

<b>REFERENCE NO - 21/500322/FULL</b>		
<b>APPLICATION PROPOSAL</b> Part retrospective application for a material change of use of land to mixed use for a single pitch Gypsy site and keeping of a horse, with associated development including stationing of 1 no. mobile home, 2 no. tourers, erection of a utility block, shed, hard standing, septic tank and a stable shelter.		
<b>ADDRESS</b> Robins Rest Park Lane Boughton Monchelsea Kent ME17 4JJ		
<b>RECOMMENDATION</b> Grant permission subject to conditions relating to the retention of the residential element in the north-eastern corner of the site, details of parking, hard and soft landscaping and biodiversity enhancements, foul and surface water drainage, external lighting, bin and cycle storage, retention of the site for gypsies and a limit of three caravans.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<ul style="list-style-type: none"> <li>• The proposal is in accordance with Local Plan policies SP17 and DM30 that allow for development provided it does not result in harm to the character and appearance of the area.</li> <li>• The adult occupants meet the Government’s planning definition of a Gypsy as set out in the PPTS.</li> <li>• There is no reasonable justification to object to the development on sustainability grounds in terms of location and reliance on the private motor vehicle to access day to day needs.</li> <li>• Furthermore, the development will not cause unacceptable harm to the character and appearance of the countryside, subject to supplementary boundary planting.</li> <li>• The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Boughton Monchelsea Parish Council has 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 And Mrs Wesley Matthews <b>AGENT</b> Heine Planning Consultancy
<b>TARGET DECISION DATE</b> 30/07/21 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 11/03/21

**Relevant Planning History**

None relevant

Two Acres, Park Lane (north of the site)

20/505274/FULL Extension to existing Gypsy site, including retention of 1(no) static mobile home (as approved under MA/97/0349); and siting of 3 additional residential static mobile homes for a Gypsy family, and erection of dayroom. Approved

The Orchards Snowey Track Off, Park Lane, Boughton Monchelsea (southeast of the site)

17/502535/FULL Variation of condition 3 of MA/11/0744 to allow the removal of amenity block and the siting of additional 2 mobile homes on plot 3 with a total of 8 mobiles for the plot Approved 18/05/2017

14/502411/FULL Variation of condition 3 of MA/11/0744 to allow the removal of amenity block and the siting of additional 2 mobile homes on plot 3 with a total of 6 mobiles for the plot. Approved 23/07/2014

12/2077 Variation of condition 3 of permission MA/11/0744 (The change of use of the site to a residential caravan site for 4 gypsy families involving the siting of 4 mobile homes, 4 touring caravans, the erection of 4 brick-built amenity blocks with associated parking areas) to allow the siting of two additional mobile homes on plot 2 and two additional mobile homes on plot 3 involving the extension of hard surfacing Approved 27.06.2013

11/0744 The change of use of the site to a residential caravan site for 4 gypsy families involving the siting of 4 mobile homes, 4 touring caravans, the erection of 4 brick-built amenity blocks with associated parking areas as shown on site location plan. Approved 17.08.2011

### **Ariel view of the site and neighbouring properties**



### **MAIN REPORT**

#### **1. DESCRIPTION OF SITE**

- 1.01 The application site lies to the southwest of Park Lane, and is accessed via the public right of way (KM119) which extends northwards onto it. The site access extends westwards off KM119 for approximately 115 metres to the application site. To the north is a gypsy site (Two Acres), which has three mobile homes on it. The land immediately to the east of the application site has been used to store timber and chippings from Tilt's Wood (ancient woodlands) which are located further east and on the other side of KM119. To the south and west is agricultural land.

- 1.02 For the purposes of the Local Plan, the application site is located in the countryside and also falls within an Area of Archaeological Potential and a KCC Minerals Safeguarding Area.

## **2. PROPOSAL**

- 2.01 The application is for the part retrospective application for a material change of use of land to mixed use for a single pitch Gypsy site and keeping of a horse, with associated development including stationing of 1 no. mobile home, 2 no. tourers, the erection of a utility block, shed, hard standing, septic tank and a stable shelter.

