

REFERENCE NO - 20/502182/FULL		
APPLICATION PROPOSAL Change of use of land to use as a residential caravan site for 3 Gypsy families, including the siting of 6no. caravans, with no more than 3no. static caravans/mobile homes, and laying of hardstanding.		
ADDRESS Maplehurst Paddock, Frittenden Road, Staplehurst, Tonbridge, Kent, TN12 0DL		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is acceptable in relation to the potential impact on Frittenden Road, (as well as the access road), the development would have an acceptable impact visually, and would not cause any loss of amenity to neighbouring properties nor would any detrimental highways impact occur.		
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council have requested that the planning application is considered by the Planning Committee if officers are minded to approve planning permission, this request is made for the reasons outlined at paragraph 5.01		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr John lee AGENT Philip Brown Associates
TARGET DECISION DATE 09/10/2020 (EOT)		PUBLICITY EXPIRY DATE 23/06/2020

Relevant Planning History

12/1793 - An application for permanent use of land as home for a gypsy family within a mobile home, plus touring caravan dayroom and stables. – Approved subject to conditions making the permission personal to the applicant and for “No more than one static residential caravan (double unit), as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 or the existing 'mobile structure' stationed on the site, and one touring caravan, which shall not be used for habitation purposes, shall be stationed on the site at any one time”.

14/0521 - Replacement and relocation of day/utility room – Approved subject to conditions requiring the removal of an existing shed on site and materials details.

15/503360 – Variation of condition 1 of 12/1793 to allow an increase in the number of caravans from two to four – Refused 28/7/15 on the grounds that there was not an over-riding need for the development as there is no creation of an additional household justifying an exception to policy. –The development is not necessary or reasonably required such that it would fall within one of the permitted exceptions of policy ENV28 or to override any other relevant policies of the Maidstone Borough Wide Local Plan 2000.

Planning Committee

24 September 2020

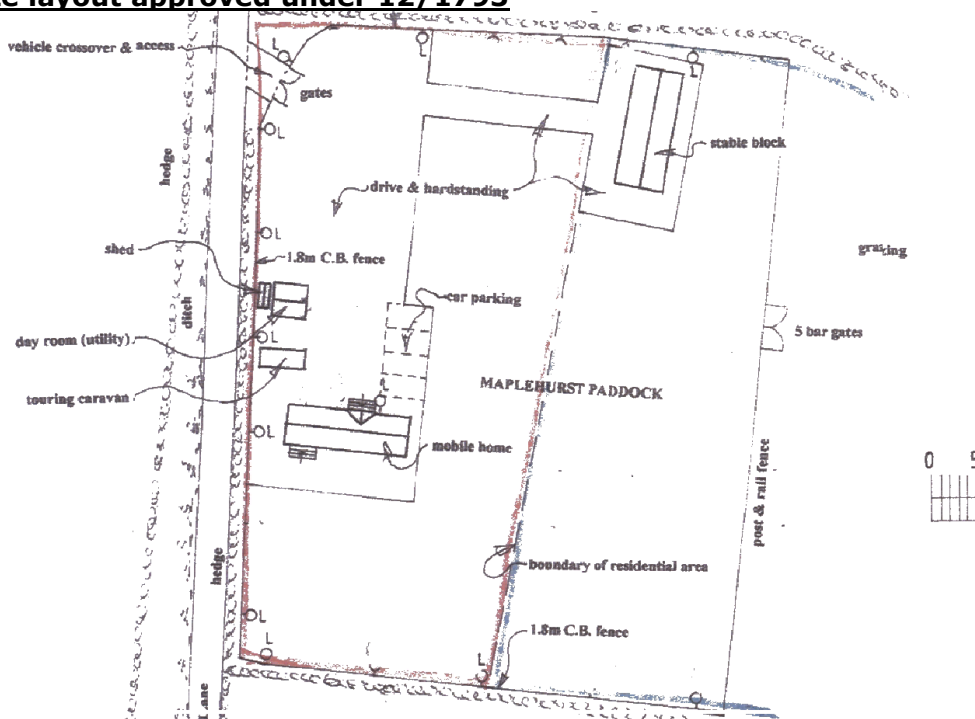
17/502997/FULL - Removal of condition 2 of previously approved application MA/12/1793 (An application for permanent use of land as home for a gypsy family within a mobile home, plus touring caravan dayroom and stables- Refused 12/10/2017 on the following grounds: Notwithstanding frontage landscaping the generally exposed and open nature of the locality, landscaping is insufficient to mitigate the visual harm caused by the individual and cumulative visual impacts of the current use of the site as a gypsy and traveller plot. Furthermore the presence of nearby unlawful Gypsy and Traveller development fronting Maplehurst Lane has resulted in cumulative visual harm further eroding the appearance of Maplehurst Lane from its former substantially open and undeveloped rural character. Relaxation of the condition as sought would therefore preclude any possibility of the site returning to its former substantially open and undeveloped rural condition resulting in harm in perpetuity to the special landscape quality and rural character of the area contrary to the provisions of policies ENV28 and ENV34 of the adopted local plan and policies SP17 and DM15 of the emerging local plan and Policy PW2 of the Staplehurst Neighbourhood Plan. Appeal (ref: 3197191) Allowed 09/04/2019

