

REFERENCE NO - 18/501626/FULL		
APPLICATION PROPOSAL Demolition of existing storage buildings and siting of a mobile home within the residential curtilage of the main dwelling for occupation by a gypsy and traveller family (retrospective).		
ADDRESS Yelsted Farm Yelsted Road Yelsted Sittingbourne Kent ME9 7UT		
RECOMMENDATION Grant Planning Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> - Sufficient evidence has been submitted to demonstrate the occupants of the plots fall within the definition of gypsies and travellers contained within Government Guidance. - The visual and landscape impacts are acceptable. - The proposal will provide a valuable windfall addition to the stock of gypsy and traveller sites and assist in meeting the need for gypsy and traveller sites set out in the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment and policy SS1 of the local plan 		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Stockbury Parish Council		
WARD North Downs	PARISH/TOWN COUNCIL Stockbury	APPLICANT Mr George Treeby AGENT Agriquestrian Consultants
TARGET DECISION DATE 25/07/18		PUBLICITY EXPIRY DATE 08/06/18

Relevant Planning History

95/0249

Use of the land for stationing of a mobile home for residential occupation and retention of part of existing concrete hardstanding as a base for the mobile home.
Approved Decision Date: 19.05.1995

99/1678

Outline application for an agricultural dwelling with all matters except for means of access reserved for future consideration, as shown on 1:2500 Location Plan received on 23.08.99 and as amended by 1:500 Block Plan received on 27.10.99.
Approved Decision Date: 25.02.2000

99/1678/01/C01

Approval of reserved matters pursuant to condition 01 of MA/ 99/1678 being siting, design and external appearance of an agricultural dwelling and landscaping - Submission of details received on 5 July 2000 pursuant to condition 1 of MA/99/1678/01 being levels detailed on drawing 1017/04 Preliminary/B.
Approved Decision Date: 07.07.2000

13/0688

An application for a certificate of lawful development for the occupation of an agricultural dwelling permitted under MA/99/1678 on 25 February 2000 without complying with (occupancy) condition (ii) of that permission.
Approved Decision Date: 10.06.2013

MAIN REPORT

1. SITE DESCRIPTION

- 1.1 The application site is occupied by a mobile home and attached veranda abutting the northern site boundary of Yelstead Farm. To the east of the mobile home is a small building used as a utility room and equipment store. To the west of the mobile home is a septic tank.
- 1.2 Yelstead Farm is a rectangular shaped site that is well screened on the Yelstead Road boundary and southern site boundaries. Site access is from Yelstead Road.
- 1.3 Just to the north of the site access is the farmhouse. To the south of the access is a single storey building used as a playroom with a storage building close by.
- 1.4 Situated centrally within the site is a group of outbuildings facing into a courtyard. These buildings are used for the maintenance and storage of plant and vehicles in connection with the applicant's landscape business.
- 1.5 A number of touring caravans are also present on site. The applicant advises he is a Gypsy and Traveller and these touring caravans are required to for him and his family to pursue a nomadic lifestyle in pursuit of work.
- 1.6 In a wider context the site lies outside any settlement, in open countryside and forming part of the Kent Downs AONB.

2. PROPOSAL

- 2.1 Retrospective planning permission is sought to retain the mobile home. Also proposed is the demolition of storage buildings forming part of the business courtyard. What is described as a 'wildlife friendly' native species hedgerow is to be provided along the northern site boundary.
- 2.2 The following sets out applicant's personal circumstances and information on their Gypsy and Traveller status. Members are reminded that for Data Protection purposes information is anonymised.
 - Existing farmhouse occupied by 4 adults –mobile home occupied by 3 adults and two children (one of secondary school age and one of primary school age).
 - Though related two separate family groups occupy the site.
 - The adult occupants of the mobile home will continue to live a travelling lifestyle in connection with their longstanding horticultural/landscaping business covering Kent, E and W Sussex, Surrey, Greater London and Essex.
 - No alternative pitches available at any KCC or Maidstone Council traveler sites.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.1 One representation received which is summarised below:
- Supports development as it does not result in any more traffic or harm the character of the area

5. CONSULTATIONS

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

Stockbury PC:

Object to the proposal on the following grounds:

- The site is located outside of any settlement boundary.
- Site is situated in an unsustainable location that has poor access to services and transport and as a result the occupiers would have to rely on private vehicles contrary to policies SS1 and S17 of the Local Plan and the NPPF 2012.
- Erodes the openness of the surrounding area and is unjustified and unwelcome development in this rural setting.
- Harms the local landscape character and the beauty of the AONB contrary to policies SP17 and DM30 and the NPPF.

Kent Highways:

No objection.

