

APPLICATION: MA/13/2215 Date: 11 December 2013 Received: 29 January 2014

APPLICANT: Mr Patrick Maloney

LOCATION: LAND REAR OF THE MEADOWS, LENHAM ROAD, HEADCORN, KENT, TN27 9LG

PARISH: Headcorn

PROPOSAL: Use of land for the stationing of a mobile home, a touring caravan and a dayroom for one gypsy/traveller family.

AGENDA DATE: 1st May 2014

CASE OFFICER: Jon Lawrence

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

- it is contrary to views expressed by Headcorn Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34
- Draft Local Plan: SP5, GT1, DM10, DM26, DM30
- Government Policy: NPPF (2012), Planning Policy for traveller sites (2012)

## **2. HISTORY**

- 2.1 There is relevant planning application history concerning residential gypsy development relating to this land within which the site falls, known as The Meadows, and also land further to the rear (north-west).
- 2.2 The developed frontage part of the site that the application site is located immediately behind is a plot with personal permission granted under reference MA/12/0760 in January 2013. There is also a further vacant frontage plot granted under MA/06/0236 in June 2006. A current application (MA/13/2014) is also under consideration to vary the personal condition on the MA/12/0760 plot. The subject application site is between this plot and another with personal permission (for the applicant's brother) granted under MA/11/0917 in May 2012.
- 2.3 Ten of the eleven residential gypsy plots located on the fields to the rear are subject to three year temporary personal planning permissions granted under

MA/12/1772 and MA/12/2113 on 25 April 2013. This land is approximately 200 metres behind the application site. The eleventh plot was granted a temporary three year personal permission on 17 May 2012 under MA/11/1528.

- 2.4 A new access already created from Lenham Road to serve these "backland" plots - the roadway of which runs past the application plot and is utilised to access it - was granted permission under MA/12/0261 on 26 April 2012.
- 2.5 There is also a planning application that remains under consideration (reference MA/11/0918) for another proposed plot at the rear of this "backland" development.
- 2.6 There are also other authorised gypsy sites with planning permission in the vicinity, mostly along the Lenham Road.

### **3. CONSULTATIONS**

- 3.1 **Headcorn Parish Council:** "...would wish to see refused on the following grounds and we would wish for this to be reported to the planning committee for the following reasons. There is sufficient provision within the immediate area, the adjacent Meadows site has permission for 30 units and the travelling nature of the occupants means there is always space. The site has a significant visual impact and would cause harm to the character and appearance of the countryside. An additional plot on this site would lead to further domination of the settled community. The recent dismissal of the appeal by the planning inspector of the adjacent Meadows site commented that for reasons of social cohesion sites should be more thinly spread across the borough and this site has now been rejected by two planning inspectors".
- 3.2 **Ulcombe Parish Council** have also commented as follows: "The site is a Greenfield site and the proposal would be detrimental to the open countryside and would create a significant impact if the site was occupied. The Inspector's report of 16th January 2014, APP/U2235/A/13/2198352 and APP/U2235/A/13/2198345 respectively for Appeal A ( MA /12/1772 )and Appeal B (MA/12/2113) for similar applications at The Meadows, also concluded that the harm to the character and appearance of the countryside weighs conclusively against granting a permanent permission for the proposed developments in both Appeals. Ulcombe Parish Council considers that this Inspector's report upholding the decisions of Maidstone Borough Council and of the Parish Councils of Headcorn and Ulcombe should be the benchmark for deciding this Application for Full Planning Permission, and it should thus be refused".

## **4. REPRESENTATIONS**

4.1 **One letter of objection** has been received from a local resident on the following summarised grounds:-

- Large number of gypsy encampments in area
- Occupants of those sites do not use community sewage disposal sites
- Further permissions could lead to Dale Farm type situation with little practical possibility of removal
- Effects on and nuisance to local householders, small holders and farmers
- Council could compulsory purchase more suitable land
- Visual pollution
- Travellers no longer have much connection to agriculture
- Effects on property value and saleability
- Local residents already outnumbered
- Conditions/contract should be imposed to control behaviour

4.2 **The Council for the Protection of Rural England** has also raised serious concerns about the application on the following summarised grounds and request it is refused:-

- Planning advice has not been sought from the Council as required by the NPPF
- The permission on the adjacent plot is personal and temporary
- Appeals against the developments on the land rear of The Meadows were dismissed in February 2014
- Urbanisation of the countryside
- Contrary to Planning Policy for Traveller Sites 2012 document which states that traveller sites in the open countryside away from existing settlements should be strictly limited and seeks to steer development to previously developed sites
- This development is not associated with an increase in the efficiency of a land based enterprise so is therefore inappropriate

