

## **MC/22/1771**

**Date Received:** 18 July 2022  
**Location:** Land To South of Existing Stables at Buddy's View Perry Hill  
Cliffe Rochester  
**Proposal:** Construction of a combined amenity and day room building  
**Applicant** Mr and Mrs Ball  
**Agent** DHA Planning  
John Collins  
Eclipse House Eclipse Park  
Sittingbourne Road  
Maidstone  
ME14 3EN  
**Ward:** Strood Rural Ward  
**Case Officer:** Amanda Barnes  
**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 6th October 2022.**

### **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:

Received 18 July 2022:

H-10 Rev P1 - Site Location Plan  
H-12 Rev P1 - Proposed Site Plan  
H-13 Rev P1 - Proposed Floor Plan  
H-14 Rev P1 - Proposed Elevations

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

- 3 No development above slab level shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The building hereby permitted shall be used as a combined amenity and day room building and at no time occupied overnight or as a separate planning unit.

Reason: To ensure that the building is not used as a residential unit to regulate and control any subsequent use of the premises in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement received 18 July 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 of the National Planning Policy Framework 2021.

- 6 No commercial activity shall take place within the building.

Reason: To ensure that the building remains for the permitted use and reduce the potential for commercial activity on site in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: In the interests of minimising impacts on and providing net gains for biodiversity in accordance with paragraph 174 of the National Planning Policy Framework 2021.

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

## **Proposal**

The erection of combined amenity and day room building.

The building will be approx. 13m in length, 8m in width with a barn hipped roof, 2.3m to the eaves and 5m to the ridge.

Internally the building layout (one side male the other female) will be a mirror image with both sides having a washing/drying area, bathroom, shower, and kitchen/dayroom.

## Relevant Planning History

- MC/21/0445      Change of use of land to provide for the stationing of 3no. additional caravans, extension of existing hardstanding and associated planting and parking.  
Decision: CAP  
Decided: 28 June 2021
- MC/16/4380      Part change of use of land to facilitate the stationing of four additional caravans  
Decision: CAP  
Decided: 6 July 2017
- 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.  
Decision: CAP  
Decided: 3 April 2014
- MC/08/0007      Construction of a block comprising four stables and tack/storeroom  
Decision: CAP  
Decided: 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  
Decision: CAP  
Decided: 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  
Decision: CAP  
Decided: 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  
Decision: Refused  
Decided: 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)  
Decision: Refused  
Decided: 19 July 2007

MC/06/1201      Retrospective application for the construction of a single storey utility building  
Decision: CAP  
Decided: 20 October 2006

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Cliffe and Cliffe Woods Parish Council were also consulted.

**One** letter has been received raising the following:

- This site seems to carry on growing and was not intended to do so when the inspector originally overruled the Council.

**Cliffe and Cliffe Woods Parish Council** have written to advise that they are concerned about the further development of this site. The application fails to identify the development that has already taken place on the site (in particular, the original developments to the north). This site has continued to develop in terms of residential and amenity facilities on what was a green field. The site is clearly visible from the adjacent Public Right of Way and there is history of grey water spilling over the PROW and dog nuisance, hassling walkers from the site previously. A full appraisal of the development history of this site is required. The Parish Council would suggest a site meeting be held by the Planning Committee before considering any application for approval and look at the development of the whole site and existing pressures.

## **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 2021 and are considered to conform.

## **Planning Appraisal**

### *Background*

The application site is an existing gypsy site that already accommodates a number of units for the same family. The west boundary of the application site fronts Perry Hill, and the immediate locality contains a number of pitches for gypsy caravans and touring units. The site is bound to the north, east and south by open fields and to the east by existing dwellings in gypsy use.

This application seeks permission to erect an amenity and dayroom building which will also serve as a 'community building' for visits by health workers, educational

professional and family occasions. The agent has advised that it is a cultural requirement on large gypsy and traveller sites to have these facilities available on site.

