

MC/16/4380

Date Received: 26 October, 2016

Location: Buddys View, Perry Hill, Cliffe, Rochester ME3 7TY

Proposal: Part change of use of land to facilitate the stationing of four additional caravans

Applicant: Mr Ball

Agent: Mr Simpkin Graham Simpkin Planning 2 The Parade Ash Road Hartley Longfield DA3 8BG

Ward Strood Rural

Case Officer Hannah Gunner

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5 July 2017.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

2687 - 02, 2687 - 03, 2687 - 04 (received 26 October 2016).

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

- 3 The use hereby permitted shall be carried on only by Mr and Mrs Frank Ball and their children (Frank Ball Jr, Brandon Ball, Joanne Ball and Brittney Ball). When any of the premises cease to be occupied by the said individuals the use hereby permitted shall cease and any materials and equipment brought on to the premises in connection with the use shall be removed.

Reason: To take account of the special circumstances of the submitted application and to regulate and control any subsequent use of the premises in the interests of amenity in accordance with Policy H13 and BNE25 of the Medway Local Plan 2003.

- 4 Within one month of the use ceasing in accordance with condition 3, all buildings, structures, caravans, materials and equipment brought onto the land for the purposes of or ancillary to that use shall be removed, and the land shall be restored to its former condition.

Reason: To protect the character and appearance of the countryside in accordance with policy BNE25 of the Medway Local Plan 2003.

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft). All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 No development shall take place until elevation and floor plan drawings at a scale of 1:50 or 1:100 for the 4 caravans hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved plans and retained thereafter.

Reason: In the interests of visual amenity in accordance with policy BNE1 and BNE25 of the Medway Local Plan 2003.

- 7 No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which 4 shall be static caravans/mobile homes and 4 shall be touring caravans) shall be stationed on the site at any time.

Reason: To take account of the special circumstances of the submitted application and to regulate and control any subsequent use of the premises in the interests of amenity in accordance with Policies BNE1 and BNE25 of the Medway Local Plan 2003.

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

Proposal

Part change of use of land to facilitate the stationing of four additional caravans.

The application site, known as Buddys View, is located off Perry Hill, at the northern side. The main accommodation is situated at the end of the long driveway and is segregated into 3 sites. The stable block is located on the east side of the drive, adjacent to the residential plots.

It should be noted that planning permission was granted in April 2014, for the change of use of the land to provide an extension to the existing caravan site for the siting of 2 static caravans. This planning permission was not implemented and has now lapsed. This current proposal seeks to incorporate the area of land forming the application land of the now lapsed permission in addition to the stable block land for the siting of 4 static caravans and 4 touring caravans.

The subject of this application, as such, is the land north-east of main caravan site, and the stable block. The land, subject of this application, is a broadly rectangular shaped plot located behind the existing boundary trees along the entrance driveway. The submitted plans show that there would be a total of 4 mobile homes/caravans (2 previously approved in 2014 and 2 under current proposal) on site along with space for a total of 4 touring caravans (one for each mobile home/caravan) and parking spaces.

Relevant Planning History

MC/13/3335	The change of use of the land to provide an extension to the existing caravan site for the siting of 2 static caravans. Approved 3 April 2014
MC/08/0007	Construction of a block comprising four stables and tack/store room Approved 17 April 2008
MC/07/1975	Certificate of lawful development - proposed - for the use of land for the stationing of one mobile home. In addition to the one mobile home already in place - dimensions not exceeding those set in Section 13 of the Caravan Site Act, 1968 Approved 16 November 2007
MC/07/1973	Certificate of lawful development - existing - for the use of the land for the continued stationing of one mobile home, not exceeding 60ft (18.288m) in length, by 20ft (6.096m) in width and having an overall height (measured internally) of 10ft (3.048m) and complying in all other respects with the provisions of Section 13 of the Caravan Sites Act 1968 Approved, 16 November 2007

MC/07/0476	Variation of condition 1 of appeal decision APP/A2280/C/05/2001786 to permit one structure outside the legal definition of a caravan Refused, 28 June 2007
MC/06/1567	Part change of use of land to residential and siting of 1 residential unit and part change of use of land for grazing of llama. Re-siting of one shed to proposed grazing area and erection of two new sheds within the residential curtilage (Part Retrospective) Refused, 19 July 2007
MC/06/1201	Retrospective application for the construction of a single storey utility building Approved 20 October 2006

Representations

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

2 letters have been received raising the following objections:

- There have been issues of waste water draining onto the adjacent footpath already
- There is an issue with dogs from the site straying onto the footpath
- This is development within the green belt
- How is the past history of relevance?
- This would be contrary to the previous appeal
- There should be strict limits for new traveller sites in open countryside
- Application does not sufficiently take into account the New Government Guidance of 2015.

