

## REPORT SUMMARY

15 March 2018

<b>REFERENCE NO – 16/503467/FULL</b>			
<b>APPLICATION PROPOSAL:</b> Retention of existing mobile structure to be used for residential purposes.			
<b>ADDRESS:</b> Old Oak Paddocks, Chart Hill Road, Staplehurst, TN12 0DE			
<b>RECOMMENDATION: GRANT</b> subject to the planning conditions set out in Section 8.0 of the report			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The retention of existing mobile structure, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Borough Local Plan 2017) and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Requested by Boughton Monchelsea & Chart Sutton Parish Council			
<b>WARD</b> Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea & Chart Sutton	<b>APPLICANT –</b> Mr D Courtnell <b>AGENT –</b> Mr M Kidner	
<b>DECISION DUE DATE</b> 29/6/2016	<b>PUBLICITY EXPIRY DATE</b> 9/6/2016	<b>OFFICER SITE VISIT DATE</b> 21/02/18	
<b>RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
14/504604/FULL	Retrospective - Day room on a travellers site	Permitted	22.05.2015
12/1101	An application for discharge of conditions relating to MA/11/1780 details of conditions 6 - landscaping and 9 - materials.	Permitted	25.09.2012
11/1780	Change of use of land to use as a residential caravan site for one gypsy family, including stationing of two caravans, erection of a day room, hardstanding and new access.	Permitted	19.04.2012

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 The application is within the open countryside and also lies within the Low Weald Landscape of Local Value, as designated by the Maidstone Borough Local Plan, 2017. The site lies some 100m South East of Little Rabbits Cross Barn and 80m West of The Fives and Hurstfield. Approximately 130m North West of the site is a traveller's site known as Chart View. Chart View is a permanent traveller site and serves two static caravans.
- 1.2 The premises provide a grass paddock, a single storey dayroom for travellers, a stable, provision for the stationing of a touring caravan, a car parking area and a mobile structure used for residential purposes which has replaced a smaller static caravan.

## **2.0 PROPOSAL**

- 2.1 Retrospective planning permission is sought for the retention of a mobile building to enable the family to remain settled on the permitted gypsy and traveller site.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Local Plan (2011-2031): Policies SS1, SP17, DM1, DM15 & DM30
- Planning Policy for Traveller Sites 2015 (PPTS)
- Neighbourhood Plan: N/A

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 Seven residents were notified, 2 local representations were received, and the objections are as follows:

- The structure does not appear, from the photographs submitted, to be mobile as defined by the Mobile Homes Act 2013.
- No details of the materials used for the build have been submitted and the structure would appear to be permanent
- Since the structure has been erected the private drive which the residents of Old Oak Paddocks are using now has flooding issues which in the winter freezes over becoming accident risk. The structure and the flooding are right on a blind bend and is increased hazard.
- What will be their means of access be once the right of way is bought into force.

- 4.2 Chart Sutton Parish Council – object to the application for the following reasons:

- There is no justification for building a house in that area.
- If this is approved it will set a precedent for others.
- The Parish Council believes that this is a house and not a mobile structure, as it is attached to the ground and is not moveable. Surely it is also too large to be 'mobile'.

Chart Sutton PC wish to see this application refused and require it to go before the planning committee if the conclusion of MBC is contrary to that of the Parish Council

## **5.0 CONSULTATIONS**

None

## **6.0 APPRAISAL**

### Key Issues

- 6.1 The key planning considerations relate to the visual impact of the development on the character and appearance of the open countryside, the impact on the amenities of the adjoining occupiers.

### Policy Background

- 6.2 Local Plan Policy SP17 indicates that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not

result in harm to the character and appearance of the area. The distinctive landscape character of the Low Weald will be conserved and enhanced.

- 6.3 Local Plan Policy DM1 deals with the principles of good design with regard paid to, amongst other things, scale and site coverage.
- 6.4 Local Plan 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.

#### Visual/Landscape Impact

- 6.5 Policy DM15 of the Local Plan indicates that planning permission Gypsy and Traveller development will be granted if it would not result in significant harm to the landscape and rural character of the area.
- 6.6 The site is located outside the village boundary of Staplehurst in an area where there is a mix of traveller sites and private dwellings. Views of the site are not prominent from the nearby road network. The main residence is located to the southern end of the site and the dayroom is positioned to the north west of the main residential structure. The site is enclosed by mature mixed hedging and also from planting that has been provided as required by previously discharged conditions imposed on previous planning permissions. As such, the site is very well screened from general view and has helped the development to be absorbed into the landscape.
- 6.7 Policies SP17 and DM15 of the Local Plan are particularly relevant in this context as the structure has been both located and screened by vegetation so as to have minimal impact on its surroundings. It is therefore considered that the proposal complies with the criteria set out in both the above policies.

