

<b>REFERENCE NO - 20/502277/FULL</b>		
<b>APPLICATION PROPOSAL</b> Siting of 1no. mobile home, creation of 2no. parking spaces and relocation of fence.		
<b>ADDRESS</b> Greenacre, Church Hill, Boughton Monchelsea, Maidstone, Kent, ME17 4BU		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"><li>• With its enclosed nature, the development will not have a detrimental visual impact upon Church Hill or the wider area</li><li>• The additional mobile home is within the boundary of an existing gypsy and traveller site.</li><li>• The proposal is acceptable in relation to highways impact and residential amenity.</li><li>• The site was assessed as part of the adoption of the Local Plan as being suitable for two gypsy and traveller pitches and the current proposal is a less intensive use as an additional caravan linked to the existing single pitch on the site.</li></ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Boughton Monchelsea 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 in the consultation section below.		
<b>WARD</b> Boughton Monchelsea and Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Mr H Edwards  <b>AGENT</b> Martin Potts Associates
<b>TARGET DECISION DATE</b> 08/10/2020 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 08/07/2020

**Relevant Planning History**

10/1545 - Retrospective planning application for Change of use of land for stationing of caravans for residential occupation with associated works – Appeal Allowed

02/0255 - Change of use of the land to open air caravan parking for 50 no. caravans, as shown on unnumbered site plan and supporting statement received on 05.02.02. – Permitted

**MAIN REPORT**

**1 DESCRIPTION OF SITE**

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- 1.01 The application site lies on the western side of Church Hill, Boughton Monchelsea, south of Heath Road. The site is approximately 0.4km to the south of the village centre. The site is not within any specific landscape designation.
- 1.02 The site is an allocated Gypsy and Traveller site in the adopted Local Plan (Policy GT1 (2) Greenacres (Plot 5), Church Hill, Boughton Monchelsea) where it is specified that the site should have a total of 2 Gypsy and Traveller pitches (one additional pitch).

## **2. PROPOSAL**

- 2.01 The application seeks to add one additional caravan to the existing gypsy and traveller pitch on the application site.
- 2.02 This caravan would be located at the western end of the plot and would involve the relocation of an existing fence within the plot to facilitate the placement of the additional caravan.
- 2.03 To clarify there would be a total of 2 static caravans on site as a result of the development.

## **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

GT 1 - Gypsy and Traveller site allocations

GT1(2) – Greenacres (Plot 5), Church Lane, Boughton Monchelsea

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)

Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)

Maidstone Landscape Character Assessment (amended 2013)

## **4. LOCAL REPRESENTATIONS**

Local Residents:

- 4.01 No representations were received as a result of the neighbour consultation in objection to the development.

## **5. CONSULTATIONS**

### **Boughton Monchelsea Parish Council**

- 5.01 Objection, wish to see the application refused for the following planning reasons. Should the recommendation be for approval then the application should be reported to MBC planning committee for decision:
- 5.02 The proposal represents unacceptable intensification of the site. We are particularly concerned that the unit has been positioned on the western boundary of the site which represents a significant intrusion into the open countryside. All existing mobile units on the various traveller sites have been placed close to the road (Church Hill).

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5.03 No evidence has been provided as justification for why an additional mobile home is required on the site. Full details should be provided by the applicant.

5.04 As a general point, we are concerned at the intensification of various traveller sites on Church Hill which appears to have happened without the relevant consents. This unauthorised development should be taken into account when deciding this application.

## **6. APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration relate to:

- Principle
- Design / impact on character of area
- Amenity concerns
- Highways issues
- Sustainability

**Aerial photograph showing the existing areas of hardstanding on the site with the proposed caravan located at the top (western) part of the site.**



- Principle
- 6.02 The application relates to a site allocated for gypsy and traveller accommodation in the adopted Local Plan.
- 6.03 Policy GT 1 states that the sites allocated under policies GT1(1) to GT1(16) will deliver approximately 41 pitches for Gypsy and Traveller accommodation to assist in meeting needs during the plan period. Development will be permitted provided the criteria for each site set out in the detailed site allocation policies are met.
- 6.04 Policy GT1 (2) Greenacres (Plot 5), Church Hill, Boughton Monchelsea relates to the application site. The allocation in the Local Plan sets out the following requirements which are considered against the current submission below:
1. The total capacity of the site does not exceed 2 Gypsy and Traveller pitches.

The current application meets this aim with a single pitch remaining on the site

2. Access to the site is via the existing access off Church Hill.  
The new caravan will use the existing established vehicle access from Church Hill
3. The additional pitch is sited on the existing hardstanding and not beyond the site boundaries defined on the policies map.  
With the reference to the comments from the parish council about extending into the countryside; the proposed caravan is in line with the site allocation as it would be located on the existing hardstanding at the rear (western) end of the site.
4. A landscaping scheme for the site is approved which provides for: i. The retention and future maintenance of the trees and hedge line along the site frontage to Church Hill; and ii. The establishment of a landscaped boundary to the south of the site comprising native species to provide an effective screen to the development.  
Planning conditions are recommended to seek the provision of this landscaping.

