

APPENDIX 1

OFFICER SITE VISIT DATES : 13/7/17, 8/11/17 and 12/1/18

Cllr Brice wants the application to go before the Planning Committee, if recommendation is positive on the grounds that:

- there is a lack of clarity about named permissions and previous applications on this site only granted for a family member.
- there is inconsistency and confusion over how named applications are determined and would like to ensure this application is discussed at Committee.

EIA Screening

EIA Development	No
Comments	Not schedule 2 development and not in AONB

SITE DESCRIPTION

The application site is located off the north-eastern side of Marden Road and is broadly rectangular in shape with a width of approximately 45 metres and extending back from the Marden Road to a depth of approximately 140m.

The planning permission granted under ref: 15/507291 showed 4 mobile homes stationed in the northern eastern two thirds of the site with an undeveloped paddock over 50 metres in depth separating the mobile home plots from the site frontage. Only the two furthestmost mobile homes have been stationed on site with the two plots closest to Marden Road currently vacant.

Abutting the application site to the west is another G&T development which again is set back some distance and separated from the site frontage by a large paddock.

The site lies in open countryside some 850 metres to the west of Staplehurst.

RELEVANT PLANNING HISTORY for application site and adjoining land:

17/502732/FULL: The placement of one additional static mobile home and touring pitch with associated parking – A- 18/8/17 subject to conditions enabling unfettered use for G&T development and no more than 4 static and 4 tourers to be on site. (This site abutts the whole north west boundary of the application site).

15/507291: Retrospective application for the provision of an additional mobile home and the re-location of two mobile homes for extended gypsy families residential use –A- 09/08/16

13/0866 - Retrospective application for new access, driveway and gates - PER

11/1118: Change of use of land for the stationing of an additional 4 mobile homes for a gypsy family –A- 21/09/11 subject to occupation restriction– Approved 21/09/11.

10/0226: Change of use of land to allow the relocation of one existing mobile home for residential use with associated works including hardstanding and fencing –A- 29/6/10 subject to occupancy restriction.

Both the above application also fell within the site areas of application refs: 15/507291 and 17/502732.

83/0006 - Continuation of used land for the stationing of one residential caravan - Refused

82/1207 - Use of land for stationing one caravan for residential use - Refused

84/0447 - Details of - (i) Siting of caravan pursuant to Condition 3, (ii) Details of Access pursuant to Condition 4, (iii)Details of landscaping pursuant to Condition 5 - PER

PROPOSAL

The relevant conditions are worded as follows:

Condition 2:

The use of the two plots (Plots 2 and 3 shown on the approved site layout plan (received 04.09.15)) hereby permitted to the south-west of the existing mobile home plot (Plot 1) shall

be carried on only by Mr Jason Osborn's two children, their immediate family and their dependants;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites and to meet the applicant's specific requirements.

Condition 3:

The use of the additional mobile home on Plot 1 (as shown on the approved site layout plan (received 04.09.15)) hereby permitted to the north-east of the existing mobile home shall be carried on only by Mr Jason Osborn and members of his immediate family and their dependants;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

The site has now changed hands and is owned by John Saunders and his family. Due to this changed occupation the new site owners were advised that further planning permission was required to reflect these changes. The application seeks to get conditions 2 and 3 set aside to allow occupation of the site by any G& T family. The following has been submitted in support:

- The Saunders family are part of the Irish Traveller community and are a well known family and related in one way or another to most of the larger Irish Traveller families that live across Kent, the UK and Ireland.
- The Saunders family is large and not all family members who may wish or need to reside on the site can be detailed in this statement (children who are not normally named in a planning consent).
- This condition is a restriction of the use of the site and as such it could be said to be inappropriate while if the named consent remains it will inevitably lead to repeated requests for changes to the specified names for additions when children come of age etc, people marry into the family with a different surname or families within the site wished to exchange plots.
- The need for repeated applications would impose an unnecessary cost on site residents while infringing their human rights.
- Such conditions are not supported by NPTS Policy for Gypsies and Travellers.
- Many of the planning permissions for G&T sites in Maidstone do not include a condition that requires the residents of the pitches to be named or approved by the LPA.

