

APPLICATION: MA/12/2077 Date: 26 November 2012 Received: 30 May 2013

APPLICANT: Mr & Mrs Love & Butler

LOCATION: THE ORCHARDS SNOWEY TRACK OFF, PARK LANE, BOUGHTON
MONCHELSEA, MAIDSTONE, KENT, ME17 4JJ

PARISH: Boughton Monchelsea

PROPOSAL: 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.

AGENDA DATE: 27th June 2013

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Boughton Monchelsea Parish Council and they have requested it be reported to Planning Committee for the reasons set out below.

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, T23
Government Policy: National Planning Policy Framework (2012), Planning Policy for Traveller Sites (2012)

2.0 HISTORY

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 – APPROVED WITH CONDITIONS

3.0 CONSULTATIONS

- 3.1 **Boughton Monchelsea Parish Council:** *"The Parish Council wish to see the application refused and request the application is reported to the planning committee for the following planning reason : The proposal would have a significant cumulative effect on the open countryside, adding considerably to what has already been approved."*
- 3.2 **KCC Highways:** No objections – *"The proposal will not lead to any significant increase in traffic to and from this private road, therefore I have no objections."*
- 3.3 **MBC Landscape Officer:** No objections – *"This application to allow the siting of two additional mobile homes on plot 2 and two additional mobile homes on plot 3 does not alter the impact of the original proposal on the surrounding vegetation. I therefore raise no objection on arboricultural grounds."*
- 3.4 **MBC Environmental Health Manager:** No objections.
- 3.5 **KCC Archaeology:** No objections.

4.0 REPRESENTATIONS

- 4.1 **Neighbour representations:** 11 representations received raising the following (summarised) points:
- Detrimental to area.
 - Blot on the countryside even though it can't be seen from the road.
 - Green belt land.
 - Could lead to more development.
 - Impact on wildlife.
 - Not true gypsies.
 - Poorly located.
 - Is there a genuine need?
 - Can foul water system cope?
 - Have adjoining land owners been consulted?
 - Occupant's dogs have disturbed walkers.
 - Walkers feel intimidated.

- Pony and traps lead to congestion.
- Dangerous on access track.
- Increase in litter.
- Local primary school is oversubscribed.
- Devaluing area.
- Discrimination/racism against the settled community by the Council.

5.0 CONSIDERATIONS

5.1 Introduction

5.1.1 This is an application for the variation of condition 3 of permission MA/11/0744, which approved the change of use to a residential caravan site for 4 gypsy families with 4 mobile homes, 4 touring caravans, and 4 amenity blocks at 'The Orchards', Snowey Track, off Park Lane, Boughton Monchelsea. Condition 3 restricts the number of caravans at the site and the variation seeks to allow the siting of two additional mobile homes on plot 2 and two additional mobile homes on plot 3 (total of 4 additional mobile homes) involving the extension of hard surfacing.

5.2 Site Description & Planning History

5.2.1 The application site is located in open countryside off the south side of Park Lane. The land hereabouts is not the subject of any landscape designation in the Local Plan. The site involves a rectangular area of approx. 1.3 ha that is bordered by woodland and shelter belts. The site is served by a rough access track that runs south from a right-angled bend in the highway. The track passes Tilt's Wood on its eastern side and more open parcels of land on its western side, including a wood yard immediately to the north of the site. Tilt's Wood is protected by TPO 7/1982. The line of public right of way KM119 runs along the length of the access track before leading off south eastwards through the woods, roughly at the point where path meets the application site.

5.2.2 The site comprises a permanent non-restricted gypsy and traveller site granted permission at Planning Committee in January 2012 under application MA/11/0744. This approved a change of use of a former cherry orchard to a caravan site for 4 gypsy families involving 4 plots each served with an access drive running westwards into the site with a mobile home, touring caravan, amenity block and associated parking/turning area: all at the western end of each plot (total of 4 static and 4 touring caravans). The remaining orchard trees in front are retained. The site is relatively flat and is bordered to the east by the

access track and Tilt's Wood, to the south and west by lines of trees with agricultural land beyond, and to the north by a line of trees with a wood yard beyond that.

- 5.2.3 Plots 1, 2 and 4 are all occupied but plot 3 is not yet occupied as the applicant's son, who will live there has been travelling and has only recently purchased a mobile home.

