

REFERENCE NO - 19/500149/FULL		
APPLICATION PROPOSAL Part retrospective for the siting of 2 additional mobile homes for residential use by a Gypsy & Traveller family.		
ADDRESS Cherry Tree Farm West Wood Road Stockbury		
RECOMMENDATION Grant permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The application site is an allocated Gypsy and Traveller site • The visual impact of the proposed development is not significant due to the well-established boundary treatment screening the site • 		
REASON FOR REFERRAL TO COMMITTEE Stockbury Parish Council requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
WARD North Downs	PARISH/TOWN COUNCIL Stockbury	APPLICANT Ms Annie Ward AGENT
TARGET DECISION DATE 03/05/19		PUBLICITY EXPIRY DATE 21/02/19

Relevant Planning History

18/503884/FULL

Proposed stationing of one additional mobile home, one additional touring caravan and one additional day room along with the installation of a cesspit (part retrospective).
Approved 25/9/2018

18/501646/FULL

Change of use of land for the stationing of two mobile homes, two touring caravans and two day rooms along with the installation of a cesspit.
Refused- Appeal in Progress 13/6/2018
The reasons for refusal are:

1. *The proposal site is considered to be in an unsustainable location and the application has not demonstrated that the additional mobile homes would be occupied by family members falling under the Gypsy status definition, or that personal circumstances pertain to warrant permission for Gypsy and Traveller development in the countryside.*

2. The proposal would appear as an obtrusive and incongruous and alien feature within the open countryside, to the detriment of the natural beauty, landscape character and the designated area of outstanding natural beauty. As such, the proposal is contrary to the Maidstone Local Plan and the NPPF and refusal on this basis is recommended

05/0470

Retrospective application for the change of use of agricultural land to residential and the stationing of 1 No. mobile home and 1 No. touring caravan for a gypsy family.
Refused 9/8/2005

The reasons for refusal are:

1. The development is considered to be contrary to Kent Structure Plan (1996) Policies RS1, ENV1, ENV3, ENV4 and H8; Kent and Medway Structure Plan: Deposit Plan (September 2003) Policies QL1, E1, D4, D5 and HP10; and Maidstone Borough Wide Local Plan 2000 Policies ENV28, ENV33, ENV34 and H36 in that the development represents an undesirable extension to the Plum Tree Bottom mobile home site and reinforces the undue concentration of mobile homes in this area: the development therefore causes significant harm to the character and appearance of the North Downs Area of Outstanding Natural Beauty.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is a triangle piece of land situated at the junction of Westwood Road and Plum Tree Lane. For the purposes of the adopted Local Plan, the site is located in the open countryside and in the North Downs Areas of Outstanding Natural Beauty (AONB).
- 1.02 The site falls within designated gypsy and traveller site GT1(12) which permits two permanent pitches subject to landscape criteria. The site has planning permission (18/503884/FULL) for two permanent pitches, two dayrooms, and two touring caravans.
- 1.03 The site is accessed from West Wood Road to the south, and bounded by a brick wall and further hedgerow screening to the southern portion of the site. The site is bounded by a mix of close boarded fence and hedgerows with mature trees to the northern portion of the site to both the eastern and western site boundaries facing the highways.
- 1.04 At the time of the site visit, the site consists of three mobile homes, one touring caravan, a stable, a barn, paddock and areas of hardstanding.

2. PROPOSAL

- 2.01 This current part retrospective planning application is for the stationing of 2 additional mobile homes.
- 2.02 The 'retrospective' mobile is situated at the northern portion of the site adjacent to the existing mobile. The other 'proposed' mobile would be situated at the southern portion of the site adjacent to the existing mobile and opposite to the stable.
- 2.03 Details of the occupants of the caravans have been submitted, together with evidence of the gypsy and traveller status that the applicant is claiming.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1, SP17, GT1(12), DM1, DM3, DM15, DM30
Supplementary Planning Documents: Planning Policy for Traveller Sites (PPTS),
Landscape Character Guidelines SPD, Kent Downs AONB Management Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations were received.

