

4.3 - SE/16/03862/ADJ Date expired 4 January 2017

PROPOSAL: Change of use of land for siting of caravans for residential use for occupation by Gypsy Travellers with a amenity block, septic tank, hard standing, re-proofing of land and boundary fence. PART RETROSPECTIVE

LOCATION: Land Adjacent To Knockholt Railway Station, North Side, Sevenoaks Road, Halstead, Sevenoaks

WARD(S): Not Applicable

ITEM FOR DECISION

This application has been referred to Development Control Committee as in the opinion of the Chief Planning Officer this application is sensitive in nature.

RECOMMENDATION: That planning permission be Objection Lodged

The proposed development, by reason of its inappropriate access route from London/ Sevenoaks Road, would create a need for vehicles to reverse over the public footpath and onto the highway, causing harm to both highway and pedestrian safety.

Description of Proposal

- 1 Sevenoaks District Council has been consulted on a planning application submitted to the adjoining Borough of Bromley (Bromley reference 16/05061/FULL1).
- 2 The application under consideration by Bromley Council is for: “Change of use of land for siting of caravans for residential use for occupation by Gypsy Travellers with an amenity block, septic tank, hard standing, re-proofing of land and a boundary fence- Part Retrospective”
- 3 Bromley Council are therefore the determining authority for the application and Sevenoaks District Council has been consulted on the proposals as the site is directly adjacent to the District Boundary. This Council is required to consider the impact on the proposals on this District.

Description of Site

- 4 The site is located directly north of Knockholt Station and is accessed via a single track lane which runs to the east of Knockholt Station, north from London Road. The site and the access track are entirely within Bromley Borough.
- 5 The nearest buildings in Sevenoaks District are the east of the site on London Road and comprise a number of mobile homes approximately 140m

from the entrance to the application site. These mobile homes are on a gypsy caravan site which has been the subject of recent appeals involving a public inquiry in October 2016. This is discussed further below.

Constraints

- 6 Metropolitan Green Belt
- 7 Site of Importance for Nature Conservation (designated by Bromley Borough Council)

Policies

Allocations and Development Management Plan

- 8 Policies - EN1, EN2, GB6, T1, T2

Sevenoaks Core Strategy

- 9 Policies - L01, L07, SP1, SP2, SP3, SP6, SP11

Other

- 10 National Planning Policy Framework
- 11 Planning Policy Guidance
- 12 Planning Policy for Traveller Sites 2015

Planning History

- 14 The planning history of the site, and the adjacent open space, can be summarised as follows:

97/01992/FULMAJ (Bromley Council reference): Change of use of land from agriculture to cemetery, construction of access car park and access road. Planning permission refused 16.07.1998 and dismissed at appeal.

Reasons for refusal related to:

- Likely impact of the use on local transport and parking
- Lack of appropriate visibility splays for traffic leaving the access road onto Wheatsheaf Hill.

99/02987/FULL3 (Bromley Council reference): Change of use from agriculture to pet cemetery; construction of car park and access road. Planning permission refused 13.01.2000 and dismissed at appeal.

Reasons for refusal relate to:

- Likely impact of the use on local transport and parking
- Lack of appropriate visibility splays for traffic leaving the access road onto Wheatsheaf Hill.

09/02064/OUT (Bromley Council reference): Outline permission for a detached dwelling. Planning permission refused.

Reasons for refusal relate to:

- Inappropriate development in the Green Belt;
- Harm to the rural character appearance and openness of the area;
- Lack of adequate vehicular access and parking;
- Lack of information regarding flood risk;
- Lack of information regarding noise impact;
- Lack of information regarding impact on the Site of Interest for Nature Conservation.

23 February 2012- Enforcement Notice issued by Bromley Council in respect of alleged material change of use of the land for the stationing of a caravan.

28 February 2012- Second Enforcement Notice by Bromley Council requiring removal of gravel surface forming access road, replanting and removal of all resulting debris from the land.

11/03375/FULL1 (Bromley Council reference): Single storey four/ five bedroom dwelling, detached Kennels building for 40 dogs and 20 cats and car parking area, and temporary stationing of caravan- part retrospective. Planning permission refused and dismissed at appeal.