Cliffe and Cliffe Woods Parish Council object to the application raising the following concerns:

- Application expands the area identified for the use in the appeal decision.
- There are reports of waste water draining onto the footpath
- Users of the bridle way (RS84) along the edge of the site have experienced aggression from dogs on the site.
- Is there any way to manage expansion of the site?

Dickens Country Protection Society object to the extension of the site as this is outside of the original plan that was approved.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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

Planning permission was granted, subject to conditions, in April 2014 (MC/13/3335) for the change of use of land to provide an extension to the existing caravan site to accommodate two static caravans, the associated storage of touring caravans, car parking and landscape screening. The static caravans proposed were intended to accommodate the applicant's adult children, but the permission has not been implemented. The permission was subject to a personal condition to the applicant or his descendants. Condition 3 of that approval states that:

"The use hereby permitted shall be carried out only by Mr Frank Ball or his descendants and when the premises cease to be occupied by the said individuals the use hereby permitted shall cease."

There were other conditions imposed on this permission, including those relating to landscaping and restrictive detailing in relation to removing the caravans when no longer required by the immediate family.

Principle

Proposed development

The application proposes the part change of use of land to provide an extension to the existing caravan site to accommodate four additional static caravans, the associated storage of touring caravans, car parking and landscape screening. The proposal is situated in a countryside location, i.e. outside the urban and rural settlement boundary defined on the Proposals Map.

The current application is intended for the accommodation of the remaining adult children, hence the increase from two to four additional caravans, within a revised site boundary. This application does not appear to be otherwise different from the application permitted in April 2014 and therefore this proposal takes into account the same established policy considerations. However, national planning policy for traveller sites has been updated since the April 2014 permission.

In terms of Local Plan policies, Policy H13 of the Medway Local Plan 2003 covers gypsy caravan sites. This policy states that gypsy caravan sites and travelling showpeople's quarters will be permitted when:

- (i) the site is close to essential local services, including shops, public transport, schools, medical and social services; and
- (ii) the site can be physically contained and adequately screened from surrounding land; and
- (iii) there is compliance with agricultural, landscape, nature conservation and countryside policies; and

- (iv) there is no adverse impact on nearby residential amenity or agricultural interests; and
- (v) access arrangements are of a standard approved by the Highway Authority; and
- (vi) there is adequate provision of power, water and sewerage.

National planning policy for traveller sites

National planning policy for traveller sites was updated in August 2015, including a revised definition of 'gypsies and travellers':

“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 showpeople or circus people travelling together as such.”

In addition, government policy states:

“In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- 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.”

Policy H of the Planning Policy for Traveller Sites document relates to the determination of planning applications for traveller sites. This policy states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (paragraph 22). Applications should also be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites (paragraph 21).

Paragraph 24 states that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- (d) The existing level of local provision and need for sites;
- (e) The availability (or lack) of alternative accommodation for the applicants;
- (f) Other personal circumstances of the applicant;
- (g) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- (h) That they should determine applications for sites from any travellers and not just those with local connections

Local Planning Authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure (Paragraph 25).

Paragraph 26 states that when considering applications, Local Planning Authorities should attach weight to the following matters:

- (a) Effective use of previously developed (brownfield), untidy or derelict land;
- (b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- (c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- (d) Not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

Paragraph 28 states that Local Planning Authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations.

The circumstances of the family

The applicant who has lived at the site for many years has 4 grown up children for whom he needs to make provision for a permanent pitch for them at this site.

All of the male members of the family including the applicant and his 2 sons Frank Junior and Brandon are involved in the family business of breeding and trading horses. They all take part in looking after the horses at the site and in bringing them on. The purpose of this activity is to buy and sell horses at the traditional fairs. To participate in these fairs, the family need to transport their horses to the fairs and this includes the need for more than 1 vehicle as well as a vehicle for the caravan to allow them to stay over.

At the fairs it is necessary to prepare the horses so that they look their best and to show them to attract buyers by running up and down with the horses at the fair. They strike deals to sell them or if they do not sell they are brought back to their land in Kent. The fairs also provide an opportunity to purchase new blood stock and the family look at the available horses together so that the younger sons gain from the experience of the older family members in the selection of new stock.

