

4.1 19/02067/FUL

Date expired 14 November 2019

Proposal:

Proposed retention of 14 pitch private Gypsy/Traveller site.

Location:

Hilltop Farm, London Road, Farningham KENT DA4 0JW

Ward(s):

Farningham, Horton Kirby & South Darent

Item for decision

Councillor McGarvey has referred this application to Development Control Committee for the following matters to be considered: Whether the development constitutes inappropriate development in the Green Belt, assessment of the very special circumstances case, is the site a sustainable location and whether there is sufficient Gypsy and Traveller provision within the Parish of Farningham.

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

1) The site shall not be occupied by any person other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or the equivalent in replacement national policy).

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 the occupants status as Gypsies in accordance with Planning Policy For Travellers August 2015.

2) There shall be no more than 14 residential pitches on the site. On each of the 14 pitches no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, shall be stationed on the site at any time, of which no more than 1 shall be a static caravan.

To preserve the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

3) No more than 1 commercial vehicle per pitch shall be kept on the site for use by the occupiers of the caravans hereby permitted and each commercial vehicle shall not exceed 3.5 tonnes in weight.

To preserve the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

4) No commercial activity shall take place on the land, including the storage or burning of materials.

To preserve the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

5) Within three months of the date of this decision, further details of the external finishes of the proposed utility blocks as shown on approved plan no. J003182-DD03 shall be submitted to and agreed in writing by the local planning authority. The development shall be built in accordance with the approved details unless otherwise approved in writing by the local planning authority.

To preserve the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

6) Within three months of this decision, further planting details of soft native landscaping measures as shown on approved plan no. J003182-DD03 shall be submitted to and agreed in writing by the local planning authority. The approved landscaping scheme shall be carried out in the first planting season following the approval in writing of the planting details. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To preserve the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

7) Within three months of the date of this decision, details of a scheme to demonstrate that the internal noise levels within the residential unit would conform to Table 4: Indoor Ambient Noise Levels for Dwellings identified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall implement in accordance with the approved details and completed within six months of the date of this decision.

To safeguard the amenities of the occupiers of the site as supported by Policies EN2, EN7 of the Sevenoaks Allocations and Development Management Plan.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no walls, fences or other means of enclosures other than those approved shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

9) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details

of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

In order to safeguard the amenities of the occupiers of neighbouring properties and visual amenity in accordance with Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

10) The development hereby permitted shall be carried out in accordance with the following approved plans and details: J003182-DD001, J003182-DD003.

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 Hilltop Farm is an existing Gypsy and Traveller site. It lies within the Green Belt and the Kent Downs Area of Outstanding Natural Beauty.
- 2 The site is close to Farningham, alongside the A20 with access to services and facilities within Farningham and Swanley.

Description of proposal

- 3 The site has accommodated Gypsy and Traveller families for more than 10 years.
- 4 This proposal has been put forward as a gypsy and traveller site and seeks to regularise existing unauthorised pitches currently on site, that accommodate gypsies and travellers that satisfy the definition set out within Annex 1 of the Planning Policy for Traveller Sites August 2015 (PPTS). Works have been carried out and the site is already occupied.
- 5 A permanent planning permission is being sought after for the retention of 14 pitches.

Relevant planning history

- 6 00/02481 - Change of use from grazing to residential and stationing of ten touring caravans - REFUSED - Appeal Dismissed
- 7 04/01814 - Change of use to residential stationing of ten caravans and mobile homes for an extended gypsy family - REFUSED - Appeal dismissed
- 8 07/01984 - Retrospective application for a change of use to a caravan site with the stationing of ten caravans (up to five of which can be mobile homes) to accommodate one extended gypsy family- REFUSED
- 9 09/00444 - Change of use to include the stationing of caravans to accommodate one extended gypsy family - GRANTED
- 10 14/00681 - Proposed extension of existing Gypsy/Traveller site to provide additional 5 pitches incorporating 5 mobile homes, 5 touring caravans and 5 utility rooms, hard standing and cesspit - PENDING CONSIDERATION

Policies

- 11 National Planning Policy Framework (NPPF)
- 12 Core Strategy (CS)
 - SP1 Design of New Development
 - SP6 Provision for Gypsies and Travellers and Travelling Showpeople
 - L08 The Countryside and Rural Economy
- 13 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN5 Landscape
 - EN6 Outdoor Lighting
 - EN7 Noise Pollution
 - GB6 Siting of Caravans and Mobile Homes in the Green Belt
 - T2 Vehicle Parking
- 14 Other:
 - Sevenoaks Gypsy and Traveller Accommodation Assessment 2017
 - SDC Development within the Green Belt SPD
 - Planning Policy for Traveller Sites - August 2015 (PTTS)
 - Sevenoaks Landscape Character Assessment SPD 2017