The majority of the development is already on site, although the stable was yet to be constructed when the site visit was carried out. The residential element is sited to the northeast section of the land, and the remaining land is used for the keeping of horses. The access is to the northeast of the site. The mobile home would have a width of 6.1 metres and a depth of 10.9 metres. The utility building would be located to the western side of the site with a width of 5 metres, a depth of 3 metres and a lean-to roof with a height of 2.5 metres at the highest point. The shed would have a width of 2.2 metres, a depth of 2.2 metres and a pitched roof with a ridge height of 2 metres. The stable building (yet to be built) would have a width of 12 metres, a depth of 5.5 metres with a lean-to roof of 3.2 metres at the highest point.

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017 SS1, SP17, SP18, DM1, DM3, DM4, DM8, DM15, DM23, DM30

Boughton Monchelsea Neighbourhood Plan PWP2 (Priority Local Landscape), PWP8 (Energy efficiency), PWP10 (Lighting), PWP11 (Protecting woodland areas and planting native trees and hedgerows), PWP12 (biodiversity in new development), PWP13 (Transport assessments and parking provision), PWP14 (separation of settlements, gateways and long views), RH9 Provision for Gypsies and Travellers)

Supplementary Planning Documents

Maidstone Landscape Character Assessment

Planning Policy for Traveller Sites (2015)

Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)

Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## **4. LOCAL REPRESENTATIONS**

### **Local Residents:**

- 4.01 No representations were received from local residents

## **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)

### Boughton Monchelsea Parish Council

- 5.01 Objection. The proposal represents unacceptable intensification of Gypsy and Traveller sites in the open countryside. The existing sites already compromise the rural environment in which they sit.
- 5.02 Any additional intensification would cause further unacceptable damage. The proposal would cause unacceptable harm to the character and appearance of the area hereabouts,

- 5.03 The proposal is contrary to policies SS1, SP17, DM1 and DM30 of Maidstone Local Plan (2017); the National Planning Policy Framework (2019); and the Maidstone Landscape Character Assessment (2013) and Supplement (2012).
- 5.04 If the recommendation is for approval, the Parish Council request conditions for the provision of renewable energy sources, EV charging points, exclusively native planting within any landscape plan, provision of swift and bee bricks, bat and bird boxes and wildlife friendly boundaries

Environment Agency

- 5.02 No comment. Refer to standing advice

KCC Highways

- 5.03 No comment. The development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. Request informatives relating to highways owned land.

Environmental Services

- 5.05 No objection. The Council's records show there are no known private water supplies in the vicinity, and the siting of a proposed septic tank for foul sewage is shown on the site layout plan. There is no indication of any significant chance of high radon concentrations and Air Quality here is acceptable.
- 5.06 There is also no indication of contaminated land on the Council's data bases. No complaints relating to this site have recently been received by Environmental Health.
- 5.07 The site should be used for residential purposes only and maintained in good order. It should not be used for business purposes, or for the use and/or storage of commercial vehicles. Any tourers on site should not be used for habitation. All conditions of the Caravan Sites Licence should be met.

KCC Ecology

- 5.05 No objection. Protected species legislation may have been breached in the construction of this development, but the past/current use of the site as horse grazing land, reduces the likelihood that there would have been a significant ecological impact.
- 5.06 Regardless, the provision of buildings and hardstanding entails the loss of green space, therefore, entailing a minor loss of biodiversity, so compensatory habitat should be provided.
- 5.08 Under section 40 of the Natural Environment and Rural Communities Act (2006) and paragraph 175 of the NPPF (2019), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 175 of the NPPF the implementation of enhancements for biodiversity should be encouraged, and a condition should be added for this reason.