The female members of the family in addition to looking after younger children run the home in either a static mobile or a touring caravan when they are travelling.

The applicant's daughters travel to fairs with the family where Joanne sells crockery, linen, mats and stainless steel buckets. These goods are of a traditional type of goods attractive to customers at the fairs and they provide an important supplementary form of income for the family. Joanne is assisted in this trade by her younger sister Brittny.

The fairs that the family routinely attend are as follows:

Kenilworth Fair	April
Stow Fair	May
Wycombe	May
Appleby Horse Fair	June
Epsom Derby	June
Seamer Fair	July
Lee Gap Fair	August
Horsmonden Fair	September

There are also private sales and a weekly sale at Stanwell near Heathrow Airport. Whilst they do not attend all of the fairs every year, the whole family are regular participants in these traditional events.

At other times, the family members pursue other traditional pursuits such as fruit picking but this is now largely taken over by Eastern European migrant workers who are employed during an extended season but the family still from time to time spend weeks picking cherries further down in Kent.

The family members also pursue other occupations, the applicant and his sons undertake roofing repairs for farmers throughout Kent staying over in a caravan from the beginning to the end of each job. They also undertake roofing repairs within the local area but when there is a lack of work they will travel to other areas staying in their caravan and leaflet drop an area and undertake roofing repairs in that area. This can be particularly effective where there has been storm damage.

The applicant's daughter Joanne's partner Tony Harrell is a ground worker, laying drains, unblocking drains and constructing cesspools and septic tanks. He has regular contacts with contractors and travels to where the work is located staying over in his caravan. He will also drop leaflets through letter boxes in areas outside of the local area and then stay over in his caravan for the duration of the work.

The Council therefore consider it reasonable and apparent that all of the family seek their living by travelling around, attending fairs or seeking work as contractors for various types of building work and repairs.

From time to time the Council understand that the occupants will spend temporary periods at their base, at the present time, the applicant needs to look after his sick father who lives next door, his daughter Joanne is expecting a baby and will not travel during this time staying close to her mother. As the children grow up they will attend the local school, Joanne has 2 young children and this will limit her travelling to school holidays.

It can, therefore, be concluded that the family members for whom the additional homes are to be provided would meet the new definition of traveller by travelling to earn their living, but they will from time to time temporarily spend longer periods at their base due to health or educational needs. Given that this is the case it is considered

that the family circumstances in this case are compliant with the criteria as set out in the national planning policy for traveller sites (August 2015).

Principle

The boundaries and size of the plot have altered since the previous 2013 application. Whereas the previous approval was for a site area that measured approximately 575m² and was a misshapen plot, this proposal is for a site with an area approximately 1900m², however it includes the stable block that is to remain unaltered. The shape of the site would be more regular in that it would be rectangular and also deeper than the approved 2014 site area. If taken in isolation of the stable block, the proposed site area is roughly double the size of the 2014 approval.

However, given the 2014 approval and nature of the proposed development, it is considered that the change of use of the land would be acceptable subject to all other material consideration in this report being acceptable.

Impact on the Countryside and Design

The site is located outside of the urban area in open countryside. The site is not subject to any other designations and is 'white land' on the proposals map in the Medway Local Plan 2003. Policy BNE25 of the Local Plan states that development in the countryside will only be permitted if it maintains and, wherever possible, enhances the character, amenity and functioning of the countryside and it offers a realistic chance of access by a range of transport modes. In addition, Policy BNE25 identifies seven criteria for assessing proposals for development in the countryside, including that the development essentially demands a countryside location such as agriculture, forestry, outdoor or informal recreation. The National Planning Policy Framework (NPPF) states that planning should contribute to conserving and enhancing the Natural Environment (Paragraph 17) and protecting and enhancing valued landscapes (Paragraph 109).

The application involves the extension of an existing traveller site and so this does not relate to a use essentially demanding a rural location. The caravans would be located on existing undeveloped land and even though they are located close to the existing mobile homes and stables it is considered that the development does not maintain and enhance the character, amenity and functioning of the countryside. Furthermore the Medway Landscape Character Assessment identifies the site as falling within section 13 'Cliffe Woods Farmland'. The area is described as being undulating and complex with a mix of arable farmland and orchards. A dominant landscape feature is the poplar shelterbelts. The Landscape Character Assessment identifies Actions for this area to 'conserve and create' including the discouragement of visually intrusive elements. The application is therefore contrary to Policy BNE25 and the countryside protection policies in the framework.

