

REFERENCE NO - 20/505312/FULL		
APPLICATION PROPOSAL Erection of 2no. day rooms to serve mobile homes approved under 20/502182/FULL.		
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 Martin Potts Associates
TARGET DECISION DATE 26/02/2021 (EOT)		PUBLICITY EXPIRY DATE 21/12/2020

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.

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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 1 & 2.

20/502182/FULL - 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. – Approved subject to conditions requiring additional landscaping to be planted.

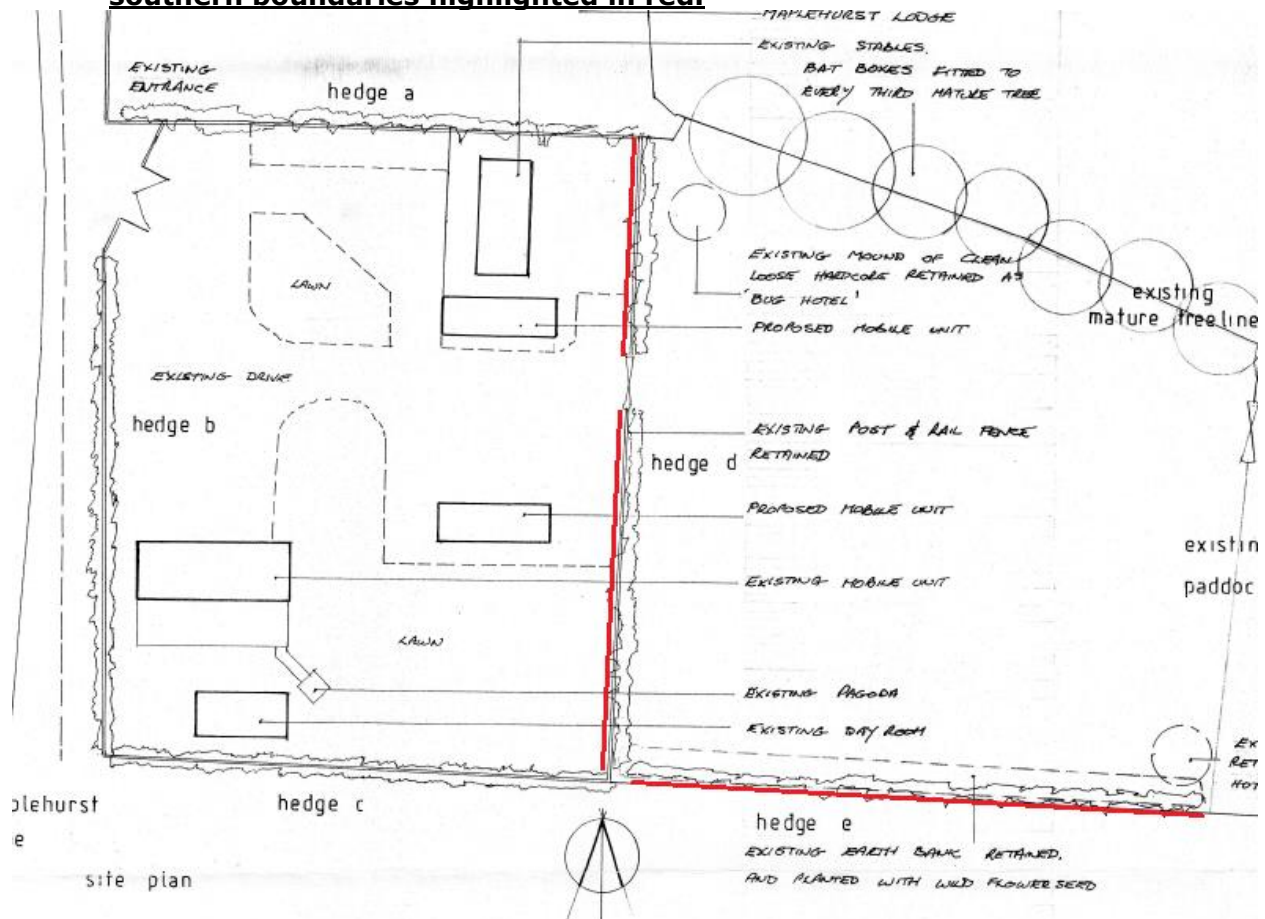
20/505173/SUB - Submission of details pursuant to condition 4 (landscaping details) of application 20/502182/FULL. Approved

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 by 58 metres. Beyond the application site is an additional plot of land owned by the applicant stretching east by a further 67metres. This second plot is laid out as horse paddocks.
- 1.03 Currently 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 playhouse with a further store building to the north of this. To the south of the mobile home is an existing 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.

