

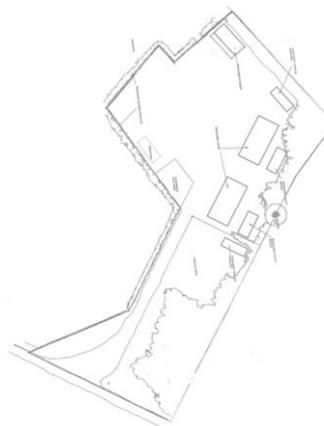
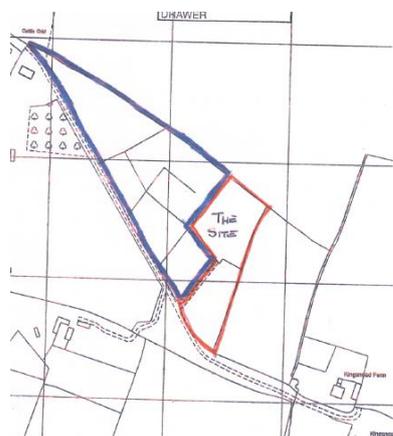
REPORT SUMMARY

REFERENCE NO: 23/504294/FULL		
APPLICATION PROPOSAL: Change of use of the land for the stationing of 3no. mobile homes and 3no. touring caravans for Gypsy/Traveller occupation, with associated hard and soft landscaping.		
ADDRESS: Land adjacent to The Hawthorns, Pye Corner, Ulcombe, Kent, ME17 1EF		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal is acceptable in relation to harm to the character and appearance of the countryside, sustainability, highways, residential amenity, flooding and drainage.		
REASON FOR REFERRAL TO COMMITTEE Called in by Ulcombe Parish Council for the reasons set out in section 4 of this report and by Cllr Ziggy Trzebinski.		
WARD: Headcorn	PARISH COUNCIL Ulcombe	APPLICANT: Mr Miley Cash AGENT: SJM Planning Limited
CASE OFFICER: Pieter De Villiers	VALIDATION DATE: 22/09/23	DECISION DUE DATE 17/11/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

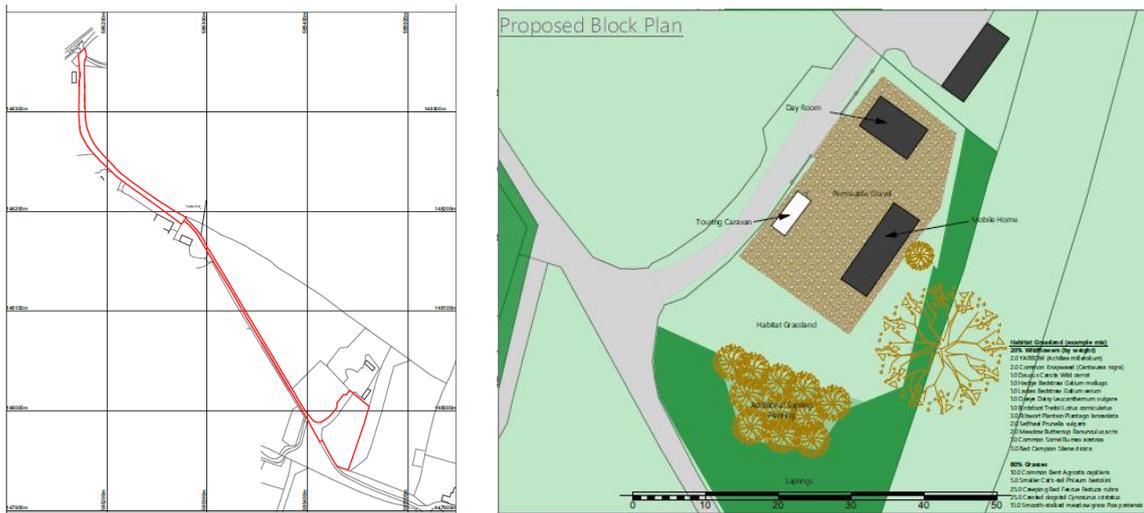
- a) 09/0208 - Change of use to gypsy caravan site to include to 2 No. mobile homes, 2 No. touring caravans, 2 No. utility blocks and 2 No. stables and tack room. (Considered at committee 12 August 2010) Granted 18 August 2010. *(NB: site covers the land area of local plan allocation GT1 (15) with permission providing 2 pitches (consisting of 4 caravans) of the maximum of 5 pitches permitted by the allocation. This plot is to the south east and north east of the current application site).*