Kent Police

- 5.09 No comments

**6. APPRAISAL**

**Main Issues**

- 6.01 The key issues for consideration relate to:
- Sustainability
  - Need for gypsy sites
  - Supply of gypsy sites
  - Gypsy status

- Visual/landscape impact/Design and siting
- The use of the land for equestrian purposes
- Residential amenity
- Highways
- Biodiversity

### **Sustainability**

- 6.02 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is approximately 1 km from the larger village of Boughton Monchelsea (to the north-west of the site) with its local services, amenities and public transport links.
- 6.03 Whilst located in the open countryside where residents would be reliant on the use of a car, the site is not so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable. The nature of the development and other existing development in the vicinity is also a factor in reaching this conclusion.

### **Need for gypsy sites**

- 6.04 The Maidstone Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans, and the Gypsy & Traveller and Travelling Showpeople Accommodation Assessment (GTAA): Maidstone (Jan 2012) provides the evidence of the need for Gypsy and Traveller pitches in the borough for the Local Plan period (October 2011 to March 2031).
- 6.05 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 need 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.
- 6.06 GTAA concluded the following need for pitches over the remaining Local Plan period:  
Oct 2011 – March 2016 - 105 pitches  
Apr 2016 – March 2021 - 25 pitches  
Apr 2021 – March 2026 - 27 pitches  
Apr 2026 – March 2031 - 30 pitches  
Total: Oct 2011 – March 2031 = 187 pitches
- 6.07 The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan; and the GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the adopted Local Plan. Please note that a new GTAA is progressing to support the Council's Local Plan Review, but this has been interrupted due to Covid-19.

### **Supply of gypsy sites**

- 6.08 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside. Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 31st January 2021):  
Permanent non-personal – 214  
Permanent personal – 32  
Temporary non-personal – 4

Temporary personal – 39

- 6.09 A total of 246 pitches have been granted permanent consent since October 2011. These 246 pitches exceed the Local Plan's 187 pitch target. This illustrates that the rate at which permanent permissions have been granted in the first 10 years of the plan period is actually ahead of the rate of need revealed by the GTAA . The sites allocated through Policy GT1 in the Maidstone Borough Local Plan which do not yet have permission will also provide an additional 26 pitches; sites granted permanent permissions on suitable windfall sites (in accordance with policy DM15); and pitch turnover on the two public Gypsy & Traveller sites in the borough, will continue to increase the number of pitches in the borough.
- 6.10 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate 6.1 years worth of supply of Gypsy and Traveller sites at the base date of 1st April 2021. As the Council considers itself to be in a position to demonstrate more than a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

**Gypsy status**

- 6.11 The Government's PPTS (August 2015) sets the planning definition of 'gypsies & travellers', and this excludes those who have ceased to travel permanently. The current definition is as follows (Annex 1):  
'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 show-people or circus people travelling together as such'.
- 6.12 On this matter, the following relevant (summarised) details have been submitted: the applicants are a known Gypsy family in the borough with local family connections and there is a desire to maintain their traditional style of living. The applicant grew up in Harrietsham, but the family have lived at Two Acres (north of the application site) for the last 17 years, and the applicant paid the Council Tax for his mobile home – this was confirmed . The applicant's Mother lived in the other mobile home.

The application site was purchased in mid 2020 after Two Acres was signed over to a brother of the applicant. The applicant had to make alternative arrangements for his family having been made homeless by this arrangement. Another brother occupies Dunroamin off Park Lane with his family. That site was granted permission in 2017.

Before leaving Two Acres and moving onto the application site, the applicants looked for other pitches but could find nothing. Most sites in Maidstone are privately owned and occupied. They enquired about a pitch on a socially provided site and were told that there was no chance of anything being made available. They then applied for social housing as they were desperate and had nowhere to go.

All three children attend local schools. The eldest daughter completed GCSE's and is currently training at college. It has been confirmed that the children are registered at their schools as gypsies, and the whole family travels together where possible.

