



**Late Observations Sheet
Development Control Committee
20 July 2017 at 7.00 pm**

Late Observations

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE

Thursday 20 July 2017

LATE OBSERVATION SHEET

4.1 SE/17/00796/FUL Merry Lees, Billet Hill, Ash TN15 7HG

Planning History Clarification

Further to the history outlined at para 11 of the Agenda Report please note the following:

In 2005 an enforcement notice was issued against a change of use for the stationing of a residential mobile home. This notice was complied with.

This enforcement notice remains active and has not been withdrawn.

As caravans / mobile homes are not stationed on the site currently, other than some intermittent parking, no breach of this enforcement notice is considered to have taken place.

Very Special Circumstances

Members will be aware that one part of the Very Special Circumstances case that has been submitted for this application are the health and education needs of the children.

The applicant, Mr Maloney, has two children, one of 16 and the other of 13. The youngest child has health issues which can be given weight in the determination of this application.

We have received a letter from a Paediatrician at Great Ormond Street Hospital which confirms in writing that the child has been diagnosed with a number of medical conditions which are described as 'complex'. It is recommended that significant weight be given to the health needs of a child in determining the application, in accordance with the Equalities Act.

The children are both of school age and there is an intention to attend school. They are not currently resident on site.

Further Clarifications

- There is no current breach of planning control on site. At times different vehicles and tourer caravans have been parked on site but vehicles can be parked on land without a change of use occurring. There has been no evidence of anyone living on site.
- The hardstanding and driveway have existed for many years and are lawful.

Agenda Item

Recommended Conditions

Note: Condition 3 of the Agenda Report recommends the submission of details of an amenity block. This is an error, and the application does not include an amenity block.

The conditions have been amended and for completeness they are reproduced in full below.

1) The pitch on the site shall only be occupied by gypsies or travellers as defined by Annex 1, paragraph 1 of "Planning policy for travellers sites" produced by the Department for Communities and Local Government (August 2015).

Reason: Planning permission has been granted on the basis of a case for very special circumstances which clearly outweighs the harm to the openness of the Green Belt, which demonstrated need for accommodation for Gypsies and Travellers. It is therefore necessary to keep the site available to meet that need in accordance with Policy SP6 of the Sevenoaks Core Strategy.

2) The occupation of the site hereby permitted shall be carried out only by the following and their residential dependents: Mr and Mrs J Maloney. When the land ceases to be occupied by those named above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its former condition before the development took place or as otherwise agreed with the local planning authority, within a period of three months.

Reason: Given that the very special circumstances in this case which clearly outweigh the harm to the openness of the Green belt and any other harm expressly relate to Mr and Mrs Maloney and in accordance with Planning Policy for Traveller Sites August 2015.

3) The use hereby permitted shall be for a limited period of three years from the date of this decision. At the end of this temporary permission or when the land ceases to be occupied by those named in Condition 2, the use hereby permitted shall cease, all caravans, structures, materials and equipment brought on to the land in connection with the use shall be removed.

Reason: In the interests of visual amenity in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and in order to protect and conserve the openness of the Green Belt in accordance with the NPPF.

4) Prior to the siting of the mobile home on the site, details of a Sewage and Refuse Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The Local Planning Authority is satisfied that this is fundamental to the acceptability of the proposal and that without this safeguard permission should not be granted.

Reason: In accordance with EN1 of the Sevenoaks Allocations and Development Management Plan.

5) The mobile home and caravan to be positioned in the site must meet the definition of 'caravan' as outlined within the Caravan Sites Act 1968.

Reason: In accordance with EN1 of the Sevenoaks Allocations and Development Management Plan and in order to protect and conserve the openness of the Green Belt in accordance with the NPPF.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block/Site Plan

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

This page is intentionally left blank