Site location plan and proposed block plan for 09/0208



- b) 23/500381/FULL Change of use of the land for the stationing of one static mobile, one touring caravan and one day room for Gypsy / Traveller occupation. Associated hard and soft landscaping (Part retrospective). (Considered at committee 20 April 2023) Granted 15 May 2023 (NB: site covers front land area of local plan allocation GT1 (15) and provides one pitch which together with 09/0208 provides 3 of the of 5 pitches maximum permitted by the allocation. This plot is to the south east of the current application site).

Site location plan and proposed block plan 23/500381/FULL



- c) 23/500383/FULL Change of use of the land for the stationing of four static mobiles, four touring caravans for Gypsy / Traveller occupation. Associated hard and soft landscaping. (Amended version to that approved under reference MA/17/502714/FULL) (Part retrospective). (Considered at committee 20 July 2023) Granted 04 August 2023. This plot is to the north west of the current application site)

Site location plan and proposed block plan 23/500383/FULL



MAIN REPORT

1. DESCRIPTION OF SITE

1.01 This site is in open countryside within Ulcombe Parish. This is an area characterised by grassed paddocks on level land to the south of the Greensand Ridge. The site is

2. PROPOSAL

- 2.01 Planning Permission is sought retrospectively for change of use of the land for the stationing of three static mobiles and three touring caravans for Gypsy or Traveller occupation, with associated hard and soft landscaping.
- 2.02 The proposal retains the existing access point onto the private track. The proposal will provide areas of grassland and biodiversity areas. The proposal includes the removal of existing close board fencing along the north-western, south-western and south-eastern boundaries to be replaced with post/rail fencing, trees and hedging.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SS1 - Spatial strategy

GT1(15) - Hawthorn Farm, Pye Corner, Ulcombe

SP17 - Countryside

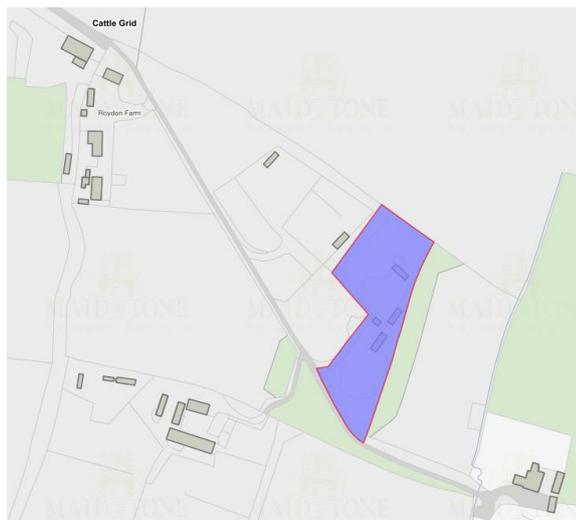
DM1 - Principles of good design

DM3 - Natural environment

DM15 - Gypsy, Traveller and Travelling Showpeople accommodation

DM30 - Design principles in the countryside

Local Plan site allocation GT1(15) Map - Hawthorn Farm, Pye Corner, Ulcombe



National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

- Maidstone Landscape Character Assessment (amended 2013),
- Planning Policy for Traveller Sites 2015 (PPTS)
- Gypsy and Traveller and Travelling Showpeople Topic Paper (2016)
- Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2023)

Emerging Draft Policy: Maidstone Draft Local Plan:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some

weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time. The relevant policies are as follows:

LPRSP10: Housing

LPRSP10(A): Housing mix

LPRSP12: Sustainable transport

LPRSP14: The Environment

LPRSS1: Maidstone borough spatial strategy

LPRSP9: Development in the countryside

LPRSP14A: Natural environment

LPRSP14(C): Climate change

LPRSP15: Principles of Good Design

LPRHOU 8: Gypsy and Traveller accommodation

LPRTRA2: Assessing the transport impacts of development

PRTRA4: Parking

LPRQ&D 1 Sustainable design

LPRQ&D 2: External lighting

LPRQ&D 6: Technical standards

4. LOCAL REPRESENTATIONS

Local residents:

4.01 No response to neighbour consultation

Cllr Ziggy Trzebinski.