The applicant's wife was born in Forest Gate London but lived for most of her childhood on her grandfather's site at Jack's Wood Detling. As a child the applicant travelled with his parents for farm work, returning to Kent each year for hop picking. He now travels to buy and sell cars/ vans mostly within the Traveller community. This involves travelling all round the country and he is often away for days at a time. He used to do this with his father before he passed away and has built up many contacts within the Traveller community. He travels with his touring caravan mostly along the south coast stopping where he can with friends and relatives in Dorset and Hampshire, at Three Legged Cross in East Dorset and Wareham, or with other roadside Travellers.

the applicant also breeds and trains a few horses and attends most of the Traveller horse fairs and drives (eg Appleby, Stow, Kenilworth when it was still operating, Lee Gap, Wickham and drives in the New Forest/ Hampshire). During the summer he is away most weekends. The family all attend Appleby which lasts for about 10 days. The family currently have two Gypsy cobs and a trotting horse and the children have all been shown how to ride/ drive the horses. They had a horse shelter on the adjoining land at Two Acres where they lived until recently, for their horses and sheds to store horse tack.

- 6.13 With everything considered, it is reasonable to say that the occupants of the site continue to travel for work purposes to make a living. It is therefore accepted that the Gypsy status has been met in accordance with the provisions of the Government's PPTS.

**Visual/landscape impact/Design and siting**

- 6.14 The site lies in the open countryside approximately 1 km to the south-east of the larger village of Boughton Monchelsea. 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 protect and enhance the quality and character of the countryside.
- 6.15 DM30 sets out that the type, siting, materials, design, mass and scale of development in the countryside and the level of activity would maintain or where possible enhance local distinctiveness including landscape features. In addition, impacts on the character of the area should be suitably mitigated. New buildings should where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 6.16 Under Section 29 of the Caravan Sites and Control of Development Act 1960, a caravan can be up to 20m in length and 6.8m in width; with the overall height being 3.05m (measured internally from floor at lowest level to ceiling at highest level). The buildings that form part of the application comprise the following: mobile home, 2 x tourers, utility shed, shed and hard standing. These domestic features are modest in size with the largest building being the mobile home measuring 10.9 metres x 6.1 metres.
- 6.17 The limitations of the height of the caravan are set within the legislation, and the caravan is faced in render with a shallow pitched felt roof. All other domestic buildings do not exceed 2.5 metres in height. They are of simple design and constructed in timber. All domestic buildings are located in the northeast section of the site that covers an area of 0.12 hectares. It is noted that the overall site area of the planning application is 1.5 hectares so, the built area is a relatively modest part of the development proposal.
- 6.18 There is a timber stable with some hardstanding proposed in the paddock to the south of the site. Although this is sited some distance from the residential buildings,

which is the advice set out within DM30, it would be partially obscured by the mature landscaping on the boundary and this would reduce any impact from the building on the visual amenity of the locality. On balance, the size, height and rural nature of the building (12 metres x 5.5 metres with a lean-to roof of 3.2 metres at the highest point), I consider the siting of the stable to be acceptable.

- 6.19 The hardstanding would have a depth of approximately 6 metres and a width of 15 metres located in an 'L' shape at the front and east side of the stable. This amount of hardstanding would appear excessive. For this reason, the landscaping condition would include details relating to the hardstanding so it could be reduced in size on the submission of details. Notwithstanding the information on the site plan, a hard and soft landscaping condition could be imposed to ensure that details are appropriate for the character of the countryside.
- 6.20 The application site is within the Boughton Monchelsea to Chart Sutton Plateau landscape character area, which the landscape character assessment found to be in very poor condition, with very low sensitivity and with guidelines to improve. However, I also note that the site is within the Priority Local Landscape in the Boughton Monchelsea Local Plan. I consider that the site would not result in unacceptable harm as the residential element of the development is of a modest size. Furthermore, the opportunity can be taken to improve the character of the area with the use of landscaping conditions in order to provide native hedging which would, at the same time, further obscure the caravans. The incorporation of this planting would be compliant with DM30 of the Maidstone Local Plan in addition to adhering to the advice of the Maidstone Landscape Character Guidance. It would also take into account PWP2 of the BM Neighbourhood Plan which seeks to protect the landscape from harm to the character and appearance of the locality.
- 6.21 The buildings are modest in size with none exceeding 3.0 metres in height. The landscaping in this area has guidelines to improve as the quality is poor. This development proposal would provide an opportunity to plant native hedging around the perimeter of the site. This would limit the views into it as well as improving the overall landscape character of the area. The landscaping condition would ensure that suitable native hedging is planted around the perimeter of the site. This would be policy compliant with the Maidstone Local Plan and the policies within the Boughton Monchelsea Neighbourhood Plan.