5. CONSULTATIONS

Stockbury Parish Council

- 5.01 Objects to the application and would like to see it referred to Planning Committee should the application be approved. Key concerns included:
- Unsustainable location
 - Erode the openness of the surrounding area and unwelcomed development in the rural setting
 - Harmful to the local landscape character and AONB

Environmental Health

- 5.02 Raise no objection.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Need and supply of gypsy sites
 - Visual and landscape impact

Principle of development

- 6.02 The most relevant Local Plan policy is DM15 which states that planning permission for Gypsy and Traveller 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 also that wildlife considerations are taken into account.
- 6.03 The site is an allocated Gypsy and Traveller accommodation site under Policy GT1(12) of the Local Plan. This allocation is for two permanent pitches subject to the total capacity of the site not exceeding two and for appropriate site landscaping.
- 6.04 The site is within the designated Kent Downs AONB which has the highest level of landscape protection. Policy SP17 states that 'great weight' should be given to the conservation and enhancement of the AONB. The policy further states that new development in the AONB should demonstrate that it meets the requirements of national policy and achieves the high quality design that is set out in policy DM30 and the Kent Downs AONB Unit's design guidance.
- 6.05 Government guidance is contained within the 'Planning Policy for Traveller Sites' (PPTS) which was amended in August 2015. This guidance highlights the need to provide more gypsy sites; it supports self-provision and acknowledges that sites are likely to be found in rural areas. This is an exception to the principle of restraint in the countryside.
- 6.06 Issues of need are dealt with below, but in terms of broad principle, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.
- 6.07 In accordance with the relevant policies of the Local Plan and central government guidance, the main issues for consideration are considering the need and supply of gypsy sites; whether the applicants qualify for gypsy status in planning terms, and the proposal's visual impact.

Need for gypsy sites

- 6.08 In their Local Plans Local planning authorities have responsibility for setting a target for the number of pitches to be provided in their areas. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012 to cover the period October 2011 to March 2031.
- 6.09 The GTAA concluded the following need in Maidstone for pitches over the remaining Local Plan period:
- Oct 2011 – March 2016: 105 pitches
 - Apr 2016 – March 2021: 25 pitches
 - Apr 2021 – March 2026: 27 pitches
 - Apr 2026 – March 2031: 30 pitches
 - Total: Oct 2011 – March 2031 = 187 pitches
- 6.10 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.
- 6.11 The target of 187 additional pitches is included in policy SS1 of the Maidstone Borough Local Plan. 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 need, forming part of the evidence base to the adopted Local Plan.

Supply of gypsy sites

- 6.12 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.
- 6.13 As set out below since 1 October 2011, the base date of the GTAA, a net total of 173 permanent pitches have been granted permission. A further 14 permanent pitches are needed by 2031 to meet the need identified in the GTAA. The following permissions for pitches have been granted (as of March 2019):
- 148 permanent non-personal pitches
 - 25 permanent personal pitches
 - 4 temporary non-personal pitches
 - 37 temporary personal pitches
- 6.14 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 does allocate specific sites and these are 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 and 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.
- 6.15 The PPTS directs that if there is a lack of a 5 year supply of Gypsy and Traveller pitches this should be given weight when considering the expediency of granting consent on a temporary basis. The 5 year supply position is reviewed on the 1 April each year. The Council's position is that it can demonstrate a 5.2 year supply of Gypsy and Traveller sites at the base date of 1 April 2018.

- 6.16 As the Council considers itself to be in a position to demonstrate a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

Gypsy status

- 6.17 The Government revised the PPTS in August 2015, and the planning definition of gypsies and travellers has been amended to exclude those who have ceased to travel permanently. The current definition is:

"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 show-people or circus people travelling together as such."

- 6.18 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.
- 6.19 To determine whether an applicant falls within the definition (in terms of ceasing to travel temporarily), the PPTS 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.
- 6.20 In relation to the current application, information has been submitted which demonstrates that the applicant has Gypsy and Traveller status, and the additional mobiles would be occupied by the applicant, her husband, and their grown up children.
- 6.21 The information confirms the applicant's daughter is married to the original applicant who has Gypsy and Traveller status and permission at the site. They have always travelled together as a family and will continue to do so. They travel to horse fayres where they trade horses and exchange work. As such, there is no reason to reasonably doubt the applicant has and will continue to pursue a Gypsy and Traveller lifestyle thereby meeting the provisions of the revised guidance.

