

REFERENCE NO 20/502135/FULL (Plot 4)			
APPLICATION PROPOSAL Siting of 2 mobile homes and 2 tourers (Retrospective).			
ADDRESS 2 Martins Gardens Lenham Road Headcorn Ashford Kent TN27 9LE			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to planning conditions			
<p>The plot, the subject of this application, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) for the stationing of 1 static caravan, 1 touring caravan and a utility room. A previous recent application (18/506273/FULL) for one additional mobile home and one tourer was approved by members with the decision issued on the 12.08.2019. The current application involves the same number of caravans in a revised layout.</p> <p>The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (6 Martins Gardens) at the north-eastern end of the row of six gypsy sites, the additional mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing permitted mobile home on the plot and by the development on the adjoining Gypsy and Traveller plots (plots 5 and 6). As a result, there will be no increased visual impact in views from the public footpath as a result of the additional mobile home on the plot.</p> <p>The implementation of a scheme of native species planting to the repositioned rear boundary to provide a landscaped buffer to the boundary will mitigate the visual impact of the existing plot in the open countryside location. The native species planting will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements could be secured by planning condition in accordance with guidance in the NPPF (para. 175).</p> <p>The site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate family members who have outgrown the existing permitted mobile home on the plot. A condition is recommended on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.</p> <p>The additional mobile home and touring caravan will not result in adverse visual harm within this part of the defined Low Weald Landscape of Local Value. In the context of the permitted Gypsy and Traveller development in Martins Gardens, the development, together with the implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the rear boundary of the plot, does not raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.</p>			
REASON FOR REFERRAL TO COMMITTEE Ulcombe 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 Headcorn	PARISH/TOWN Ulcombe	COUNCIL	APPLICANT Mrs Mary Cash AGENT L Jennings
TARGET DECISION DATE 08/10/2020 (EOT)		PUBLICITY EXPIRY DATE 13/07/20	

Relevant Planning History

- Current application site at 2 Martins Gardens

18/506273/FULL Application for one additional mobile home and one tourer. (Part retrospective) approved 12.08.2019 (committee decision)

18/504256/FULL Proposed siting of 2 mobile homes, 2 touring caravans and a utility room. Refused 11.10.2018 for the following reasons:

- 1) *In the absence of sufficient information pertaining to Gypsy and Traveller status there is no justification for allowing this development, given the adverse visual harm it would have on the character, appearance and landscape of the countryside hereabouts that falls within a Landscape of Local Value and is of high overall landscape sensitivity that is sensitive to change. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of the Maidstone Borough Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); and the National Planning Policy Framework (2018).*
- 2) The use of the site for the stationing of mobile homes has resulted in the significant encroachment of the use into a designated area of Ancient Woodland and the significant loss of trees from the area of Ancient Woodland to the detriment of the visual amenity and landscape of the open countryside location which forms part of Low Weald Landscape of Local Value and the ecological and wildlife interests of the site, contrary to policy DM3 of the Maidstone Borough Local Plan (Adopted 2017) and Government guidance in the NPPF (2018).

MA/11/1122 An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Approved 23.12.11.

MA/09/1722 An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Split decision (Part refused/part approved) 24.12.09.

ENF/10155 (Enforcement notice A) Appeal allowed and enforcement notice quashed 24.07.09. The allowed appeal granted permission for the change of use of the land from a mixed use of woodland and nil use to stationing and residential occupation of caravans, the parking and storage of motor vehicles, the erection of fencing on the site and a new entrance gate at the access onto Lenham Road and the placing on the land of domestic and other paraphernalia all ancillary to the residential occupation of caravans on the land.

ENF/10155 (Enforcement notice B) Appeal allowed and enforcement notice quashed 24.07.09. The allowed appeal granted permission for operational development comprising the construction of hardsurfacing and engineering operations comprising the infilling of a pond.

- Adjacent plots

Decisions on the following planning applications for adjacent plots of land are currently pending. There are current applications for 4 out of the 6 plots with no applications submitted for Plot 2 (1A Martins Gardens) or Plot 5 (3 Martins Gardens/5 Martins Gardens). The planning history for these adjacent sites is provided in the relevant reports.

