MC/13/3171

Date Received: 5 December, 2013

Location: The Chestnuts, Matts Hill Road, Rainham, Gillingham, ME9 7XA

Proposal: Variation of condition 01 on planning permission MC/13/0878 (retrospective application for the construction of a stable block) to allow for its use in relation to the use of the land as a traveller site

Applicant: Mrs SCAMP

Agent: Mrs Heine Planning Consultancy 10 Whitehall Drive Hartford Northwich Cheshire CW8 1SJ

Ward Rainham South

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 18 June, 2014.

Recommendation - Approval with Conditions

1. The stable block and associated concrete base hereby permitted shall be removed from the site on or before 31 December 2018 and the land restored to its former condition in accordance with a scheme of work for the restoration of the site that shall be submitted to the Local Planning Authority for its written approval no later than 1 month prior to the above date occurring. The scheme of work for the restoration of the site shall include a timescale for the restoration works to take place. Following the approval of the scheme of work for the restoration of the site by the Local Planning Authority, the scheme of work shall be implemented in accordance with the approved details and thereafter maintained.

Reason: The site lies within the open countryside, an Area of Outstanding Natural Beauty and Special Landscape Area and a permanent structure on this site unrelated to an authorised use would be detrimental to the character and appearance of the area and contrary to Policies BNE1, BNE25, BNE32, BNE33 and H13 of the Medway Local Plan 2003. Permission is only granted having regard to the particular circumstances pertaining at the time of the application and to enable the Council’s new Local Plan to be prepared that will include a section on land allocation for any new gypsy or traveller caravan sites.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Block Plan received on 8 April 2013 and J121-01 GA Rev A and J121-02 GA rev A received on 24
April 2013; and Proposed Stable Location received on 5 December 2013.

Reason: For the avoidance of doubt and in the interests of proper planning.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks to vary condition 1 of planning permission MC/13/0878 to retain the stable block which was granted temporary planning permission on 12 June 2013 and which expired on 9 December 2013 to co-incided with the expiry of planning permission MC/09/1804 for the use of the land as a caravan site. The stable block measures 3383mm by 9150mm and has a pitched roof measuring 2250mm to the eaves and 2950mm to the ridge. It provides a utility room and washroom facilities for the adjacent touring caravan.

Relevant Planning History

Application Site

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<tbody>
<tr>
<td>MC/13/3164</td>
<td>Variation of conditions 01 and 02 on planning permission MC/09/1804 (change of use for caravan site, stationing of one mobile home, one touring caravan, one small portacabin with associated hard standing and cess pool – temporary period of 5 years) to allow for a permanent use of the land as a caravan site Reported elsewhere on the agenda</td>
</tr>
<tr>
<td>MC/13/0878</td>
<td>Retrospective application for the construction of a stable block Approved 13/06/2013 Expired 9 December 2013</td>
</tr>
<tr>
<td>MC/09/1804</td>
<td>Change of use for caravan site, stationing of one mobile home, one touring caravan, one small portacabin with associated hard standing and cess pool – temporary period of 5 years Refused 19 January 2010 Allowed on appeal 9 December 2010 Expired 8 December 2013</td>
</tr>
<tr>
<td>MC/09/0833</td>
<td>Retrospective application for use of land for siting of a mobile home and a touring caravan Refused 10/08/2009 Appeal Withdrawn</td>
</tr>
<tr>
<td>MC/04/2702</td>
<td>Use of land for the siting of a mobile home Refused 13/04/2005 Appeal Dismissed 10/08/2006</td>
</tr>
</tbody>
</table>
Adjoining site referred to as the Mobile Home, Kings Langlei, Matts Hill Road, Hartlip

MC/03/1220 Use of land for the siting of a mobile home
Refused 11/08/2003
Appeal Allowed 06/07/2004

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Five letters have been received raising the following objections:

