

REFERENCE NO - 19/501105/FULL		
APPLICATION PROPOSAL Siting of two additional mobile units, with associated access and landscaping works.		
ADDRESS Whiteacres, Marden Road, Staplehurst, Tonbridge, Kent, TN12 0JG		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The visual impact from the proposal will be reduced to an acceptable level and public views of the proposed caravans minimised by the screening provided by the existing boundary screening and proposed strengthening of this landscaping. There would be no significant harm to the landscape and rural area. The application proposal, when combined with other gypsy sites in the immediate vicinity, and in relation to existing authorised developments, will not dominate the settled community. In the context of gypsy and traveller accommodation, the application site is in a relatively sustainable location that is not so remote from services and facilities to justify a refusal. The application development does not have any adverse impact on residential amenity. The proposal would not lead to any increased risk to highway safety or ecological impact.		
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council require the application to be referred to MBC Planning Committee if Officers are minded to approve the application for the reasons set out in the consultation response.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr. & Mrs. Warren AGENT DHA Planning
TARGET DECISION DATE 04/10/19 (EOT)		PUBLICITY EXPIRY DATE 21/08/19

Relevant Planning History (most recent first)

Application site

- 18/501811/FULL Application for the confirmation of the location of four static mobile homes and touring caravans on a pitch for a gypsy family alongside associated parking (Resubmission of 17/502732/FULL) Approved Decision Date: 09.08.2018
- 18/500582/SUB Submission of details pursuant to Condition 6 (Landscaping) for planning permission 17/502732/FULL. Approved Decision Date: 12.04.2018
- 17/502732/FULL The placement of one additional static mobile home and touring pitch alongside associated parking. Approved Decision Date: 18.08.2017
- 13/0866 Retrospective application for new access, driveway and gates. Approved Decision Date: 05.09.2013

- 11/1118 Change of use of land for the stationing of an additional 4 mobile homes for a gypsy family. Approved Decision Date: 21.09.2011
- 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. Approved Decision Date: 29.06.2010
- 88/0799 Siting of one residential caravan. Approved Decision Date: 21.12.1988

Neighbouring site: Meadow View, Marden Road, Staplehurst TN12 0JG

- 19/500399/FULL Proposed stationing of 4no. additional mobile homes for extended Gypsy & Traveller family. (Committee 25.04.2019) Approved Decision Date: 30.04.2019

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located in the countryside on the north east side of Marden Road. The site frontage has a width of approximately 65 metres and extends back from the Marden Road to a depth of between 54 and 74 metres.
- 1.02 The site currently comprises an open field to the front of the existing Gypsy and Traveller site known as White Acres. White Acres is bordered by other Gypsy and Traveller accommodation to the north west (Stable Paddock) and to the south east (Meadow View).
- 1.03 A private road currently providing access to five existing caravans at White Acres, borders the application site to the south east with a post and rail timber fence along the road edge. To the north west of the site is the private access road to Stable Paddock. The site is 0.5 miles from the Staplehurst settlement boundary and 0.9 miles from Station Road in the centre of Staplehurst.

2. PROPOSAL

- 2.01 The current proposal is for the siting of two additional mobile units, with associated access and landscaping works. This application is submitted to ensure that there is one planning application and permission that covers both the existing mobile home that has been previously granted on the site as well as the two new proposed units. The proposal would result in three statics and three tourers at the site.
- 2.02 The original application was revised with the new site entrance and internal road removed from the proposal, with access now provided using the existing entrance and internal road.
- 2.03 The submitted plans show the new southern caravan at a right angle to the front boundary and set back by 19 metres from the front site boundary. The northern caravan is parallel to the front boundary and set back into the site by between 17 and 20 metres. The existing site has trees and hedging along the front boundary and the submitted plans show an extended landscape buffer of approximately 5 metres in depth, with further tree planting behind. The tree planting is shown as extending along the internal access road that will provide screening of the proposed caravans.

3. POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF);
- National Planning Practice Guidance (NPPG);

- Maidstone Borough Local Plan 2017 SS1, SP17, DM1, DM15, DM30;
- Staplehurst Neighbourhood Plan;
- Planning Policy for Traveller Sites (PPTS).

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Three representations received from local residents raising the following (summarised) issues.
- The existing Whiteacres site and two other adjacent Gypsy and Traveller sites dominate the other small residential communities that are within a 500m radius.
 - The current application will result in the site not being well kept and will impact on the rural setting;
 - Current application needs to be considered with the application at Meadow View (19/500399/Full) Staplehurst PC objected to this separate application as contrary to DM15, in an unsustainable location, not an allocated site, inadequate screening from neighbour and Marden Road issues with waste water drainage (officer comment: MBC planning committee approved this separate application at the meeting on the 25.04.2019).
 - The submitted site location plan is incorrect as the footprint shown of the nearby property called Clara is too small.
 - It is disturbing that Section 13 on the Proposal to Maidstone Borough Council states disposal of Foul Sewage as "unknown".
 - I strongly oppose any more breaks in the hedge line for environmental reasons and also because it opens the site up to a much wider vision from the road. (*Officer comment: the revised proposal no longer includes further gaps in the hedge line*)
 - The proposal will impact heavily on this supposedly rural community most obviously its infrastructure and services which are below adequate;
 - A precedent needs to be set that protects and maintains the rural belt otherwise this will open the door for further developments,
 - The Gypsy and Traveller accommodation locally has reached saturation point
 - The current proposal will, give the site an urban appearance
 - The proposal will feel cumulatively overbearing, out of scale and character
 - The provision of additional screening is acknowledgment from the applicant that there will be visual harm;
 - The existing site causes amenity issues from motorbikes, dogs barking and security lighting and this will increase as a result of the proposal.
 - A wider study is required to identify suitable land for gypsy and traveller accommodation that will ensure "...an even spread without density or concentration".
 - Public consultation was inadequate as an adjoining landowner only found out about the proposal from the Parish Council and was not sent a letter.
 - The require further encroachment into the 'front grass buffer zone' and 'punch another road access through the hedge (*Officer comment: the revised proposal no longer includes a new gap in the hedge line, with a 5 metre deep landscape buffer across the front of the site*) in case it is sold to another family..." would be contrary to the familial condition attached to 11/1118.
 - The occupation of the site by Mrs Warren and her descendants is supported but any occupation outside this group is strenuously opposed.
- 4.02 Additional consultation was carried out on the revised plans with all the original neighbours who had been sent letters and the occupiers who sent the original unsolicited response. No additional responses or comments were received.
- 4.03 The matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Staplehurst Parish Council

- 5.01 Original consultation response
Recommend that the application be refused for the following reasons:
- The proposal would over-develop the site and increase light pollution in the area;
 - The proposed location of units nearer to the road would be detrimental to the local setting;
 - The new access would be an additional hazard *Officer comment: the revised proposal no longer includes a new access*; given the known foul water issues on Marden Road, the applications unknown response to the question of sewage disposal was not acceptable;
 - There was no need for additional pitches to meet MBCs requirement;
 - It was concerning to learn that at least one neighbouring landowner had not been notified about the application by MBC.
- 5.02 Additional consultation on amended plans (7 August 2019)- Whilst Councillors noted the revised access proposal, they reiterated their initial concerns expressed in their previous recommendation and wished to confirm their recommendation that permission is refused and referral to MBC Planning Committee if the Planning Officer is minded to approve the application.

Kent Highways

- 5.03 No objection subject to conditions and informatives (Revised plans have resolved original objection).

MBC Environmental Health

- 5.04 No objection. Recommend informative relating to the Mid Kent Environmental Code of Development Practice.