Plot 1

Oaklands/1 Martins Gardens- 20/502133/Full Siting of 1no. additional mobile home and 1no. additional tourer (Retrospective).

Plot 2

1A Martins Gardens - No current application (Medical reasons have been given for not submitting an application at this time)

Plot 3

1B Martins Gardens - 20/502134/full - Siting of 1no. mobile home, 1no. tourer and erection of a dayroom (Retrospective).

Plot 4 The current application relates to Plot 4 which is the subject of this report

2 Martins Gardens 20/502135/FULL -Siting of 2 mobile homes and 2 tourers (Retrospective).

Plot 5

3 Martins Gardens/5 Martins Gardens - No current application (Medical reasons have been given for not submitting an application at this time)

Plot 6

4 Martins Gardens/6 Martins Gardens - 20/502136/Full - Siting of 1no. additional mobile home (Retrospective).

MAIN REPORT

1. DESCRIPTION OF SITE

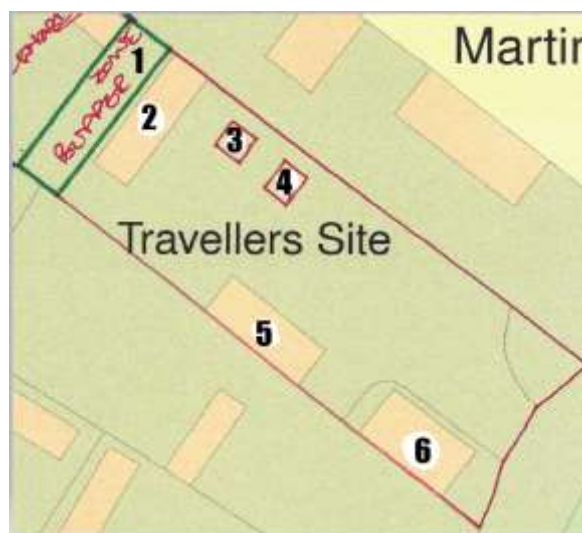
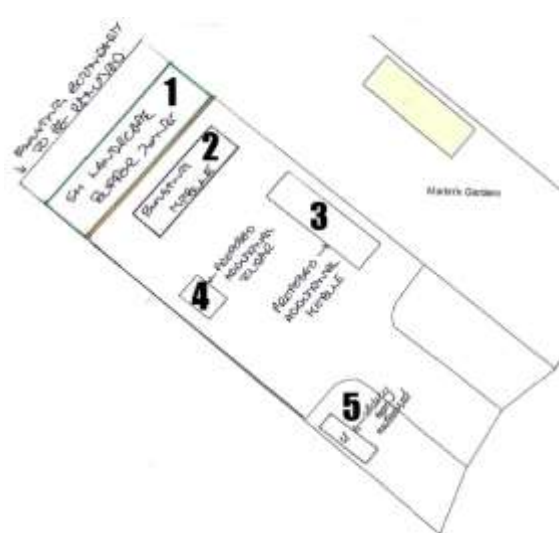
1.01 The site is located off the north-western side of Lenham Road and comprises the fourth plot from the south-western end of a row of six Gypsy sites running along the north-western side of Lenham Road known as 1 Martins Gardens, 2 Martins Gardens, 3 Martins Gardens, 5 Martins Gardens, 6 Martins Gardens and The Oaklands. The existing site layout as shown on the ordnance survey plan is provided below with the caravans to be removed from the rear of the application site annotated as 'A' and 'B'.



1.02 The plot is accessed from a shared accessway running off Lenham Road which also serves four of the five neighbouring Gypsy sites forming Martins Gardens. The sixth site, The Oaklands, at the south-western end of the row of sites has its own separate access off Lenham Road.

- 1.03 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites is an area designated as Ancient Woodland by the Maidstone Borough Local Plan (Adopted October 2017). The south-western edge of the site is within the KCC Minerals Safeguarding Area.
- 1.04 The site is less than 2km from the edge of Headcorn village (to the south-west of the site). For the purposes of the Local Plan, the site is within the open countryside and within the Low Weald Landscape of Local Value as defined by the Maidstone Borough Local Plan.
- 1.05 The plot referred to in the current application as 2 Martins Gardens benefits from planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and 1 utility room. The planning permission granted by committee in August 2019 permitted a maximum of 4 caravans of which two could be statics with one tourer not shown on the submitted plans.