- The application site is in an AONB;
- The proposal would be visually intrusive and not in keeping with character of area;
- The proposal would have an unacceptable impact on neighbouring properties in terms of loss of outlook, loss of privacy and noise and disturbance;
- The site is close to a bend;
- Increase in traffic;
- There are already too many sites in the area;
- Proposal is contrary to Local Plan;
- No need for gypsy caravan site in this location;
- Detriment to wildlife;
- Loss of ancient woodland;
- Impact on service - water, electricity etc.; and
- Precedent;

"All other matters raised not listed above are non material"

Maidstone and Swale Borough Councils have written raising no objection

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

The background to this application is essentially the same as that for application MC/13/3164 which is reported elsewhere on the agenda. However, a separate retrospective planning application for the stable block was submitted and was approved on 12 June 2013. That permission was temporary expiring on 9 December 2013 to co-incided with the expiry of planning permission MC/09/1804.
Main Issues

- The principle of the use;
- Countryside protection policies;
- Design and appearance;
- Neighbour amenity;
- Highway considerations

Principle

The principle of the use of this parcel of land as a traveller site is set out in length in the report related to MC/13/3164. That application (MC/13/3164) seeks the variation of conditions 01 and 02 of planning permission MC/09/1804 (change of use for caravan site, stationing of one mobile home, one touring caravan, one small portacabin with associated hard standing and cess pool – temporary period of 5 years) to allow the continued use of this site as a travellers site. Application (MC/13/3164) is also under consideration on this agenda.

The justification for granting a further temporary consent for MC/13/3164 is clearly set out within that report and is relevant to this application in regard to the fact that the stable block / utility facility is only required in relation to that development. In the event of MC/13/3164 is granted, for either a permanent or further temporary period, this proposal for the stable block / utility building would also be considered to be acceptable, when assessed against the same criteria, having regard to the Planning Inspector and the Secretary of State’s previous decision letter (APP/A2280/A/10/2121573), the harm that the continued use of the site would cause, the Government’s current Planning Policy for Travellers Sites, the NPPF, the Council’s Gypsy and Traveller and Traveller Assessment (GTTA) and the fact that the Council has commenced work on its Local Plan that is to included a section on the allocation of gypsy and traveller caravan sites. Subject to the approval of MC/13/3164 this development would be considered to be acceptable when assessed against the above considerations.

Street Scene and Design

In terms of design, the stable block needs to be considered in the context of the other development on the site, namely the touring caravan and hardstanding. The block is located close to the site for the touring caravan on the edge of the area of hard standing. The building has therefore been grouped with the caravan and visually this is the best location on the site. Planting has been established along the site frontage, which although not totally hiding the block, and other features of the site, softens their impact. Due to the special protection that the site enjoys the permanent retention of such a block is considered unacceptable. However due to its association with use of the site it is considered appropriate to grant a further temporary consent until the time at which the use should cease.
**Amenity**

The site is located some distance from other residential dwellings and so the development has not caused harm with regards light, outlook and privacy. No objections are therefore raised with regards policy BNE2 of the Medway Local Plan 2003.

**Highways**

The development has not resulted in the loss of any parking on site and the access remains unaltered. As such no objections are raised with regards policies T2 and T13 of the Medway Local Plan 2003.

**Local Finance Considerations**

There are no Local Finance Considerations raised by this application.

**Conclusions and Reasons for Approval**

It is acknowledged that the stable block as such, would not normally be permitted on account of the impact on the countryside, the Area of Outstanding Natural Beauty and the Special Landscape Area. However, having regard to the previous appeal decision and the recommendation to vary conditions 1 & 2 of planning permission MC/09/1804, it is recommended that condition 1 of planning permission MC/13/3171 is varied to grant a further temporary planning permission until 31 December 2018.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of the representations received expressing a view contrary to the recommendation.

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**Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here [http://planning.medway.gov.uk/dconline/AcolNetCGI.gov](http://planning.medway.gov.uk/dconline/AcolNetCGI.gov)