6. APPRAISAL

Main Issues

- 6.01 The main issues for consideration relate to:
- Need for Gypsy Sites;
 - Supply of Gypsy sites;
 - Gypsy Status;
 - Personal circumstances;
 - Siting sustainability
 - Impact on the character and setting of the countryside;
 - Cumulative impacts;
 - Residential amenity:
 - Parking and highway safety
 - Ecology, biodiversity and Wildlife considerations:
 - Human Rights and Equality

Need for Gypsy Sites

- 6.02 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.

- 6.03 The GTAA concluded the following need 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

6.04 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised Planning Policy for Traveller Sites document (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 Local Plan. 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.

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

Supply of gypsy sites

6.06 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for 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.

6.07 Since 1 October 2011, the base date of the GTAA, and up to 31 July 2019, the following permissions for pitches have been granted (net):

- Permanent/non-personal – 170
- Permanent/personal – 28
- Temporary/non-personal – 4
- Temporary/personal – 39

6.08 A net total of 198 'permanent pitches' have been granted since 1 October 2011 and this exceeds the number of permanent pitches identified as being required by 2031 in the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA). The Council's current position is that it can demonstrate in excess of 7.7 year supply of Gypsy and Traveller sites at the base date of 1st April 2018.

6.09 The Planning Policy for Traveller Sites (PPTS) at paragraph 11 states "*...Where there is no identified need, criteria-based policies should be included (in the Local Plan) to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community*". In this context, the submitted application has to be considered against the other policies in the adopted Local Plan, including policy DM15 Gypsy, Traveller and Travelling Showpeople accommodation.

Gypsy Status

6.10 The planning definition of 'Gypsies and Travellers' as set out in the Planning Policy for Traveller Sites document (PPTS) has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) 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*".

6.11 As noted above, the definition 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 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.

- 6.12 The applicant has supplied the following response to the questions in the PPTS:
- (a) Whether they had previously led a nomadic habit of life;
"The extended family have travelled extensively for many years for work and regularly to horse fairs in places such as Appleby and Stow. The family needed to travel for at least 16-20 weeks of the year for work and to horse fairs which was often extended"
- b) the reasons for ceasing their nomadic habit of life;
"The extended family have settled on this site due to the deteriorating health of elder members of the family. Whilst the family intend to continue travelling to fairs and for work".
- 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 family continue to travel, notwithstanding other family commitments".
- 6.13 The applicant's family are a well-known local gypsy family with the extended family living on adjacent land for some 30 years. The two new static caravans are intended for the son and daughter of the applicant.
- 6.14 The son has two jobs, commercial cleaning and assisting his father with his business Staplehurst Driveways, the nature of the work with his father requires travelling to source work. The son also travels with his father to Gypsy fairs such as Stow And Appleby. Horse and donkey related work has been the basis of the family's travelling for many years with the family travelling to sales locations as well as horse and trotting fairs over the years. The applicant's son intends to continue with his travelling lifestyle. The son's wife was due to give birth to a baby in June 2019.
- 6.15 The second static mobile home is intended for the applicant's daughter. The applicant's daughter has a number of medical conditions. Her father wishes her to have as normal an adult life as possible and along with the extended family intends providing the ongoing care that is needed and assistance to his daughter. The applicant's daughter is not able to take part in a travelling lifestyle for work but does wish to be able to travel with her father as much as possible.
- 6.16 Given the above it is considered that the applicant and the intended occupants of the proposed caravans would fall within the current definition of Gypsy and Travellers. A condition is recommended (condition 3) on any grant of planning permission to ensure that the additional mobile homes are not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015 (or any subsequent definition that superseded that document). If members consider it necessary a condition can also require that occupants of the two new static homes to be the immediate family of the applicant.

Sustainability of location

- 6.17 Policy SS1 describes the most sustainable locations in the borough for the provision of new development in a sustainability hierarchy. The urban area of Maidstone is at the top of this hierarchy followed by the Rural Service Centres (including Staplehurst) as the secondary focus for development.
- 6.18 Whilst the current proposal site (located 0.5 miles from the Staplehurst settlement boundary and 0.9 miles from Station Road in the centre of Staplehurst) is more

sustainable than many Gypsy and Traveller sites, there are no bus stops in the vicinity and no pedestrian pavements for the 22 minute walk (travelinesoutheast.org.uk) into Staplehurst where there is a good range of services and facilities.