## **5. CONSIDERATIONS**

### **5.1. Site Description**

5.1.2 The site is within the open countryside and is in an area designated as part of the Low Weald Special Landscape Area due to the scenic quality of the landscape. It is located on the north-west side of Lenham Road approximately 2.3km from the village of Headcorn. It is part of a larger area of land known as The Meadows that has been developed in parts for residential gypsy purposes. Two frontage plots on this land have been approved with personal conditions under references MA/12/0760 and MA/06/0236. An adjacent plot behind has a temporary personal permission until May 2015 under MA/11/0917. Eleven plots

in the former fields to the rear have been allowed temporarily under MA/11/1528, MA/12/1772 and MA/12/2113.

- 5.1.3 The application site itself is located directly behind the MA/12/0760 frontage plot on The Meadows land, having previously been part of a now defunct permission for that plot. It is about 40-50 metres back from the highway. It is hardsurfaced with low walling or fencing on the front and back boundaries, higher fencing on the boundary with the MA/12/0760 plot, and a timber stable/shed building along the boundary with the adjacent plot to the west (albeit that this building is not included in the submitted application details). A mobile home and tourer as applied for are on site as well as an additional tourer. The proposed dayroom has not been constructed. The site is part of a former larger field with a lawful use for agriculture, and is behind the authorised frontage plots on this land. An existing lawful access from the Lenham Road leads to a roadway serving the application site from the north-east side (and also the plot behind and other development in the fields further back – see para 5.1.4). There is open pasture land to the south-west of the site. Further to the south-west is a boundary to the wider larger area of land (known as The Meadows). There is a public footpath running parallel to this boundary some further 150 metres to the south-west.
- 5.1.4 A field some 250 metres further back to the rear (north-west) has been developed with temporary planning permission into residential gypsy plots (permission for 11 plots). There is an access drive laid out from the Lenham Road that runs past the application site and on through the remaining fields behind to these now developed plots. This development in these fields to the rear is screened to an extent from the application site by a hedge line across the land, which effectively acts as a boundary dividing it from the remaining fields in advance of it behind the frontage plots (including the application site).
- 5.1.5 Otherwise, the overriding character of the area is open agricultural fields with traditional field boundaries interspersed with sporadic development. The development that is in the surrounding area is predominantly residential (traditional bricks and mortar housing and gypsy caravan accommodation) or agricultural and is generally located adjacent to Lenham Road fronting the road. The overriding characteristic of these caravan sites are that they accommodate limited numbers of caravans and are located close to the Lenham Road frontage. There is no other significant backland development in the area, although there is equestrian uses and development on land adjoining The Meadows to the north.
- 5.1.6 There are a significant number of other gypsy caravan sites in the immediate vicinity including 'The Meadows', 'Greengates' and 'Acers Place'. Some of these are permanent features, others are temporary and some are restricted to a specific person(s).
- 5.1.7 In addition to those mentioned above there are also a number of other gypsy sites along Lenham Road.

## **6. PROPOSAL**

- 6.1 The application is (part retrospective) for the use of land for the stationing of a mobile home, a touring caravan and a dayroom for one gypsy/traveller family. It would be accessed via a drive/roadway running from a lawful access/egress onto the Lenham Road. This roadway also serves the "backland" gypsy developments with temporary planning permission in the (former) fields further to the rear. The application site is shown on the submitted (amended) details as around 35 metres across and 25 metres deep, which is a fair representation of the actual size of the plot as constructed.
- 6.2 The applicant is a Mr Patrick Maloney. The adjacent MA/11/0917 plot to the north-west is occupied by his brother and family under a personal temporary permission.
- 6.3 The mobile home is shown as intended to be fairly central on the plot with the tourer on the left hand side. The dayroom is shown on the submitted plan to be near the entrance. The "building" details submitted show it to be 3 metres by 2 metres in area and with a monopitch roof to a maximum height of 2.6 metres.

## **7. PRINCIPLE OF DEVELOPMENT**

- 7.1 There are no saved Local Plan Policies that relate directly to this type of development. 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"*

ENV28 then outlines the types of development that can be permitted.

