

REPORT SUMMARY

REFERENCE NO - 17/505849/FULL			
APPLICATION PROPOSAL Retention of existing mobile structure for residential purposes.			
ADDRESS 3 Orchard Place Chartway Street Sutton Valence Maidstone Kent ME17 3JB			
RECOMMENDATION: GRANT subject to planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION: The retention of the existing mobile structure, subject to imposition of conditions as herein recommend, is considered to comply with the policies of the Development Plan (Maidstone Borough Local Plan 2017) and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.			
REASON FOR REFERRAL TO COMMITTEE: Request by Broomfield and Kingswood Parish Council			
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Mr J Beeney AGENT Ruston Planning Limited	
DECISION DUE DATE 01/02/18	PUBLICITY EXPIRY DATE 28/12/17	OFFICER SITE VISIT DATE 25/01/2018	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/09/1697	Retrospective application for the change of use of land to residential for the stationing of 1 no. mobile home	Approved	02/07/2017
MA/11/1534	Change of use of land to use as a residential caravan site for 2 gypsy families involving the siting 4 caravans of which no more than 2 are to be static mobile homes the erection of 2 amenity blocks; and the laying of hand standing and construction of a driveway	Approved	07/09/2011
MA/12/0605	Change of use of land to use as residential caravan site for one gypsy family with two caravans, erection of amenity building and laying of hardstanding	Approved	02/04/2012
12/1544	Retrospective application for the change of land to use as a residential caravan site for 2 gypsy families with up to 4 caravans of which no more than 2 would be static caravans, including the laying of hard surfacing and the erection of 2 amenity buildings	Approved	25/04/2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application is within the open countryside as designated by the Maidstone Borough Wide Local Plan 2017. The application site is broadly rectangular in shape with existing gypsy and traveller development adjacent to the north, south and east.
- 1.02 The site is occupied by a mobile unit which is subject to this application and is divided from adjacent sites by close boarded fencing running along the east and south boundary and vegetation to the north. The remainder of the site is surfaced and used for parking or grass and used for amenity space.
- 1.03 The western site boundary is defined by a hedgerow running down the wider site to Chartway Street which is approximately 63m to the south of the structure.
- 1.04 Site access is gained via a controlled gate onto Chartway Street.

2.0 PROPOSAL

- 2.02 Retrospective planning permission is sought for the retention of a mobile structure to enable the family to remain settled on a lawful gypsy and traveller site.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SS1, SP17, DM1, DM15 and DM30
Planning Policy for Traveller Site 2015 (PPTS)

4.0 LOCAL REPRESENTATIONS

- 4.01 Nine residents were notified, no representations were received.
- 4.02 Broomfield and Kingswood Parish Council – Object to the application for the following reasons:
- Doesn't meet the definition of a mobile structure

5.0 CONSULTATIONS

- 5.01 KCC Highways – No objection

6.0 APPRAISAL

Principle of Development

- 6.01 The key planning considerations relate to the visual impact of the development on the character and appearance of the open countryside and the impact on the amenities of the adjoining occupiers. It is considered that the applicants have gypsy and traveller status as outlined in sections 6.15-16 of this report.
- 6.02 The wider site has a lawful use for the stationing of up to 4 caravans of which no more than 2 can be static caravans under planning application reference: 12/1544. Therefore, whilst the current application is not a caravan by definition, the sites use as a lawful gypsy and traveller site is a significant material consideration in the balancing exercise with this application.

Policy Background

- 6.03 Local Plan Policy SP17 indicates that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area.
- 6.04 Local Plan Policy DM1 deals with the principles of good design with regard paid to, amongst other things, scale and site coverage.
- 6.05 Local Plan Policy DM15 is specific to gypsy and traveller development, allowing for development subject to compliance with certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology.

Visual Impact

- 6.06 Policy DM15 of the Local Plan indicates that planning permission for gypsy and traveller development will be granted if it would not result in significant harm to the landscape and rural character of the area.
- 6.07 The site is located outside of a settlement boundary in an area where there is a mix of traveller sites with private dwellings in the wider area. Views of the site are not prominent from the nearby road network. The mobile structure, which is subject to this application, is located to the western end of the main site and is enclosed by hedging to the western and northern boundaries and by fencing to the adjacent gypsy and traveller sites to the east and south. As such the site is well screened from general view and this has helped the development to be absorbed into the landscape.
- 6.08 Policies SP17 and DM15 of the Local Plan are particularly relevant in this context as the structure has been both located and screened by vegetation so as to have minimal impact on its surroundings. It is therefore considered that the proposal complies with the criteria set out in both the above policies.

