

MC/23/2505

Date Received: 9 November 2023
Location: Scarlet Meadow Matts Hill Road, Rainham, Gillingham
Proposal: Retrospective - Construction of a single storey outbuilding.
Applicant Agent: Ms Twinley
WS Planning & Architecture
Mr Brian Woods
5 Pool House
Bancroft Road
Reigate
RH2 7RP
Ward: Rainham South East
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 17th January 2024.

Recommendation - Refusal

1. By virtue of its size, scale and location, the proposed day room would fail to enhance the character and visual amenity of the countryside and would not conserve or enhance the natural beauty of the area's landscape and is also considered to result in a significant expansion of the built confines of the site into the countryside. The day room is therefore considered to be out of keeping with the locality and would be detrimental to the overall character and appearance of the area, which is within an Area of Outstanding Natural Beauty, Strategic Gap, and the North Downs Special Landscape Area, contrary to Policies BNE1, BNE25, BNE31, BNE32 and BNE33 of the Medway Local Plan 2003; paragraphs 126, 130, 174 and 176 of the NPPF and paragraphs 25 and 26 of the Planning Policy for Traveller Sites 2015.

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 retrospective planning permission for the retention of an existing single storey brick-built outbuilding.

The site has the benefit of planning permission for residential use for a traveller family and is restricted by condition for personal use by the current occupant and her immediate family.

Currently there is permission on site for two static homes and two associated touring caravans. These are all in place and on site, along with two modest ancillary day rooms.

The proposed day room is a pitched roof brick-built building that is shown to measure approx. 7.3m x 11.95m (totalling 87.24m³). The floor plan shows the structure currently to be one large space, but the applicant has informed the Council on site that it will consist of a kitchen, bathroom, living room, dining room and separate 'study rooms'. The size and layout of these aspects have not been included within the application, although the space when viewed clearly has plumbing located ready for bathroom and kitchen facilities.

The height of the proposed building is approx. 5.8m to ridge height with an eaves height of approx. 2.9m.

Relevant Planning History

MC/22/1773 Retrospective application for the retention of existing stable block and hardsurfacing to the rear of the site and full application for the removal of existing day room and the construction of a new day room within the garden amenity area.

Decision Refused
Date 12 September 2022

MC/21/2168 Construction of a day room within garden amenity area and construction of a new stable block at the rear of the site and formation of hardstanding- removal of existing day room.

Decision Refused
Date 24 November 2021

MC/20/2495 Siting of an additional mobile home and day room.

Decision Approved with conditions.
Date 1 February 2021

MC/18/1035 Removal of condition 1 of MC/16/1562 - Relating to the restriction of time on original permission.

Decision Approved with conditions.
Date 20 July 2018

MC/16/3896 Details pursuant to condition 5 on planning permission MC/16/1562 for retrospective application for change of use of land to residential for the siting of a mobile home, two touring caravans, a cesspit and hard standing area; construction of a day room; paddock to rear and construction of 1.8m high boundary fencing.

Decision Condition discharged
Date 20 July 2018

MC/16/1562

Retrospective application for change of use of land to residential for the siting of a mobile home, two touring caravans, a cesspit and hard standing area; construction of a day room; paddock to rear and construction of 1.8m high boundary fencing.

Decision Approved with conditions
Date 29 July 2016

Representations

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

1 letter has been received from neighbours objecting to this application. The comments are as follows:

- There are already two large caravans on site along with other smaller structures.
- The permanent structure has a detrimental impact on the AONB and goes against policies.

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 December 2023 (NPPF) and are considered to conform.

Planning Appraisal

Background

It has been established via previous planning applications and with regular visits that the applicant is a Romany Traveller.

The applicant has permission to reside at this site and has done so since August 2015. Originally the applicant was on site with her 3 children and mother-in-law.

Whilst it is understood that the site is still occupied by the applicant and her family the names of the occupants have not been confirmed, however it is thought that the site is occupied by the applicant, her children and two of the children's partners.

Principle

As noted above, the principle of the residential use of the site for a gypsy/traveller family has previously been considered and a personalised planning permission granted. Consideration is therefore solely related to the proposed day room.

The site is outside the urban area, as defined on the Proposals Map to the Local Plan and in open countryside (Policy BNE25). It is also in the Strategic Gap, as identified in Policy BNE31 of the Local Plan, the Kent Downs Area of Natural Beauty (AONB) as identified in Policy BNE32 of the Local Plan, and the North Downs Special Landscape Area as identified in Policy BNE33 of the Local Plan.

However, given that the principle of the use of the site for residential purposes by a gypsy/traveller family is acceptable, it is considered that development such as a day room and stables associated with the use is acceptable subject to the consideration of more detailed matters as set out below. Indeed, a day room was approved as part of MC/16/1562 and MC/20/2495.

Design

When looking at design in relation to this proposal it is necessary to take into consideration Policies BNE1, BNE25, BNE31, BNE32 and BNE33 of the Local Plan. These policies take account of the general building design, but also how that design sits within the surrounding designated area. It is important to understand how the proposal would impact the Strategic Gap and AONB.

As set out in the proposal, the application is for a detached building which is described by the applicant as a 'day room'. The dimensions of the proposed building are approx. 7.3m x 11.95m. The area where the dayroom is proposed was previously used as 'garden' for the occupants and was laid to grass.