4.02 Request that the application is reported to committee if officers are minded to grant permission – no reasons given.

Ulcombe Parish Council:

4.03 Ulcombe Parish Council objects to this application on the following grounds:

- Absence of evidential proof for Traveller status (reference to other applications were noted, however, these relate to a different applicant).
- Harm to the local landscape Low Weald Landscape of Local Value in conflict with Policy SP17.
- Impact on nearby residential properties and the public footpath KH330
- Dominance of nearest settled community
- The site does not fulfil the definition of "sustainability" in policy DM15.
- The effect of this proposal on protected species.
- Increase vehicle movements causing harm to the highway network and public footpath KH330.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report were considered necessary).

KCC Public Rights of Way

5.01 No objection.

MBC Landscape Officer

5.02 No objection subject to conditions.

- 5.03 Conditions are required to secure the landscaping on submitted drawing no. 2023-1091v1-LocBlock and to request more information on planting implementation and long-term maintenance.

6. APPRAISAL

- 6.01 The key issues for consideration relate to:

- Policies SP17 and DM15 (countryside, highways, flooding, landscape & ecology)
- Need and supply of sites.
- Gypsy status.
- Residential amenity

SP17 and DM15 (countryside, highways, flooding, landscape & ecology)

- 6.02 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
 - b) they accord with other Local Plan policies
- 6.03 Policy SP17 does not specify an acceptable level of harm to local character and appearance, and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.04 In specific circumstances where there is locational need for development (equestrian, rural worker dwelling, agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall.
- 6.05 In this case, policy DM15 accepts that new Gypsy and Traveller accommodation will be in the countryside and lists 5 criteria that planning applications will be assessed against. These criteria are considered below:
- i. Local services, in particular school, health and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.
- 6.06 The supporting text to policy DM15 states in relation to Gypsy and Traveller accommodation *"It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. Frequently, because of land availability, more rural sites are proposed. Where such sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside"*.
- 6.07 Whilst the local plan does not provide a definition of what distance is considered 'close' to a settlement, the application site is a 4 minute (0.9 miles) car journey from Ulcombe Primary School (Ulcombe set to become a designated 'smaller village' in the emerging plan). Headcorn Library is a 11 minute car journey from the site (3.2 miles).
- 6.08 Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations. Although not highly sustainable in respect of location, the

site is not so far removed from basic services and public transport opportunities as to justify refusal.