Design

- 6.09 Although the site has planning permission for a mobile structure under application reference 12/1544, the structure has been placed on the site unlawfully to provide residential accommodation for the owners of the site. The structure does not fall within the definition of a caravan as far as the Caravan Act is concerned. There are three critical tests that need to be met namely size, construction and mobility.
- The dimensional limits for caravans are 20m length, 6.8m width and an internal ceiling height of 3.5m. The structure on site meets the size test.
 - The construction test outlines that the structure is defined as composed of not more than 2 sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices. The unit does not satisfy the construction test in that the structure was constructed as a single unit and was then separated and bolted together again.
 - Mobility: The Caravans Act 1968 requires that twin mobile home units, when assembled, are physically capable of being moved by road from one place to another. It is suggested by the agent that the structure would meet the mobility test, although this is harder to establish definitively without physically moving it.

- 6.10 As the structure on site cannot be classified within the definition of a caravan, as far as the 1968 Act is concerned, consequently it must be defined as a static structure used for residential accommodation. However, the fact that the structure was originally constructed as one unit and has subsequently been separated does not detract from its appearance as visually it appears as a static mobile home.

Highways

- 6.11 The existing access to the site has been in use by the owners of the site for some time. There will be no change in the expected traffic generated by the proposed use.

Ecology

- 6.12 Given the site's an existing development I do not consider there would be conflict with Policy DM15, criterion 1. v.

Sustainability

- 6.13 Gypsy and traveller sites are often located in the countryside and the application site follows this pattern. The site is located within 1.5 kilometres of Kingswood and about 2 kilometres from Sutton Valence allowing access to schools, medical provision and shopping facilities. The site is also a lawful gypsy and traveller site under application reference 12/1544 and at the time of determining that application the site was considered to be acceptable by the Planning Committee. It is not considered that the site is sufficiently remote from services to justify a different conclusion to that previous application now.

Residential Amenity

- 6.14 Local residential properties outside the site are distanced in excess of 100m. As such, in terms of amenity there would not be a significant impact in terms of loss of light, privacy or overbearing impact on adjoining properties and the structure does not adversely affect the living conditions of local residents.

Gypsy and Traveller Status

- 6.15 In response to the application, the applicants have provided information on their gypsy and traveller Status. It is concluded that the applicants are gypsies and travellers that have led and will continue to lead a nomadic lifestyle and therefore continue to fall within the definition of gypsies and travellers.
- 6.16 In terms of the cumulative impact, the site already has lawful use as a gypsy and traveller site and the applicants are the same as with the previously permitted lawful scheme under application reference 12/1544.

7.0 CONCLUSION

- 7.01 It is not considered that the structure would visually impact on the character and appearance of the rural area, especially given the existing use of the land as a gypsy and traveller site. The structure provides sustainable accommodation to meet the occupiers' current needs

7.02 Policy allows that, subject to strict control and in order to satisfy the Borough's responsibility to accommodate the gypsy and traveller community in development commensurate with their traditional lifestyle, such development can be acceptable in the countryside. The proposed development is largely screened to long distance views and is set well back from the public highway network and would therefore be in accordance with policy DM15. As a result the impact of development upon the character of the countryside and the amenity of the adjoining occupiers would be acceptable.

7.03 Material circumstances indicate that subject to imposition of appropriate conditions a permanent planning permission should be granted.

8.0 RECOMMENDATION – GRANT planning permission subject to the following conditions:

- (1) No more than one caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the application site at any time;

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

- (2) The mobile structure 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;

Reason: The site is in the countryside where the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the gypsy and travelling community.

- (3) No commercial activities shall take place on the land, including the outdoor storage of materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the surrounding Landscape of Local Value.

- (4) Should the existing 'mobile structure' that is on site be removed at any time, it shall be replaced with a mobile home that accords with the definition in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

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

- (5) If the use hereby permitted ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings, and utility rooms shall be removed within 3 months of cessation.

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

Case Officer: Adam Reynolds

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