

4.5 – SE/13/03843/CONVAR Date expired 11 April 2014

PROPOSAL: Removal of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted.

LOCATION: Land East Of, Park Lane, Swanley Village, Swanley

WARD(S): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This application was deferred by Development Control Committee Members on 20 May 2014 to enable further information to be provided by the application in relation to the care needs of the applicant.

This application was initially presented to Development Control Committee as the Officer's recommendation is at variance to the Town Council's. In addition, it has been requested by Councillor Brookbank that Members consider this application as the proposal is a departure from the Green Belt policy and for the 'very special circumstances' to be considered.

RECOMMENDATION: That planning permission be Granted subject to the following conditions:-

1) This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 1 of Annexe 1 of DCLG document Planning Policy for Traveller Sites March 2012.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke, Sharon Clarke Jnr and Lucy Clarke. When the land ceases to be used by Mr and Mrs J Clarke, the use hereby permitted shall cease and all caravans, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted shall be removed. Within 3 months of that time the land shall be restored to its former condition before the use commenced.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) The residential use hereby permitted shall be restricted to the stationing of no more than 4 caravans at any time.

Given that the very special circumstances in this case clearly outweigh the harm to the

openness of the Green Belt and any other harm.

4) The caravans, car port and hardstanding shall be sited in accordance with the untitled Block Plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

5) No commercial activities shall take place on the land, including the storage of materials.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

6) No building or enclosure other than those shown on the approved untitled block plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL, shall be erected on the site.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

7) Within three months of the date of this permission details of the surfacing and extent of the areas of hardstanding to be provided to the Council for approval in writing. All hardstanding on site shall be formed in accordance with the approved details.

To enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

8) The external dimensions of the car port hereby approved on the site shall be no greater than, 6 metres in length, by 4.2 metres in width, by 2.2 metres in height. The car port shall be maintained at this size.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

9) All landscape works shall be carried out within the next planting season from the date of this permission. The landscape works shall be carried out in accordance with the approved details.

To enhance the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

10) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To enhance the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 unnumbered block plan received on 10th December 2007

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

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Did not require any further assistance as the application was acceptable as submitted.

1 Committee Members may recall this application being presented on 20 May 2014. Following a debate at this meeting, Members deferred the application to enable further information to be produced by the applicant to justify the need for the applicant's daughters to occupy the site and the need to provide care for their parents.

2 The original report is reproduced below. Additional information has been submitted by the applicant. This information can be seen in the appended confidential 'Gold' report.

3 With regard to the 2007 planning permission SE/07/02075/FUL, condition three of that permission stated:

"The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke and Mr John Dibsall."

4 This allowed Mr Clarke and Mr Dibsall together with their resident dependants to occupy the site with two mobile homes and touring caravans. As mentioned in the main papers, this proposal proposes the stationing of one mobile home and three

caravans. As a result, if permitted, the 'quantum' of development on site would be no greater than what has already been permitted.

- 5 The additional information that has been presented clearly demonstrates that there is justification for on-site carers to meet the care needs of Mr and Mrs Clarke. The amount of development on the site is no greater than what has originally been approved. Moreover the original permission allowed the applicants resident dependants to occupy this site therefore there is little scope of intensification of the use of the site and any change would not be so significant as to justify a reason for refusal in terms of its impact upon the openness of the green belt.
- 6 Members are reminded that condition two as stated in the main papers, allows the continued occupation of the site by Lucy and Sharon Clarke Jnr for three months once the land ceases to be used by Mr and Mrs Clarke.

Recommendation

That permission is granted, as per the main papers.

4.3 – SE/13/03843/CONVAR Date expired 11 April 2014

PROPOSAL: Removal of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted.

LOCATION: Land East Of, Park Lane, Swanley Village, Swanley, Kent

WARD(S): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This application is presented to Development Control Committee as the officer's recommendation is at variance to the Town Council's. In addition, Councillor Brookbank has requested that Members consider this application as the proposal is a departure from the Green Belt policy and for the 'very special circumstances' to be considered.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 1 of Annexe 1 of DCLG document Planning Policy for Traveller Sites March 2012.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke, Sharon Clarke Jnr and Lucy Clarke. When the land ceases to be used by Mr and Mrs J Clarke, the use hereby permitted shall cease and all caravans, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted shall be removed. Within 3 months of that time the land shall be restored to its former condition before the use commenced.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) The residential use hereby permitted shall be restricted to the stationing of no more than 4 caravans at any time.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

4) The caravans, car port and hardstanding shall be sited in accordance with the untitled Block Plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

5) No commercial activities shall take place on the land, including the storage of materials.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

6) No building or enclosure other than those shown on the approved untitled block plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL, shall be erected on the site.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

7) Within three months of the date of this permission details of the surfacing and extent of the areas of hardstanding to be provided to the Council for approval in writing. All hardstanding on site shall be formed in accordance with the approved details.

To enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

8) The external dimensions of the car port hereby approved on the site shall be no greater than, 6 metres in length, by 4.2 metres in width, by 2.2 metres in height. The car port shall be maintained at this size.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

9) All landscape works shall be carried out within the next planting season from the date of this permission. The landscape works shall be carried out in accordance with the approved details.

To enhance the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

10) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To enhance the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 unnumbered block plan received on 10th December 2007

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

Note to Applicant

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- Offering a duty officer service to provide initial planning advice,
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- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 Under planning reference SE/07/02075/FUL, planning permission was granted for the change of use of the land to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding.
- 2 This is a Section 73 application that seeks the removal of the following conditions of above mentioned planning permission. They are:

Condition 3 (Residency) -

“The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke and Mr John Dibsall.”

Condition 4 (Occupation restriction) -

“When the land ceases to be occupied by Mr J Clarke the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced.”

Condition 6 (Siting) –

“The caravans, car port and hardstanding shall be sited in accordance with the untitled Block Plan received on 10th Dec 2007.”

- 3 The variation/removal of conditions is required to add/amend the names given for residency and occupation and new block plan submitted to account for additional structures on-site being:

4 no. Lorry Backs;

1 no. Chicken Coup;

1 no Dog Pen;

1 no. field Shelter;

1 no. utility shed;

Siting for 1 mobile home and 3 touring caravans.

Description of Site

- 4 The application site is located on a triangular shaped piece of land to the east of Park Lane, which is located to the south of Swanley Village Road. The site is a single field that measures approximately 0.1 hectare in size. Currently there are two touring caravans on site and one mobile home. The mobile home found within the site is occupied by the applicant and his dependants and the other, which is a touring caravan, is occupied by Sharon Clarke Jnr, one of the daughters of the applicant. The other is an unoccupied touring caravan owned by the applicant.
- 5 Various structures can be found within the site as shown on the submitted block plan.
- 6 The site is located on eastern side of Park Lane and is well screened from Park Lane by a well established native hedgerow. A tree buffer screen runs along the southern boundary of the site that indicates the start of the railway embankment/cutting. Immediately to the north of the site runs the boundary of Swanley Village Conservation Area together with ‘The Priory’ which is a Grade II building. To the west of the site is the unmade track of Park Lane that leads to other detached residential properties nearby. The track also forms part of a Public Right of Way (SD0078). To the west of the site is the unmade track of Park Lane that leads to other detached residential properties nearby. The track also forms part of a Public Right of Way (SD0078).

Constraints

- 7 Metropolitan Green Belt;

- 8 Adjacent Swanley Village Conservation Area;
- 9 Adjacent Public Right of Way (SD0078);
- 10 Adjacent grade II Listed Building.

Policies

Sevenoaks District Local Plan:

- 11 Policies - EN1, H16, EN23

Sevenoaks Core Strategy:

- 12 Policies - L01, L08, SP1, SP6

Other

- 13 National Planning Policy Framework (NPPF)
- 14 Draft Allocations and Development Management Plan: GB6
- 15 National Planning Practice Guidance (NPPG)
- 16 Planning Policy for Travellers Sites March 2012 (PTTS)

Planning History

- 17 12/03201/CONVAR - Variation of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Re-submission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted – REFUSED
- 18 12/00555/CONVAR - Variation of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted –REFUSED
- 19 08/01653/CONVAR - Variation of condition 6 (siting of caravans) of planning permission SE/07/02075/FUL – GRANTED
- 20 07/02075 - Change of Use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL) – GRANTED
- 21 06/02550 - Change of Use to residential, stationing of two mobile homes, a touring caravan and associated hardstanding – REFUSED

Consultations

KCC Highways

22 No objections

KCC Gypsy Liaison Officer –

23 No response

SDC Gypsy Liaison Officer –

24 No response

Swanley Town Council -

25 Swanley Town Council objects to this application stating:

‘Swanley Town Council strenuously objects to this application as it is within the Metropolitan Green Belt and is contrary to Local Plan Policy H16. The Town Council also objects on Highways issues, the access to the proposed site is on a very narrow and poorly sighted bend. The land between Swanley Village and Farningham provides a Green Wedge separating the two communities. Population and Housing Policy H9 of the Local Plan state that housing development sites within Green Wedges will not be acceptable.