Comparison between the approved layout (August 2019) and current application



18/506273/FULL (approved Aug 2019)

- 1: Landscape buffer 5 metres deep
- 2: Existing mobile
- 3: Proposed additional mobile
- 4: Proposed additional mobile
- 5: Utility room

(NB: Condition 2 permitted four caravans, including maximum of 2 statics/mobiles with one tourer not shown on the above plan).

20/502135/FULL (current application)

- 1: Landscape buffer 5 metres deep
- 2: Existing mobile
- 3: Proposed tourer
- 4: Proposed tourer
- 5: Proposed mobile
- 6: Utility room

(NB Same number of caravans as the earlier approval with a change to the site layout)

2. PROPOSAL

- 2.01 The application site, as noted above, benefits from planning permission granted on appeal in 2009 for the stationing of 1 static caravan, 1 touring caravan and 1 utility room on the plot. Planning permission was then granted in August 2019 for 2 additional caravans with a maximum of 4 caravans on the site restricted by condition. The application involves the removal of the caravans on the northern part of the site and the caravans to be removed are shown on the drawing on the map above.

- 2.02 The current application seeks planning permission for the same number of caravans arranged in a different layout on the site with a mobile home moved from the northern part of the site to the south. As with the earlier application a landscape buffer is also shown that marks the northern extent of the caravans.
- 2.03 The Planning Statement submitted in support of the application states that the additional mobile home will be occupied by the applicant's family members (5 adults in total and 5 children) and that the currently permitted single mobile home simply does not provide sufficient space anymore. The Planning Statement further states that the children are now in school and are settled into mainstream education and one of the elderly adults has health issues and needs to be with one of the younger adults for care.
- 2.04 The Planning Statement states that the family have always led a nomadic life and have travelled across the country for work in landscaping and horse dealing and whilst they have no intention of giving up this life, they need to have a settled base due to the health issues of one elderly adult and the educational needs of the children.
- 2.05 A planning condition attached to the earlier planning permission (18/506273/FULL) was drafted so that the approval would be lapse if a number of details were not submitted to the Council by the applicant within the 3 months following the decision.
- 2.06 The applicant has explained that to the best of their knowledge the required details were submitted within the required time limit, however due to a number of issues including several family bereavements the submission was not chased up.
- 2.07 The Council has no record of these details being received and the current planning application is submitted on the basis that the earlier planning permission (18/506273/FULL) is now void. Whilst this earlier permission cannot be implemented, the committee decision from August 2019 remains a strong material consideration in the assessment of this current planning application.
- 2.08 A similar condition (condition 4) to that referred to above is recommended to be attached to this resubmitted application with a reduced compliance time period of 6 weeks (previously 12 weeks). Whilst 6 weeks would normally be considered an unreasonably short time period for the submission of details, in this case the applicant is already fully aware of the condition requirements and has stated that a submission was previously prepared.
- 2.09 The condition requires additional detail on the means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone including details of species, plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and a timetable for implementation of these details.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: Policies SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning Policy for Traveller Sites (2015)

Landscape Capacity Study: Sensitivity Assessment (2015)

Landscape Character Assessment (2012 – amended 2013)

Landscape Character Assessment Supplement (2012)
KCC Minerals Plan
Gypsy and Traveller and Travelling Showpeople Accommodation
Assessment January 2012
Gypsy and Traveller and Travelling Showpeople Topic Paper (2016)
Draft Headcorn Neighbourhood Plan (see note below)

NB: The Final Examiner's Report on the Headcorn neighbourhood Plan was published on the 19 March 2017. In his report the examiner set out a number of the failings that were found with the submitted neighbourhood plan. As a result of his conclusions the examiner recommended, in accordance with legislation that the NDP should not proceed to a local referendum. The Neighbourhood Plan has since been withdrawn.