- 7.2 A key consideration in the determination of this application is the central Government guidance contained within *Planning Policy for traveller sites* 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.
- 7.3 Though work on the emerging local plan is progressing as yet there are no adopted policies responding to the provision of gypsy sites. 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 Local Plan period:

Oct 2011 – March 2016	105 pitches
April 2016 – March 2012	25 pitches
April 2021 – March 2026	27 pitches
April 2026 – March 2031	30 pitches
Total Oct 2011 – March 2031	187 pitches

- 7.4 Draft Policy GT1 of the Regulation 18 version of the Local Plan relates to the Borough need for gypsy and traveller pitches being addressed through the granting of permanent planning permissions and through the allocation of sites.
- 7.5 The timetable for the Local Plan's adoption is the autumn of 2015.
- 7.6 Issues of need are dealt with below but, in terms of broad principles, Development Plan Policy and Central Government Guidance clearly allow for gypsy sites to be located in the countryside as an exception to the general theme of restraint.

## **8. GYPSY STATUS**

- 8.1 Annex 1 of Planning Policy for traveller sites (2012) 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."*

- 8.2 No objections have been raised on the basis that the intended occupants are not gypsies, however, it remains a key consideration whether the intended occupants comply with the definition of a gypsy and have a site based housing need. In this respect, information submitted with the application advises that the applicant Patrick Maloney travels with his brother Joey Maloney to carry out landscaping work and that this involves him being away from his partner for weeks at a time. It also states that he attends horse fairs where he sometimes buys and sells horses and meets up with relatives socially. It is said that he normally attends these fairs with his partner, and his brother and his wife. It is submitted that he has no permanent place to reside and has been doubling up with relatives.

8.3 Further, in the information submitted with application MA/11/0917 for his brother on the adjacent site, The Gypsy Council confirmed as follows:

“Mr. Joseph Maloney, Ms Ruby Smith and family (connected with the above address) are members of the Gypsy Traveller Community by birth, by culture and for planning purposes they qualify for Gypsy status. Both families are well known within the Gypsy Community (particularly in Kent) although members of the family live throughout the UK. Mr Joseph Maloney and Ruby Smith are members of the Gypsy Council, and so obviously personally known to members of the Gypsy Council. As I am sure you are aware Gypsies are covered by the Race Relations Act, and in line with the Mandla Criteria, drawn up by the House of Lords after the case of Mandla v Lee in 1983, the fact that the family is covered by this act contributes to their qualifying for Gypsy Status under that definition. Importantly the family maintains a lifestyle conducive with Gypsy Status for planning purposes, as they often travel in relation to employment, and the whole family remains involved in Gypsy Traveller life, as the family regularly travels, attending and taking part in traditional events and activities such as Horse Fairs like Horsemonden, Stow Horse fair, Appleby Fair, and other events around the country”.

8.4 From this I consider there is sufficient evidence that the intended occupants applicant Mr Patrick Maloney and his partner Suzanne comply with the definition of a gypsy as outlined in Government guidance in Planning Policy for traveller sites.

## **9. NEED FOR GYPSY SITES**

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

9.2 As stated above, the projection accommodation requirements is as follows –

Oct 2011 – March 2016	105 pitches
April 2016 – March 2021	25 pitches
April 2021 – March 2026	27 pitches
April 2026 – March 2031	30 pitches
Total Oct 2011 – March 2031	187 pitches

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

54 Permanent non-personal permissions

9 Permanent personal permissions

0 Temporary non-personal permissions

28 Temporary personal permissions

Therefore a net total of 63 permanent pitches have been granted since 1<sup>st</sup> October 2011. As such a shortfall of 42 pitches remains outstanding.

9.4 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. This explains why the need figure appears so high in the first 5 years.

## **10. VISUAL IMPACT**

10.1 The latest guidance in the Government's Planning Policy for Traveller Sites states that Local Planning Authorities should strictly limit new traveller development in open countryside (para 23) but goes on to state that where sites are in rural areas the considerations are issues of not dominating the nearest settled community and not placing undue pressure on local infrastructure.

10.2 The application site would be largely screened from the Lenham Road, which it is set back some 40-50 metres from, by the existing authorised residential gypsy developments between it and the Lenham Road. Whilst there could potentially be glimpses of the higher parts of the development, such as the tops of the mobile homes/caravans and the proposed building, these would only be in the context of the already authorised development and also against the backdrop of the numerous (albeit temporary) authorised plots in the former fields some 150 metres or so metres to the rear (north-west). Therefore, I consider this is not/would not be visually harmful development to the surrounding area or the wider landscape including the Special Landscape Area, and that the character and appearance of the area is/would be unaffected.