Constraints

- Metropolitan Green Belt
- Kent Downs Area of Outstanding Natural Beauty
- Area of Special Advertisement Control

Consultations

- 15 Farningham Parish Council - Objects to the application as it's premature to the Emerging Local Plan and without this in place and any other very special circumstances, the application should be refused.
- 16 Other Consultees -
- 17 SDC Planning Policy -
- “The Local Plan Strategy for allocating pitches for Gypsy and Travellers subject to site sustainability and suitability is:
- Existing temporary pitches that can be made permanent
 - Additional permanent pitches on sites with existing pitches within the current site boundary to achieve a higher density
 - Additional permanent pitches on sites with existing pitches with small scale minor boundary amendments
- 18 Suitable sites were allocated taking account of:
- The distance of the site from an existing settlement
 - Temporary or previous permissions
 - Whether the site has existing pitches
 - The impact on the AONB
- 19 The most suitable sites in the most sustainable locations with minimal impact on the AONB were included in the plan. Sites that were considered to have greater harm, e.g. additional pitches within the AONB on Greenfield land, were not included as draft allocations.
- 20 Hilltop Farm has not been included as a draft allocation within the Local Plan as it is subject to a pending planning application. Sites promoted for pitches but with outstanding planning applications were not assessed in the Strategic Housing and Economic Land Availability Assessment; these were set out in Appendix 3 of that document. It should not, however, be assumed, that the sites non-inclusion as a draft allocation is a result of a site assessment. The site was not assessed so as not to pre-judge the existing planning application that was still pending. Therefore, there was no assessment of suitability through the Local Plan process.
- 21 Should this application be approved the overall need for permanent Gypsy and Traveller pitches would reduce from 39 to 25 (in the period to 2035). This is likely to have implications for the emerging Local Plan, which currently proposes allocating land across the District for 40 pitches within

the Green Belt as this was the need when the plan was published in December 2018. The allocations are all within the Green Belt and will need to demonstrate exceptional circumstances to be released and allocated. The Local Plan is still being examined and the Gypsy and Traveller allocations have not yet been discussed”

22 Further comment has been received:

“The emerging Local Plan is no longer at examination since the Inspector’s final report (02 March 2020) concluded that the Plan is not legally compliant in respect of the Duty to Co-operate and recommended that the Plan is not adopted. The District Council is currently considering next steps, but it remains the case that the District is facing significant Gypsy and Traveller need and the Council cannot demonstrate a 5 year supply of sites. “

23 KCC Highways - No objection

24 SDC Environmental Health - recommend an updated noise assessment.

Representations

25 1 letter received objecting for the following reasons:

- More than 14 caravans on-site
- Occupants of caravans are not gypsy travellers

Chief Planning Officer’s appraisal

26 The main planning consideration are:

- Impact upon the Green Belt
- Impact upon character and appearance of area/AONB
- Impact upon highways
- Other Issues

Impact upon the Green Belt

27 Current Government advice, in the form of the National Planning Policy Framework, supports the protection of the Green Belts and seeks to restrict development.

28 The advice 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.

29 Paragraph 133 of the NPPF states that “The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the

essential characteristics of Green Belts are their openness and their permanence.”