4. LOCAL REPRESENTATIONS

Local Residents

4.01 No response from local residents.

Shenley Farms (Aviation) Limited

4.02 No objection raised providing the development will not be in any way inconsistent with the existing and well established use of and activity at Headcorn Aerodrome.

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)

Ulcombe Parish Council (Neighbouring Parish Council)

5.01 Objection. Making the following comments:

- The Parish Council are "astonished and unimpressed" at having to revisit Martins Gardens where the positions and number of caravans are constantly changing.
- The Parish Council are "incredibly disappointed that enforcement notices were not served, and that the applicants have been able to circumvent the threat of enforcement by putting in almost identical planning applications to those submitted in December 2018".
- It must be determined whether the applicant is a gypsy or traveller in planning terms.
- Evidence that the applicant is leading a "nomadic habit of life" needs to be provided.
- There is no "unmet or proven need" for gypsy and traveller sites.
- Maidstone Borough Council now has a 5.3 year supply of traveller pitches.
- There is a high proportion of gypsy and travellers in Ulcombe
- Existing countryside protection policies should be applied in the Low Weald Landscape of Local Value.
- The Parish Council object to all proposals for Martins Gardens that exceed the permissions granted as a result of the 2009 appeals.
- long suffering residents of Lenham Road have consistently complained about the very high levels of noise, and the intrusive light pollution from Martins Gardens. This is affecting the health and quality of life of these residents, and is contrary to the NPPF 2019, paragraph 180, which states that planning policies and decisions should take into account the potential sensitivity of the site or the wider impacts.
- The conditions laid down by the planning committee have been blatantly and cynically ignored, surely it is time for MBC to make a stand and refuse permission on this site.

Headcorn Parish Council (Neighbouring Parish Council)

- 5.02 Objection, making the following comments:
- The committee expressed complete dismay that we are faced with further retrospective applications for the above sites. Very similar applications were considered and approved by MBC in August 2019.
 - Despite requests, no enforcement action was taken in relation to the site delivery planning condition that was attached to earlier approvals.
 - The gypsy/traveller status of the applicant.
 - Gypsy and Traveler housing need verses supply.
 - Development in the Open Countryside and paragraph 25 of the PPTS which states that Local Authorities should strictly limit Traveler site development in open countryside.
 - Particular attention drawn to the fact that the area concerned was once 80% ancient woodland and ponds and due regard must be paid to reinstating what has been lost
 - Poor social cohesion with the villages settled community with many feeling unable to comment on the situation for fear of reprisals.
 - Contrary to SS1, SP17, DM1, DM15, and DM30.
 - The Committee wish to see these applications refused and referral to planning committee is required.

Kent Highways

- 5.03 No objection. Recommend informative about highways approvals.

KCC Minerals and Waste Planning Policy Team

- 5.04 No objection. The site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.
- 5.05 With regard to land-won minerals safeguarding matters it is the case that the area of the application site is entirely coincident with a safeguarded mineral deposit, that being the Paludina Limestone (a marble that is used as a specialist building stone). The application benefits from exemption criterion (6) of Policy DM 7: Safeguarding Mineral Resources and as result a Minerals Assessment is not required.

6. APPRAISAL
Main Issues

- 6.01 The key issues for consideration relate to:
- Need for Gypsy sites
 - Supply of Gypsy sites
 - Gypsy Status
 - Personal circumstances
 - Visual and landscape impact
 - Cumulative impacts
 - Design
 - Siting sustainability
 - Residential amenity
 - Parking and highway safety
 - Area of Ancient Woodland and ecological interests
 - Human Rights and Equality

Need for Gypsy sites

- 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 a 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 Planning Statement submitted in support of the application states that the additional mobile home will be occupied by the applicant's close family members (5 adults and 5 children) and that the permitted single mobile home simply does not provide sufficient space anymore. The Planning Statement further states that the children are now in school and are settled into mainstream education and that one of the elderly adult family members has health issues and needs to be with another one of the family members for care.
- 6.14 The Planning Statement states that the family have always led a nomadic life and have travelled across the country for work in landscaping and horse dealing and that they always attend the horse fayres at Appleby, Cotswolds, Kent, and Stow on the Wold where they also seek work and deal in horses. The Statement further states that whilst they have no intention of giving up this life, they need to have a settled base due to the family member's health issues and the educational needs of the children.
- 6.15 The site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate existing family members on the site who have outgrown the existing permitted mobile home/caravan accommodation. A condition is recommended on any grant of planning permission to ensure that the additional mobile home is 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).