Personal Circumstances

- Application being made by Mr John Saunders, the principle resident of the site and other members of the family.
- The applicants (and proposed residents) are all members of the Gypsy Traveller community, and they have Gypsy Status for planning purposes.
- important this large extended family and dependants have a stable place to live and varying these conditions as proposed would permit this.
- Never been a challenge to the Gypsy status of the family, and there is no reason to believe this will change as the family have only ever lived on Gypsy sites, and maintain a Gypsy life style (culture, work etc)

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Development Plan: SP17, DM15, DM30
Planning Policy for Traveller Sites (PPTS)
Staplehurst Neighbourhood Plan

LOCAL REPRESENTATIONS

4 neighbouring properties consulted – 1 objection received which is summarised as follows:

- Plots 2 and 3 permitted under application ref: 15/507291 have not been implemented and consideration of the application should be based on 2 mobile homes.
- Site purchased by the current owner presumably in the knowledge their occupation would breach the existing planning consent.
- The site area of application ref:15/507291 ill defined as there is no confirmation that the meadow to the front of the site and the pond are to be remain undeveloped.
- If further development were allowed forward of plot 3 would result in loss of privacy to the adjoining property.
- Development results in visual harm to the locality.

CONSULTATION RESPONSES

Staplehurst Parish Council: No objection subject to the plots remaining in single ownership and no development to take place between plot 3 and Marden Road. Do not require application to be referred to the Planning Committee.

EHO: No objection subject to details being submitted of waste water disposal and potable water provision.

APPRAISAL

The site lies in open countryside and the development is subject to the following local plan policies.

Policy SP17 of the Local Plan (LP) states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted.

Policy DM15 of the LP states that planning permission for G&T development will be granted if it would not result in significant harm to the landscape and rural character of the area. The requirement remains that development should be well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts 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.

Policy DM30 specifically requires , amongst other things, that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features; that impacts on the appearance and character of the landscape will be appropriately mitigated and that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.

There is also Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) amended in August 2016. This places an emphasis on the need to provide more

gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

Issues of need are dealt with below but in terms of broad principle both local plan policies and Central Government Guidance permit G&T sites to be located in the countryside as an exception to the general development restraint policies applying in the countryside.

Need for Gypsy Sites

Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. 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

The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made. .

The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan.

Supply of Gypsy sites

Accommodation for Gypsies and Travellers is a specific type of housing that Councils have the duty to provide for under the Housing Act (2004).

Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):

Permanent/non-personal – 112
Permanent/personal - 22
Temporary/non-personal - 3
Temporary/personal – 34

Therefore a net total of 134 permanent pitches have been granted since 1st October 2011. A further 53 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The Local Plan allocate specific sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting

of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.

The Council's current position is it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016.

The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting temporary consents. 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.

Gypsy Status

National planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). Revised guidance is now in force with the planning definition of 'gypsies & travellers' being amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

“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.”

The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances. The application

- Application being made by Mr John Saunders, the principle resident of the site and other members of the family.
- The applicants (and proposed residents) are all members of the Gypsy Traveller community, and they have Gypsy Status for planning purposes.
- important this large extended family and dependants have a stable place to live and varying these conditions as proposed would permit this.
- Never been a challenge to the Gypsy status of the family, and there is no reason to believe this will change as the family have only ever lived on Gypsy sites, and maintain a Gypsy life style (culture, work etc)

The general nature of this information was insufficient to demonstrate the occupants of the site met the Planning definition of a G&T. As such in November 2017 further information was sought on the site occupants in particular:

- Details of lifestyle/working practices of all people of working age and ;
- If no travelling for work has taken place over the last 2 years why this has ceased.
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No response has been received and as such it is not possible to determine whether the site occupants satisfy the planning definition of a G&T. As such the application fails on these grounds irrespective of any other considerations.

VISUAL IMPACT

Guidance set out in the PPTS states that Local Planning Authorities should 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. No specific reference is made to landscape impact though this is addressed in the NPPF and policy DM15 of the Local Plan.