5.3 Proposal

- 5.3.1 Permission is sought for an additional 4 static caravans at the site being 2 more each for plots 2 and 3. Plots 2 and 3 are the central plots and as a result they would each have a total of 3 static caravans. The overall total of caravans at the site would be 8 static caravans and 4 touring caravans.
- 5.3.2 The additional mobile homes would be sited towards the front, east of the plots on existing hard surfacing that has been laid beyond that previously approved. As such there is an extension of hard surfacing of around 12m further south which needs to be taken into account.
- 5.3.3 It is stated that the additional caravans would be used to accommodate the elderly parents of Mr & Mrs Love and Mr & Mrs Butler immediately, and for the family's growth in the future.

5.4 Principle of Development & Policy Background

- 5.4.1 Clearly, a gypsy and traveller site has been accepted at the site by the Council with a restriction to 4 static caravans and 4 touring caravans. Condition 3 restricted numbers for the following reason:

"To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies CC1 and CC4 of The South East Plan 2009."

- 5.4.2 As such, the main consideration is whether the additional caravans would result in unacceptable harm to the countryside.
- 5.4.3 In terms of policy, policy ENV28 of the Local Plan relates to development in the countryside stating that:

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"

5.4.4 A key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

5.4.5 Work on the Local Plan is progressing; however there is, as yet, no adopted Core Strategy. Local authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Core Strategy period:-

Oct 2011-March 2016	105 pitches
April 2016- March 2021	25 pitches
April 2021- March 2026	27 pitches
Total Oct 2011 – March 2026	157 pitches

5.4.6 These figures were agreed by Cabinet on the 14th March 2012 as the pitch target to be included in the next consultation version of the Core Strategy. However, an amended target was agreed by Cabinet on 13th March 2013 of **187 pitches** (30 additional pitches) to reflect the extension of the new Local Plan period to 2031.

5.4.7 The Local Development Scheme approved by Cabinet on 13th March 2013 also approved the amalgamation of the Core Strategy Local Plan and the Development Delivery Local Plan, to be called the Maidstone Borough Local Plan. The single local plan would contain policies together with the balance of all land allocations (including gypsy and traveller sites). The timetable for adoption is July 2015.

5.4.8 Draft Policy CS12 of Local Plan (Cabinet agreed 13th March 2013) outlines that the Borough need for gypsy and traveller pitches will be addressed through the granting of planning permissions and through the allocation of sites.

5.5 Gypsy Status

5.5.1 Annex 1 of the PPTS defines gypsies and travellers 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 show people or circus people travelling together as such."

5.5.2 The gypsy status of all families at the site was accepted under application MA/11/0744 and the additional caravans would be for elderly members and future growth of these gypsy and traveller families. As such, I am satisfied that the proposals are genuinely for additional gypsy or travellers and a condition can be applied to ensure any caravans can only be used as such.

5.6 Need for Gypsy Sites

5.6.1 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.

5.6.2 The latest GTAA (2011-2026) provides the projection of accommodation requirements as follows –

Oct 2011-March 2016	105 pitches
April 2016- March 2021	25 pitches
April 2021- March 2026	27 pitches
Total Oct 2011 – March 2026	157 pitches

As outlined above, an amended target was agreed by Cabinet on 13th March of **187 pitches** (30 additional pitches) to reflect the extension of the new local plan period to 2031.

5.6.3 Taking into account this time period, since 1st October 2011 the following permissions for pitches have been granted (net):

35 Permanent non-personal permissions

6 Permanent personal permissions

0 Temporary non-personal permissions

21 Temporary personal permissions

Therefore a net total of 41 permanent pitches have been granted since 1st October 2011.

5.6.4 It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. Therefore although the pitch target is high for the first five years, the immediate need is not, in my view, overriding. However, the latest GTAA clearly reveals an ongoing need for pitches.

5.7 Visual Impact

- 5.7.1 The latest guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in open countryside (paragraph 23) but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined, however, this is addressed in the National Planning Policy Framework and clearly under Local Plan policy ENV28.
- 5.7.2 The site is already established and so it needs to be considered whether an additional 4 static caravans and the extension of hard surfacing would result in unacceptable harm to the landscape. I agree with the previous assessment that the site is very well screened in long and medium term views by Tilt's Wood to the east and by blocks of woodland to the south and west. From the bend in Park Lane, the site is not visible and all that is apparent is the established access track down towards the site. Closer to the site, and as one approaches along the public footpath, the site becomes more apparent but is still quite well screened by trees on either side of the access track and by the established shelter belt of trees that immediately border the site. I also note that the existing plots and development are at the western end of the site, i.e. away from the track/public footpath and benefit from additional screening from the retained orchard trees.
- 5.7.3 The additional caravans would consolidate development at the site but they would be well grouped with existing development and whilst the loss of landscaped areas is regrettable, ultimately I do not consider this would result in unacceptable harm. My view is that as the site's are very well screened, they have the capacity to take the additional caravans, without causing any significant or unacceptable harm to the landscape.