Reasons for refusal relate to:

- Inappropriate development in the Green Belt
- Harm to the openness of the Green Belt
- Harm to the rural character of the area
- Harm to pedestrian safety from vehicles on the access track
- Harm to the site of Interest for Nature Conservation

13/02400/AGRIC (Bromley Council reference): Detached barn for animal sanctuary (28 day consultation under part 6 of the GPDO 1995). Prior approval refused

15/04703/FULL1 (Bromley Council reference): Erection of a barn. Planning permission refused.

Reasons for refusal relate to:

- Inappropriate development in the Green Belt
- Harm to the rural character of the area
- Lack of information regarding impact on the highway.

15 In addition to the planning history of the site summarised above, the planning history of an adjacent site within Sevenoaks District is also relevant. This is the site known as 'Land at Station Court, Sevenoaks Road', just east of the application site. A recent appeal was lodged against an enforcement notice requiring the use of the land for the stationing of

residential caravans and mobile utility unit to cease, and the removal of all mobile homes, caravans and mobile utility unit from the land within 6 months and the refusal of planning permission for the retention of the site.

- 16 In the Inspectors decision (dated 16 December 2016), weight was given to the timber boarding fencing around the site which the Inspector considered reduced the impact of the development on the openness of the Green Belt. The Inspector gave weight to the failure of the Council to have in place an up to date policy stance on gypsies and travellers. The Inspector also gave weight to the unmet need in the District, regionally and nationally and to the likely location of gypsy and traveller sites in the District being within the Green Belt. In conclusion the Inspector was of the view that the site was suitable as a general, unrestricted gypsy site, and it is therefore not necessary to consider the specific circumstances of the family who currently occupy it. However, the Inspector was satisfied that there is nothing to suggest the proposed occupiers of the site were not gypsies in accordance with the definition in Planning Policy for Traveller Sites. The Inspector allowed the appeal against the first enforcement notice to create a new planning permission for a permanent gypsy and traveller caravan site that was not personal.

Consultations

Parish Council

- 17 Badgers Mount Parish Council: Object on the following grounds: *'The current animal sanction buildings planning permission was never granted. That the large site could accommodate a possible 10 more pitches, therefore if permission was granted for 2 caravans it would open the way for many more, either legally or illegally. That there is no tree survey attached as stated in the application. That the only access to the land is over a public footpath.*
- 18 *Additional comments: They are currently waiting for a pitch in Maidstone therefore no need for a permanent pitch at this location, also Councillors are concerned that the facility could join up with the current Gypsy site and make a large Gypsy site.'*

Representations

- 19 The statutory obligation for public consultation lies with Bromley Council as the determining authority.

Chief Planning Officer's Appraisal

- 20 Sevenoaks Council is asked to comment on the proposals as a consultee. The main issue for consideration is therefore the impact of the proposed development on Sevenoaks District, in particular in terms of: visual impact, impact on amenity and impact on local traffic, parking and highway and pedestrian safety.

- 21 This report considers briefly the other issues which Bromley Council would be expected to consider in determining the application. These relate to: the status of the applicant, and development in the Green Belt

Visual Impact

- 22 The site is accessed via a single track lane which runs east of the station. The site is set the opposite side of the railway line and experiences extremely limited visibility, if any, from land within this District. The existing structures on the site are largely discernible from the surrounding area and the site is heavily screened by trees and shrubs. As a result the proposals are not considered to cause harm to any visual amenity, or the setting of the Green Belt in this District.

Impact on amenity

- 23 Given the distance of the site to any residential accommodation in this District (approximately 140m from a gypsy site), it is not considered that the proposals would cause harm to the living conditions of any Sevenoaks residents. The nearest property is Station House which is within the administrative boundary of Bromley.