The Government document 'Designing Gypsy and Traveller Sites' Good Practice Guide May 2008 sets out at paragraph 5.35 "*Where a site is isolated from local facilities however, either by distance or through lack of adequate public transport facilities and/or is large enough to contain a diverse community of residents rather than one extended family, provision of a communal building is recommended. This facility can be an important resource in sustaining a more remote site, offering an opportunity for visits by health visitors, youth workers and education services, as well as for use by site management and residents alike*". Paragraph 5.36/7 states that "*Any such building should include: Community room, Toilets (male and female), Kitchenette. Ideally it should be situated in a location towards the front of the site, to be accessible to all the community, not just site residents, and if promoted and managed well can help encourage good relations between the Gypsy and Traveller and neighbouring communities.*"

### *Principle*

The application proposes to provide an amenity/dayroom building. The status of the site is already in use as a gypsy and traveller site and has been for at least 17 years.

In terms of Local Plan, Policy H13 covers gypsy caravan sites. This policy states that gypsy caravan sites and travelling show people'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.

While Policy H13 is primarily related to the provision of Traveller sites, however some of the criteria are relevant to this application. The location of the site has been approved, as per the application MC/21/0445 and is not a consideration of this application. The design of the building will be discussed in the design section below. The nearest residential properties, not in Gypsy use, are located some 40m east of the application site. It is considered that by virtue of distance, the building will cause no significant harm to nearby residential properties. The entrance to the site will remain unchanged onto the highway.

The application is therefore considered to be in accordance with Policy H13 of the Local Plan.

## 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 (PPTS) 2015, 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 24 states that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- (a) The existing level of local provision and need for sites.
- (b) The availability (or lack) of alternative accommodation for the applicants.
- (c) Other personal circumstances of the applicant.
- (d) 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.
- (e) That they should determine applications for sites from any travellers and not just those with local connections

## The circumstances of the family

The Ball Family have been based at this site for a long time (at least some 17 years) and it has been acknowledged many times that they are a bona fide gypsy family.

The agent has advised that the extended family have settled on this site due to the deteriorating health of elder members of the family as well as for the education needs of the younger member of the family. Whilst the family intend to continue travelling to fairs and for work, the occupiers in this case have been impacted by the pandemic and have been forced to reconsider their accommodation requirements in the short and long term. The family consider they now need a base from which to work, and at the same time can then also assist family members who are increasingly in need of assistance due to medical conditions. Following the approval of MC21/0445 for the provision of 3no. additional caravan pitches, this application is essential to provide the suitable facilities required for the family in order to meet their 'cultural' needs.

Paragraph 7 of the NPPF states "*The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*" Sustainability has 3 overarching objectives set out in paragraph 8 – economic, social and environmental. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

Planning policy for traveller sites Section B, paragraph 13 sets out that Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Historically gypsy tradition dictates that individuals will not use toilet and shower facilities within their own trailer. In order to meet basic human fundamental needs it is therefore essential that suitable facilities are provided for within the site. This application therefore meets the social aspect of sustainability. This need for communal facilities is also reflected in paragraphs 5.35-5.36 of the Government document "Designing Gypsy and Traveller Sites" and paragraph 8(b) of the NPPF.

Paragraphs 7.17-7.19 of Designing Gypsy and Traveller Sites sets out that "*It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self-contained semi-detached units. The amenity building must include, as a minimum: hot and cold-water supply; electricity supply; a separate toilet and hand wash basin; a bath/ shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch. The amenity building must include secure storage space for harmful substances/ medicines; enclosed storage for food, brooms, washing, cleaning items etc; and space for connection of cooker, fridge/freezer and washing machine. The provision of a gas hob could be considered. The inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area. It is desirable that the day/living room should not be part of essential circulation space, nor contain essential storage. Many existing amenity buildings do not of course contain this facility but inclusion in new sites would replicate the provision of a living room as enjoyed as standard by other sectors of the community.*"

Paragraphs 92 and 93 of the NPPF set out that planning policies and decisions should aim to achieve healthy, inclusive and safe places and provide the social, recreational and cultural facilities and services the community needs.

As set out above, it is considered that the development is necessary and is an acceptable form of development on a Gypsy and Traveller site, in accordance with Policy H13 of the Local Plan and the national policies set out above.