- 6.19 Gypsy and Traveller sites are almost inevitably located in countryside locations and the site is not so far removed from basic services and public transport to justify grounds to refuse on sustainability grounds. The nature of the development, other development in the vicinity and Gypsy and Traveller accommodation granted in less sustainable locations elsewhere are also relevant considerations.

Impact on the character and setting of the countryside

- 6.20 Policy DM30 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.
- 6.21 It is generally accepted that residential caravans/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 due to 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, as required by policy DM15 of the adopted Local Plan.
- 6.22 The site lies in the open countryside to the east of the Staplehurst village settlement. A distance of 30 metres separates the closest existing building on the site from the front boundary and the road with the intervening land a mown area of grass. The submitted plans show the proposed new southern caravan at a right angle to the front boundary and set back by 19 metres from the front site boundary. The northern caravan is broadly parallel to the front boundary and set back into the site by between 17 and 20 metres.
- 6.23 Meadow View borders the application site to the south east. Following a committee decision (25.04.2019), planning permission was approved on the 30 April 2019 for an additional 4 mobile homes at Meadow View. These mobile homes extended forward of existing homes on this Meadow View site and those currently existing on the adjoining application site.
- 6.24 The application site currently has a line of trees and hedging along the front boundary with the existing caravans are set back from the front boundary behind a mown grass field. Whilst the current application involves bringing caravans forward within the site and towards the road, a substantial set back from the site frontage of between 17 and 20 metres will be maintained. The application also involves strengthening the existing landscaping at the front of the site with a 5 metre deep landscape buffer along the front boundary and also new landscaping along the access road that will screen the new caravans in views from the site entrance. The amended proposal includes the use of the existing vehicle access without any loss of the existing boundary landscaping.
- 6.25 Whilst not part of the application site it is noted that there is a gap in roadside landscape screening at the bend in Marden Road to the north west of the application site. The submitted proposal also includes new landscape screening along the side (north west) boundary of the site that will screen the proposed caravans from this view point.

- 6.26 Policy PW2 of the Staplehurst Neighbourhood plan states that development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact on the visual setting, landscape features of the site and the surroundings. The submitted proposal is in accordance with policy PW2 as the new caravans are set back from the front boundary of the site. The caravans will be located behind a landscape buffer that will be extended to also screen views from the existing site access.
- 6.27 Overall the proposal would be well screened from public views and would integrate with the established site and it is therefore considered acceptable in relation to maintaining and protecting the character and setting of the countryside.

Cumulative impact

- 6.28 The in the revised Planning Policy for Traveller Sites document (PPTS) published in August 2015 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 should not dominate the nearest settled community and/or place undue pressure on local infrastructure. Adopted Local Plan policy DM15 states, amongst other criteria to be met in, that permission will be granted if a Gypsy and Traveller development would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.29 A planning appeal inspector recently considered cumulative impact in relation to 8 Gypsy and Traveller pitches (4 existing and 4 proposed), in Love Lane Headcorn. One of these sites (Land Adjacent to The Potters 15/503944/FULL) is 0.9 miles to the east of the Headcorn settlement. Headcorn like Staplehurst is a designated Rural Service Centre in the Local Plan.
- 6.30 In relation to these Love Lane appeals the inspector considered that *"...to allow the development of all the appeal sites would not have an effect greater than the sum of their individual effects on this area. This is due to the spread and separation of the sites and the existing level of screening from mature hedgerows and trees in the area"*. The planning inspector concluded that *"...the scale of this development in relation to the size of Headcorn, an identified rural service centre, would not dominate the settled community"*.
- 6.31 In comparing the inspector's conclusions to the current application, the current proposal involves two additional static caravans on this site that is closer to the settlement boundary (0.5 miles) of the rural service centre of Staplehurst. The current application involves caravans set back from the road behind existing trees and landscaping and a new 5 metre deep landscape buffer.
- 6.32 In the context of the existing authorised development, the set back from the road and the implementation of the landscaped buffer to be secured by planning condition, the combined cumulative effect in terms of impact on the countryside and landscape would not be so significant as to be in conflict with this aim of Local Plan policy DM15. The proposed development either on its own or cumulatively with adjacent development would not overwhelm the local community and local services.

