291 and the further landscape (conifer) screening that has been planted within the site.
- 6.07 The proposed dayroom would be located some 45m west from the road; it would be located adjacent to an existing mobile home and to the south of the daughter's mobile home with its utility room/stable. The proposal is not extending built development into the countryside. Given the location of the proposed dayroom and the existing hedging and fencing around the boundary of the site, it is not considered that the proposal would appear visually harmful to the countryside, the AONB or from any public vantage point.
- 6.08 As can be seen from the history there is a mobile home on the site and a mobile home and utility building for the daughter on the northern section of the site. The site is a relatively large site and it is not considered that the addition of the day room would result in overdevelopment of the site.
- 6.09 In summary it is considered that this proposal would not appear visually incongruous, when read in the wider context of the site and immediate surrounding area.

Residential Amenity

- 6.10 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.

Highways

- 6.11 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 Matters

- 6.12 As regard to the floor area proposed and use of the day room, the building is proposed to be used by the disabled family member to allow easy movement with wide access doors on a level surface. The proposed size of the dayroom is therefore not considered entirely unreasonable for the needs for which it is required.
- 6.13 It should be noted that under application reference 14/504218/FULL planning permission was granted for an additional mobile home for a separate family member and a day room for the disabled family member . The committee report for this application advises that the personal circumstances of the disabled family member *"...carries significant weight in the determination of this application"*. Since the granting of planning permission the additional mobile home is now on site, however a number of consultees have commented that the day room has not yet been built and this day room could be used for the disabled family member. However, the agent

states that there is a need for two day rooms, one for each family unit. In addition, the agent also states that the previously permitted day room no longer meets the needs of the disabled family member. It is considered not uncommon on Gypsy/Traveller sites for each mobile unit to have an additional dayroom per unit and the application is reasonable.

- 6.14 Concern has been raised in regards to enforcement issues on site. However, it is not possible to address outstanding planning enforcement issues under this application; the planning history of the site and the surrounding area has been considered; each application must be considered on its own planning merits and the submitted plans are considered adequate to assess and determine this application
- 6.15 No designated heritage assets are within the vicinity of the proposal site and so no objection is raised on heritage grounds.

7.0 CONCLUSION

- 7.01 The proposal would not have a visually harmful impact upon the character and appearance of the countryside hereabouts; there would be no harm to the amenity of any surrounding property; and there is no highway safety objection.
- 7.02 I therefore consider that this proposal is acceptable with regard to the relevant provisions of the Maidstone Borough Local Plan, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

8.0 RECOMMENDATION – GRANT planning 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) 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:

Block Plan – Received on 09/10/2017; and
Proposed Plans & Elevations – Received on 09/10/2017

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

Case Officer: Adam Reynolds

Planning Committee Report
1 February 2018

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