The Town Council requests that if the District Council does grant planning permission, then the permission should only be for the applicant, Mr Clark, and the extra mobile homes listed only as 'Carers accommodation' to enable the site to be returned to the Metropolitan Green Belt under Policy H16 upon the demise of the applicant in line with the original planning consent.”

Representations

26 Neighbours – 2 objections received, objecting on the following grounds:

- Intensification of use of the site
- Visual impact of the development upon the character and appearance.

Swanley Village Residents Association

27 Objects for the following reasons:

- Intensification of use;
- Harms openness of the Green Belt;
- Undermines very special circumstances of the original application

Chief Planning Officer's Appraisal

Background

28 That permission established the original personal permission for this site was granted by Development Control Committee in February 2008. The conclusion of that report is summarised below to clarify the justification for the original permission:

- It was accepted that the size of the mobile homes proposed on the site were reasonable given the medical needs of Mr Clarke, and that this size of mobile home and associated ramps / car port could not be accommodated on the current pitch which they previously occupied Valley Park, Ash;
- The applicant offered the permission to be personal to the applicant and his family;
- The gypsy status of the applicant was accepted, as were the specific personal circumstances relating to his care needs, together with the clear and immediate need for sites for gypsies and travellers within the District, and the lack of any suitable sites contributed to the very special circumstances case;
- Agreed to allow the use of safeguarding conditions which limited the permission to Mr and Mrs Clarke and Mr Dibsdall and their families, and conditions to protect the character of the landscape and protect the openness of the Green Belt.

29 At present the effect of this permission is a personal one that is in effect for the lifetime of Mr J Clarke.

30 Since the grant of the 2007 permission further applications made under planning references SE/12/00555 and SE/12/03201. These were Section 73 applications that sought the removal of some conditions of the 2007 permission; the same conditions that are sought for change under this application. Both those applications were refused on the basis that the applicant did not provide sufficient evidence for a very special circumstances case to justify the removal of conditions.

31 This application seeks to address this issue.

Appraisal

32 For the purposes of this application, this is a Section 73 application to allow the removal of conditions of a specific planning permission. This will effectively allow the consideration of the removal of the conditions and allow further conditions to apply if it is considered reasonable and necessary in accordance with guidance in the National Planning Practice Guidance (NPPG). This report will discuss each condition to be removed and the relevant material considerations that apply to them. It is accepted that the applicants are gypsies within the DCLG definition, that there remains a clear and immediate need for gypsy sites and the health circumstances of Mr J Clarke still apply.

Condition 3 of SE/07/02075

“The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke and Mr John Dibsdall.

Reason: Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.”

- 33 With regard to the above-mentioned condition, planning permission SE/07/02075 allowed the occupation of the site by Mr and Mrs Clarke and Mr Dibsdall and their resident dependants due to the special circumstances presented by the applicant, as summarised in the background information above.
- 34 The personal circumstances of the applicant have changed since the 2007 permission. In particular Mr Dibsdall found the care requirements of Mr Clarke to be too onerous and did not move onto the site. As such it is intended to share the caring responsibilities between Mrs Clarke and his two daughters. At the time of the site visit only one of the daughters has moved onto the site.
- 35 As such the applicant has applied to remove this condition and replace with a condition to reflect the current situation by including his daughters (Sharon Jnr and Lucy) to allow them to occupy the site.
- 36 In this instance, as the site has an extant permanent, personal permission, therefore the special circumstances for the applicant have to be re-examined to consider the occupation on-site for Sharon Jnr and Lucy Clarke.
- 37 As the personal circumstances of the applicant have changed, further justification has been provided to confirm why two additional carers are now required, and why both carer's and their families need to be living on site. It is clear from the supporting information that has been presented that Mrs J Clarke's health is deteriorating as a direct result of caring for her husband and other issues that have arisen since the approval of the original 2007 permission. Information from Mrs J Clarke's General Practitioner and West Kent Social Services clearly identify further support is required to meet the constant care demands of Mr Clarke. Further support for the care of Mr and Mrs Clarke can be given by their daughters Sharon and Lucy to share the burden of caring responsibilities. This justification for the removal of the original condition restricting the occupation of the site and the re-application of it to include the applicant and his two daughters who comply with the definition of Gypsy status as cited by Planning Policy for Travellers Sites (PPTS) is considered reasonable and an acceptable alternative that could be controlled by condition to ensure that the original case of very special circumstances, which still applies, is not undermined.
- 38 The applicant has applied to remove condition 4 of the 2007 permission. Condition 4 stated:

“When the land ceases to be occupied by Mr J Clarke the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced.

Reason: Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm”

- 39 At the time of the imposition of this condition, the special circumstances of the applicant were that Mr Clark's living accommodation in a mobile home on Valley Park was unsatisfactory and unsuitable for his needs. It was accepted that the size of the mobile home proposed on this site was reasonable given the medical needs of Mr Clarke, and that this size of the mobile home and associated ramps / car port could not be accommodated on the previous pitch occupied by the family in Valley Park. The applicant's agent offered at the time for the 2007 permission to be personal to Mr Clarke and family, given the unusual circumstances, which are unlikely to be repeated elsewhere and accepted was by the local planning authority.
- 40 The applicant now wishes to remove condition four and re-apply to include his daughters into an amended condition. This would allow his daughters to carry on occupying the site once Mr Clarke has ceased occupation.
- 41 In consideration of the above and the purpose for the condition, to allow further occupation of the site for his daughters, would in effect undermine the very special circumstances case which was an essential component of the original planning permission. It is noted that there is some merit in the applicants' argument by virtue of offering further care to Mr and Mrs Clarke. However, to remove/vary the condition to include the applicant's daughters even if Mr and Mrs Clarke were no longer on site cannot be supported. It is recognised that Sharon and Lucy Clarke are classified as Gypsies however further evidence needs to be presented to demonstrate their future needs to justify their occupation permanently. Currently the gypsy status of the applicant's daughters and the clear and immediate need of sites, helps in the justification for temporary sites, but not permanent sites, which are being considered in a 'plan-led' approach in accordance with Government Guidance as part of the Gypsy Traveller site consultation. At this stage, by allowing further occupation of the site for his daughters once occupation of the site by Mr and Mrs Clarke has ceased, would in affect undermine the very special circumstances case which was an essential component of the original planning permission. As such it is recommended that this condition is removed and re-applied to only include Mrs J Clarke at this stage due to health reasons and to assist in the care of Mr. Clarke. Therefore it is recommended to replace conditions 3 and 4 of the original permission and condition 2 is proposed stating:

"The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke, Sharon Clarke Jnr and Lucy Clarke. When the land ceases to be used by Mr and Mrs J Clarke, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted shall be removed. Within 3 months of that time the land shall be restored to its former condition before the use commenced."

- 42 Condition 6 of the original permission relates to the amount of built form is allowed within the site. Condition 6 stated:

"The caravans, car port and hardstanding shall be sited in accordance with the untitled Block Plan received on 10th Dec 2007.

Reason: Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm."

- 43 A new block plan has been submitted, that now shows 1 mobile home, 3 touring caravans. In principle this amendment can be supported as the previous permission allowed for 2 mobile homes, two touring caravans and 2 carports. This revised block plan has additional built form within the site. It includes:
- 4 No. storage containers (lorry backs);
 - 4m x 15m x 2m Chicken Coop;
 - 1No Utility Shed;
 - 1 No. Dog Pen;
 - 1 No. Field Shelter;
 - Post and rail fencing;
 - Additional landscaping measures.
 - Additional hardstanding area.
- 44 As previously mentioned the site is within the designated Metropolitan Green Belt. This revised block plan includes additional built form of which some is already on-site.
- 45 NPPF para 87 states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. The construction of new buildings inside the Green Belt is inappropriate unless, amongst other things, it is for agricultural and forestry, sports facilities, infilling, redevelopment of Brownfield sites as stated in para 89.
- 46 The most important attribute of Green Belts is their openness. Openness is not reliant upon degree of visibility but upon an absence of built development.
- 47 If the proposal is deemed to be considered as inappropriate development, by definition, it would be harmful to the Green Belt. Then it is for the applicant to show why permission should be granted. Very Special Circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, substantial weight should be given to the harm to the Green Belt when considering any planning application concerning such development, as cited in para 87 of the NPPF.
- 48 In light of the above, it has to be determined as to whether the additional built form is inappropriate or not.
- 49 In previous applications applicant's agent has suggested that the lorry backs etc do not constitute development for the purposes of Sec. 36(1) of the Planning Act. Three primary factors of size, permanence and physical attachment is the test to determine whether a structure comprises as a building operation. As a matter of fact and degree it is considered that the lorry backs/field shelter do not constitute building operations for planning purposes. Even though they are intended to be used for ancillary storage purposes, it has been clearly demonstrated that the lorry backs have been moving within the site since the previous site visit in December 2013. The lorry backs are not physically attached to the ground. However, as the lorry backs are to be permanently stationed adjacent to the western boundary of the site, this gives them a degree of permanency and