### *Design and Impact on the Countryside*

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 Local Plan. 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. The NPPF states that planning should contribute to conserving and enhancing the Natural Environment and protecting and enhancing valued landscapes (Paragraph 174).

The building is not considered to enhance the character of the countryside being located on existing undeveloped grazing land and as such would have a negative impact with regard to increasing the built form within the Countryside. 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.

However, paragraph 5.37 of 'Designing Gypsy and Traveller Sites' sets out that 'The community building' should be situated in a location towards the front of the site to be accessible to all the community. The building sited in this forward location would be visible from the road, however it is set at a lower position within the landscape and would be seen against a backdrop of static and touring mobile homes, as set out above the building is considered necessary for the gypsy lifestyle and while it is not in accordance with Policy BNE25 of the Local Plan it is considered the need outweighs the harm in this case.

The NPPF attaches great importance to the design of the built environment. Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan is a general, criteria-based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment. The building has been designed with a barn hip roof, the proposed materials chosen for the proposed building are a brick plinth, timber weatherboarding for the walls and black timber boards for the roof. It is considered that the materials have been chosen to be in keeping with the character of the area and the building in its own right is therefore in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Amenity*

The main consideration in relation to amenity relates to the nearest established residential houses and the likely impact or disturbance that the proposed building will



have on them.

The closest house to the proposed site is 'The Poplars' which is located on Perry Hill, approximately 40m from the application site. 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. Given that this hedge is in place and the distance involved, it is considered that there would be no negative impact to this neighbour in terms of visual amenity.

In terms of potential noise disturbance from the application site, the occupants are already in place on site, and therefore it is not considered that the noise increase from the use of this building would be significant, especially given that it will be mainly the existing residents living on the site that will be using the facility. A condition to secure the use of the building is recommended on any approval.

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 and paragraph 130(f) of the NPPF.

### *Ecology*

The replacement of grassland with a building and hardstanding constitutes a minor loss of biodiversity in the absence of compensation not in accordance with paragraph 174 of the NPPF. As such, a condition recommended to be attached is attached to any granted planning permission to ensure that this loss of compensated for.

To ensure that any lighting associated with the development does not have a negative impact on the wildlife a condition is recommended to control the addition of any lighting.

Subject to the above recommended conditions the application is considered to be acceptable and in accordance with paragraph 174 of the NPPF.

### *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, and it is therefore in accordance with Policies T1 and T13 of the Local Plan and paragraph 111 of the NPPF.

### *Climate Change and Sustainability*

The applicants have advised that all lighting (internally and externally) will be of a low voltage design and water use in the building will comply with the stringent requirements of the applicable Building Regulations. Energy consumption will be reduced through energy saving devices, and taps, fittings and WCs will be low water consuming.

The proposed development will be designed to a high standard with good air tightness, reducing energy losses and the demand for additional cooling/heating. This will be achieved by ensuring that sensitive areas are accounted for in the design and construction phases to ensure that a tightly sealed building is constructed.

The proposed development has been designed in accordance with the standards associated with water efficiency and recycling, outlined in the Local Plan. Water usage will be compliant with the applicable Building Regulations. All pipe work will be insulated to minimise energy loss.

Subject to a condition to ensure compliance with these measures the development is considered to be in accordance with paragraph 154 of the NPPF.

### **Conclusions and Reasons for Approval**

The development as proposed would cause some harm to the character and appearance of the countryside location, however the building is considered to provide an essential function within the Gypsy and Traveller community as set out in Government Guidance. The building would be located close to the existing caravans and would form part of the same complex.

On this basis subject to the imposition of conditions controlling the materials and restriction of the use of the building the proposal is viewed to be acceptable and compliant with Policies BNE1, BNE2, BNE25 and H13 of the Medway Local Plan 2003, paragraphs 111, 124, 126, 130 and 130f of the NPPF, Policy H of the National Planning Policy for Travellers (August 2015), and the guidance contained in Designing Gypsy and Traveller Sites Good Practice Guide (May 2008).

The application would normally be determined under delegated powers but is being referred for Committee determination due to one of the representations received being from the Cliffe and Cliffe Woods Parish Council and expressing views contrary to Officers 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://publicaccess1.medway.gov.uk/online-applications/>