- 30 The site lies outside of any defined settlement boundary and is situated in the Green Belt and within the countryside. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also says that when considering any planning application, substantial weight should be given to any harm to the Green Belt.
- 31 Paragraph 16 of the Planning Policy for Traveller Sites (PTTS) and the NPPF acknowledge that the development should therefore not be approved unless in very special circumstances. The PPTS states *‘subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm to as to establish very special circumstances’*
- 32 Policy SP6 of the Core Strategy relates to provision for Gypsies and Travellers. It explains that sites will be provided by means of allocations in the Allocations and Development Management DPD for Gypsies and Travellers. The policy sets a number of criteria relating to such sites which relate, in summary, to the location of the site, provision of safe and convenient access and acceptable living conditions for occupants of the site, the site should not be subject to flooding, there should be no significant adverse landscape impact and consideration of alternative sites. The site is not an allocated site within the current Development Plan.
- 33 Consequently, the introduction of additional caravans with utility buildings, together with hardstanding and parking areas where there is currently no development, would be harmful to both the visual and spatial openness of the Green Belt. Furthermore, the provision of a large amount of hardstanding area would lead to vehicles being parked, further reducing openness, albeit on a transient basis. Although sited off-centre of the field, it is likely that a caravan or two would be visible through the gap in the green cover created by the access road. The extent of the proposal would mean that it would result in the encroachment of development into the open. This would be contrary to one of the five purposes of the Green Belt included within paragraph 134 of the Framework.
- 34 Harm to openness and encroachment into the countryside must nevertheless be distinguished from other landscape and visual effects. Based on the site layout and scale of buildings, due to the sites’ relative containment and the opportunities for retained and improved landscaping mean that there would be no significant harm to landscape character. In relation to visual effects, whilst there would be some adverse impacts on the currently open and undeveloped views, it is not considered that these would be significantly or unacceptably harmful.
- 35 Taking this all together, whilst there is harm in principle the harm to openness and encroachment into the countryside would be limited. As the NPPF advises substantial weight should be given to any identified harm to the Green Belt.

Sustainable Location

- 36 Policy SP6 of the Core Strategy in part seeks to ensure that sites are located close to existing settlements with an accessible range of existing local services.
- 37 The site is located approximately 750m as the crow flies from the centre of Farningham whereby there are limited facilities consisting of a Doctor's surgery, pre-school and a Public House. Primary School establishments can be found further afield within the village of Eynsford.

Further services and facilities can be found within Swanley whereby the town centre is located approximately 1.6 miles from this site. Swanley is classified as a town with good provision of services and access to public transport provision.

- 38 Notwithstanding the above, in the context of a rural setting, the site is not considered to be isolated as it's in close proximity to Farningham and Swanley whereby there is good access to services. Other gypsy and traveller sites within the District and those form part of the Emerging Local Plan site allocations are similarly situated in the rural area in the Green Belt, in countryside locations. Such distances are not unusual in this context. The site occupiers will be largely reliant on private vehicles to access services and facilities. However, those services and facilities do not, on a day-to-day basis involve long journeys. As set out in paragraph 103 of the NPPF, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 39 The nomadic lifestyle of gypsies and travellers obviously involves travelling for both economic and other purposes, towing their caravan. This involves the use of a private vehicle irrespective of location and so, whilst travelling, the same opportunities for using public transport simply do not apply. When away travelling, it will be necessary to access services and facilities wherever they are, rather than leaving and returning to the site on a daily basis for work.
- 40 In terms of other family members (or those that have ceased travelling) needing to access services and facilities including schools and medical establishments, the availability of these within a reasonable travelling distance is critical, bearing in mind that land in settlements or edge of settlements considered a suitable and sustainable location for housing for the settled population is, in most circumstances, simply not available to accommodate private gypsy and traveller sites. Opportunities to access regular bus services are therefore also less likely. In this case, the proximity to local schools, doctors and shops would certainly encourage shorter car journeys.
- 41 In wider sustainability terms a settled base can reduce incidents of unauthorised encampments, reduce the need for continuous travel and facilitate consistent access to schools and medical services. Therefore the site does provide a sustainable location for a gypsy and traveller site in relation to accessibility to services and facilities and that no conflict is found

with Policy SP6 of the Core Strategy and relevant national policy in this regard.

Housing Need/Gypsy sites

- 42 Policy E of PPTS confirms that Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan making process and not in response to a planning application. Sites have been proposed in the emerging LP, despite a need being identified, however the emerging local plan examination has now stopped and therefore these identified site would not be examined any further. In the meantime, any need can only therefore be addressed through planning applications.
- 43 It is recognised that there has been a failure of policy over a considerable period of time, and that this site has been granted temporary permissions as the Council were, close in finalising a gypsy and traveller DPD. Unfortunately, the Council has not made any gypsy and traveller site allocations and there is no development plan policy to apply to the provision of the proposal for gypsy and traveller sites within the District. The Emerging Local Plan, is some time away from adoption and therefore its policies be given very little weight. Given this, reliance is placed on national policy and the PPTS. The PPTS requires local planning authorities to set targets for providing Gypsy and Traveller pitches within each authority area and requires an assessment of need to be undertaken annually. However it is acknowledged that there has been a significant and longstanding unmet need for pitches within the District and consequently, there is no 5-year supply of deliverable sites in place, as evidenced by SDC Policy comments.
- 44 The Council's 2017 Gypsy and Traveller Accommodation Assessment (GTAA) Final Report figures indicate a need for 51 pitches between now to 2035, but this figure has been lowered to 47 due to recent permissions. With this in mind, this current unmet need should be given substantial weight.
- 45 There are no pitches available at the Council's public sites or the turnover has been extremely low and there is a long waiting list for pitches. There has been a gypsy and traveller site in this location in excess of 10 years. It is acknowledged however, that this site has not been brought forward for allocation in the Emerging Local Plan as the site had an outstanding planning application.
- 46 It is acknowledged that sites for gypsy and traveller sites will be within the Green Belt, as vacant urban land has a potential value for housing or commercial uses that makes it unviable as a gypsy site. This has been further evidenced with the proposed gypsy and traveller site allocations in the Emerging Local Plan being located in the Green Belt being advanced and to which significant weight can be given to it as a material consideration.
- 47 Whilst Criterion (f) of Policy SP6 states that alternative sites should have been considered first before Green Belt locations, given the above