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment. Being a mobile home the structure has no particular design merit in itself and, whilst it would be set back from the street and close to existing structures on site, it would cause harm to the character and appearance of the wider area as

identified above.

As such the development would therefore fail to conserve or enhance the character and appearance of the countryside and so is contrary to policies BNE1 and BNE25 of the Medway Local Plan 2003.

Amenity

The main consideration in relation to amenity relates to the nearest established residential houses and the likely impact or disturbance that these proposed units will have on them.

The closest house to this proposed site is 'The Poplars' which is located on Perry Hill, approximately 100+m from the application site (as the crow flies). The boundary treatment that runs all the way along the west boundary of The Poplars is high conifer trees/hedges that obstruct any views across Buddy's View completely. Given that this hedge is in place and that the proposal shows there to be hedging all around the application site it is considered that there is no impact to this neighbour in terms of visual amenity.

In terms of potential noise disturbance from the application site, it is considered that the occupants are already in place on site, in more cramped conditions within existing properties. There is already consent for two of the 4 mobile home units to be on site so in effect the consideration is to look at the additional impact that a further 2 units will make. The hedging that is in place and proposed is considered to be a sufficient in terms of general screening and it is not considered that the noise increase from 2 additional units is significant (especially given that most already live on site).

Overall, the amenity of the neighbouring residential properties is not considered to be impacted significantly as a result of this application and the application is therefore acceptable on these grounds and in accordance with Policy BNE2 of the Local Plan.

In terms of the amenity of the future occupiers and the compliance with Policy H13 of the Local Plan it is considered that given that the occupants have mostly been raised at the site and therefore the proximity to local services and access arrangements are not altered. The power provision, water and sewerage is all to be linked to the existing set up and the screening options are explored and explained above in amenity and design.

Highways

Buddy's View has an already established driveway and entrance. The proposals will use the existing access. It is not therefore considered that there are any highways related issues with this application.

Bird Mitigation

This application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, however the proposed development is not considered likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection

Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. This is due to the fact that the units/caravans that are proposed are to accommodate a growing family that are already living within the site. Given that the numbers of people within the overall site is therefore not going to alter as a result of any permission here it is considered that the impact to the SPA/Ramsar sites would be negligible.

It is for the above reason that it was not considered appropriate to request any Natural England contribution in this instance.

Dogs

The Parish Council refer to dogs causing a nuisance to users of the footpath adjacent to the site. Having questioned this with the applicant's agent, it seems to be a repeat of comments made several years previously. The applicants have 2 dogs but one of them is now 12 years old and the younger one is 9 years old. They are not as active as they were and the applicants are not aware of them having caused any nuisance in recent years.

Future Expansion

The Parish Council also refer to possible future expansion but this is not a relevant consideration in respect of this application.

Integration with the Community

A neighbour has raised the issue that it is the restriction of the size of the site that has limited its impact but that its expansion might result in disharmony with the local community. However, the application is for the provision of pitches for members of the same family who have grown up at this site. It is not considered that this is a relevant objection.

Dickens Country Protection Society

In a letter they have raised a "concern" but they have not identified any harm arising from the development and it is concluded that this should not be treated as an objection.

Conclusions and Reasons for Approval

As previously considered in the assessment of the 2014 planning permission, the development as proposed would cause harm to the character and appearance of the countryside location, however as there is a shortage of pitches within Medway it is considered appropriate to grant a conditional permission that the caravans be removed when no longer required and the land restored. Whilst the change of use of the site would result in the expansion of the traveller site it would be located close to the existing caravans and would form part of the same complex and occupied by the

same family. On this basis subject to the imposition of conditions that restrict the persons on site, landscaping and number if additional touring caravans the proposal is viewed to be acceptable and compliant with policies BNE1, BNE2, BNE25 and H13 of the Local Plan, the National Planning Policy for Travellers (August 2015) and with the National Planning Policy Framework (NPPF) – in particular paragraphs 50 and 159.

This application would normally be determined under delegated powers however in this instance the proposal has to be determined at Planning Committee due to an objection from the Local Parish Council (Cliffe) expressing a view contrary to the officers recommendation.

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://publicaccess.medway.gov.uk/online-applications/>