

MC/23/1749	
Date Received:	08 August.2023
Location:	The Hawthorns (formally Dudley Farm), Matts Hill Road, Rainham, Gillingham, ME9 7XA
Proposal:	Retrospective change of use of the land to allow the temporary siting of a mobile home for residential occupation.
Applicant	Mr & Mrs MF & PD Presneill
Agent	The Hawthorns (formally Dudley Farm) Matts Hill Road, Rainham, Gillingham, ME9 7XA
Ward:	Rainham South East
Case Officer:	Arron Nicholls
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 22nd November 2023.

Recommendation - Refusal

1. The proposal lies in an Area of Outstanding Natural Beauty where new development is strictly controlled. It is considered that the proposal would not contribute, conserve or enhance the natural environment and landscape as is required by Local Plan Policies and the NPPF, and would instead diminish the open character of the area, which would be harmful to the character and appearance of the Strategic Gap, North Kent Downs (AONB), Matts Hill Farmland Character Area (LCA) and countryside location, and as a result the proposal would be contrary to policies BNE1, BNE25, BNE31, BNE32 and BNE33 of the Local Plan 2003 and paragraphs 174 and 176 of the National Planning Policy Framework 2023.

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

Proposal

This application seeks planning permission for retrospective change of use of the land to allow the temporary siting of a mobile home for residential occupation for a period of 3 years.

Site Area/Density

Site Area: 0.015 hectares (0.037 acres)

Site Density: 66 dph (27 dpa)

Relevant Planning History

MC/18/0887	Construction of a replacement dwellinghouse. Decision Approval with conditions Decided 08 June 2018
MC/15/3573	Application for Lawful Development Certificate (existing) for use of a stable block as a single dwellinghouse and the use of a barn and shipping containers for ancillary residential purposes. Decision Approval Decided 25 February 2016
MC/11/3023	Siting of an amenity block. Decision Approval with Conditions Decided 20 January 2012
MC/07/1826	Application for Lawful Development Certificate (existing) for stationing of mobile home and its mixed use for residential, recreational and security purposes and as an amenity facility. Decision Refusal Decided 28 November 2007
MC/06/0304	Application for Lawful Development Certificate (existing) for stationing of mobile home for use as amenity facility and occupational overnight accommodation for night watchman. Decision Refusal Decided 13 April 2006
MC/04/2307	Continued siting of mobile home for use as amenity facility and occupational overnight accommodation for night watchman and storage of a touring caravan. Decision Refusal Decided 3 December 2004
MC/01/0096	Variation of Condition 2 on planning permission 93/0808/49/0055/GL - (formation of an earth bund along motorway boundary) to increase height by two metres. Decision Refusal Decided 30 May 2001
GL/95/0686/49/0055	Proposed outline application for a holiday park comprising 40 timber lodges, reception office, the use of existing buildings to provide manager's accommodation, visitor amenities and associated. Decision Refusal Decided 2 February 1996

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Kent Downs Area of Outstanding Natural Beauty Unit have also been consulted.

Kent Downs Area of Outstanding Natural Beauty Unit – advise a new dwelling in this location, outside of any recognised settlement, would be in conflict with planning policies that seek to direct new development to existing settlements as well as the Kent Downs AONB Management Plan principle SD9 that requires new development to be complementary to existing settlement pattern. However, should the Council be minded to accept the principle, we would comment that mobile homes possess very ‘little architectural merit’, and are not in keeping with the vernacular of the Kent Downs, thereby failing to promote local distinctiveness and neither conserving nor enhancing the landscape or scenic beauty of the AONB, the key policy test for AONBs. Should the Council accept the principle, we would request a temporary permission only is given.

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 2023 and are considered to conform.

Planning Appraisal

Background

The site has been subject to a number of applications and pre application in the past as outlined in the site history. The granted applications have always sought to contain any future development by restricting the residential curtilage.

Principle

The site is located in open countryside and lies to the north of Matts Hill Road. The site is outside the urban area, as defined on the Proposals Map to the Local Plan in open countryside and strategic gap (Policies BNE25 and BNE31). The site is also in the North Downs Special Landscape Area (Policy BNE33), the Kent Downs Area of Outstanding Natural Beauty (AONB) as identified in Policy BNE32 of the Local Plan and the Matts Hill Farmland landscape character area as defined in the Medway Landscape Character Assessment, 2011 (MLCA).