conclusions on the likely location of sites in the Green Belt it is considered that this site meets this criterion as well. As such the use of the site is therefore supported by policy SP6 of the Core Strategy.

- 48 This site would provide for the accommodation needs of extended family members and assist in the relocation of travellers from the existing overcrowded pitches. Furthermore, it would support continued close family connections, which is an important part of gypsy community, and this would allow existing families with strong local connections to stay close together. In addition, bearing in mind the shortfall of available sites to meet the need, there is some merit in considering that the 14 pitches on this site is immediate and deliverable, to making a valuable contribution in lowering the unmet need during the existing Local Plan period, again significant weight is attached in its consideration.
- 49 The site is occupied by the applicant and his wife together with their four children of which 2 are of school age. Other occupants include family relatives, one of which is disabled and requires medical treatment and others that have other children that attend Anthony Roper School in Eynsford. Most of the occupants travel regularly for, albeit not necessarily together, carrying out mainly landscaping and groundwork and the mothers stay at home with the children who are at school during term time. The site occupiers also trade at various horse fairs, sometimes keeping up to four horses at the site. As such it is considered that the persons who currently reside on site currently meet the definition of a gypsy and traveller set out in the PPTS.
- 50 Within the application submissions, no-one had a settled base before occupying the site and lead a predominantly road side existence; occasionally pulling up on pitches belonging to other family members. The wider family group have a personal need for pitches. In the absence of any suitable and available sites, the personal needs of the occupiers for a pitches significant weight.
- 51 Case law establishes that the best interests of the children are a primary consideration. There are a number of children on the site ranging from 1 years old to 15. A settled base rather than a predominantly road-side existence is clearly in the best interests of the children. A settled base will ensure easier access to education (both for the children already at school and those approaching school age) and health care provision on a consistent basis. In addition it is accepted that the overall safety and welfare of the children must be improved when compared to a predominantly road side existence where there is a risk of constantly being moved on, or pulling up in locations with no access to safe and accessible amenity space. Therefore, the best interests of the children is given substantial weight.
- 52 There is a clearly identified unmet need for Gypsy sites in the District. This is coupled with the fact that the District currently has no identified or allocated land for such provision. The circumstances of the occupants as identified in previous paragraphs, also weigh in favour of the development and that part of the site has been used as a gypsy site in excess of ten years. It is also reasonable to presume that, given the level of unmet need, together with the extent of the Green Belt within the District, it is highly

unlikely that alternative sites will be found through the allocations process that does not involve development in the Green Belt. As such there is an inevitability that some harm to the Green Belt will occur through the requirement to allocate sites for Gypsy / Traveller pitches, whether by definition, harm to openness or both. This has also been accepted by Inspectors considering appeals on other sites within the District. This is, to an extent, evident within the wording of Policy SP6 of the Core Strategy - criteria a) endorses the provision of sites within or close to existing settlements (and if close to but not within an existing settlement then this would infer a Green Belt location), whilst criteria e) seeks to prevent significant adverse harm to the landscape.