- 1.05 Existing Gypsy and Traveller development is evident in the area, 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.
- 1.06 As a result of the most recent planning permission 20/502182/FULL additional landscaping will be planted along the site boundaries. This landscaping will provide further screening of the site from surrounding sites and in effect further separating the paddock from the application site.

Site layout approved under 20/505173/SUB (condition attached to 20/502182/FULL) note the additional landscaping along the eastern and southern boundaries highlighted in red.



2. PROPOSAL

- 2.01 The application seeks to erect two day rooms to serve the additional mobile homes permitted under application 20/502182/FULL.
- 2.02 To clarify there would be a total of 3 static caravans and 3 tourers on site (no increase to the caravans approved under 17/502997/FULL and 20/502182/FULL) and then 3 day rooms (two additional dayrooms to the single dayroom approved by 17/502997/FULL) as well as the existing stables and other structures.

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3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SP17 – Countryside

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 No representations were received from neighbouring properties.

5. CONSULTATIONS

Staplehurst Parish Council (Summarised)

5.01 Objection: Councillors were very concerned about the continued urbanisation of the site as the application site is within an area designated as a Landscape of Local Value (LLV) which Policy SP17 (6) of the Local Plan states is to be conserved and enhanced.

- The application does not comply with Policy DM15 of the Local Plan, notably sections 1(ii)(a) and 1(ii)(b), relating to the impact on the character of the local landscape and the cumulative impact of all the caravans in the area, as well as in its propensity to flood (section 1(iv)).
- The application is incompatible with Staplehurst Neighbourhood Plan policies PW2 (development of the countryside) and PW4 (consideration for historic landscape). Councillors were unclear about why there was a need for additional day rooms if the existing homes were of a habitable nature.
- The development is not in accordance with conditions 2 and 8 associated with the previous permission (20/502182/FULL).

