

MC/17/2575

Date Received: 20 July, 2017

Location: Two Acre Farm, Parbrook Road, High Halstow, Rochester, ME3 8QP

Proposal: Retrospective application for the change of use of land to residential for an extended gypsy family and the sub division of the plot into four pitches, with the stationing of one mobile/static home and one touring caravan on each pitch, and to include the erection of a stable, ancillary storage buildings and the laying of hardstanding

Applicant: Mr Ben Eastwood

Agent: Mr Philip Brown Philip Brown Ass Ltd 74 Park Road Rugby Warwickshire CV21 2QX

Ward Peninsula

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 25 October 2017.

Recommendation - Approval with Conditions

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

Application forms, Cover letter, Site Location plan (1:2500), Site Layout Plan (1:500), (received 20 July 2017); Proposed stable (1:100) (received 2 October 2017).

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

- 2 This permission does not authorise use of the land as a caravan site by any persons other than travellers, as defined in the National Planning Policy for Traveller sites (2015).

Reason: To ensure that the site remains available as a permanent site for the traveller community and does not become a residential site within the countryside.

- 3 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 one shall be a static caravan or mobile home and the other a touring caravan, shall be stationed on one pitch/plot at any one time.

Reason: To regulate and control any subsequent use of the premises in the interests of amenity in accordance with Policies BNE25, BNE32 and BNE33 of the Medway Local Plan 2003.

- 4 No more than one commercial vehicle shall be parked/stored on one pitch/plot at any time.

Reason: To ensure that the pitches remain predominantly for the permitted use and reduce the potential for commercial activity on site.

- 5 No commercial activity shall take place on the site, including the open storage of materials or the stationing of any vehicle of more than 3.5 tonnes.

Reason: To ensure that the pitches remain predominantly for the permitted use and reduce the potential for commercial activity on site.

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

Proposal

Retrospective application for the change of use of land to residential for an extended gypsy family and the sub division of the plot into four pitches, with the stationing of one mobile/static home and one touring caravan on each pitch, and to include the erection of a stable, ancillary storage buildings and the laying of hardstanding.

Plots 1 and 2 are all accessed off the vehicle access to the south-east and plots 3 and 4 are accessed off the vehicle access to the north-east both accesses are off Parbrook Road. All of the mobile/static homes and the associated buildings are already on site. This application is therefore retrospective to rectify the fact that currently the use does not benefit from planning permission.

The current layout has been in place for at least 2 / 2 ½ years.

Relevant Planning History

MC/03/1253	Use of land for the siting of three residential caravans Decision Refusal Decided 28/11/2003 Appeal Allowed Decided 11/10/2004
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Representations

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

No letters have been received from neighbouring occupiers.

High Halstow Parish Council have raised objection to this application stating that this amounts to additional dwellings on the countryside.

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

In 2003 planning permission was refused for the use of land here to site three residential caravans. This decision was however appealed and as a result the Planning Inspectorate allowed the change of use of the land subject to a number of conditions. The conditions are as follow:

- 1) No more than 3 caravans shall be stationed on the land at any time.
- 2) This permission does not authorise use of the land as a caravan site by any persons other than gypsies, as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 as amended.
- 3) Within 2 months of the date of this permission there shall be submitted to the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the appeal site and the adjoining land shown hatched on the planning application, and details of those to be retained, together with fencing for their protection from grazing animals, and details of additional screen planting in existing gaps along the south western and south eastern boundaries, alongside the access, and on the existing bund.
- 4) All planting and fencing comprised in the approved details of landscaping shall be carried out in the first planting season following approval of the submitted details; and any trees or plants which within a period of 5 years of the date of approval of details 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.
- 5) No commercial activity shall take place on the site, including the open storage of materials or the stationing of any vehicle of more than 3.5 tonnes.

Since this decision, the same family have resided on site and are the applicants. It should be noted that the applicant and his wife occupy one of the units and the other three units are for their three children, along with their partners and children. This is similar to the previous application although one of the children (a daughter) resided with the applicants at the time of that application. It should be noted that it is the daughter who now resides in the additional caravan.

The list of the occupants of the plots and caravans are:

Plot 1 - Mr and Mrs Benjamin Eastwood (snr)

Plot 2 - Mr and Mrs Benjamin Eastwood (Jnr) and their 9 children

Plot 3 - Mr and Mrs Robert Eastwood and their 3 children

Plot 4 - Miss Rosie Eastwood

Principle

It is established that for the last 14 years (at least) this site has been in use as a residential caravan site for gypsies. The original consent included Mr and Mrs Benjamin Eastwood (Snr), both of the sons and their wives, the daughter and the grandchildren.

It has been stated that the Eastwood family are Romany Gypsy and the adult males have all found work laying block paving and carrying out property maintenance work - mainly in the Kent area. Whilst based at this site, the family all travel to horse fairs and various other gypsy gatherings but many of the children are still in full time education and therefore need to be based in one place during this period.

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.

The development proposed is for specific gypsy and traveller accommodation. National Policy for Travellers (August 2015) states that the Council need to have established a 5 year supply of sites for accommodation.

The Council commissioned the University of Salford to undertake a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2013. This identified a need for 13 extra pitches 2013-2018. At present a total of 13 pitches have

been supplied to date since 2013 to meet the assessed need. This is in line with the Council's current need requirements, however it is noted that 9 of these pitches are temporary, expiring in 2018/2019. Due to the age of the GTAA, the Council is currently updating this document with a new GTAA expected in 2018.

However the National Planning Policy for Traveller sites (2015) amended the definition of a 'traveller' (includes gypsies and travellers for the purpose of the policy document), 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 showpeople or circus people travelling together as such.