#### **Use of the land for equestrian purposes**

- 6.18 Policy DM41 sets out that domestic development will be acceptable providing, among other things, they meet the following requirements:
- New buildings should be grouped with existing ones and should not be of a sufficiently permanent structure that they could be converted to another use in the future
  - The cumulative impact of the development would be mitigated
  - The design would be acceptable within the locality in terms of scale, materials, colour and details
  - Proposals will not include lighting unless it is absolutely necessary
  - An integral landscaping scheme including boundary treatment would be provided to reflect the landscape character of the area
  - An appropriately sited and designed area to incorporate soiled bedding and foul and surface water drainage would be provided
  - Adequate provision is made for the safety and comfort of the horses in terms of size of accommodation and land for grazing and exercising
  - The site would have easy access to bridleways and/or the countryside
- 6.22 Looking back on Google Earth, it would appear that the land was used for agricultural purposes in the past. The application is for the retrospective use of the



land for equestrian purposes so, during my site visit, that use was already in existence.

- 6.23 The stables would be constructed in timber which would not be of a significantly permanent structure. It would be sympathetic in terms of scale and materials, colour and details, and its cumulative impact would be mitigated with the planting of a native species hedge along the boundary which would reflect the character of the area. A condition would be imposed restricting any external lighting unless agreed in writing by the Council. The site is within easy access of bridleways and countryside and, for these reasons, the application is considered acceptable.

#### **Residential amenity**

- 6.18 Policy DM1 encourages development to respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers by ensuring that, among other things, it does not result in or is exposed to excessive noise, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.19 The closest neighbours to the application site are Woodside View (approximately 115 metres to the stable to the south of the application site), and Two Acres (approximately 100 metres to the northwest of the application site).
- 6.20 Both the existing mature landscaping and the proposed landscaping intending to reinforce the character of the locality would assist in minimising the impact of the low-lying development and, for this reason, it is considered acceptable.

#### **Highways**

- 6.22 Policy DM1 sets out that development proposals should provide adequate vehicular and cycle parking to meet adopted council standards, and policy DM23 also highlights this. Bin and cycle storage should also be provided along with electric vehicle charging points.
- 6.23 The current application seeks to retain the existing access arrangements, off the track/public right of way. This access is considered acceptable in relation to highway safety. Adequate hard surface space is available within the plot for the parking of vehicles associated with the proposed mobile home use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.
- 6.24 The level of additional vehicle movements to and from the site resulting from the additional mobile home and touring caravans on the plot is not likely to be so significant as to raise any overriding highway safety issues. The impact of the development on the local highway network including access and parking arrangements have been considered by KCC as the Local Highways Authority. They considered that the development was sufficiently modest that it didn't require a detailed response.
- 6.25 I note that bin and cycle storage haven't been identified on the location plan, but this can be dealt with by condition along with refuse collection details. Electric vehicle charging points will be requested via condition in the interests of sustainability.

#### **Biodiversity**

- 6.26 Policy DM3 encourages biodiversity net gain in development proposals. KCC Ecology has reviewed the application and consider that the majority of the site will be retained for equestrian purposes and, although the change of use will have some impact on the land, it won't be extensive. However, the provision of buildings and

hardstanding entails the loss of green space so Ecology officers have commented that compensatory habitat should be provided.