6. APPRAISAL

- 6.1 Before considering the planning merits of the development screening needs to take place as to whether the application should have been accompanied by an Environmental Impact Assessment (EIA). Though the site falls within an Area of Outstanding Natural Beauty (AONB) the proposal is not of a scale or impact justifying an EIA. It should be stressed this is a technical assessment and has no bearing on the consideration of the planning merits of the development that is carried out below.

Main Issues

- 6.2 The main issues relate to whether the occupants of the mobile home meet the current gypsy and traveller definition and whether retention of the mobile home results in material harm to the rural and landscape character of the wider area.

Principle of development

- 6.3 The application site is located with the Kent Downs Area of Outstanding Natural Beauty in open countryside and consequently the development is assessed against the following local plan policies.

- 6.4 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing AONB's which have the highest status of protection.
- 6.5 Policy SP17 of the Local Plan states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted. The policy in particular refers to the need to safeguard the landscape character and setting of the Kent Downs AONB.
- 6.6 Policy DM15 states 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. The requirement remains that development should be well related to local services, and would not harm the rural character and landscape of an area due to cumulative visual impacts. The policy requires sites to be well screened by existing landscape features, accessible by vehicles, not located in an area at risk of flooding and that wildlife considerations are taken into account.
- 6.7 Policy DM30 requires, amongst other things, that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features. The policy requires that impacts on the appearance and character of the landscape will be appropriately mitigated. It is stated that that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.
- 6.8 There is also Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) amended in August 2016. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.
- 6.9 Issues of need are dealt with below but in terms of broad principle both local plan policies and Central Government Guidance permit Gypsy and Traveller sites to be located in the countryside as an exception to the general development restraint policies. The principle of permitting gypsy and traveller accommodation in this location is therefore supported by policy.

Need for Gypsy Sites

- 6.10 Local Authorities set their own target for the number of pitches to be provided in their areas in their Local Plans. The Council in partnership with Sevenoaks District Council commissioned a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012.
- 6.11 The GTAA concluded the following need for pitches over the remaining Local Plan period:
- 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

6.12 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming part of the evidence base to the Local Plan. It is considered to be a reasonable and sound assessment of future pitch needs, albeit those actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.

6.13 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan.

Supply of Gypsy sites

6.14 Since the 1st October 2011 (the base date of the GTAA) up until the 30th September 2018 the following permissions for pitches have been granted (net).

Permanent/non-personal – 132

Permanent/personal - 25

Temporary/non-personal - 4

Temporary/personal – 35

6.15 Therefore a net total of 157 permanent pitches have been granted since 1st October 2011. A further 30 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

6.16 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The local plan allocates specific sites sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.

6.17 The PPTS requires the Local Plan to identify a supply of 5 years' worth of deliverable sites against the Plan's pitch target. At the base date of 1st April 2016 the Council could demonstrate a 5.6 year supply of Gypsy and Traveler sites. However the 5 year supply position is reviewed on the 1st April each year.

6.18 As of the 1st April 2018 the Council can demonstrate 5.2 years' worth of deliverable pitches at the 1st April 2018.

6.19 The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting temporary consents. As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy Status

- 6.20 The planning definition of 'gypsies & travellers' as set out in the PPTS, has been amended to exclude those who have ceased to travel permanently. 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, but excluding members of an organised group of travelling show people or circus people travelling together as such".

- 6.21 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependents', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.22 A matter first to be addressed is whether living in a house for many years affects the gypsy and traveller status of the occupants of the mobile home. It is understood that while living in the house they also lived a nomadic lifestyle in pursuit of work. The house was used as a permanent base with the outbuildings acting as a maintenance and storage hub in support of the applicants landscape business. It is highlighted that living in a house does not prevent an individual recommencing a gypsy and traveller lifestyle involving living in a mobile home as long as they continue to live a nomadic lifestyle in the pursuit of work.
- 6.23 Sufficient evidence has been submitted to demonstrate the occupants of the plots fall within the definition of gypsies and travellers contained within Government Guidance. As such it is considered that based on the submitted details the mobile home occupants are gypsies and travellers that have led and will continue to lead a nomadic lifestyle in pursuit of work and therefore fall within the revised definition set out above.

Landscape Impact

- 6.24 Mobile homes are generally considered to comprise visually intrusive development out of character in a countryside setting. Consequently, unless well screened or hidden away in unobtrusive locations, they are normally considered unacceptable in their visual impact. They are normally only permitted on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours.
- 6.25 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure.
- 6.26 Policy DM15 specifically relating to gypsy and traveller development, states, amongst other things, that permission will be granted if a site is well related to local services, and would not harm the rural character and landscape due to cumulative visual impacts. The site should be well screened by existing

landscape features. The site should be accessible by vehicles, not located in an area at risk of flooding and that wildlife considerations are taken into account.

