

APPLICATION: MA/12/1179 Date: 21 June 2012 Received: 4 June 2013

APPLICANT: Mr George Beaney

LOCATION: GREENFIELDS, STILEBRIDGE LANE, LINTON, MAIDSTONE, KENT,
ME17 4DE

PARISH: Linton

PROPOSAL: Change of use of land from agriculture to use as a residential caravan site for one Gypsy family with two caravans, including erection of amenity building and laying of hard surfacing as shown on the site location plan and un-numbered plan (floor plan and elevations) received 25th June 2013 and un-numbered plan (block plan) received 4th June 2013

AGENDA DATE: 29th August 2013

CASE OFFICER: Catherine Slade

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

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

1. POLICIES

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

2. HISTORY

None relevant

3. CONSULTATIONS

3.1 **Linton Parish Council:** Raise objection to the proposal and wish for it to be reported to Planning Committee in the event of a recommendation for approval. The Parish Council make the following comments:

"The Parish Council objects strongly to this application on the grounds highlighted in the Design and Access Statement presented by the applicants

themselves under the heading Appearance and Landscaping. "Planning policy for traveller sites makes clear that sites may be located in rural or semi-rural settings, provided that they are of an appropriate scale to their location".

Linton Parish Council would argue, given the number of existing traveller sites in the immediate vicinity, and the additional plots, currently unoccupied, that the degree of harm is now unacceptable for any further similar development.

Also, given the large number of pitches that already exist in this very small area adjacent, and on both sides of the river Beult, we would trust that Maidstone Borough would not wish to see a proliferation of pitches in such an attractive location.

This is now the fourth application in Stilebridge Lane and so far MBC have failed to take account of the overall "scale" of development judging each application in isolation.

We therefore object to this application and wish to see this refused. Should the Borough Councils opinion differ from the Parish Councils, we would then wish to have this application determined by the Planning Committee."

4. REPRESENTATIONS

- 4.1 Two neighbour representations have been received from a single household, which raise objection to the proposal on the following grounds:
- Visual impact upon the open countryside.
 - Doubt over the Gypsy status of the applicant.
 - On site parking provision.
 - Concern over the potential for the site to be used for commercial purposes.
 - Concern over the publicity of the application.

5. CONSIDERATIONS

5.1 Introduction

- 5.1.1 This is an application for the change of use of the land for the stationing of two caravans of which not more than one would be a mobile home or static for residential occupation by persons of Gypsy status, and associated operational development, including the provision of a hard surface and the erection of an amenity block, fencing and a kennel. There were a mobile home and a tourer on site at the time that the site visit was undertaken, however the amenity block had not been erected at that time.

5.2 Site Description & Planning History

- 5.2.1 The application site is located in open countryside to the south east of Stilebridge Lane, an unclassified public highway. The site is not subject to any national or local environmental designations. The River Beult, a Site of Special Scientific Interest, is located approximately 350m to the south of the site.
- 5.2.2 The application site comprises a one of six wedge shaped plots of land with various sizes which resulted from the subdivision of the unit by the previous landowner. The plots radiate out from a shared site access to the north west of the site. The plot to the immediate north of the site (Stilebridge Stableyard), which adjoins the public highway, has a temporary personal consent for use as a residential caravan site for occupation by named persons of Gypsy status under the scope of MA/11/0055. This consent allows the stationing of three caravans of which not more than one shall be a mobile home or static. The plot to the south of the site has a large agricultural barn on it, and this and the other three plots to the south, are believed to be used for purposes falling within the scope of agriculture.
- 5.2.3 A site known as Stilebridge Paddock located approximately 40m further north along Stilebridge Lane was recently granted permanent consent for 2 mobile homes and 2 touring caravans for residential occupation by gypsies under reference MA/10/1555.
- 5.2.4 The site has an area of approximately 0.6Ha, and as set out above is wedge shaped. The plot is 5m wide at the point closest to the highway, and widens to a maximum width of 40m in the rear of the site. The site is hard surfaced in the areas on which caravans are stationed in the central portion of the site, with a hard surfaced access running along the boundary with the plot to the north, with grassed areas in the west and east of the site. The rear (east) of the site comprises a paddock area, which is separated from the residential part of the site by a post and rail fence.
- 5.2.5 The site frontage is open, a closeboarded fence and five bar gate being set back from this by 20m, in front of which is proposed to be planted a hedge although no planting had been put in at the time of the site visit. The rear boundary of the site is marked by a native hedge and trees, which provides screening in views from the KM129 public right way located approximately 270m to the south of the site. A closeboarded fence marks the boundaries between the site and the adjoining plots. The land levels rise gently to the south, and the main body of the site is elevated in relation to the public highway. The site is visible in public views from Stilebridge Lane, although it is to some extent screened by Stilebridge Stables in views from the north and the agricultural building in views from the south.

5.3 Proposal

- 5.3.1 Permission is sought for use of the land for the stationing of two caravans of which no more than one can be a mobile home or static for occupation by Mr George Beaney, Mrs Fay Bumby and their resident dependents.
- 5.3.2 In addition, planning permission is sought for a detached amenity block which would have a rectangular footprint with an area of 25.2m², and a simple pitched roof form with front overhang, which would be stationed to the west of the mobile home, and an area of hard surfacing, as shown on the block plan submitted on 4th June 2013. A dog enclosure, comprising a fenced area, is located to the rear (east) of the mobile home.