As stated above, day rooms are an accepted component of modern gypsy/traveller sites. The DCLG Good Practice Guide on Designing Gypsy Traveller Sites (2008) at Paragraph 7.17 states that "it is essential for an amenity building to be provided on each pitch" The design and specification of these amenity buildings is discussed in further detail in Paragraphs 7.17 - 7.20:

7.17 ...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.

7.18 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.

7.19 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. A plan of a typical modern amenity building is featured at Annex B.6.

7.20 The design and construction of amenity buildings must meet the requirements of the current Building Regulations, the Institution of Electrical Engineers Regulations and the Local Water Authority and should also meet the Housing Corporation Design and Quality Standards. Materials used must comply with the relevant British Standard Specifications and Codes of Practice and must provide for durable and low maintenance buildings. Its construction should be sympathetic to local architecture, attractive and of a domestic nature and meet the requirements of PPS3

Whilst the above is noted there is concern over the scale of the proposal. The dimensions of the building result in a floor area of just over 87m², which is the equivalent in the National Technical Housing Standards to a 3-bedroomed, 5-person bungalow. It is considered that the proposed building is excessive in size, despite being reduced from the previous applications, and due to size, height and bulk would not appear as an ancillary building to the static home that is currently located on site. It is considered that an adequately sized day room can be accommodated in a smaller structure and still provide all of the requirements set out in the Guide (similar to that approved in MC/20/2495).

Size of proposed day room and previously refused dayrooms:

| | MC/23/2505 | MC/22/1773 | MC/21/2168 |
|------------------------|--|---|---|
| Overall size | 87.24m ² | 109m ² | 126m ² |
| 1 storey dwelling size | 3 bed 5 person (86m ² min GIA) | 4 bed 7 person (108m ² min GIA) | 6 bed 8 person (126m ² min GIA) |

The appearance of the building is designed so that it has 2 sets of double doors (1 at the front entrance and 1 at the rear) along with a single side door and 6 windows. The height of the building is approx. 2.9m to eaves and 5.8m to the ridge. These all result in the building appearing as a large, detached bungalow. The floor plan currently shows the overall space and is not divided up but as indicated could achieve a 3-bedroom bungalow. There is also a canopy feature at the front of the building which abuts the mobile home and appears dominant and more like a significant entrance point to the building.

The need for a day room associated with traveller accommodation is understood, however a more modest dayroom of 9.2m x 4.64m (42.7m) has already been approved (MC/20/2495) and is considered to appear as a much more modest building within this AONB and this countryside location.

The scale of the proposed permanent building (along with the loss of garden/grassed area) within this protected area is not considered to enhance the character, amenity

or functioning of the countryside, does not conserve and enhance the natural beauty of the area's landscape and is also considered to result in a significant expansion of the built confines of the site into the countryside and AONB. This proposal is not considered to comply with Policies BNE25, BNE31 or BNE32 or BNE33 of the Medway Local Plan 2003 and Paragraphs 131 and 135 of the NPPF and paragraphs 25 and 26 of the Planning Policy for Traveller Sites (August 2015).

Amenity

There are two main amenity considerations; the impact on the amenities of neighbours and the standard of amenity which would be experienced by occupants of the site itself.

Neighbouring Residential Amenity

Given the properties location in the countryside and the rural nature of this road it is considered that the day room building would not detrimentally impact or cause disruption to any of the adjacent residents due to distance between the application and the nearest residential properties.

Amenity of Future Occupiers

This application is for an 'ancillary' building to the existing static home on site. There are to be no new occupants. As a result, it is not considered that the amenity of future occupants is detrimentally impacted.

It should be noted that there is planning permission in place for a day room that is considered to meet the needs of the applicants but also that there are two temporary structures on site that currently serve many of the dayroom facilities being requested as part of this proposal.

Overall, the proposed development is considered acceptable in terms of impact on neighbouring amenity and the amenity of future occupants of the would therefore comply with Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF.

Highways

It is not considered that the proposal would have any detrimental impact on highway safety or highway function.

Therefore, the application would conform with Policies T1 and T13 of Local Plan and paragraph 115 of NPPF.

Bird Mitigation

The application is for the construction of a larger dayroom along with the retention of the stable buildings and hardstanding and therefore would not create any additional dwellings. The SAMM's mitigation tariff, in this case, is not relevant.

No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 186 and 187 of the NPPF.

Conclusions and Reasons for Refusal

The above report sets out that the scale, design and location of proposed development is considered to be unacceptable. These proposals would have a detrimental impact on the character and amenity of the countryside and are not considered to conserve or enhance the natural beauty of the area's landscape. It is also considered to result in a significant expansion of the built confines of existing site into the countryside and AONB.

The day room is considered to be contrary to Policies BNE25, BNE31, BNE32 and BNE33 of the Medway Local Plan 2003, paragraphs 131, 135, 180 and 182 of the National Planning Policy Framework and paragraphs 25 and 26 of the Planning Policy for Traveller Sites (August 2015).

The application would normally be determined under delegated powers but is being referred to Committee at the request of Councillor Hackwell to ensure consistency with the recent Committee decision on an adjacent site.

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/>