therefore in my view constitutes a building operation. As a matter of fact and degree the permanent stationing of the lorry backs used for ancillary storage purposes for the mobile home would be inappropriate development within the Green Belt.

- 50 The other building operations i.e. chicken coup, field shelter, would also be a building operation and as a consequence, be inappropriate development within the Green Belt as they do not fall into any exceptions as specified in paragraph 89 of the NPPF. As such there is no planning policy to support part of this revised scheme unless very special circumstances can be demonstrated.
- 51 With regard to the provision of additional hardstanding area as shown of the block plan, this area has already been undertaken by the applicant. The works are considered to be appropriate development within the green belt, as it falls as an engineering operation that involved minor level changes to the topography and it preserves the openness of the green belt. Therefore the hardstanding area would qualify as an exemption of paragraph 90 of the NPPF.
- 52 The submitted revised block plan does show additional landscaping measures. Planting of shrubs, trees and plants are not considered to be a building operation but for this application, the additional measures are required to screen the additional built form within the site. The impact from such a landscaping scheme, would be beneficial to the character and appearance of the Green Belt.
- 53 The NPPF confirms that the most important aspect of Green Belts is their openness and the fundamental aim of Green Belt Policy is to maintain land open. It states that the open character must be maintained as far as can be seen ahead. At the same time the visual amenities of the Green Belt should not be injured by development proposals. Paragraph 87 of NPPF states that inappropriate development by definition is harmful to the Green Belt.
- 54 The additional development within the site would apply additional built form that impacts upon the openness of the Green Belt. The difference in volume and scale between the existing and the proposed block plan adds additional built form that results, in a materially greater impact upon the openness of the Green Belt than the previously permitted scheme, however it is noted that the permitted carports allowed under the previous permission have now been removed.
- 55 The additional development would be well-contained within the application site and is sufficiently screened by the existing hedgerow to the front western boundary. The lorry backs are slightly higher than the existing hedge and that the chicken coup is a relatively low-key structure within the site and it sited adjacent to the existing hedge. The applicant proposes further landscaping treatment to visually screen the lorry backs and coup from the views to the north east of the site.
- 56 Inappropriate development is, by definition, harmful to the Green Belt. The NPPF requires that substantial weight should be given to any harm to the Green Belt. Taking in account the above, additional built form would have an impact on the openness Green Belt. The openness of the Green Belt is an intrinsic quality which should be preserved. Inappropriate development is, by definition, harmful to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. Taking in account the above, it is considered that the additional built form would have a detrimental impact on the openness Green Belt.

- 57 Against that harm, the need for the lorry backs/coups and shelter has to be balanced and, whilst they are actively used for storage facilities, there is nothing that has been advanced to demonstrate that the need for storage and to why it cannot be kept elsewhere. Overall significant weight can be given to the harm that the additional built form causes to the loss of openness of the Green Belt in accordance with para 88 of the NPPF.
- 58 In terms of the post and rail fencing and dog pen/enclosure, this can be done under the auspices of Schedule One, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended.
- 59 As previously mentioned the additional built form, as shown on the revised block plan would constitute as inappropriate development within the Green Belt and so is contrary to National Policy. Very special circumstances are required to clearly outweigh the presumption against inappropriate development. No very special circumstances case has been advanced by the applicant for the building existing and proposed on-site. Clearly as there are no other considerations submitted, significant weight must be given to the policy objections as mentioned above in accordance with the NPPF. As such the removal of condition 6 of the original permission cannot be supported at this time.