Impact upon the character and appearance of the AONB

- 53 The impact of the development on the character and appearance of the area is a separate matter to the consideration of impact on openness, which relates to the absence of built form.
- 54 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 55 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 56 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance. This is also reflected in Policy LO8 of the Core Strategy.
- 57 Policy SP1 of the Core Strategy requires all new development to be designed to a high standard and that it should respond to the distinctive local character of the area in which is situated.
- 58 Policy EN1 of the ADMP requires that the layout of proposed development would respect the topography and character of the site and the surrounding area and sensitively incorporate natural features such as trees, hedges and ponds within the site.
- 59 The Sevenoaks Landscape Area Assessment SPD 2017 defines the area of the application site as the landscape type as being a coherent landscape pattern, intact corridors of semi-natural habitats including the woodlands on the ridges, mature hedgerows and the isolated farmsteads and cottages of traditional vernacular contribute to an intact landscape condition and sense

of place. However, hedgerow loss is evident, and modern linear development, the motorway and rows of pylons are visual detractors. That said, this site is characteristic of the area, comprising of open fields enclosed by soft landscaping with overhead pylons bounding adjacent to the south-western boundary. To the north, is a mature tree belt that visually screens the site from London Road, as this road is cut into the existing topography which is lower than the site and that a mature green embankment and tree belt, that separates the application site from London Road.

- 60 An assessment to be made is whether it would cause undue harm to the visual amenity and character of the area and whether it is capable of being assimilated into the surrounding landscape without significant adverse effect.
- 61 Whilst the site may appear isolated, is not a significant distance from the main residential development of Swanley or Farningham Village. With London Road being adjacent to the site, together with the water reservoir, golf course and electricity pylons, adds to the sense of urbanising form of character. Further north lies a small collection of commercial units, waste recycling centre, Highways England depot and major road intersection, which when viewed cumulatively, the impact of the low-level caravans proposed to be retained is limited upon the wider landscape character. The use of extensive landscaping to the southern boundary of the site of appropriate native species planting would not appear out of place in this location and there is scope for the creation of hedges along with tree planting adjacent to the paddock, this can be controlled through a suitably worded condition.
- 62 Whilst it is not intended that gypsy and traveller sites should be hidden from view, some properties found along Farningham Hill are set back and sit within mature trees and planting. Such measures would not therefore be inconsistent in this particular setting.
- 63 On balance, despite the number of pitches sought, whilst the development does cause limited harm, it is capable of being assimilated into the surrounding landscape without having a significant adverse visual effect. Further planting/landscaping would serve to enhance the character and appearance of the AONB by implementation of an appropriate scheme of landscaping that reflects the surrounding area. Any long distance views of the site would be seen against the backdrop of other forms of man-made, intervening built form and structures, therefore the landscape character of the area would be conserved.

Impact upon highways

- 64 The site is of an adequate size to accommodate vehicles associated with the use, therefore the proposals would not increase pressure for local on street parking. This is compliant with policy T2 of the ADMP.
- 65 The existing access drive is well established and finished in tarmac. The access junction with the main road is wide with acceptable visibility onto

the lane. Traffic associated with the site is likely to be limited and very low key.

- 66 There is sufficient hard standing on site for the turning of vehicles within the site as well as for the parking of vehicles.
- 67 Satisfactory parking can be provided on site and KCC Highways has raised no objection to the proposal.

Other issues

- 68 With regard to existing local residents, the proposed pitches and amenity blocks would be some distance from any adjoining occupiers. The separation would be sufficient to prevent significant harm arising to the occupiers of those properties with regard to their privacy and light, and the proposal would not give rise to overbearing impact or be a form of development that would generate noise such that would be likely to cause unacceptable disturbance.
- 69 Environmental Health Officer has made comment relating that a new noise survey should be submitted. In 2009, it was demonstrated that the site is suitable for residential occupation. The circumstances and environmental conditions of the site have not likely to have changed to a significant degree since the previous noise report. As such, it would be reasonable to request an updated assessment and ensure any mitigation measures are employed within the site.
- 70 The Parish Council objections have been considered in this instance, however, it is not considered that the application would be premature especially when the examination of the emerging Local Plan has been stopped. The unmet need of gypsy and traveller sites in the District is now acute, with no allocation DPD in place, the only way the unmet can be met is by sites coming forward via the planning application process. In any event, as SDC Policy has stated, it would have been likely that this site would have been advanced for it to be allocated.
- 71 Consideration has been given to the reasoning for this application to be referred to this committee. It is agreed that the development does constitute inappropriate development within the Green Belt. However, it is considered that this is an appropriate location as it near to two nearby settlements and is more sustainable than other sites within District. Consideration has been given to the spatial distribution of gypsy and traveller sites within the District. Table 1 shows the total number of gypsy and traveller sites and pitches within each Parish/Town Council area. As noted in Table 1, sites are predominately located to the north of the District, due to the historical links with commercial horticultural operations. The information shows, even considering the contribution of number of pitches with this site, Farningham Parish would still have an equal share of pitches when compared to Hextable, West Kingsdown, Ash-cum-Ridley and Edenbridge.