- 6.16 The gypsy status of the occupiers of the caravans were accepted as part of the assessment of the earlier application and there has been no change in circumstances. Personal details provided in this report have been anonymised in line with guidance from the Council's Data Protection Officer.

Personal circumstances

- 6.17 The current application is submitted to provide an additional mobile home for existing family members who have outgrown the existing permitted mobile home/caravan accommodation and to provide a settled base for the educational needs of the existing children living on the site and for an elderly adult's health care.
- 6.18 The personal circumstances are considered to outweigh the limited visual and landscape impact in the countryside location resulting from the development.

Visual and landscape impact

- 6.19 The site lies in the open countryside to the north-east of the Headcorn village settlement. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value.
- 6.20 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017).
- 6.21 Policies SP17 and DM30 of the Local Plan require that landscape protection should be given significant weight in considering development in the Low Weald Landscape of Local Value. In accordance with the Maidstone Landscape Character Assessments, the Low Weald generic guidelines seek to "...conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads"; and more specifically, Landscape Area 43 (Headcorn Pasturelands) is an area being of *high* overall landscape sensitivity and is *sensitive to change*.
- 6.22 The plot, in this case, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and a utility room. The site is predominantly hardsurfaced and enclosed by close boarded fencing. The site is seen in the context of the neighbouring Gypsy and Traveller plots in Martins Gardens to the north-east and south-west. Some of the development on these plots is currently unauthorised.
- 6.23 It is generally accepted that residential caravans/mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or discreetly located 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.
- 6.24 The plot, the subject of this application, is set back from the frontage to Lenham Road and is well screened from views from the road by existing trees and hedgerows along the road frontage.

- 6.25 The rear part of the plot and that of the neighbouring Gypsy and Traveller plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six gypsy sites. The tops of the mobile homes on the rear part of the plots are visible above the close boarded boundary fencing enclosing the plots.
- 6.26 The additional mobile home, the subject of the current application, is distanced from the public footpath to the north-east. The proposed additional mobile home will be screened from views from the public footpath by the existing mobile home on the application plot and by the development on the adjoining Gypsy and Traveller plots (Plots 3 and 4). As a result, there will not be any increased visual impact in views from the public footpath. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home and touring caravan will not have any significant or unacceptable harmful visual and landscape impact in the locality.
- 6.27 The proposal includes the reduction in the depth of the current plot by some 9m to bring it back more in line with that approved on appeal in 2009. The proposal includes a scheme of native tree and hedgerow planting to provide a 5m wide landscaped buffer along the repositioned north-western (rear) boundary of the plot. These measures will assist in mitigating the visual impact of the Martins Gardens plots within the open countryside landscape. The additional mobile home and touring caravan will not result in adverse visual harm within this part of the defined Low Weald Landscape of Local Value.
- 6.28 The resulting impact on the visual amenities, landscape and rural character of the area does not raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.

Cumulative impacts

- 6.29 Guidance set out in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. In addition, adopted Local Plan policy DM15 states, amongst other criteria to be met in Gypsy and Traveller development, that permission will be granted if a site would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.30 There are various gypsy and traveller sites in the vicinity of the current application plot – both authorised and unauthorised, including the neighbouring plots in Martins Gardens to the south-west and north-east of the current application plot. The collective presence of these mobile home sites, together with the development on the current application plot and in Martins Gardens generally, is considered to erode the visual amenity and rural character of the area. The plots at the south-western end of Martins Gardens have a visual impact when viewed from Lenham Road and the plots at the north-eastern end of the row impact in views from the public footpath running north-west from Lenham Road to the north-east of the plot at the north-eastern end of the row (4 Martins Gardens).
- 6.31 In the context of the existing mobile home development in Martins Gardens generally, an additional mobile home and touring caravan on the current application plot is not likely to result in any significant additional cumulative effect in terms of its impact on the countryside and landscape.