Policy BNE25 states as a valuable resource, the countryside needs to be protected for its own sake, and as a result any development should seek to maintain or enhance it. Development that would adversely affect the countryside will not be permitted unless there is an overriding need for it which outweighs the requirements to protect the countryside. Policy BNE31 refers to development within the strategic gap and aims to prevent development which would expand existing settlements. This is applicable

to both expansion of existing settlements and free-standing developments which would erode the open character of the countryside and undermine its function of maintaining the separation of existing settlements. Policy BNE32 refers to developments in the Kent Downs AONB will only be permitted when it conserves the natural beauty, wildlife and cultural heritage of the area. Policy BNE33 refers to developments within the Special Landscape Area and states that development will only be permitted if it conserves and enhances the natural beauty of the area's landscape or if the economic and social benefits are so important that they outweigh the priority to conserve the natural beauty of the area's landscape.

The NPPF seeks to pursue sustainable development, (including countryside sites where appropriate), in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11).

Therefore, the proposal must also be weighed against the advice within the NPPF. Paragraphs 174 and 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB which have the highest status of protection in relation to these issues. It also refers to limiting the scale and extent of development within these areas.

The council does have an identified need for the provision of plots or pitches for gypsies, travellers and travelling show people, but in relation to this the applicants do not have any of these statuses.

In this case, It is considered that the proposals would not contribute, conserve or enhance the natural environment and landscape as is required by Local Plan Policies and the NPPF, and would instead diminish the open character of the area, which would be harmful to the character and appearance of the Strategic Gap, North Kent Downs (AONB), Matts Hill Farmland Character Area (LCA) and countryside location, and as a result the proposal would be contrary to policies BNE25, BNE31, BNE32 and BNE33 of the Local Plan 2003 and paragraphs 174 and 176 of the NPPF. Therefore, as the proposed development does not meet the above objectives the principle of the development is deemed to be unacceptable.

Design

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Medway Local Plan 2003 states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment. The impact on the character of the area also needs to be assessed in accordance with the provisions of Policies BNE25, BNE32 and BNE33 of the Medway Local Plan 2003.

The proposal by virtue of it being a mobile home has no design merit in itself and is considered to fail to conserve or enhance the character and appearance of the countryside, the AONB and the SLA and as such is contrary to Policies BNE1, BNE25, BNE32 and BNE33 of the Medway Local Plan 2003.

Amenity

Paragraph 130f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

In terms of amenity, it is considered that both neighbouring and future occupiers of the site are taken account of in terms of amenity and there is no loss of amenity or intrusion to neighbours as a result of this proposal. The proposed unit being provided is considered to be a good size home and will not be cramped. In terms of amenity this proposal therefore complies with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Highways

Access arrangements from the highway will remain unchanged, with adequate space for parking provided on site, directly adjacent to the proposed unit. Due to the limited scale of the proposal, it is not considered the proposal would result in any unacceptable intensification that would unacceptably impact on highway safety. As such the proposal complies with Policies T1, T2 and T13 of the Local Plan and paragraph 111 of the NPPF.

Bird Mitigation

This application is for the temporary siting of a caravan for a period of 3 years. There is no increase or intensification therefore in the effect that this proposal would have on recreational disturbance on the over-wintering bird interest.

No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Conclusions and reasons for *Refusal*

The proposal for the use of the site for the siting of a caravan for a period of 3 years. Is considered to not be acceptable in this location. It is considered that the proposals would not contribute, conserve or enhance the natural environment and landscape as is required by Local Plan Policies and the NPPF, and would instead diminish the open character of the area, which would be harmful to the character and appearance of the Strategic Gap, North Kent Downs (AONB), Matts Hill Farmland Character Area (LCA) and countryside location.

While there is sympathy with the personal circumstances of the applicant, the proposal does not relate to a gypsy or traveller and as such the personal circumstances carry minimal weight in the Planning Balance and would not justify a decision contrary to the strong presumption against development as set out in the Development Plan and NPPF.

The scheme is considered to be contrary to Policies BNE1, BNE25, BNE31, BNE32 and BNE33 of the Medway Local Plan 2003, paragraphs 174 and 176 of the National Planning Policy Framework 2023.

The application would normally be determined under delegated powers but is being referred for Committee determination due to being called in by Cllr Hackwell who considers that the personal merits of the application in the planning balance are most appropriately considered by the Planning Committee.

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/>