- 6.27 The site is identified as falling within open countryside and the Kent Downs Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing AONB's which have the highest status of protection. Policy SP17 of the local plan states amongst other things that great weight should be given to the conservation and enhancement of the Kent Downs AONB and that development should not have a significant adverse impact on the settings of the Kent Downs AONB. Policy DM30 also requires that account should be taken of the Maidstone Borough Landscape Character Guidelines SPD.
- 6.28 The mobile home is located at the back of the application site in a well screened location. The mobile home is not visible from outside the site and as a consequence it is considered to meet the visual requirements of policy DM15. The proposal will not result in material harm to the rural and landscape quality of the area and is in line with the provisions of the NPPF and policies SP17 and DM30 of the local plan.

Cumulative Impacts

- 6.29 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not should dominate the nearest settled community and or place undue pressure on local infrastructure. In addition policy DM15 of the Local plan states, amongst other things, that permission will be granted if a site would not harm the rural character and landscape of an area due to cumulative visual impacts.
- 6.30 Dealing first with the whether the development dominates the nearest settled community. With the the modest number of persons involved, the development does not dominate the nearest settled community.
- 6.31 Regarding cumulative visual impacts this is an isolated and 'stand alone' gypsy and traveller site and no cumulative visual impacts are identified as a consequence.

Sustainability

- 6.32 Gypsy and traveller sites are mainly located in the countryside and published planning guidance acknowledges this. As such normal sustainability principles relating to siting and access to facilities do not apply.
- 6.33 Nevertheless policy DM15 states, amongst other things, that local services, in particular school, health and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.
- 6.34 It is acknowledged that the site occupies an isolated rural location remote from public transport and services. However as the occupants of the mobile home were previously living on site in the existing farmhouse there will be no material change in site circumstances and as a result no justifying objection on sustainability grounds.

Amenity

- 6.35 There are no nearby residential dwellings that would experience direct loss of outlook or amenity arising from the development.

Highways

- 6.36 The potential impact on the local highway network and the site access have both been considered and found to be acceptable. Kent Highways raises no objection.

Wildlife

- 6.37 The intention to provide a native species hedgerow running along the northern site boundary will provide additional screening while also contributing to wildlife habitat. A planning condition is recommended to seek the planting of this hedge.

Other matters:

- 6.38 Government Guidance states that the retrospective timing of a planning applications submitted is a material consideration that should be taken into account in determining such applications. However, guidance on how much weight this should be given is not clear. Furthermore the planning system is not intended to be punitive but to secure compliance with legitimate planning objectives and to take a positive approach. As such, when assessed against planning criteria the fact that retrospective planning permission is being sought is not, on its own sufficient to weigh significantly against the development.

7.0 CONCLUSIONS:

- 7.1 The key conclusions are considered to be as follows:

- Sufficient evidence has been submitted to demonstrate the occupants of the plots fall within the definition of gypsies and travellers contained within Government Guidance.
- The visual and landscape impacts are acceptable.
- It will provide a valuable windfall addition to the stock of gypsy and traveler sites and assist in meeting the need for gypsy and traveller sites set out in the GTAA and policy SS1 of the local plan

- 7.2 In the circumstances it is considered the impact of the development is acceptable and planning permission should be granted as a consequence.

7. RECOMMENDATION

GRANT planning permission subject to the following conditions:

1. The site shall only used as a caravan site for gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.

Reason: To reflect the special circumstances of the application.

2. No more than 1 caravan and 1 tourer, (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority.

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

3. 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. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To safeguard the night time rural environment and in the interests of amenity and ecology.

4. Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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: In the interests of the visual amenity.

5. The landscaping and planting proposals shown on drawing number 2490/2 shall be carried out in the first available planting season following the date of the planning decision notice. Any planting becoming dead dying or diseased within 5 years of planting shall be replaced by specimen/s of the same size and species in the same location.

If the planting is not implemented within the first available planting season the use of the site for gypsy and traveller purposes shall cease, the mobile home, touring caravan any hardstandings and other related development be removed and the site restored to its previous condition.

Reason: in the interests of visual amenity.

6. Within 6 months of the date of the decision notice the buildings shown as being demolished on drawing 2490/8 shall be removed from the site with all resulting material removed from the site.

Reason: in the interests of visual amenity.

7. The development hereby approved shall only be carried out in accordance with drawing no: 2490/1, 2, 3A, 7 and 8.

Reason: In the interests of amenity.