Impact on local traffic, parking and highway and pedestrian safety

- 24 The application site contains ample space to provide off street parking for the two families who wish to occupy the site. This is acceptable and the development would not cause significant additional pressure for on-street parking in the District.
- 25 Similarly, the resultant increase in local traffic arising from the occupation of the site by two families would not be significant.
- 26 The proposed access would be via a track, over 100m in length, which runs quite steeply downhill from the site to the London/ Sevenoaks Road. The track is largely unmade and is single carriageway width. Between the main road and the site there is a bridge over the railway line and shrubbery has been cleared on the northern side of the bridge to widen the track.
- 27 The Planning Inspector of the November 2012 appeal observed that due to its width and curvature, it would not be possible for vehicles on this access track travelling in opposite directions to pass each other and visibility would be limited. The Inspector observed that the site is also used by walkers and that there were bus stops on London Road. As a result, vehicles reversing from the access would cause hazardous conditions for walkers and other road users. It was noted that greater risk would be caused by any emergency or refuse vehicles accessing the application site.
- 28 These circumstances remain applicable. The access track from London Road remains a single, unmade carriageway where vehicles would not be able to pass each other. While a clearing has been made at the northern side of the railway bridge and this could be used as a passing point, it remains likely that one vehicle would reverse down the hill towards London Road, causing harm to the safety of the highway which has a 40mph speed limit at this

point and high pedestrian footfall at peak times due to its proximity to the station.

- 29 In addition there is a bus stop on the northern side of London Road within Sevenoaks District, just east of the access track. Any vehicles reversing from the access track would need to reverse over the public footpath between the station and the bus stop, causing detriment to pedestrian safety at this point.
- 30 Overall the proposals would cause harm to highway and pedestrian safety within Sevenoaks District due to the inadequacy of the access to the site. This conflicts with policy T1 of the ADMP and it is recommended that an objection is raised on this basis.

Other issues

Status of the applicant

- 31 In reaching a decision on the application, Bromley Council will also be required to consider the circumstances of the applicant, and whether they adhere to the definition of ‘Gypsies and Travellers’, and impact of the development on the Green Belt and designated site of nature conservation.
- 32 The definition of ‘Gypsies and Travellers’ is provided by Annex 1 of ‘Planning Policy for Traveller Sites’ August 2015 (PPTS). The definition is:
‘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 dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised ground of travelling show people or circus people travelled together as such.’
- 33 In this case the information submitted to Bromley Council includes a statement which confirms the applicants comprise two couples, one with four children and one with two children, who are Irish travellers. It states that they have moved extensively in the past and continue to do so for work. It states that the children attend Halstead Community Primary School and use local services, and the males have no intention of abandoning a nomadic way of life. Based on the information provided, the applicants appear to conform to the definition of gypsies and travellers contained in the PPTS. However this will be subject to full scrutiny by Bromley Council.

Green Belt impact

- 34 The site is located in the Metropolitan Green Belt and the proposed development does not fall within any of the exceptions listed in paragraphs 89 or 90 of the NPPF. The development is therefore inappropriate in the Green Belt by definition. Paragraph 16 of the PPTS and the NPPF acknowledge that the development should therefore not be approved unless in very special circumstances.
- 35 In Sevenoaks District, the lack of a 5 year housing supply for gypsy and traveller pitches is a significant material consideration. The existing development plan for this District does not identify any land suitable for

traveller sites, other than the need identified by the Council's Gypsy, Traveller and Travelling Showperson Accommodation Assessment commissioned in August 2011. In several cases in this District this consideration, alongside the personal and health circumstances of the applicant, have clearly outweighed the harm to Green Belt and provided justification for temporary permissions for gypsy sites. This was also partly the case for the appeals relating to the neighbouring site on London Road discussed above.

- 36 The submitted documentation refers to a shortage of gypsy and traveller sites in both Bromley and Sevenoaks administrative areas. It is acknowledged that this is the case in Sevenoaks District and the supply of land in Bromley Borough, and its progression in including gypsy sites within its Development Plan, will be subject to consideration by that authority.
- 37 With regard to biodiversity, this will be for Bromley Council, as the determining authority to consider and attach relevant planning conditions if considered necessary.

Issues raised by Badgers Mount Parish Council

- 38 Issues relating to unlawful structures and uses on the site would be enforced by Bromley Council as the administrative body for this area. Concern is raised for the potential for the use of the site to be intensified by more caravans if permission is granted. The number of pitches could reasonably be controlled by condition if the determining body consider it necessary, as could information relating to the impact of the development on trees.

Conclusion

- 39 The proposals are considered to have an acceptable impact on the District in terms of visual impact and impact on residential amenity. There would be no direct impact on the Green Belt within the Sevenoaks District Council area and thus this is a matter for Bromley, as is any case for very special circumstances.
- 40 However, it is recommended that an objection is raised on the basis of increased use of the single track lane which would cause harm to highway and pedestrian safety in Sevenoaks District due to the need for vehicles to reverse towards the London Road.