KCC Gypsy Unit

5.02 No representations received.

6. APPRAISAL

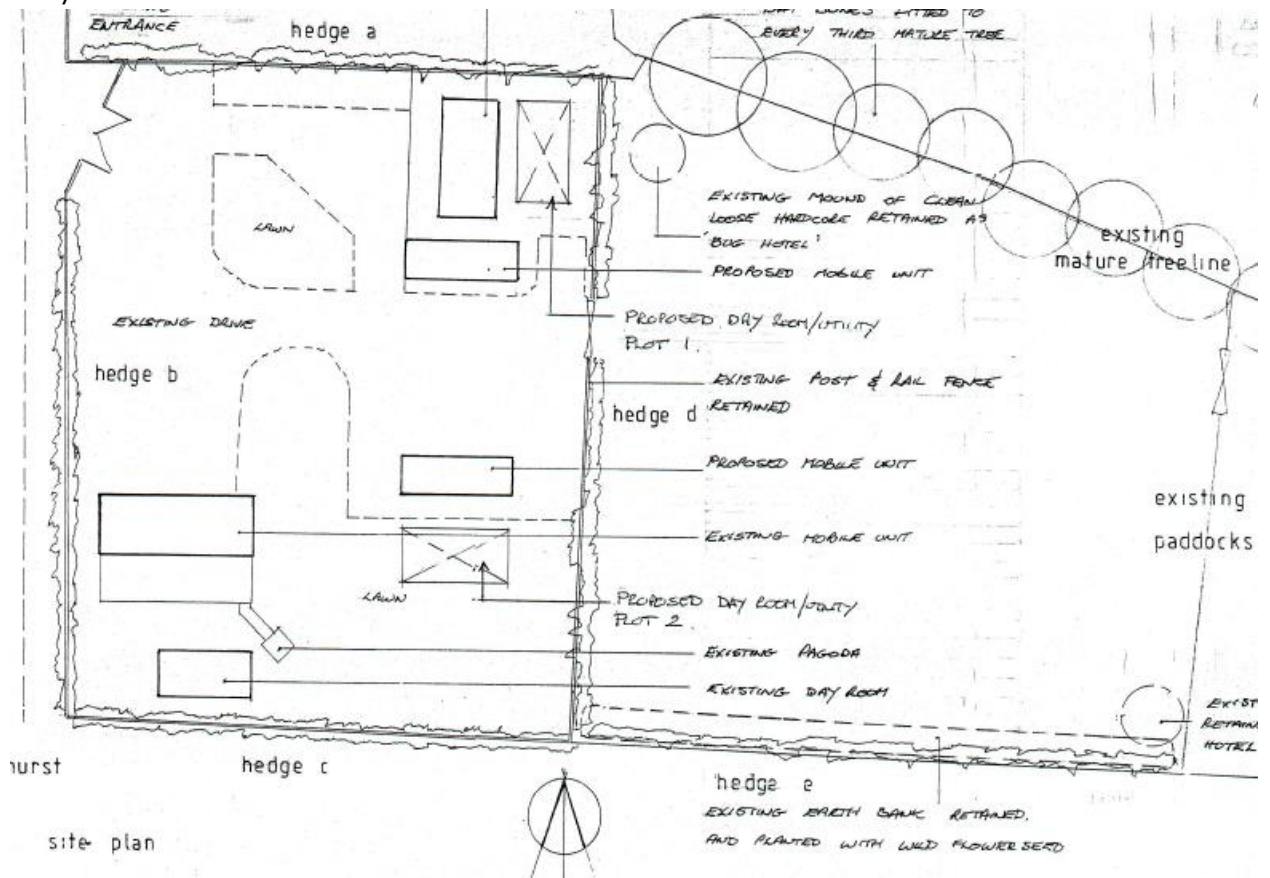
Main Issues

6.01 The key issues for consideration relate to:

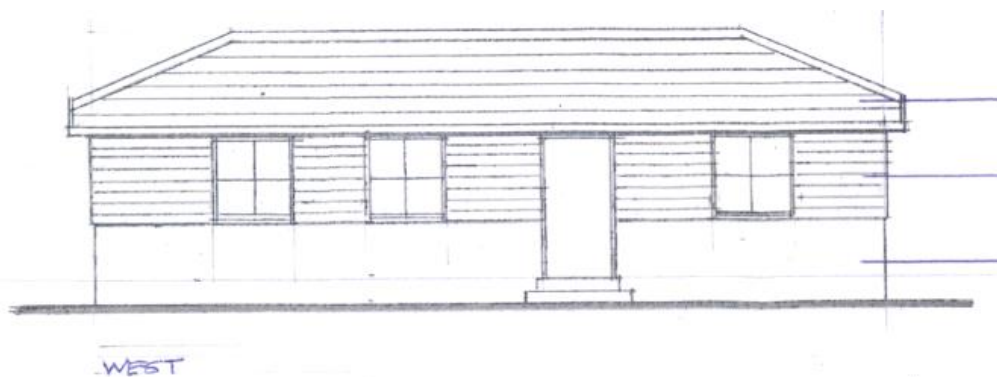
- Design and landscape impact
- Ecology
- Amenity Impact
- Highways
- Flooding

Design and landscape impact

- 6.02 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in the Borough Plan and they will not result in harm to the character and appearance of the area.
- 6.03 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. 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.
- 6.04 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.
- 6.05 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.”
- 6.06 Policy PW4 continues stating that new development within Staplehurst must have regard to the wider landscape.
- 6.07 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.
- 6.08 Presently Frittenden Road features dense hedgerows along the roadside and the access road also has dense vegetation along front boundaries. There is substantial screening all around the site, with the site only visible from neighbouring traveller sites and when standing immediately in front of the access gate.
- 6.09 Following the previous permission to establish additional mobile homes on site, further landscaping will be planted around the southern boundary of the paddock area and eastern boundaries of the application site which separates the pitch from the paddock area. As such the site, once the landscaping has matured, will be even further screened from neighbouring plots.
- 6.10 In terms of the proposal, the application would place two day rooms upon the application site, one located immediately to the east of the stables and another located south of proposed unit located south of the stables.



6.11 Both day rooms have the same appearance with the lower part of the building with a brick finish and the upper part of the building clad with dark weather boarding. The single storey buildings have a tiled hipped roof design.



6.12 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.

6.13 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

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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 assessed by planning officers on a number of occasions as well as the planning inspectorate that this is a well screened site, once additional landscaping as a result of previous approvals matures this site will be even further screened.

- 6.14 Whilst it is accepted that the development would result in a more 'intensively' occupied site, in terms of its landscape impact this is not development within an open, visible countryside location and the day rooms are restricted to the existing curtilage, this is not seeking to expand the site in terms of its scale. The proposed day rooms would be seen in the context of the existing Gypsy and Traveller development on site, one of the mobile homes would be located behind the stables block and would be of a very limited visibility.
- 6.15 The day rooms are of similar bulk to the mobiles homes previously proposed, although as the plans above indicate are of slightly greater depth. In terms of their day room/utility buildings views are very limited and they are located close to existing buildings in accordance with policy DM30.
- 6.16 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"*.
- 6.17 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"*.
- 6.18 Officers concur with this view, views onto the site will be even further restricted once landscaping associated with application 20/502182/FULL has matured. It is difficult to argue that an additional two day rooms on this well screened site with very limited public views will have a harmful impact upon the character and appearance of the area or the wider landscape.
- 6.19 A concern has been expressed that the development does not accord with design policies within the Maidstone Borough Local Plan as well as within the Staplehurst Neighbourhood Plan. There needs to be some balance in this situation with regards to previous planning permissions as well as appeal decisions in the area.
- 6.20 As the above report has highlighted this is a well screened site of which views into are limited to "glimpses". As a result of the previous permission, further landscaping will be introduced to the boundaries of the site, which will restrict views described as

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"glimpses" even further. This development would not have an impact upon the wider landscape and is well contained within the 'confines' of the existing site. To conclude, in light of the above considerations, it is difficult to suggest what harmful impact this development would have upon the character and appearance of the area or the wider landscape. The development is in accordance with local and national planning policies and there are no design grounds to refuse this development upon.