A costs award was made against the Council in respect of continued defence of the appeal under ref: 3197191. The Inspector found that the Council had no reasonable chance of defending the refusal decision '...as it would have been clear the cumulative effects had already been judged to be acceptable within the context of other appeals'. Please see Appendixes 2 & 3.

1 DESCRIPTION OF SITE

- 1.01 The application site is located on the east side of Maplehurst Lane a short distance to the south of its junction with Frittenden Road. Maplehurst Lane comprises a narrow un-adopted track flanked by mainly open countryside to the south of Frittenden Road.
- 1.02 The application site itself is rectangular in shape extending back from Maplehurst Lane in an easterly direction 58 metres. Beyond the application site itself is an additional plot of land owned by the applicant stretching east a further 67metres. This second plot is laid out as horse paddocks.

Site layout approved under 12/1793



- 1.03 Fronting Maplehurst Lane is a dense native species hedgerow approximately 2 metres in height behind which is a close boarded fence. Fencing approximately 1.8 metres in height also defines the north and south site boundaries for just over 50 metres back from Maplehurst Lane. The entrance to the site is in the north western corner, access is restricted by a wrought iron gate.
- 1.04 In the south west corner of the site and set just over 5 metres back from Maplehurst Lane is the mobile home occupied by the applicant. A short distance to the north is a child's play house with a further store building to the north of this. To the south of the mobile home is a dayroom with another shed sited a short distance to the north of this and what appears to be another child's playhouse erected close to the southern site boundary. Close to the north site boundary and set back just over 40 metres from Maplehurst Lane is a stable block. The site as it is currently in use is in accordance with 12/1793 best demonstrated with the site plan on the preceding page.
- 1.05 Existing gypsy and traveller (G&T) development is evident in the area. The location of these sites, the number of mobile homes and stables as well as a planning history of each site is detailed in the map provided as Appendix 1 to this report.
- 1.06 In the wider context the application site is located in countryside identified as a Landscape of Local Value, The Sherenden Wooded Hills within the Low Weald.

2. PROPOSAL

- 2.01 The application seeks to change the use of the land to that of a residential caravan site for 3 gypsy families, including the siting of 6 caravans, with no more than 3 static caravans/mobile homes and the laying of additional hardstanding.
- 2.02 To clarify there would be a total of 3 static caravans and 3 tourers on site (including the existing caravan) on site. The existing caravan and stables building would not be relocated.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM15 – Gypsy, Traveller and Travelling Showpeople accommodation

DM30 – Design principles in the countryside

Staplehurst Neighbourhood Plan 2016:

Policies PW2, PW4

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 6 representations were received from neighbouring properties regarding the proposed development as well as one representation made by a neighbouring Parish Council.

In terms of the issues raised, these are summarised as the following:

- That the development would have a detrimental impact upon neighbouring amenity.
- The development would not be in accordance with local and national planning policies
- The development would have a detrimental impact upon the character and appearance of the area and the surrounding landscape (the application site is within the Low Weld landscape of local value) by way of detrimental urbanisation of the countryside.
- Disturbance from the site in terms of light pollution
- Capacity of physical infrastructure, in this instance the area suffers from flooding.
- The development would have a detrimental impact upon the wider highway network in terms of traffic generation.