5.4 Principle of Development & Policy Background

- 5.4.1 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".

- 5.4.2 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.
- 5.4.3 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

- 5.4.4 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.
- 5.4.5 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.
- 5.4.6 Draft policy CS12 of the emerging Local Plan (Cabinet agreed 13th March 2013) outlines that the Maidstone Borough Council 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 the family living at the site is set out in the design and access statement, and the applicants are known to be related to other Gypsy families in the local area. As such, I am satisfied that the consent is sought in respect of genuine additional gypsies or travellers, and that the use of the land for such purposes can be adequately secured by way of conditions.

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 The current figures for permissions for pitches granted (net) since October 2011 now stands at:

46 Permanent non-personal permissions

8 Permanent personal permissions

0 Temporary non-personal permissions

26 Temporary personal permissions

Therefore a net total of 54 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 Maidstone Borough-Wide Local Plan policy ENV28.

5.7.2 The site is elevated in the landscape relative to the highway, and has limited frontage landscaping and limited scope for any additional landscaping due to its narrowness. As a result the development is relatively visually intrusive, notwithstanding the limited screening afforded by the temporary site to the north (Stilebridge Stables) and the agricultural building to the south. It is my view that the proposal would result in significant visual harm on the character and appearance of the countryside, in particular in short to medium views along Stilebridge Lane. The development is a change of use of land with minimal

operational development in the laying of hard surfacing and the erection of a utility block. This development is clearly reversible and could be removed at a future date.

5.7.3 Whilst no specific personal need has been demonstrated, I consider that the need of the two school age children living on the site is of some weight, and whilst the development causes visual harm from short to medium views and in the context of the current policy position, the lack of alternative sites for the occupiers of this site and the future emergence of allocated sites it is appropriate that this site be granted a temporary planning position for 4 years to enable the site allocation process to occur and the adoption of the Development Delivery DPD, which is anticipated in March 2015.

5.9 Other matters

5.9.1 The application site is located immediately adjacent to Stilebridge Stables, however I do not consider that the proximity of the sites to each other would result in undue harm to the residential amenity of the occupiers of either site.

5.9.2 There are no permanent dwellings in close proximity to the site.

5.9.3 The existing access is considered to be of an adequate standard, and it is not considered that the proposal would result in any harm to highway safety by way of additional traffic. Adequate on site parking is provided for the use.

5.9.4 Even before the commencement of the development the site was kept mowed short, and given this and in light of the distance from the River Beult SSSI it is not considered that the submission of an ecology survey is necessary.

5.9.5 It is inevitable that gypsy traveller sites will be located beyond the bounds of settlements and within the rural area. In my view, this 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. The A229/Stilebridge Lane junction is only around 600m away to the south west of the site. The benefits of the settled location of the occupants and therefore access to health facilities and education opportunities for the children on the site, in this case, outweigh the countryside location of the site.

5.9.6 There is no business use proposed on the site as part of the application and I recommend a condition be imposed to this effect.

5.9.7 Whilst I note that concern has been raised over the publicity procedure, it is considered that the application has been adequately well publicised, including by way of a site notice displayed on 11th June 2013.

6. CONCLUSION

- 6.1 I consider that the development would cause visual harm from short to medium views and with the current policy position, the lack of alternative sites and the future emergence of allocated sites it is appropriate that this site be granted a temporary planning position for four years to enable the site allocation process to occur.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The use hereby permitted shall be carried on only by Mr George Beaney and Ms Fay Bumby and their resident dependents and shall be for a limited period being the period of four years from the date of this decision, or the period during which the premises are occupied by these persons, whichever is shorter;

Reason: The development would cause visual harm to the character and appearance of the countryside. However, due to the current status of the Council's Development Plan and the lack of alternative options for the applicant at this time, an exception has been made to provide accommodation solely for gypsies in light of the circumstances of the applicant and family.

2. When the premises cease to be occupied by Mr George Beaney and Ms Fay Bumby and their resident dependents or at the end of four years from the date of this permission, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought onto the premises in connection with the use shall be removed, including the stable blocks, and the land restored to its former condition.

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

3. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.

Reason: To accord with the terms of the application and in the interests of the visual amenity.

4. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or

structures shall be stationed on the land without the prior permission of the local planning authority.

Reason: To accord with the terms of the application and in the interests of the visual amenity.

5. Within 2 months of the date of this permission full details of foul and surface drainage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: To ensure adequate drainage is proposed and to prevent pollution of the natural environment.

6. No external lighting shall be erected on the site at any time unless previously agreed in writing by the Local Planning Authority;

Reason: To safeguard the character and appearance of the area and to prevent light pollution.

7. No commercial activities shall take place on the land, including the storage of materials;

Reason: To ensure a satisfactory appearance to the development and prevent an inappropriate use in the countryside.

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

un-numbered plan (floor plan and elevations) received 25th June 2013 and un-numbered plan (block plan) received 4th June 2013;

Reason: To ensure the quality of the development is maintained.

Informatives set out below

The applicant is advised that, if they have not already done so, 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 being granted. Failure to do so could result in action by council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Health Project Manager on 01622 602145 in respect of a licence.

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 there are no overriding material considerations to indicate a refusal of planning consent.