It is generally accepted that mobile homes comprise visually intrusive development out of character in the countryside. Consequently unless well screened or hidden away in unobtrusive locations they are normally considered unacceptable in their visual impact. Consequently where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours.

To recap, policy DM15 of the Local Plan states that planning permission for G&T development will be granted if it would not result in significant harm to the landscape and rural character of the area. The requirement remains that development should be well related to local services, would not harm the rural character and landscape of an area due to cumulative visual impacts 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 planning permission granted for this site under ref: 15/507291 was made personal on the grounds that this was an area where the stationing of caravans/mobile homes was not normally permitted. However since this planning permission was granted, under ref: 17/502732 permanent planning permission has been granted on the adjoining site to the west for the placement of one additional static mobile home subject to, amongst other things, to conditions enabling unfettered use for G&T development and that no more than 4 static and 4 tourers to be placed on site.

These caravans are set well back into the site and are not easily visible form Marden Road. The planning permission ref:15/507291 permits 4 caravans on the site though plots 2 and 3 are currently vacant.. There are long distance views from Marden Road to the two caravans set at the back of the site while the caravans permitted for plots 2 and 3 will also be visible. However the caravans on plots 2 and 3 will be separated from the road by a paddock and subject to additional native species landscaping along the line of an existing post and rail fence it is considered the visual impact of the development permitted under ref:15/507291 is acceptable.

Where the visual impact of G&T development is considered acceptable and notwithstanding the presence of a 5 year supply of G&T sites, policy DM15 makes clear that subject to no significant landscape harm being caused planning permission should be granted.

Cumulative Impacts:

There is lawful G&T development abutting the application site to the north west. Given this it is fair to say there been some changes to the character of the area as a consequence of G&T development . Though allowing non personal G&T use of the application site will set aside any possibility of the application site reverting to its former undeveloped state, given the screened nature of both this and the adjoining G&T site, it is not considered their cumulative visual impacts will have any material impact on the rural character of the area.

Regarding the impact on local infrastructure, given the nature of the application , no material change is identified in this respect.

LANDSCAPE CONSIDERATIONS:

Policies SP17 and DM30 of the local plan both require that landscape protection should be given weight. For the reasons already set out it is considered the permanent presence of G&T development on the application and adjoining site will not materially affect the landscape character of the area contrary to the provisions of policy SP17 and DM30 of the LP.

SITING SUSTAINABILITY

The site already benefits from a G&T consent and as such this issue has already been addressed.

GENERAL AND RESIDENTIAL AMENITY

Abutting the south east corner of the site is the detached property known as Clara and which has flank aspect over the application site. However the current view from this property is across a paddock. As such no harm is identified to residential amenity as a consequence of 4 mobile homes being stationed on site subject to a condition that the number of mobile homes and touring caravans shall not exceed 8 (4 of each type) and that the mobile homes and touring caravans will only be sited with within the plot areas shown and approved under planning application ref:15/507291.

HIGHWAY SAFETY CONSIDERATIONS:

As the proposal essentially involves continuation of the existing use but by different persons no material change in local highway conditions is anticipated. As such no objection to the proposal on highway grounds is identified.

WILDLIFE CONSIDERATIONS:

Apart from the areas where the mobile homes are sited the remainder of the application site is currently grassed with a pond in the south east corner of the site. The pond, which may make a contribution as a wildlife habitat is not affected by the approved siting of the mobile homes. However the remainder of the site apart from boundary hedgerows provides little in the way of wildlife habitat. The additional native species planting required to define the south west extent and to screen the developed part of the site will provide a valuable and proportionate response to wildlife concerns.

CONCLUSIONS:

The key conclusions are considered to be as follows:

- It is considered that insufficient evidence has been submitted to demonstrate the occupants of the site fall within the definition of G&T's contained within Government Guidance.
- As such the special circumstances applying to gypsy and traveller development does not apply.
- The continued use of the site for G&T development therefore represents unjustified development harmful to the character and setting of the countryside contrary to the provisions of polices SP17, DM15 and DM30 of the local plan.

Case Officer Graham Parkinson