In terms of a fall back position in April 2012 permission was granted (11/1780) for the change of use of the application site to provide a residential caravan site for one gypsy family, including stationing of two caravans, erection of a day room, hardstanding and new access.

#### Design

- 6.8 Although the site has been developed generally in accordance with approved details the static structure, the subject of this application, has been placed on the site, unlawfully, to provide residential accommodation for the owners of the site. The structure does not fall within the definition of a caravan as far as the Caravan Act is concerned. There are three critical tests that need to be met in respect of caravans namely: size, construction and mobility.
- Size: The dimensional limits for caravans are 20m length, 6.8m width and an internal ceiling height of 3.05m. Although the structure satisfies the length and ceiling height measurements its width of 7.45m is approximately 0.65m greater than the considered maximum width of a caravan.
  - Construction: The structure was built in two halves upon two mobile chassis. To properly accord with the definition of a caravan the final act of assembly should be to bolt the two halves together. There is some evidence on site that this was indeed the case but, from its completed state in situ, this requirement is difficult to certify without exposing elements of the building.
  - Mobility: The Caravans Act 1968 requires that twin mobile home units, when assembled, are physically capable of being moved by road from one place to another. Subject to prior designed bracing of the structure it is possible to lift and

transport the unit to another site subject to the necessary notices being served on the highway authority.

- 6.9 As the structure on site cannot be classified within the definition of a caravan, as far as the 1968 Act is concerned, consequently it must be defined as a static structure used for residential accommodation. However, the extra width would not necessarily render the structure incapable of being mobile or detract from its appearance as; visually it appears as a static mobile home. The brick skirting around the base is an accepted addition to static mobile homes and is prevalent on most gypsy and traveller sites.
- 6.10 The Council has in the past refused such an application at Orchard Farm Nursery, for the retention of a 'mobile structure', which was also dismissed at appeal. However, no real parallels can be drawn between these two developments as the mobile structure at Orchard Farm was 2.35m wider as compared to 0.6m in this instance. It was also 1.2m longer with a much increased height, unlike this structure which is 200mm below the maximum height permitted.

#### Highway impact

- 6.11 The existing access to the site has been in use by the owners of the site for some time. There will be no change in the expected traffic generated by the proposed use

#### Ecology Impacts.

- 6.12 Given the site's existing development, there would be no conflict with Policy DM15.

#### Sustainability

- 6.13 Gypsy and traveller sites are often located in the countryside and the application site follows this pattern. The site is well connected to public transport links with frequent bus movements to both Staplehurst and Maidstone. As such, it is not considered the site is so remote from services to justify refusal on sustainability grounds particularly having regards to the existence of the wider site and adjoining lawful gypsy and traveller sites.

#### Residential amenity

- 6.14 Local residential properties outside the site are distanced in excess of 80m. As such, in terms of amenity there would not be a significant impact in terms of loss of light, privacy or overbearing impact on adjoining properties and would not adversely affect the living conditions of local residents.

## 7.0 **CONCLUSION**

- 7.1 It is not considered that the increased width (0.6m) of the mobile structure would visually impact on the character and appearance of the rural area, especially given the existing use of the land as a gypsy and traveller site. The structure provides a more sustainable building to accommodate the occupiers' current needs and for the period until the children leave school.
- 7.2 Policy allows that, subject to strict control and in order to satisfy the Borough's responsibility to accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, such development can be acceptable in the countryside. The proposed development is largely screened to long distance views and is set well back from the public highway network and would therefore be in accordance with policy DM15. As a result the impact of development upon the

character of the countryside, the Low Weald Landscape of Local Value and the amenity of the settled community would be acceptable.

- 7.3 Material circumstances indicate that subject to imposition of appropriate conditions a permanent planning permission should be granted.

## **8.0 RECOMMENDATION**

GRANT planning permission subject to the following conditions:

1. No more than one other caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (maximum of two) shall be stationed on the application site at any time;

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

2. The mobile structure 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.

3. 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 surrounding Landscape of Local Value.

Case Officer: James Bailey

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