- 6.32 There will be some increased cumulative effect as a result of the combined effect of other current mobile home applications for the neighbouring Gypsy and Traveller plots in Martins Gardens but the implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the north-eastern, north-western and south-western perimeters of the six plots will mitigate the additional impact. In the context of the existing authorised development, with 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 considered in conflict with this aim of Local Plan Policy DM15.
- 6.33 Given that the current application for one additional mobile home on the site (2 mobile homes in total) is relatively modest in relation to the extent of other gypsy and traveller development – both authorised and unauthorised – in the near vicinity, it is not considered that an objection on grounds that the development would overwhelm the local community and services can be pursued.

Design

- 6.34 The assessment below is structured around the categories used to assess proposals in design and access statements which are 'Use', 'Amount', 'Layout', 'Scale', 'Landscaping' and 'Appearance'.

Use

- 6.35 The use of the site and the status of the occupants of the caravans is considered earlier in this statement.

Amount

- 6.36 The current retrospective application involves the siting of 2 mobile homes and 2 tourers. The development description is identical to the earlier approval under application 18/506273/FULL and the amount of development is acceptable for this plot.

Layout

- 6.37 The previously approved layout is compared that the currently proposed layout in the plans provided earlier in this report. The layout is considered acceptable in terms of the relationship between dwellings, internal circulation and amenity.

Scale

- 6.38 Whilst slightly raised off the ground, the proposed caravans are single storey. The width of the buildings can be seen in the plans provided earlier in this statement and in the photograph below. As set out earlier in this report, the scale of the caravans is considered acceptable for the site, especially with the screening that is currently available.

Landscaping

- 6.39 The applicant has submitted written information on landscaping in the Planning Statement referring to the potential provision of Hawthorn, Field Maple, Plum Cherry, Hazel, Blackthorn, Crab Apple, Privet, Dogwood, Rowan, Holly and Spindle. A planning condition is recommended seeking further details of landscaping and a timetable for the implementation of the agreed details.

Appearance

- 6.40 The appearance of the caravans/day room can be seen in the photograph below. With the single storey height of the caravans and the screening from public views the appearance of the caravans is acceptable, and it is not considered reasonable to request alternative external facing materials.

- 6.41 If thought necessary by members, the painting of the buildings a darker colour could be considered and included as part of a planning condition.

Photograph looking north with retained caravan in the centre of the plot.



Siting sustainability

- 6.42 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is less than 2km from the edge of Headcorn village (to the south-west of the site) with its local services, amenities and public transport links.
- 6.43 Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not considered to be so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Residential amenity

- 6.44 The site is adjoined to the south-west and north-east by neighbouring gypsy and traveller sites in Martins Gardens (The Oaklands, Plots 1A and 1B Martins Gardens to the south-west and 3 and 4 Martins Gardens to the north-east). The gypsy and traveller sites in Martins Gardens are not adjoined by residential properties and the closest neighbouring properties are on the opposite side of Lenham Road.
- 6.45 Given the nature of the neighbouring development and the separation between the gypsy and traveller development in Martins Gardens and the closest neighbouring residential properties, it is not considered that the use of the current application plot for the stationing of one additional mobile home (2 mobile homes in total) results in any unacceptable unneighbourly impact.
- 6.46 Vehicular and pedestrian movements to and from the site via the established shared access off Lenham Road which serves four of the five neighbouring Gypsy and Traveller plots in Martins Gardens is not likely to impact on any neighbouring property. No overriding residential amenity issues are considered to be raised in the application.

Parking and highway safety

- 6.47 The proposal uses the shared access off Lenham Road serving the neighbouring Gypsy and Traveller plots in Martins Gardens to the south-west and north-east of the current application plot. The shared access formed part of the mobile home use of the application plot and the neighbouring plots granted planning permission on appeal 24.07.09 under ENF/10155 (Enforcement notice A) (See history above).
- 6.48 The permitted shared access is considered acceptable for the additional mobile home use in terms of highway safety. Adequate hardsurfaced space 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.