5.8 Residential Amenity

- 5.8.1 The application site is well divorced from residential neighbours: the nearest being approx. 200m away to the north and north west. Any noise and disturbance generated on site and by the passage of additional vehicles is unlikely to be so significant as to affect local housing. I conclude that the additional development would not have a significant adverse impact on residential amenity.

5.9 Highways

- 5.9.1 Kent Highway Services have raised no objection on highways matters to the additional development and no objection was raised to the original development.

I do not consider that the potential additional movements at the site would result in highway safety issues.

5.9.2 It is inevitable that gypsy sites will be located beyond the bounds of settlements and within the rural area. I agree with previous assessment that the site is not so remote from basic services and public transport opportunities as to warrant objection on the basis that this is not a sustainable location. There is a regular bus service along Heath Road to the north, whilst the site is less than 1km away from the village boundary of Boughton Monchelsea to the north west of the site. There is a post office in Boughton Monchelsea and there are junior and senior schools along Heath Road to the west. I therefore do not consider the additional development would be unsustainable.

5.10 Other Matters

5.10.1 There would be no detrimental implications for ecology from the additional caravans. Foul drainage is currently dealt with by a septic tank for each plot, which has been approved. However, I will attach a condition to ensure these are sufficient to deal with the additional caravans.

5.10.2 Other issues raised by local residents and not addressed above include reference to green belt land, it could lead to more development, have adjoining land owners been consulted, disturbed and intimidation of walkers, pony and traps lead to congestion, local primary school is oversubscribed, devaluing area, and discrimination against the settled community.

5.10.3 I can confirm that the site is not within the green belt nor within an area with any special landscape designation. The application must be judged on its own merits, not what may or may not happen in the future. There is no statutory requirement to consult adjoining landowners, only nearby occupied buildings. Whilst the occupant's pets may disturb walkers and they may feel intimidated, the plots are set well back from the footpath and this is not grounds to refuse permission. Any impact on the local highway network from a person's choice of transport, in my view, is not a material planning consideration. In terms of impacts on local services, the proposals would not result in any significant increase in people on site, and I note a proposal for 4 new dwellings would not be refused on the basis of school place pressure. Any devaluation of property is not a material planning consideration. In terms of accusations of discrimination, planning policies, in principle, can allow for gypsy and traveller sites in the countryside as an exception to the normal themes of constraint.

6.0 CONCLUSION

- 6.1 The 4 additional static caravans would not result in any significant harm to the landscape hereabouts, or the amenity of local residents, and would therefore provide additional gypsy and traveller accommodation at an acceptable site. For these reasons, I recommend that permission is granted subject to conditions. Being an application to vary a condition of the original permission, and therefore in effect to create a new permission, I will attach all previous conditions, where relevant.

7.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. No more than 12 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 8 shall be a static caravan or mobile home) shall be stationed on the site at any one time. The caravans shall only be sited on the areas marked on drawing MAI/12671/P as 'GRAVEL STANDING' and caravans shall not be sited on any other part of the site;

Reason: To safeguard the character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework 2012.

2. This site is not to be used as a caravan site by any persons other than gypsies and 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 and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements pursuant to the Planning Policy for Traveller Sites 2012. This in accordance with Maidstone Borough-Wide Local Plan 2000 Policy ENV28.

3. No commercial or business activities shall take place on the land, including the storage of vehicles or materials and livery use;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

4. The additional caravans hereby approved shall not be brought onto site until details of any proposed external lighting within the site has been submitted for approval in writing by the Local Planning Authority. No further external lighting shall be installed at the site beyond that approved under this condition;

Reason: To safeguard the character and appearance of the countryside and the ecology of the area. This in accordance with Policy ENV28 of The Maidstone Borough-Wide Local Plan 2000.

5. The additional caravans hereby approved shall not be brought onto site until full details of the proposed means of foul water disposal has been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of proper drainage and prevention of pollution in accordance with the National Planning Policy Framework 2012.

6. Notwithstanding the additional hard surfacing hereby approved, If any trees or plants approved under the landscaping details of application MA/12/0376 within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000.

7. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. MAI/13040/P received on 29th May 2013.

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.