Visual impact

- 6.22 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 should not dominate the nearest settled community and or place undue pressure on local infrastructure. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area.
- 6.23 It is generally accepted that mobile homes comprise visually intrusive development that are 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. 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.
- 6.24 The application site is an allocated Gypsy and Traveller site with two permanent pitches as designated under policy GT1(12) of the Local Plan. It specifically states the existing hedges along the eastern and western boundaries of the site which provide an effective screen to the development should be retained, and the

establishment of a landscaped boundary to the north of the site to provide an effective screen to the development.

- 6.25 Whilst the proposal would double the number of mobile homes as permitted, the site is considered to be substantial in size and well screened from public view by the existing well-established boundary fencing and planting along the site's roadsides (eastern and western) boundaries and a gated site access.
- 6.26 The two additional mobile homes would sit adjacent to the existing mobiles which are set away from the site boundaries. Appropriate additional planting along the northern boundary, with views to an open field, could be secured by way of condition to further soften and enhance the development. So in terms of views, the development would be hardly visible from any public vantage point.
- 6.27 Given the site falls within an allocated site with well-established boundary treatment, and the increase of two mobile homes within the substantial plot is not considered to result in significant intensification of the site, it is therefore considered that the site is not prominent in the wider landscape, and the proposal would not result in significant harm to the appearance of the AONB and the rural character of the countryside hereabouts.

Previous refusal

- 6.28 The previous refused application (18/501646/FULL) was for the change of use of land for the stationing of two mobile homes, two touring caravans and two dayrooms along with the installation of cesspit. In contrast to the refused application that only included the northern portion of the site, the current application site includes the entire allocated plot.
- 6.29 The applicant has provided a statement for the occupiers' Gypsy and Traveller status as part of the current application; this was not provided with the refused application. As such, and without the Gypsy and Traveller status the refused application was assessed outside policy DM15 of the Local Plan and as a new residential development in the countryside. The current application is assessed under the relevant Gypsy and Traveller policies.

Other Matters

- 6.30 The site benefits from an existing entrance from West Wood Road with adequate visibility; the site provides adequate parking/turning facilities; and it is considered that the proposal would not result in any significant intensification of traffic movements to and from the site. The gate is also set back a suitable distance to enable a vehicle parked off the highway. As such, I do not consider the proposal would result in any harmful impact in terms of highway safety.
- 6.31 A residential use is not generally a noise generating use and there is a noticeable separation distance between the site and existing residential properties and other nearby Gypsy and Traveller sites. Given this, it is considered that the provision of two additional pitches in this location would not have a significant detrimental impact on the living conditions of any neighbouring occupant, including in terms of general noise and disturbance.
- 6.32 Given the location and condition of the site, no objection is raised to this application in terms of flood risk, ecology and on arboricultural grounds.
- 6.33 It is not considered that this proposal, when considered cumulatively with other lawful gypsy sites in the vicinity, would be such scale and density that would result in it having an unacceptable impact upon the existing residential community.

7. CONCLUSION

- 7.01 In accordance with national planning policy, the issue of intentional unauthorised development has been a material consideration in the determination of this part retrospective application and this does weight against the development.
- 7.02 In balancing all matters, the proposal would be acceptable with regard to the relevant provisions of the Development Plan, the revised NPPF and all other material considerations such as are relevant. A recommendation of approval subject to conditions is made on this basis.

8. 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. Approved Plans
- 2) The site shall only used as a caravan site for gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.
Reason: To reflect the special circumstances of the application.
- 3) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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: In the interests of the visual amenity.
- 4) Within 3 months from the date of this permission, a landscape enhancement scheme for additional planting along the northern boundary of the site shall be submitted to and approved in writing by the local Planning Authority. The landscape enhancement scheme must be implemented and retained as approved.
Reason: To safeguard the character and appearance of the countryside.
- 5) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;
Reason: In the interest of amenity.
- 6) No commercial activities shall take place on the land, including the storage of materials
Reason: To ensure a satisfactory appearance to the development and prevent an inappropriate use in the countryside.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Block Plan received on 17 March 2019
Reason: In the interests of amenity.

Case Officer: Michelle Kwok