Recommendation: Raise objection

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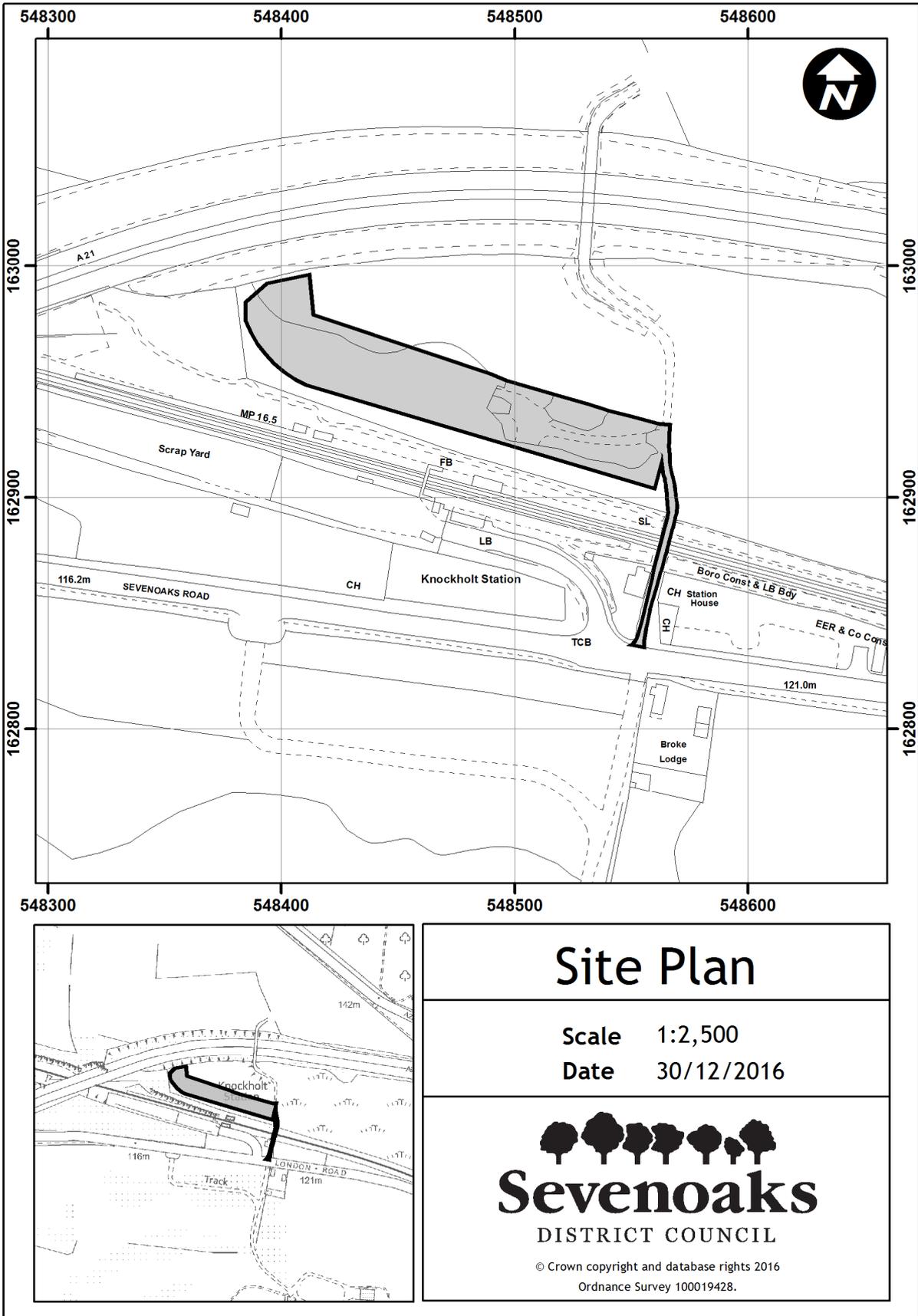
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O18FDPBK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O18FDPBK0L000>



Site Plan

Scale 1:2,500
Date 30/12/2016



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Block Plan