10.3 Further, a tree line and other vegetation on the south-west boundary of the larger Meadows land, which is some 30 metres from the application site, would also help to screen the developments from the public footpath a further 150 metres or so further south-west. Again therefore any visual impact would be minimal. "Site" boundary treatments and further landscaping secured by condition would also help to screen the development from both this direction and also generally. The boundaries to the application site currently consist of a mix of low and high close-boarded fencing and low walling on part of the front.

10.4 There is also the gypsy plot behind the site that is occupied under temporary permission MA/11/0917 by the brother of the applicant and family. This at

present largely mitigates the visual impacts of the application development from the Lenham Road. It does, however, need to be taken into account that this is a temporary planning permission which expires in May 2015. Therefore, if the application development were granted a permanent permission, then on expiry of the temporary permissions for that site to the rear, it could not be taken in the context of the backdrop of that development. The same also applies in respect of the large scale residential gypsy development with temporary planning permission constructed in the fields some 200 metres behind the application site, which expire in 2015 and 2016. At that point, the application plot would become visually prominent development to an unacceptable level within the countryside and surrounding rural area of landscape value, both from long distances and from the Lenham Road, and would therefore represent an unacceptable form of backland development. It would then therefore also cause harm to the character, appearance and visual amenity of the countryside and designated SLA.

- 10.5 Nonetheless, however, in the light of the current unmet need for gypsy and traveller sites and the need to provide 105 pitches up until 2016 as identified by the revised GTAA, I consider that a temporary permission should be granted. This would also allow for the scheduled adoption of the Local Plan in the autumn of 2015. This period should be for two years to tie in with the permissions for the "backland" gypsy development to the rear (north-west) which expire in April 2016. The permission should also be restricted to the applicant by condition as per the personal (and temporary) permission granted for the development by the applicant's brother on the immediately adjacent plot to the rear. Although this permission for the applicant's brother expires in May 2015, it is considered that it would now be inappropriate for policy reasons to limit the permission applied for to that same expiry date, whilst such a short period would also be inappropriate to secure further landscaping.

## **11. RESIDENTIAL AMENITY**

- 11.1 There are other residential properties (including built development and caravans) in the vicinity of the site, including the authorised gypsy/traveller development that the application site is located directly behind.
- 11.2 The application site is no nearer to any built residential properties on this side of Lenham Road than the existing sites that it is located behind, so I do not consider that the application development results in any increase in impact on residential amenity to those properties in terms of privacy, loss of light, or any overbearing issues. Being a significant distance away (the nearest Fiddlers Green is some 90 metres to the north) from those residential properties, and with tree lines, vegetation and other boundary separations in between, I consider it is

unlikely in any case that there would be any significant impact on their residential amenities.

- 11.3 The layout and nature of the development and adjoining and nearby sites is also such that neither would it adversely impact on the residential amenities of the occupiers of those adjoining authorised sites, in terms of either privacy, loss of light, or any overbearing impact.

## **12. HIGHWAYS**

- 12.1 The access to the site is from a private trackway from the Lenham Road (that also serves other sites), and not directly onto any public highway. As such, Kent Highways were not consulted on the application.
- 12.2 There have previously been complaints in respect of other applications for further development at The Meadows that this would increase the traffic onto and on the Lenham Road, including fast and large types of vehicles. However, in the context of the developments already permitted on the Meadows land and in the locality, any increase as a result of the development proposed in this application would I consider be minimal. Indeed, there were no objections raised in this respect at the appeals into the large scale development in the fields to the rear.

## **13. OTHER MATTERS**

- 13.1 In terms of any impact on ecology, the application site was formerly part of a previous developed site for which the permission is now defunct. It is therefore unlikely it would be of any great ecological value. It also needs to be taken into account that the Inspector when granting temporary permission initially for the 10 plots on land to the rear of the application site did not consider there to be any ecological issues arising.
- 13.2 There are other gypsy sites in the surrounding area (including the development that the application site is within) and the number of such developments has been raised in objections. However, there is no policy that prevents a concentration of sites - guidance in Planning Policy for traveller sites states that sites should not dominate the nearest settled community. I consider that this site, when combined with other gypsy sites in the vicinity, and in relation to the already existing authorised development on the land, would not dominate the settled community. Indeed, the Inspector did not consider this to be an issue on the appeals concerning the large scale gypsy development to the rear.
- 13.3 No detail has been submitted of a permanent solution as to how foul sewage would be dealt with, although it is indicated that a cesspit would be installed, so

I consider that a condition should be imposed requiring such details to be submitted. The site is relatively small, and the hardstanding across the majority of the site appears permeable, so surface water run off would not significantly increase and would in any case be dealt with adequately by the indicated soakaway.