Residential amenity

- 6.33 Policy DM1 of the Local Plan states that development should respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in, or is exposed to, excessive noise, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. Policy DM8 of the Local Plan considers the impact of external lighting.

- 6.34 The nearest house to the application site is Clara which is located 70 metres to the south east of the application site boundary and beyond adjacent Meadow View Gypsy and Traveller site. Lindridge Oast is located 175 metres to the north west of the site boundary and on the opposite side of Marden Road. With these separation distances the proposed additional two static caravans would be acceptable in relation to maintaining natural light, privacy, overlooking and general increases in activity.
- 6.35 Consultation responses refer to amenity issues relating to barking dogs, motorbike engines and external lighting associated with the current site. Whilst existing external lighting cannot be controlled through the current application, it is recommended that a condition be attached to a planning permission that requires details of any new external lighting to be submitted to and approved in writing by the local planning authority.
- 6.36 There is nothing to indicate that future occupants of the proposed two caravans (intended occupants have been outlined earlier in this report) would be the source of noise nuisance to nearby neighbours. In this context, noise issues relating to barking dogs and motorbike engines associated with the current accommodation would not be grounds to refuse planning permission for the current application.
- 6.37 The current noise issues would need to be investigated outside of the assessment of the current planning application. Details of how neighbours can report noise nuisance to the Council's Community Protection team are set out on the following link to the Council's website: <https://preview.tinyurl.com/y6zu39bo>.
- 6.38 The proposal would not result in any unacceptable loss of amenity in terms of loss of light, outlook, privacy or noise and disturbance due to the separation distances involved. The submitted proposal is considered acceptable in relation to the protection of neighbour amenity and in accordance with adopted local plan policies.

Parking and highway safety

- 6.39 Policy DM 30 of the local plan states that proposals which would not result in unacceptable traffic levels on nearby roads will be permitted. Policy DM15 states that planning permission for Gypsy and Traveller accommodation will be granted if the site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.
- 6.40 The revised proposal does not include the formation of a new access but uses the existing vehicle access that has been in use for a number of years. No objections have been raised previously regarding highways safety in relation to the use of this access. The area of hardstanding around the mobile homes would provide sufficient on-site parking and turning areas such that there would be no adverse highways safety impact on the highway.
- 6.41 The permitted shared access is considered acceptable for the additional mobile home use in terms of highway safety. Adequate hardsurfacing is available within the plot for the parking of vehicles associated with the residential use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the plot in a forward gear. The level of vehicle movements to and from the site is not likely to be so significant as to raise any overriding highway safety issues. Kent Highways raise no objection.

Ecology and biodiversity considerations

- 6.42 Policy DM1 of the local plan states that proposals should respect the topography and respond to the location of a site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Policy DM3 of the Local

Plan states that where appropriate, development proposals will be expected to appraise the value of the borough's natural environment

- 6.43 The site has been is use as a gypsy traveller site for several years and with the exception of the mowed lawn area and hedgerow boundary there are areas of hardstanding. In this context the site currently has limited ecological value.
- 6.44 The proposed caravans will be sited on an area that is currently mown lawn. As part of the proposal new landscaping is proposed along the front boundary and this landscaping (with details and management required by condition) will increase the biodiversity habitats on the site.
- 6.45 As such, a grant of planning permission for the additional mobile home on the current application site, together with native species landscaping/planting to the rear part of the plot to be secured by planning condition, would enable ecological mitigation and/or enhancements to be secured by condition in accordance with Government guidance in the NPPF (para. 175).