Other Issues

- 60 Swanley Town Council has raised an objection in relation to this application on the grounds that the proposal does not comply with policies H9 and H16 of the Local Plan. Policy H9 relates to Affordable Housing for Local Need in Rural Areas. This is a housing rural exceptions policy of the Local Plan that no longer exists as it was superseded by Policy SP5 of the Core Strategy and is not relevant to this proposal as mobile homes are a use of land. In terms of Policy H16 of the Local Plan, this relates to Residential Caravan Sites and Mobile Home Parks. As it stands this policy too is not relevant to this proposal as the site already has a permanent consent for four caravans to reside on this site. The further suggestion made by the Town Council suggesting that further controls on the labelling of the caravans can be considered as being unreasonable when already further control by condition is already in place.
- 61 The Town Council has raised a concern on highway matters, however, KCC Highways has raised no objection on highway safety matters. The site has the benefit of an existing permanent, personal planning permission. Therefore it would not be reasonable to raise an objection to this ground. Equally no development is proposed on the existing Public Right of Way and the slight intensification of use of the track by the additional family would not be a justified reason for refusal.
- 62 Objections raised by third parties have been considered. It is agreed that the introduction of Sharon Jnr and Lucy Clarke would intensify the activities within the site, but this is for a justified reason. Equally, the amount of caravans within the site would be no-greater than the existing 2007 permission. Again the occupation of the site would be limited in this regard for the reasons as previously mentioned, so the harm it causes to the Green Belt is limited, however it is agreed that no very special circumstances case has been advanced to justify the amount of additional built form as shown on the revised block plan. As such an objection still stands.

- 63 It is noted that the site is located adjacent Swanley Village Conservation Area and the Priory Grade II listed building. As there is no support for the additional built form within the site, other than what had been previously approved, and there are no additional caravans being introduced, it is considered that the harm caused to the adjacent heritage assets is minimal and their setting protected, therefore it would be difficult to reasonably support a refusal on impact of the proposal upon the existing heritage assets.
- 64 The opportunity has been undertaken to review the planning conditions of the existing 2007 permission. It is recommended that condition two should be replaced by a condition that reflects current government guidance in relation to the definition of gypsy travellers. Condition three and four should be combined, so it can be interpreted as one condition with the inclusion of Mr Clarke's daughters but not to express that they could reside on site permanently, should the variation of the condition be accepted. Condition five should be replaced to ensure the number of caravans and mobile homes on site is controlled in relation to the present circumstances. Condition Six will remain as no very special circumstances have been advanced to justify the additional built form within the site. Condition Seven can remain to ensure no further built form is introduced into the site. Conditions eight and ten can be removed and re-applied to ensure hardstanding and landscaping details are submitted within a specified time period.
- 65 It is worth noting that this site was not included in the Gypsy and Traveller Plan: Site Options consultation because it has an existing permanent permission. The existence of the conditions that the applicant is seeking to remove, do not contribute towards the pitch requirement of 72 identified in the Gypsy Traveller Allocations Assessment. No extensions to this site or additional pitches have been proposed to the Council through the previous 'calls for sites'. If the landowner wished to propose an extension or additional pitches through the 'call for sites' as part of the forthcoming consultation then the Council would consider whether this is acceptable or not at this stage.

Conclusion

- 66 Subject to the re-application of the conditions as previously discussed, it is recommended that this application should be granted in this instance as it can be demonstrated that very special circumstances still exist and the justification for Sharon Jnr and Lucy Clarke to reside on the site for the care of Mr and Mrs Clarke is justified. However due to the absence of a very special circumstances case that has not been submitted by the applicant for the additional built form within the site, the removal of condition 6 of the original permission cannot be supported as it would materially cause greater harm to the character and appearance of the openness of the Green Belt than that to what had been previously permitted.

Background Papers:

Site and Block Plan

Contact Officer(s):