Ancient Woodland and ecological interests

- 6.49 The application site includes an area of land designated as ancient woodland (see image below). The site is predominantly hardsurfaced and enclosed by close boarded fencing, however the current application with the removal of caravans from the northern part of the site and the provision of a landscape buffer will have a positive impact on the current situation and will improve the situation for nearby undisturbed ancient woodland.

Relationship of application site to ancient woodland (green hatching)



- 6.41 Records show that Great Crested Newts have previously been recorded within this area and there is no reason to suggest that they are not still present. However, as the quality of habitat has significantly declined, there has been a reduction in foraging and commuting habitat for terrestrial species such as (but not necessarily limited to) the Great Crested Newt to and from surrounding habitats.

- 6.42 The implementation of a scheme of native tree and hedgerow planting to provide a landscaped buffer along the repositioned north-western boundary of the plot will enhance the ecological/biodiversity interests at the site. As such, a grant of planning permission for the current proposal, 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

- 6.43 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. 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.
- 6.44 Apart from the desire to provide additional mobile home accommodation for existing family members on the site who have outgrown the existing permitted mobile home/caravan accommodation and to provide a settled base for the educational needs of the existing children living on the site and for an elderly adult's health care, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. The needs of the existing family members, including children, in this instance, are considered to outweigh the limited visual harm to the countryside landscape.

7. CONCLUSION

- 7.01 The plot, the subject of this application, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) for the stationing of 1 static caravan, 1 touring caravan and a utility room. A previous recent application (18/506273/FULL) for one additional mobile home and one tourer was approved by members with the decision issued on the 12.08.2019. The current application involves the same number of caravans in a revised layout.
- 7.02 The plot is well screened from views from Lenham Road by existing trees and hedgerows. Whilst the rear part of the plot and that of the neighbouring plots in Martins Gardens are visible in views from the public footpath which runs adjacent to the north-eastern boundary of the neighbouring plot (6 Martins Gardens) at the north-eastern end of the row of six gypsy sites, the additional mobile home, the subject of the current application, is distanced from the public footpath to the north-east and will be screened from views from the public footpath by the existing permitted mobile home on the plot and by the development on the adjoining Gypsy and Traveller plots (plots 5 and 6). As a result, there will be no increased visual impact in views from the public footpath as a result of the additional mobile home on the plot.
- 7.03 The implementation of a scheme of native species planting to the repositioned rear boundary to provide a landscaped buffer to the boundary will mitigate the visual impact of the existing plot in the open countryside location. The native species planting will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements could be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).

- 7.04 The site is an established Gypsy and Traveller plot and the additional mobile home is to accommodate family members who have outgrown the existing permitted mobile home on the plot. A condition is recommended on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.
- 7.05 The additional mobile home and touring caravan proposed in this application on the established gypsy plot will not result in adverse visual harm within this part of the defined Low Weald Landscape of Local Value. In the context of the permitted Gypsy and Traveller development in Martins Gardens, the development, together with the implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer along the rear boundary of the plot, does not raise any overriding issues of conflict with policies SP17, DM15 and DM30 of the adopted Local Plan. The grant of planning permission is recommended subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The additional mobile homes and tourers 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 four 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 (Plot 2 as shown on the submitted Site Location Plan) at any one time, of which no more than two shall be static caravans or mobile homes, and no further caravans shall be placed at any time anywhere within the site. Unless agreed in writing by the Local Planning Authority, the two static caravans or mobile homes shall be stationed on the site only in the positions shown on the plan (Proposed Block Plan) 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 use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of: the external appearance of the mobile homes, the internal layout of the site, including the siting of the static caravans, means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone to the repositioned north-western boundary of the plot including details of species, plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and, the said Scheme shall include a timetable for its implementation.
- (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- (5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within 5m wide landscape buffer zone for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- 6) 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.

- 7) 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 which forms part of the designated Low Weald Landscape of Local Value.

- 8) 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.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plans and information: Site Location Plan, Proposed Block Plan and Planning Statement
Reason: To clarify which plans have been approved.

Case Officer: Tony Ryan