- 6.09 In addition, it is highlighted that the application site is immediately adjacent to a local plan allocated Gypsy and Traveller site. The location has been considered by the Council in the context of their Gypsy and Traveller site needs assessment and allocated in the Local Plan for Gypsy and Traveller development.
- 6.10 ii. The development would 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: a. Local landscape character; b. Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans; and c. Existing landscape features - development is well screened by existing landscape features and there is a reasonable prospect of such features' long term retention; Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development.
- 6.11 The Maidstone Landscape Character Assessment advises that the site lies within the Low Weald Landscape Character Area, specifically within the Ulcombe mixed farmlands area. The Low Weald Landscape of Local Value (LLV), for the purposes of the Local Plan, is a landscape that is highly sensitive to significant change and is recognised as having distinctive landscape features: mosaic like field patterns, many of medieval character, hedgerows, stands of trees, field ponds and streams and buildings of character should be conserved and enhanced where appropriate.
- 6.12 Where Gypsy and Traveller developments are normally permitted, it is based on 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. Consequently, unless well screened or hidden away in unobtrusive locations, mobile homes are normally considered unacceptable in their visual impact.
- 6.13 There is a public right of way immediately to the south of the application site and the site is visible from this PROW with minimal screening along the south-western boundary. However, from further afield the application site is generally screened from views because of its location behind other parcels of land where mature boundary vegetation exists, resulting in the application being screened on four sides.
- 6.14 Additionally, from more distant views, such as from Knowle Hill, the overall impression looking south across the landscape is of an expanse of woodland, with Pye Corner visible and some isolated dwellings. The application site and nearby Gypsy and Traveller sites are not easily recognised, if at all. It is accepted that views may change in the winter, due to less leaf coverage, but it is not considered a noticeable change due to the impact of existing sporadic developments in the immediate vicinity of the application site, including other lawful Gypsy and Traveller sites, on the landscape.
- 6.15 Landscape proposals as shown on drawing no. 2023-1091v1-LocBlock, received 30 October 2023, includes habitat grassland (grass and wildflower mix) and biodiversity areas, native mixed hedgerows, and a selection of native fruit trees. The additional tree planting will be in the southern corner of the site and along the south eastern and north western boundaries.
- 6.16 Post and rail fencing instead of the existing close-boarded fencing are also found along the boundaries of the site apart from the north eastern boundary with the adjacent Hawthorn site. The additional tree planting and hedgerows around the site

are in line with the MBC Landscape Character Assessment and would increase biodiversity.

- 6.17 MBC Landscape Officer has found the landscaping proposals acceptable and suggested relevant landscape conditions requiring more information on planting implementation and long-term maintenance. Overall, given its small scale, the harm is found to be localised with no significant medium to long range impact.
- 6.18 Policy DM15 advises that applications need to be assessed in relation to "Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans".
- 6.19 The proposal is a small site wedged between Hawthorn Farm, (allocated as a Gypsy and Traveller site for a total of 5 pitches in accordance with Policy GT1(15) of the Maidstone Borough Local Plan) and a recently approved Gypsy and Traveller site at Land West of The Hawthorns. The proposal would retain the existing access point and would provide areas of soft landscaping, areas of grassland, new hedging and biodiversity areas including several native fruit trees.
- 6.20 The application site is generally screened from views because of its location behind other parcels of land and mature boundary vegetation, resulting in the application being screened on four sides from more distant viewpoints. As mentioned above, from more distant views on Knowle Hill, the overall impression looking south across the landscape is of an expanse of woodland, with Pye Corner visible and some isolated dwellings. The application site and nearby Gypsy and Traveller sites are not easily recognised, if at all.
- 6.21 The character of the area is of existing sporadic developments, including other lawful Gypsy and Traveller sites. It is concluded that the harm caused by the proposal would be minimal and not such to warrant refusal. The site layout along with the landscaping proposals are reflective of PPTS 2015 which states sites should be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. Overall, minimal harm would be caused by any cumulative effects because of the proposal.

iii. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.

- 6.22 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.
- 6.23 There are no highway issues with the existing access suitable for the extra demand from this application. The track from the unclassified country road is a public right of way and has vehicular rights of access. It is concluded that the vehicle movements resulting from the application can easily be accommodated on the local road network.
- 6.24 NPPF guidance states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*" (NPPF para 111). The current application does not meet these tests with no highway safety impact found and no severe impact on the highway network present.
- 6.25 The Parish Council have said that the proposal will impact on the public right of way KH330. Whilst the current application will lead to more traffic on the access track,

this additional traffic is not great enough to justify the refusal of planning permission. The KCC public rights of way has not raised any objection to the application.

iv. The site is not located in an area at risk from flooding (zones 3a and 3b)

6.26 The site lies within Flood Zone 1, consequently flooding is not an issue. A planning condition will be imposed to secure permeability of site hardstanding and assist in surface water drainage.

6.27 The application form suggests foul drainage is to be disposed of via a septic tank. Further details of the provision of potable water and how foul sewage will be dealt are to be secured by way of condition (including the size of any septic tank or cesspool and where it will overflow to).

v. The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.