- 13.4 Resultant effect on property value and saleability; resultant nuisance; and the suggestion of controlling contracts, all being matters raised in objections made, are not planning matters.
- 13.5 Although the site is within the open countryside, I do not consider that it is so remote from services to warrant a refusal on sustainability grounds. Other gypsy sites have been found to be acceptable, including those in the immediate vicinity, and are similar distances from facilities. In addition, the wider considerations of sustainability within the Planning Policy for traveller sites document include the advantages of providing a settled base for the occupiers.

#### **14. CONCLUSION**

- 14.1 The site is located within the countryside and a Special Landscape Area, however, gypsy sites can be acceptable in the countryside. It is considered that the applicant is a gypsy and complies with the definition contained within the Planning Policy for traveller sites document.
- 14.2 The visual impact of the development is minimal in the context of the authorised similar developments it is located directly behind and in front of and also the further sites developed with temporary permission in the former fields some 150 metres to the rear (north-west). These also help to screen the development, along with a tree line and vegetation on the south-west boundary of the site that also provides some screening from the nearby public footpath further in that direction. However, it does need to be taken into account that the "site" developments already undertaken in the fields to the rear of this site are only subject to temporary permissions which expire in April 2016. Along with the expiry of the temporary permission on the plot directly behind in May 2015, this would then at that time mean the application development would be visually prominent and intrusive within the countryside and surrounding rural landscape if granted a permanent permission. Nonetheless, however, in light of the current unidentified need for gypsy and traveller sites and the need to provide 105 pitches up until 2016 as identified by the revised GTAA, I consider that a temporary permission should be granted. This would also allow time for the scheduled adoption of the Local Plan in 2015. The permission should also be restricted to the applicant by condition in order to tie in with the personal permissions granted for the development on all those sites to the rear.

- 14.3 The application development, when combined with other gypsy sites in the vicinity, and in relation to the existing authorised development, does not dominate the settled community.
- 14.4 The application site is considered to be in sustainable location that is not so remote from services and facilities to justify a refusal.
- 14.5 The application development does not have any adverse impact on residential amenity.
- 14.6 The application development does not lead to any increased risk to highway safety.
- 14.7 It is unlikely that any ecological issues have resulted from the development of the application site.
- 14.8 There are no other significant planning issues that would warrant refusal of the application.

## **15. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. 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 one shall be a mobile home/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 in accordance with Policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

2. The use hereby permitted shall be carried on, and the mobile home and caravan occupied, only by Mr Patrick Maloney and his dependents, and shall be for a limited period, being the period of 2 years from the date of this decision or the period during which the premises are occupied by them, whichever is the shorter;

Reason: In order to meet the identified need of the applicant in accordance with guidance contained in Planning Policy for Traveller Sites.

3. This permission does not authorise the use of the land as a caravan site by any other persons other than gypsies, as defined in Annex 1 of Planning Policy for traveller sites;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted in accordance with policy ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000).

4. 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 in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

5. No commercial activity or open storage shall take place on the site;

Reason: To ensure a satisfactory impact on the character and appearance of the surrounding area in accordance with policy ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000).

6. The development of the dayroom/utility building hereby permitted shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority; the dayroom/utility building shall thereafter be constructed using the approved materials; and it shall also be removed on expiry of this temporary permission or the cessation of the use of the site by the applicant, whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000).

7. The development hereby permitted shall be carried out in accordance with the approved drawing numbers JL001553 PL01 & 02.

Reason: To ensure a satisfactory impact on the surrounding area in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000).

8. Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site. 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 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).

Reason: To ensure satisfactory foul drainage in accordance with guidance in the National Planning Policy Framework 2012.

9. Within 2 months of the date of this approval a scheme of landscaping, using indigenous species, which shall be in accordance with BS5837 (2005) 'Trees in relation to Construction - Recommendations' with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved schemes implementation and management, shall be submitted to the local planning authority for approval in writing. The scheme shall be designed using the principles established in the councils adopted Landscape Character Assessment and Landscape Guidelines;

Reason: In the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the National Policy Framework.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner; and any trees or plants which within a period of two years die, are removed, or become seriously damaged or diseased, 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 a satisfactory setting and external appearance to the development, in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

### **Informatives set out below**

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required.

Any sewage treatment requires the system to be dislodged on a regular basis to prevent the build up of solids so that sewage flows freely through the unit. Anyone used to remove the sludge should be registered with the Environment Agency to carry waste. Sludge should normally be removed every 12 months or in accordance with the manufacturer's instructions.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

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 Environmental Health 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.