6.05 Whilst the application site is an allocated gypsy and traveller site and the current submission meets the criteria set out in this allocation, an assessment of the need and supply situation in relation to of gypsy and traveller pitches is set out below.

#### **Need for Gypsy sites**

6.06 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.

#### **Need for Gypsy and Traveller Pitches Oct 2011 to March 2031**

<b>Period</b>	<b>No of pitches</b>
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

6.07 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 above .

6.08 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.

6.09 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**

- 6.10 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.
- 6.11 The following table sets out the overall number of pitches which have been granted consent from 1<sup>st</sup> October 2011, the base date of the assessment, up to 31<sup>st</sup> March 2020.

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

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

- 6.12 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 1<sup>st</sup> April 2020.
- 6.13 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".
- 6.14 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**

- 6.15 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*".
- 6.16 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.

6.17 In terms of the applicant their status as a Gypsy has been previously been explored and accepted at appeal. In relation to the current application, the applicant has submitted information indicating they travel for work and attend horse fairs as well as trade in horses. In this instance the proposed mobile home would be used to house two members of the applicants close family who have medical needs and accommodating these needs would be assisted by the current proposal. Personal details provided in this report have been anonymised in line with guidance from the Council's Data Protection Officer.

6.18 The site is an established Gypsy and Traveller plot and 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).

#### Landscape and design

6.19 In policy terms the application site is located within the countryside outside all settlement boundaries as defined within the Maidstone Borough Settlement Hierarchy. Policy SP17 of the Local Plan states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted. Policy DM15 states that planning permission for G&T development will be granted if it would not result in significant harm to the landscape and rural character of the area.

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 maintain, or where possible, enhances local distinctiveness including landscape features. The policy requires that impacts on the appearance and character of the landscape are 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 The site is located outside the urban area of Maidstone at the end of a row of established traveller sites with Boughton Monchelsea Primary School to the north of the row. Private dwellings are located further north along Church Street and as such whilst in policy terms the site is located within the countryside, this is not an isolated location. It would be fair to describe the location as a semi-rural buffer between the more developed areas north of Hearth Road and the wider countryside to the south of the application site.

6.22 The site is enclosed by substantial vegetative screening along Church Hill; with views of the site limited from public areas. 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 in an open, visible countryside location and the additional caravan is restricted to the existing curtilage. The application is not seeking to expand the site in terms of its scale. In light of the above the views of the additional caravan would be restricted

#### **Amenity**

6.23 Other than the existing caravan, the closest property is located upon the site known as Barnview 40metres to the north of the application site. In terms of the amenity impact when considering this distance and the boundary treatments the proposal is acceptable on residential amenity grounds..

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- 6.24 When considering the distances involved and the proposed single storey structure it is not considered that the proposal would cause any loss of light or overbearing impact on neighbouring properties.

### **Highways**

- 6.25 As part of the adoption of the Local Plan, the application site was assessed and found suitable for the provision of two gypsy and traveller pitches.
- 6.26 The current application involves less intensive use of the site to the site allocation with the provision of additional caravans linked to the single existing pitch on the site for family members. The site allocation requires the use of the existing site entrance and this is suitable for any additional vehicle movements associated with the additional caravan

### **Sustainability**

- 6.27 The site is approximately 0.4km from Boughton Monchelsea whereby 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 'larger village'. This is a view supported at appeal by Inspectors at other sites.
- 6.28 As mentioned at the beginning of this report, there are a number of other traveller sites within the immediate locality; however it is not considered that the addition of a further caravan would result in over dominance in the area.

### **Human Rights and Equality**

- 6.29 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.
- 6.30 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**

- 6.31 The proposal is acceptable in relation to the potential impact on Church Hill, the development would have no impact visually, or cause any loss of amenity to neighbouring properties nor would any detrimental highways impact occur. The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations.
- 6.32 The site was assessed as part of the adoption of the Local Plan as being suitable for two gypsy and traveller pitches and the current proposal is a less intensive use providing an additional caravan linked to the existing single pitch on the site. The proposal is in accordance with the site allocation at Local Plan policy GT1 (2) Greenacres (Plot 5), Church Hill, Boughton.
- 6.33 A recommendation of approval of the application is therefore made on this basis.

## **7. 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 additional mobile home 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.
- 3) 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 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 (P922/2 Proposed Block Plan) Reason: To safeguard the visual amenity, character and appearance of the countryside location.
- 4) 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.
- 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 countryside location
- 8) Prior to the occupation of the additional mobile home hereby approved, details of a scheme of landscaping (using indigenous species) which shall include indications of all existing trees and hedgerows on the land, and details of any planting to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include:

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- i) Location, species, number and size of all new trees and shrubs to be retained and planted; and
  - ii) Retention and enhancement of boundary planting.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the additional caravan hereby approved, or following the commencement of works for either the garage, stables or day room hereby approved, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, 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.
- Reason: To safeguard the character and appearance of the countryside
- 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: P922/2 - Proposed Block Plan and P922/2 Proposed Floor and Elevations Plan.
- Reason: To clarify which plans have been approved.

Case officer: William Fletcher