6.28 Policy DM3 of the Maidstone Borough Local Plan and paragraph 174 of the NPPF (2021) directs the planning system to contribute to and enhance the natural and local environment. The application site surface is currently road plantings and shrubland with little ecology value and in this context, it is concluded that there is no requirement for an ecological survey.

6.29 The Parish Council refer to the earlier application under reference 09/0208 which was for land to the south east and north east of the current application site. Application 09/0208 was supported by a 'Great Crested Newt (GCN) scoping Survey carried out by ASW Ecology. The survey found:

- Nearest GCN populations are at least 2000 metres from the site (500 metres the critical distance).
- Current habitat on the site is not newt friendly and therefore even if newts were in the immediate area, they would not be expected to be present on this site.
- Notwithstanding the above precautionary approach to the construction work is recommended such as removing existing rubble piles.
- Application would result in a net gain of wildlife habitat.

6.30 The Parish Council refer to the Ecology Survey submitted in support of application under reference 17/502714/Full. The Parish Council repeat their criticism of the survey timing made in the Parish Council response to application 17/502714/Full.

6.31 The committee report for 17/502714/Full advises "*Due to the site being intensively managed KCC (Ecology) are satisfied that the submitted report provides a good understanding of the ecological interest of the site. No additional surveys are required but if planning permission is granted there is the opportunity to enhance the site for biodiversity and this can be secured by condition*". There was in addition no objection from Natural England. It is also highlighted that the permission under 17/502714/Full has been superseded by 23/500383/FULL (Considered at committee 20 July 2023) where no ecology issues were found.

6.32 The applicant has highlighted that enhancement through bird and bat boxes can be used to achieve biodiversity net gain and a planning condition is recommended to achieve this. A planning condition is also recommended to seek the habitat grassland area shown on the submitted plans and the native hedge and post and rail site boundaries. On this basis, the proposal would accord with policies DM3 and DM15 of the Maidstone Borough Local Plan (2017), and the NPPF (2023). These

policies jointly direct the planning system to contribute to and enhance the natural and local environment.

Need and supply of sites.

6.33 Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. The Council has chosen to separate the matter of Gypsy and Traveller policy from the Local Plan Review and is pursuing a separate DPD on this matter. This Gypsy, Traveller and Travelling Showpeople DPD is yet to go out to first stage consultation.

6.34 The updated Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA), which forms part of the evidence base for the Gypsy, Traveller and Travelling Showpeople DPD, was published in September 2023. It provides the evidence of the current and future need for gypsy, traveller and travelling showpeople in the borough for the Local Plan Review until 2040.

6.35 The GTAA published in 2023 outlines a need for 340 pitches in Maidstone that met the planning definition between 2023 and 2040, broken down as follows:

	2023-27	2028-32	2033-37	2038-40	2023-40
Gypsy & Traveller Pitches	205	48	53	34	340

6.36 In addition, the DPD will be informed by the outcome of a Pitch Deliverability Assessment and a targeted Call for Sites exercise to identify potential new sites so the needs of the community can be adequately, and appropriately addressed and appropriate engagement can take place. The LPR Call for Sites exercise ran from February and March 2022 and February and March 2023, with the aim of comprehensively addressing the needs of the community appropriately. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and is not due to be adopted until 2025 at the earliest.

6.37 The PPTS requires Local Plans to identify a supply of 5 years' worth of deliverable sites against the Plan's pitch target. The Council's 5-year supply comprises:

- unimplemented Local Plan 2017 (Policy GT1) allocations which are to be carried forward.
- an allowance for pitch turnover on the two public Gypsy & Traveller sites in the borough.
- a windfall allowance for pitches which will be granted planning permission in the future.

6.38 The Council are not able to provide a supply of specific deliverable sites sufficient to provide five years' worth of sites against locally set targets. The Council's current position is that it can demonstrate a 1.2 years' worth of deliverable pitches. Paragraph 27 of 'Planning policy for traveller sites (2015) states: "*If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt... [or]an Area of Outstanding Natural Beauty*".