4.02 Representations received indicate concerns that the development is seeking to establish even further mobile homes on the site beyond what has been requested. Should permission be forthcoming and the applicant wishes to add additional mobile homes to the site this would have to be assessed as part of a future planning application. A recommended planning condition will limit the number of caravans stationed on the site.

4.03 Previous refusals at the application site are also raised, specifically the 2015 application referenced above. It should be noted that this application was determined prior to the adoption of the current plan Local Plan in October 2017 and guidance. Policy ENV28 is specifically mentioned (as well as the Maidstone Borough Wide Local Plan 2000.

4.04 A number of representations reference Staplehurst Neighbourhood Plan policy PW2.

5. CONSULTATIONS

Staplehurst Parish Council (Summarised)

- 5.01 Objection: Councillors recommend that the application be REFUSED and referred to MBC Planning Committee were the Planning Officer minded to approve the application for the reasons listed below.
- The application site is within an area designated as a Landscape of Local Value
 - The application does not comply with Policy DM15.
 - The proposed development would breach Condition 3 of appeal decision ref. 18/319791 (17/502997/FULL)
 - The application is incompatible with Staplehurst Neighbourhood Plan policies PW2 (development in the countryside) and PW4 (consideration for historic landscape).
 - Maplehurst Paddock is not an allocated development site in the Local Plan and MBC's ability to deliver a five-year housing supply obviates the need for windfall sites.
 - Development of the surrounding Maplehurst area has seen land subdivided, with growth resulting in increased hardstanding, additional buildings and more vehicular traffic on a small lane inaccessible to public transport.

Environmental Health

- 5.02 The consultee raises no objections, subject to comments above plus conditions and informatives relating to foul sewerage and outdoor lighting.

KCC Highways

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5.03 This consultee replied to the consultation with its standard informative. No objections raised

Natural England

5.04 This consultee has replied to the consultation with their standing advice.

Environment Agency

5.05 No objections raised

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Need for Gypsy and Traveller Pitches
- Supply of Gypsy Sites
- Gypsy Status
- Design and landscape impact
- Cumulative impact
- Amenity Impact
- Highways
- Flooding
- Sustainability

Need for Gypsy and Traveller Pitches

6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans.

6.03 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 conclusions on the need for pitches over the remaining Local Plan period is shown in the table on the following page.

6.04 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 need 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 somewhat 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.

Need for Gypsy and Traveller Pitches Oct 2011 to March 2031

Period	No of pitches
Oct 2011 – March 2016	105
April 2016 – March 2021	25
April 2021 – March 2026	27
April 2026 – March 2031	30
Total Oct 2011 to March 2031	187

- 6.05 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

- 6.06 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.07 The following table sets out the overall number of pitches which have been granted consent from 1st October 2011, the base date of the assessment, up to 31st March 2020.

Supply of Gypsy and Traveller Pitches Oct 2011 to 31 March 2020

Type of consents	No. pitches
Permanent consent	196
Permanent consent + personal condition	30
Consent with temporary condition	4
Consent with temporary + personal conditions	39

- 6.08 A total of 226 pitches have been granted permanent consent since October 2011 (196+30). These 226 pitches exceed the Local Plan's 187 pitch target. The Council's current position is that it can demonstrate an 8 year supply of Gypsy and Traveller sites at the base date of 1st April 2020.
- 6.09 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS at paragraph 11 advises "...Where there is no identified need, criteria-based policies should be included 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".
- 6.10 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.11 The planning definition of 'gypsies & travellers' as set out in the 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*".
- 6.12 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.