Cumulative impact

- 6.21 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).
- 6.22 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 that have permission in the area, that is to say sites along the access road, including 'Perfect Place' and 'Parkwood Stables'.
- Static Caravans: 16
 - Tourers: 14
 - Day Rooms: 6
 - Stables: 2
- 6.23 The acceptability of two additional mobile homes on the application site has previously been considered acceptable and the current application seeks to add two additional day rooms to be used in association with these two approved mobiles. This proposal is not seeking to expand residential use onto additional land owned by the application to the east. Were mobile homes or other buildings to be proposed on this additional land owned by the applicant in the future, the impact of these caravans would need to be assessed under a separate planning application.
- 6.24 The assessment of applications against policy DM15 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 and will eventually be screened by even more landscaping. 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.

Ecology

- 6.25 The application site is a managed, grass covered field with an area of hardstanding, and as a result it is unlikely to provide a suitable habitat for any species. In this context there is no requirement for any ecological surveys.
- 6.26 The planning permission under reference 20/502182/FULL was subject to a condition requiring the submission of biodiversity enhancements. An application to discharge this planning condition that included details of these enhancements has been submitted and approved. A further condition is recommended requiring integrated wildlife enhancements within the two dayrooms proposed as part of the current application.

Amenity Impact

- 6.27 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.
- 6.28 The closest property, 'New Barn Farm' is a mobile unit located 25m north of the stables building upon application site. In terms of the amenity impact on this dwelling it was previously considered by planning officers under application previous applications that the development for mobile homes would not have a detrimental impact. The two day rooms now proposed would be seen in the context of the previously approved caravans and would not cause a detrimental impact. The same is conclusion is also reached with regards to No's 1 & 2 Maplehurst Lodge the two storey semi-detached pair of houses which are approximately 40 metres to the north.
- 6.29 When considering the distances involved the development would not cause any loss of light or overbearing impact on neighbouring properties.

Highways

- 6.30 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.
- 6.31 It was previously assessed under application 20/502182/FULL that vehicle movements generated by two additional families on the site would be easily accommodated on the local road network. With the two day rooms associated with the previously approved caravans it is considered that the current proposal would not increase vehicle movements to and from the site.

Flooding

- 6.32 The application site is located adjacent Flood Zone 2 & 3 (although not within)
- 6.33 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 was reached during the assessment of the subsequent application for two additional caravans and three tourers on the site.
- 6.34 The day rooms unlike the previously approved caravans do not provide any sleeping accommodation and do not increase the number of occupants on the site. Whilst it is accepted that buildings do impede the passage of floodwater, the application site is not actually located in the area at risk from flooding. On these grounds that have been outlined there are no grounds to refuse permission in relation to flooding issues.

Other Issues

- 6.35 The parish council have highlighted two restrictive planning conditions that were attached to the earlier planning permission (20/502182/FULL) stating that the current proposal fact would be in breach of these conditions (2 and 8).
- 6.36 These two conditions secured the number and location of the approved caravans on the site and introduced a requirement for planning permission for any temporary buildings that may be proposed in the future. Neither of these conditions are relevant to the current application which is for two permanent buildings to be used as dayrooms.

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

- 6.37 The proposal would have no significant visual impact on Frittenden Road, (as well as the access road), or cause any loss of amenity to neighbouring properties nor would any detrimental highways impact occur.
- 6.38 The development and its cumulative impact would not have a harmful impact upon the character and appearance of the wider countryside, 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 development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Application for Planning Permission
Red Line Site Location Plan
Site Plan (as permitted)
P938/2 Rev A Proposed Site Plan
Day Room 1 Plan and Elevations
Day Room 2 Plan and Elevations
Design and Access Statement

Reason: To clarify which plans have been approved.

- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

- 4) The dayrooms hereby approved shall only be used in connection with the caravans approved under application 20/502182/FULL and the buildings shall not provide

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sleeping accommodation and shall not be used as self-contained units of accommodation.

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

- 5) 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.

- 6) 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 other than as expressly permitted by this decision;

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

- 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) 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

- 9) The buildings hereby approved shall not be occupied until details for a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the provision of bug hotels. 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.

Case officer: William Fletcher