Human Rights and Equality

- 6.46 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.
- 6.47 There is a need to provide a settled base for the upbringing of the grandchild of the applicant and to enable the child to be enrolled in mainstream school and receive an education.
- 6.48 There is also a need for the applicant's daughter, who has a number of medical conditions, to receive as normal an adult life as possible whilst having the support of her extended family providing ongoing care need. These personal circumstances are considered to outweigh the limited visual and landscape impact in the countryside location resulting from the development.

Other Matters

- 6.49 The Council values comments made by local residents as a result of public consultation. Unlike some other neighbouring boroughs the Council goes beyond the normal statutory requirement and posts a site notice as well as sending individual letters to adjoining addresses. The addresses sent individual letters are selected as the properties that have the greatest potential for direct impact, this normally means properties (as opposed to land) that immediately adjoin the application site.
- 6.50 The selection of properties to be sent individual letters is not based on actual land ownership for a number of reasons as has been suggested in a consultation response. These reasons include the fact that the main assessment of impact from a development proposal would be related to the most sensitive receptor, and this would be adjacent residential accommodation rather than land. In the current application the occupiers of Lindridge Oast did not receive an individual consultation due to separation distance from the application site (175 metres from the site boundary on the opposite side of Marden Road).
- 6.51 As is common with other planning applications and whilst this is an extension to existing Gypsy and Traveller accommodation a planning condition is recommended

seeking details of the how sewage from the additional two static caravans is to be dealt with.

7. CONCLUSION

- 7.01 The visual impact from the proposal will be reduced to an acceptable level and public views of the proposed caravans minimised by the screening provided by the existing boundary screening and proposed strengthening of this landscaping. There would be no significant harm to the landscape and rural area to warrant refusal.
- 7.02 The application proposal, when combined with other gypsy sites in the immediate vicinity, and in relation to existing authorised developments, will not dominate the settled community. In the context of gypsy and traveller accommodation, the application site is in a relatively sustainable location that is not so remote from services and facilities to justify a refusal. The application development does not have any adverse impact on residential amenity. The proposal would not lead to any increased risk to highway safety or ecological impact.

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.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan DHA_13299_01; Proposed Site Layout Plan DHA/13299/03A and Planning Statement. Reason: To clarify which plans have been approved.
- 3) The additional mobile homes hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document); 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/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.
- 4) No more than six caravans (three statics and three tourers), as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, of which no more than three shall be static caravans or mobile homes, and no further caravans shall be placed at any time anywhere within the site. The three static caravans or mobile homes shall be stationed on the site only in the positions shown on the plan hereby approved; Reason: To safeguard the visual amenity, character and appearance of the open countryside location.
- 5) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time; Reason: To safeguard the visual amenity, character and appearance of the open countryside location.
- 6) Prior to first occupation of the caravans hereby approved landscaping shall be in place on the site that is in accordance with a landscape scheme that has previously been submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees,

hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and shall include a landscape buffer across the front boundary at a minimum depth of 5 metres and include a planting specification, a programme of implementation and a [5] year management plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 7) Any trees or plants within the approved landscape scheme, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Reason: In the interest of visual amenity of the area. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 8) 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.
- 9) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/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 other than as expressly permitted by this decision; Reason: To safeguard the visual amenity, character and appearance of the open countryside location.
- 10) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site; Reason: To safeguard residential and local amenity generally.
- 11) Sewage and foul water disposal facilities shall be in place prior to the first occupation of the caravans hereby approved, with the facilities in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the facilities maintained as such hereafter. Reason: To ensure adequate sewage disposal arrangements.

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries> (<https://bit.ly/2kogNkI>)
- 2) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 3) The applicant is advised to follow the guidance in the Mid Kent Environmental Code of Development Practice.

Case Officer: Tony Ryan.