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" (Planning Policy for Traveller sites, CLG, August 2015).*

This means that those who have permanently given up travelling are now not defined as 'travellers'. This change could have an impact on the level of need identified by the GTAA as this was undertaken under the previous definition.

It is acknowledged that the Eastwood family have lived within the Medway area for many years and therefore have roots with extended family within the area.

The principle of siting the caravans in this location was agreed by the Planning Inspectorate in allowing the appeal for the siting of 3 caravans on the land. The Inspector in the appeal statement comment:

"Located at the southern end of one of the paddocks, the appeal site is some distance from the permanent dwellings to the north and there is no evidence of harm to the amenities of residents or of associated conflict with LP Policy BNE2. However the site remains visually associated with the settlement and does not appear isolated in the landscape."

The Inspector in concluding to allow the appeal comment:

"I conclude on this issue that caravans are intrinsically unsightly in a rural landscape and that the Appellant's caravans thus do cause some harm to the character and appearance of the countryside. Hence there is conflict with the objectives of the development plan in that respect. This is partially mitigated by existing screening, which could be reinforced, and by the established character of the surroundings which already includes other caravans and minor structures. Moreover the site is not within the Green Belt or one of the other specially protected areas of countryside where

Circular 1/94 advises that gypsy sites are not appropriate. The proposal also follows Circular 1/94 advice in not encroaching into the surrounding open countryside. I therefore conclude that the harm is slight.”

Given the above, the siting of the caravans was allowed and in respect of the current proposal, the given that the circumstances have not changed considerably, the principle of the development is considered to be acceptable.

Design

The approved site measured 37m x 29m and accommodated 3 static homes a barn and a utility room. The site has expanded and now measures 52m (depth) x 62m. The site is also now divided up into four distinct plots whereas before the caravans were all together on the one plot. This allows for each of the grown children to have their own area to share with their families. Each plot has a static home on it and it is proposed that each plot will also have a space to site a touring caravan. There are also now a number of sheds/storage buildings on site (3), a storage container and a stable block.

Part of the application covers the erection of fencing within the site. This amounts to 1.2m high post and rail fencing alongside plots 3 and 4, between plot 2 and plots 1/4 and a fence that also runs alongside the whole length of plot 2. These effectively create the subdivision of this site into 4 plots.

It is acknowledged that the general appearance of caravans is not considered to be particularly visually acceptable within the rural landscape however taking the Inspector’s comment (above) and the fact that the hedge/tree screening on Parbrook Road is now well established (approximately now 2.5-3m in height), this helps to screen the site and as such the caravans do not encroach into the surrounding open countryside and do not have a harmful impact upon its character.

Amenity

There are two considerations when assessing amenity - that of the occupiers and that of the neighbouring residential properties.

Current and future occupants

The occupants have been living on the site for over 14 years and are an established family unit. The four static homes allows for each of the couples and the daughter to have their own private space while also being together as a family network. This arrangement is one that appears to suit the current occupiers. With the formation of four plots, each with provision for a touring caravan it is considered that should any/all of the family move and a plot is occupied by another traveller family, the site will still allow for suitable amenity provisions for future occupants.

It is therefore considered that the amenity of current and future occupiers of these plots is acceptable and provides adequate land for each plot.

Neighbouring occupiers

The site is adjoined to the North West by residential properties. This includes Toilers

Croft, Sandhurst Farm, Travellers Tan and Beachcroft. All of the above properties are accessed off Sharnal Street. There is also Bridgewater House, located on Parbrook Road. Many of these properties were notified of the application including the display of notices by the site and on Sharnal Street as part of the Council's public notification process for this application. At the time of writing, no representation has been received from notified properties or any local resident to this application.

The nearest house is Bridgewater House and is approximately 100m from the subject site. The closest adjoining site is Travellers Tan and the residential unit is some 140m away. It is considered that the distances from these properties are substantial and that the impact of this site on these neighbours is not significant.

It is also acknowledged that this application does not result in any intensification of the site as the layout and residents are already in place, and have been since the previous appeal application approval.

The access points to plot 2 and to plots 1, 3 and 4 are away from the neighbouring residential properties and are considered to be in a good location and ensure minimal impact to neighbouring residents from vehicular movement to the plots. It is noted that some commercial vehicles come in and out of the site due to the fact that the men at this site all work in laying block paving and carrying out property maintenance work, however in order to keep this under control a condition can be placed on the consent that limits the number of commercial vehicles for each pitch.

Highways

Given that this site is well established, it is not considered that there are any significant highways issues in relation to this application, as it is for the siting of one additional caravan on the land.

Bird Mitigation

It is considered in this instance that Bird Mitigation contributions are not required with this application. This conclusion is based on the fact that the site already has approval for 3 of the residential caravans and that at the time of the original permission in 2004 all of the adults that currently reside on site were there. Intensification of residential use is therefore not considered an issue (despite the number of caravans increasing). It is not considered possible to justify contribution requirements on this basis.

Local Finance Considerations

There are no local finance considerations to consider in relation to this application.

Conclusions and Reasons for Approval

It is considered that the regularisation of this site for four separate plots for the stationing of one mobile/static home and one touring caravan on each plot is acceptable and that the location for this use is satisfactorily distanced from the nearest residential properties so as not to cause significant harm. The use of these plots in

the longer term for travellers/gypsies allows for the Council to meet the recognised need for traveller and gypsy accommodation within the borough. This application is therefore considered to be compliant with Policies BNE1, BNE2 and H13 of the Medway Local Plan 2003 and also with the Medway GTAA and the National Planning Policy Framework 2012.

This application would normally be determined under delegated powers however has been referred to the Planning Committee for determination due to the representation received from the Parish Council expressing views contrary to 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/>