Gypsy status

- 6.39 A judgement dated 31 October 2022, from the Court of Appeal in Smith v. SoS for Levelling Up, Housing and Communities (CA-2021-00171, 31st October 2022) concerned a planning inspector's reliance on the definition of Gypsies and Travellers in Planning Policy for Traveller Sites. This guidance was introduced by the government in August 2015.
- 6.40 The previous definition before August 2015 had been: "*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' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such*". The new definition post 2015 deleted "or permanently".
- 6.41 The SoS accepted that this indirectly discriminated against elderly and disabled Gypsies and Travellers but argued that the discrimination was justified. The appeal court judgement sets out at paragraph 66... "*the nature of the discrimination before the judge was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. This discrimination was inextricably linked to their ethnic identity*". at paragraph 139 "... *the effect of the relevant exclusion was – as the Secretary of State has conceded – discriminatory, and that, on the evidence before the court in these proceedings, there was no proper justification for that discrimination...*"
- 6.42 Permission is sought on the basis that the site is required to satisfy an identified need for one extended Gypsy and Traveller family. The agent has submitted that the intended occupiers of the site qualify for Gypsy and Traveller status for planning purposes. The applicant is a named person in the application at the Hawthorns, granted consent under MA/09/0208. It is stated the applicant of the current application wishes to live near family members at the Hawthorn site, due to health considerations of those residing on the site, which has been evidenced in previous applications. It is common for several generations of the same family to live on one plot, or on adjacent plots, and this would be the case here.
- 6.43 It is understood the applicant and their family have not ceased travelling for any reason and often travels over the south east and East Anglia for economic purposes, often independently, but also as a group. Additionally, there is an obvious need for schooling and a structured family life.
- 6.44 Based on the evidence available it can be reasonably concluded that the intended occupants are of Gypsy heritage and are from the travelling community. A condition is recommended to ensure that the site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.
- 6.45 In awarding costs against the Council as part of a recent appeal on this issue at Pear Paddock the appeal Inspector sets out: "*The Council's second reason for refusal complains that the appellants (then the applicants) have not demonstrated that the proposed site occupants are Gypsies or Travellers. Yet there is nothing in the relevant policy that requires a personal demonstration of need or ethnic identity. It is not as though any housebuilder is required to tell the LPA who exactly is intended to live in the houses s/he proposes to build; concomitantly, there is no such requirement here*". With this background and the common use of planning conditions to restrict occupation of relevant sites to Gypsies or Travellers, the refusal of planning permission on the grounds that Gypsy status has not been proven would be unreasonable.

Residential amenity

- 6.46 Policy DM1 states that proposals will be permitted where they “...respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, 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”.
- 6.47 The proposal a small site wedged between Hawthorn Farm, an allocated as a Gypsy and Traveller site for a total of 5 pitches in accordance with Policy GT1(15) of the Maidstone Borough Local Plan and recently approved Gypsy and Traveller site at Land West of The Hawthorns.
- 6.48 The proposal would maintain acceptable separation distances from existing mobile homes and neighbouring properties, and this will avoid any adverse effect in terms of overshadowing, loss of light, outlook, or privacy.
- 6.49 The closest ‘immediate neighbours’ (house) as highlighted by the Parish Council are separated from the application site by a distance of circa 140 metres to the south east. This distance includes the adjacent allocated Gypsy and Traveller site which is closer to these neighbours.
- 6.50 The proposal would retain the existing access point and would provide areas of soft landscaping, areas of grassland, new hedging and biodiversity areas including several native fruit trees, as such, there would be sufficient amenity space for the future occupiers.
- 6.51 The proposals are acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed dwelling. The proposal is in accordance with policy DM1 of the Maidstone Borough Local Plan and LPRQ&D7 of the emerging Draft Local Plan.
- 6.52 The Planning Policy for Traveller Sites 2015 (PPTS) advises “When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community” (paragraph 14). The application ‘site’ includes 3 Gypsy and Traveller pitches (3 mobile homes and 3 touring caravans) and when added to the nearby sites listed in this report there will be a total of 10 pitches (10 mobile homes and 10 touring caravans) it is not considered that the scale of the application ‘site’ itself or taken with nearby sites would dominate the nearest settled community of Ulcombe.