- 6.13 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 in terms of ceasing 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.
- 6.14 In terms of the applicant their status as a Gypsy has been explored at appeal and has been confirmed in previous applications most recently as of 12/10/2017 as part of 17/502997/FULL, the subsequent appeal decision was issued on 09/04/2019.
- 6.15 When asked to demonstrate the status of the occupants of the additional mobile homes the applicant has indicated that the first mobile home would be for his eldest daughter who is getting married early next year to a member of the travelling community. The second would eventually be for the applicant's younger daughter but at the moment is needed for his nephew that travels and works alongside him. The applicant's nephew and wife are expecting their first child and need a stable place to raise their child.
- 6.16 The applicant has provided evidence regarding his Gypsy & Traveller status. The applicant indicates that he continues to live a travelling life, earning a living dealing in horses as well as attending horse fairs and is well known within the community having travelled throughout the UK and Europe with family as well as other Gypsy traveller families. The applicant has also included Facebook screenshots which indicate historic photos of the applicant's parents. Demonstrating that as well as the applicant's current involvement with the travelling community he has descended from travellers.

Design and landscape impact

- 6.17 Policy DM1 states that development must respond positively to, and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality design approach.
- 6.18 Policy DM15 states that Gypsy and Traveller development must not result in harm to the local landscape character and that development should be well screened by existing landscape features.
- 6.19 Policy DM30 requires, amongst other things, that development maintain, or where possible, enhance local distinctiveness including landscape features; that impacts on the appearance and character of the landscape will be appropriately mitigated.
- 6.20 Policy PW2 of the Staplehurst Neighbourhood Plan States "Proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported."
- 6.21 Policy PW4 continues stating that new development within Staplehurst must have regard to the wider landscape.

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- 6.22 The application site is located in countryside identified as a Landscape of Local Value, The Sherenden Wooded Hills within the Low Weald. In terms of elements of this landscape that are relevant to this application the Landscape Character Assessment frequently references the hedgerows stating that "Typically views are interim and contained by the tall thick hedgerows, woodlands and majestic hedgerow trees." It also recommends that these hedgerows be conserved and restored where lost.
- 6.23 Frittenden Road features dense hedgerows along the roadside and the access road also has dense vegetation along the fronts of site boundaries. The application does not seek to remove any vegetation from the front of the site and as such it is not considered that the development would have a detrimental impact upon this feature of the landscape. There is substantial screening all around the site, with the site only visible from neighbouring traveller sites.
- 6.24 In terms of the proposal, the application would establish a mobile home immediately to the south of the stables, as well as a tourer to the east of the stables. Another mobile home and tourer would be located 25 metres to the south of the stable, with another tourer placed 7.4metres to the north west of the existing mobile home on the site. The proposal includes associated hardstanding.
- 6.25 Information submitted by the applicant indicates that the applicant aims to purchase mobile homes that have a similar appearance to the existing one on site, as has been photographed. It would therefore have rendered external walls, grey slate roof tiles and uPVC windows and doors.
- 6.26 The application site is located outside the settlement boundary of Staplehurst in an area with a mix of traveller sites and the settled community. Views of the site are most prominent from immediately in front of the access. As noted in the appeal inspector comments provided earlier in this report, it is not possible to view into the site from any other public areas.
- 6.27 As site photos indicate, whilst the land within the ownership of the applicant is open it is bordered to the rear by large mature trees. There are no public rights of way within the immediate vicinity of the application site. The existing mobile is located to the southern end of the site and the stable block is at the back of the site at the southern end. The access gate allows views into the site. The driveway apron and within the site is finished in shingle with a substantial well maintained lawn. The site is enclosed by a close board fence stained dark brown, with substantial vegetative screening along the access road. It has previously been considered by planning officers (12/1793, 17/502997/FULL), as well as by the planning inspectorate (3197191 that views of the site access and the wider site itself are not prominent and that the site is well screened and this assessment is still considered sound.
- 6.28 Whilst it is accepted that the development would result in this site more 'intensively' occupied, in terms of its landscape impact this is not development within an open, visible countryside location and the additional caravans are restricted to the existing curtilage, this is not seeking to expand the site in terms of its scale. The site is well screened by existing landscape features with large mature trees to the very rear of the site as well as the hedgerows. There are no public rights of way in the immediate vicinity and no public views into the site. The only views onto the site are from Maplehurst Lane when viewing through the wrought iron gate.