- 6.27 For this reason, a biodiversity enhancement condition will be added, and the incorporation of native species hedging around the perimeter of the site (discussed with the agent and the case officer) was regarded as a positive feature.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.28 In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard to the elimination of discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, and the advancement of equality of opportunity between persons who share protected characteristics and persons who do not share it; and foster good relations between persons who share protected characteristic and persons who do not share it.
- 6.29 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.

#### **CONCLUSION**

- 6.30 The development proposal would be sufficiently modest in size, and the conditions relating to foul and surface water drainage, landscaping and biodiversity, along with restrictions on the expansion of the residential area of the site and the storage of commercial vehicles would ensure that the benefits would outweigh any potential harm to the character of the rural area. For this reason, I consider that the application would comply with both the Maidstone local Plan and policies within the Boughton Monchelsea Neighbourhood Plan.

#### **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 development hereby permitted shall be carried out in accordance with the following approved plans:  
25 Jan 2021 Plan 1 Rev A Site Location Plan  
25 Jan 2021 Plan 2 Rev A Proposed Site Layout Plan  
25 Jan 2021 Plan 4 Rev A Utility Building and Shed Plans & elevations  
01 Feb 2021 EA Flood Map  
01 Feb 2021 Flood Risk Assessment  
01 Feb 2021 Design and Access Statement  
04 Feb 2021 Plan 3 Rev A Horse Shelter Floor Plan and Elevations  
Reason: To clarify which plans have been approved.
- 3) 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 following:

- a) the residential element of the application site (in the north-eastern corner) and its means of enclosure shall be retained as per the approved drawings in perpetuity,
  - b) extent of hardstanding and parking using porous materials which shall be retained in perpetuity;
  - c) the means of foul and surface water drainage of the site;
  - d) all existing external lighting with measures to be fitted to prevent light spillage outside the site which shall be retained in perpetuity;
  - e) details of bin and cycle storage, and refuse collection, which shall be retained in perpetuity
  - f) Notwithstanding the information submitted, a hard and soft landscaping scheme including existing and proposed tree and hedgerow planting to thicken the boundary treatment of the site and specifically for the formation of a landscape buffer on the perimeter of the site including details of species, plant sizes and proposed numbers, densities and ongoing future maintenance, and to reduce the hardstanding incorporated within the development
  - g) details of a scheme for the enhancement of biodiversity on the site. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the building structure such as swift bricks, bat tubes or bee bricks, and additionally through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors, and
  - h) 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 is safeguarded.
- 4) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2012;  
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
  - 5) No more than three caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than one shall be a static caravan or mobile home.  
Reason: To safeguard the character and appearance of the countryside.
  - 6) No commercial activities shall take place on the land, including the storage of materials;  
Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.
  - 7) No vehicles over 7.5 tonnes shall be kept on site;  
Reason: To safeguard the character and appearance of the countryside.
  - 8) Within two months of the date of the decision details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, shall be submitted to and approved in writing by

the local planning authority. The approved details shall be installed within 3 months of the date on the decision notice of the condition and maintained thereafter;

Reason: To ensure an energy efficient form of development.

- 9) Within three months of the date of this decision details of an electric vehicle charging point shall be submitted to and approved in writing with the charging point installed on the site in accordance with an agreed timetable for implementation and thereafter retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies within the NPPF.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the end of the first planting and seeding seasons following the date of the approval of the landscaping details, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the character and appearance of the countryside.

- 11) Any new external lighting on the site shall be installed in accordance with a detailed scheme of lighting that has previously been submitted to, and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and the bat conservation trust guidelines and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme.

Reason: In the interests of visual amenity and wildlife

#### **Informatives**

- 1) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Maidstone Housing & Communities Support Team in respect of a licence or apply online at <https://www.gov.uk/apply-for-a-licence/caravan-and-camping-site-licence/maidstone/apply-1>.

- 2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 3) The applicant is advised that provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager

Case Officer: Jocelyn Miller