PUBLIC SECTOR EQUALITY DUTY

- 6.53 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.
- 6.54 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 Public Sector Equality Duty have been met and it is considered that the application proposals would not undermine objectives of the Duty.

- 6.55 Due regard has been had to the Public Sector Equality Duty 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 Public Sector Equality Duty.

7. CONCLUSION

- 7.01 Local Plan policy DM15 allows for Gypsy and Traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area. The GTAA published in 2023 outlines a need for 340 pitches in Maidstone and the Council's current position is that it can demonstrate a 1.2 years' worth of deliverable pitches at 1st April 2023.
- 7.02 The proposal has been assessed in relation to its visual and landscape impact, highways impact, sustainability, residential amenity, and flooding / drainage and found to be acceptable. The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. For the reasons set out above, it is recommended that permission be granted.

8. RECOMMENDATION – GRANT Subject to the following conditions - with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
- Drawing no. 2023-1091-001-Survey Plan – Existing Topographical Survey
 - Drawing no. 2023-1091v1-Mobile – Example Mobile Home Plans
 - Planning Statement received on 20 September 2023
 - Drawing no. 2023-1091v1-LocBlock – Location and Block Plans received on 30 October 2023

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

- 3) No more than six caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than three shall be a static caravan/mobile home) shall be stationed on the land at any time.

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

- 4) If the lawful use of the site ceases, all caravans, structures, equipment, and materials brought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.

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

- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land and no commercial or business activities shall take place on the land including the storage of materials.

Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside; and in the interests of residential amenity.

- 6) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character, and appearance of the countryside, and in the interests of residential amenity.

- 7) 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 within 6 weeks of the date of the 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:
- a) means of enclosure, which shall be rural in character such as post and wire/rail fencing (as opposed to close-boarded fencing, apart from along the north eastern boundary with the Hawthorn site) and allow for the establishment of landscaping and shall thereafter be maintained.
 - b) a delivery plan for the complete removal from the land of all existing close-boarded fencing.
 - c) extent of existing hardstanding and parking areas, including a schedule for the complete removal from the land of all hardstanding areas other than those areas to remain on the land as shown on Drawing no. 2023-1091v1-LocBlock.
 - d) the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal. These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).
 - e) existing external lighting on the boundary of and within the site.
 - f) details of existing landscaping and details of soft landscape enhancements
 - g) details of the measures to enhance biodiversity at the site; and,
 - h) a timetable for implementation of the scheme including a) to g) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
- 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.

- 8) Notwithstanding the landscaping details shown on Drawing no. 2023-1091v1-LocBlock, the landscaping required by condition 7 (i) (f) shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The detailed landscaping drawings shall include:
- a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
 - b) measures for the protection of retained landscaping and trees during the construction phase of the development.
 - c) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping.
 - d) details of a new mixed native species hedgerow (double staggered row at 45cm spacings with 30cm between rows and minimum 45-60cm bare root stock at planting) as indicated on Drawing no. 2023-1091v1-LocBlock, consisting of species 15% Hawthorn, 70% Hazel, 5% Holly and 10% Spindle. Thereafter the hedgerows shall be maintained in perpetuity in accordance with the approved management plan.
 - e) specifically, the retention and landscape reinforcement of the existing landscape features along the south western boundary and southern / south eastern part of the site with native hedge and tree species.
 - f) a timetable of implementation of the approved scheme and
 - g) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

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

- 9) All planting, seeding, and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five years from planting 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 10) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.

- b) include a layout plan with beam orientation.
- c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 11) The enhancement of biodiversity on the site, required by condition 7 shall include the installation of a minimum of one bat tube on the approved mobile homes and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details prior to the first occupation of the mobile homes hereby approved and all these features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 12) All hardstanding areas shall be of permeable construction as indicated on Drawing no. 2023-1091v1-LocBlock.

Reason: In the interests of amenity.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.