- 6.29 In summary, the appeal inspector in the decision letter allowing the appeal under reference 3197191 describes the current application site as follows (paragraph 10): *"The site is well screened from views at its frontage. The dense hedge, which is referred to in previous application documents, has obviously matured over time. This and the close-boarded fence to the rear of the hedge means that the site has little visual effect for the most part, adjacent to its frontage. The access point allows views into the site but it must be accepted that this is from a very restricted area on the road, just outside the access"*.
- 6.30 The appeal inspector goes on to state *"In addition, paragraph 26 of the Planning Policy for Traveller Sites (PPTS) indicates that it is undesirable to create the impression that sites and its occupants are deliberately isolated from the rest of the community. I accept that some views of the site are available from the south and north but these are very limited in their extent and I consider that the structures on the site do not dominate the views from these areas and represent only glimpses. Therefore, I consider that the visual effects of the site are very limited and only have an effect when adjacent to the access point. In relation to the requirements of Policy DM 15, I consider that this does not represent significant harm"*.

Cumulative impact

- 6.31 Policy DM15 states that development must not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to: b) "Cumulative effect – the landscape impact arising as a result of the development in combination with existing lawful caravans;" and c) that the development should be well screened by existing landscape features. (my emphasis).
- 6.32 Concerns have been expressed in the comments received regarding the cumulative impact of caravans in this location.
- 6.33 The number of permissions in the area is detailed within the site description section. In terms of the number of mobile homes and ancillary buildings in the area the following taken from the map included as an appendix (this indicates the number of permissions not what is present on site):
- Static Caravans: 14
 - Tourers: 12
 - Day Rooms: 6
 - Stables: 2
- 6.34 The current application seeks to add caravans to the existing site currently occupied by a mobile home. This proposal is not seeking to expand the residential curtilage of the site onto additional land owned by the application to the east. Were mobile homes to be added elsewhere on the wider site at a later date, by the applicant or other parties, the impact of these caravans would need to be assessed under a separate application.
- 6.35 The assessment of applications against DM15 as drafted, requires an assessment of potential cumulative impact from the proposal purely on the basis of 'landscape impact'. As set out earlier in this report and confirmed by an appeal inspector the application site is currently well screened by natural landscape features. This situation is in accordance with paragraph 1.c policy of DM15 and does not further intrude into the open countryside to the east of the site. Previous officer reports and appeal decisions indicate that this is not a prominent site, what public views of the site are available restricted to "glimpses" and there are no elevated positions to view this site from where

the additional caravans could have a harmful landscape impact. The additional caravans on site would be seen in the context of other existing gypsy and traveller accommodation. In this context and with reference to the earlier costs decision against the Council no grounds have been found to refuse the current application on the basis of cumulative landscape impact.

6.36 A concern has been expressed that the application proposal would result in the formation of a hamlet. The impact of the two additional caravans on the countryside has been correctly considered in this report both individually and cumulatively with other existing local development. The proposal has been considered against the adopted Local Plan which only recognises the urban area, rural services centres and the larger villages as settlements with all areas outside these areas considered as countryside. The advice at paragraph 79 of the NPPF is also that "Planning...decisions should avoid the development of isolated homes in the countryside..."

6.37 Should permission be forthcoming, landscaping conditions will be imposed requesting landscaping along the northern and southern border of the site to provide enhanced landscape screening of the site.

Ecology

6.38 The application site is a managed, grass covered field with hardstanding upon it, and as a result it is not considered that it is likely a suitable habitat for any species and there is no requirement for any ecological surveys.

6.39 Should permission be forthcoming conditions will be imposed requiring the applicant to submit details of biodiversity enhancement to achieve a net biodiversity gain and this could be in the form of bird and bat boxes.

Amenity

6.40 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties.

6.41 The closest property is located immediately north of the application site at Maplehurst Lodge. In terms of the amenity impact on this dwelling it was previously considered by planning officers under application 12/1793 that this dwelling was set sufficiently back that would not be a significant impact in terms of loss of light, privacy or overbearing impact. The same was previously considered for No's 1 & 2, the two storey semi-detached pair of houses which are approximately 40 metres to the north.

6.42 When considering the distances involved and that the proposed caravans although raised off the ground are single storey structures the proposal would not cause any loss of light or overbearing impact on neighbouring properties.