Sean Mitchell Extension: 7349

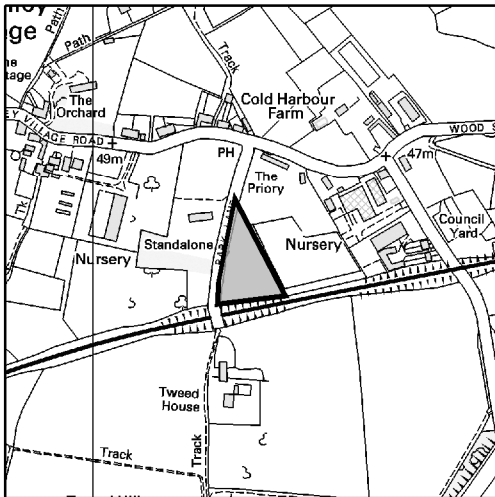
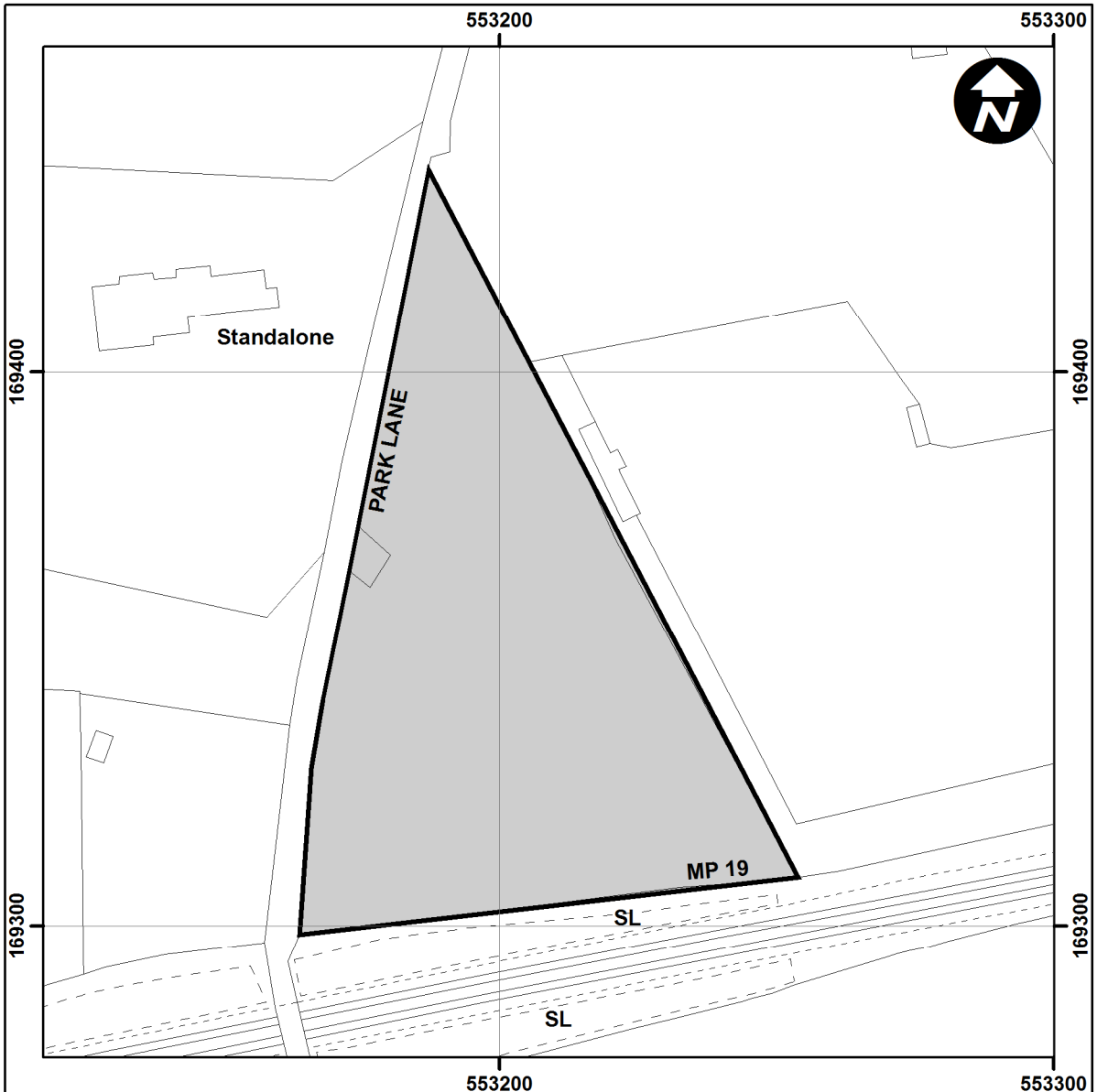
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MY96DZBKOLA00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MY96DZBKOLA00>



Site Plan

Scale 1:1,250

Date 06/05/2014



Sevenoaks
DISTRICT COUNCIL

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