6.43 The dwelling upon Maplehurst Lodge would be 30 metres away from the proposed tourer and the northern end of the site. The closest static caravan would be located behind the existing stable block on the site reducing its potential impact further.

Highways

6.44 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. DM30 also continues this theme stating that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.

- 6.45 The vehicle movements generated by two additional families on the site would be easily accommodated on the local road network. The current proposal does not raise any highway safety issues in relation to the junction of the lane with Frittenden Road to the north. A refusal would not be warranted in relation to the individual impact from the additional caravans currently proposed or in terms of the cumulative impact from other local development.
- 6.46 The current access arrangements to the site are considered acceptable and the application does not seek the removal of vegetation from the front of the site to facilitate vehicular movements.
- 6.47 No objections to the development have been raised by the local highways authority.

Flooding

- 6.48 The application site is located adjacent Flood Zone 2 & 3 (although not within) Comments submitted by a neighbour include a photo of the area suffering from flooding.
- 6.49 In the appeal decision relating to the existing mobile home on the application site, the inspector concluded '*the available evidence (on flooding) is not sufficiently strong to justify withholding permission for this reason alone*'. The same conclusion has been reached in relation to the current application for two additional caravans and three tourers.
- 6.50 The Environment Agency has been consulted on this application and previous applications and have not raised objections to the stationing of caravans on the site. In light of the response from the Environment Agency who the Local Planning Authority would go to for expert advice on this issue, it is not considered that a flood event outside of the application site would be a sufficient reason to refuse the application on grounds of flood risk.

Sustainability

- 6.51 The site is approximately 1.2km to the village of Staplehurst where there is access to a comprehensive range of services, amenities and facilities. Whilst the majority of trips are likely to be by car, the site is considered reasonably sustainable in terms of its proximity to the Rural Service Centre. This is a view supported at appeal by Inspectors on nearby sites.
- 6.52 There are a number of other traveller sites within the immediately locality; either accessed off Maplehurst Lane or Parkwood Lane to the east it is considered that the current application proposal- along with others in the locality - would not dominate Staplehurst.

Other Issues

- 6.53 The fact that the development would be in breach of condition 3 of the appeal decision has been referenced. The condition reads as follows: "No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time."
- 6.54 Condition 3 seeks to prevent additional mobiles being stationed on the application site without the opportunity to consider the potential impact of these caravans as part of a

formal planning application. The current formal planning application, (that would not be required in the absence of condition 3) considers the impact of these additional caravans.

Human Rights and Equality

6.43 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.

6.44 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.

Conclusion

6.55 The proposal is acceptable in relation to the potential impact on Frittenden Road, (as well as the access road), the development would have no significant visual impact, or cause any loss of amenity to neighbouring properties nor would any detrimental highways impact occur.

6.56 The development and its cumulative impact would not have a harmful impact upon the character and appearance of the wider countryside, nor would the additional mobile homes and families living on site 'overwhelm' the nearest established settlement, nor would the development cause any increase in flooding. The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations. A recommendation of approval of the application is therefore made on this basis.

7. RECOMMENDATION

Grant Permission subject to the following conditions

- 1) 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.
- 2) No more than six caravans, 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 static caravan or mobile home shall be stationed on the site only in the positions shown on the plan (Proposed Block Plan as Proposed) hereby approved; Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value.
- 3) 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 which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.

- 4) The caravans hereby approved shall not be occupied until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. The landscape scheme shall specifically address the need to provide tree planting to screen the northern and southern site boundaries.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 5) The caravans hereby approved shall not be occupied until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 6) The caravans hereby approved shall not be occupied until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation of the caravans and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 7) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority; Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- 8) 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

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decision; Reason: To safeguard the visual amenity, character and appearance of the open countryside location.

9) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site; Reason: In order to safeguard residential and local amenity generally.

10) The development hereby permitted shall be carried out in accordance with the following approved plans and information:

Application for Planning Permission

Proposed Site Layout Plan

Design and Access Statement

Existing Site Layout Plan

Site Location Plan

Design details

Reason: To clarify which plans have been approved.

Case officer: William Fletcher