Table 1 - Number of pitches per parish

Parish	Number of sites	Site Name	Permanent Pitches	Temporary Pitches	Unauthorised Pitches	Total
Ash-cum-Ridley	3	- Barnfield Park - Fordwood Farm - Merry Lees	35	1	1	37
Crockenhill	2	- Bournewood - Brickworks - Robertson's Nursery	2	0	2	4
Dunton Green	1	- Polhill	7	0	0	7
Edenbridge	2	- Romani Way - Seven Acre Farm	17	0	7	24
Farningham	3	- Hill Top Farm - Land south of Broomhill - Pedham Stable/Land between Button Street and M20	1	0	16	17
Halstead	1	- Station Court	4	0	0	4
Hextable	2	- Malt House Farm - Valley Park	18	0	2	20
Knockholt	1	- The Oaks Farm	1	0	0	1
Otford	1	- Hopgarden Farm	0	0	0	0
Shoreham	4	- Early Autumn Land at Fountain Farm/Land north east of the junction of Redmans - Macandy - St George's Stables	4	1	1	6
Swanley	3	- Alexis Place - Ashley Place - Park Lane Farm	7	0	0	7
West Kingsdown	5	- Eagles Farm - Greenvale - Hollywood Gardens - Knatts Valley Caravan Park - Two Barns	6	3	8	17

Community Infrastructure Levy (CIL)

- 72 The proposal is not CIL liable
- 73 Assessment of any very special circumstances that may apply for this Green Belt proposal
- 74 Paragraph 144 of the NPPF states that when considering any planning application, substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.
- 75 The proposal is inappropriate development within the Green Belt. It would also be harmful to the openness and one purpose of the Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt.
- 76 It is clear that the development is contrary to national policy, harmful to its openness and would encroach into the countryside, contrary to its main purpose. Substantial weight is accorded to the overall harm, however that harm to the openness and encroachment is limited by the site's visual containment and limited public visibility. Nevertheless there are a number of other considerations to weigh against that harm.
- 77 The pitches would enable existing families with strong local connections to reside close by. The relationship both physically and familial between the existing Knatts Valley site and this site, adds further weight in favour of the proposal. The proposal would provide a permanent base from which the families could access education and healthcare services and avoid the insecurity, risks and disadvantages associated with living by the road or doubling up on other pitches, where these may be unauthorised. Again, this is a further benefit of the proposal. As there are families with children, it is in the best interests of the children to have a settled base which affords them access to education and other services, as well as integration into the community. This is a primary consideration. Given the circumstances and context in this case, substantial weight to the best interests of the children who currently reside on site.
- 78 Paragraph 25 of the PPTS warns that sites in the open countryside should be very strictly limited, but, given the description of the site and its limited landscape impact, consequently, had the site not been in the Green Belt it would be considered it would have been a very strong, if not ideal, candidate for a gypsy and traveller site.
- 79 Temporary time limited planning permission have been granted on this site. It is clear that that is not good practice. Planning Practice Guidance makes it clear that granting more than a single temporary permission is to be avoided unless there is a specific reason justifying such a course. At some point temporary planning permissions must come to an end and given the weight attached to the considerations which result in very special circumstances here, there is no justification for imposing yet another time limit on site occupation. To do so would be unreasonable. Albeit that the planning balance would be different as the circumstances here are clearly sufficient to justify a permanent planning permission.

- 80 In relation to traveller status some information has been provided that shows the extended family connections to the existing Irish Traveller families on-site. Most the male adults who reside on the site travel for several months of the year to find work through knocking on doors and leafleting. They carry out tarmacking, paving and groundworks.
- They also visit horsefairs do some horse trading. Sometimes they are accompanied by their families, particularly during the summer months.
- 81 The development comprises inappropriate development in the Green Belt. The harm by reason of inappropriateness and other harm to the Green Belt must be afforded substantial weight. There is some additional harm to openness and the purposes of including land in the Green Belt.
- 82 Considerations weighing in favour of the development are the general and significant need for gypsy and traveller pitches in the district, the lack of a 5- year supply of pitches and any suitable alternatives, the longstanding and on- going failure of Council policy to address the needs of the gypsy and traveller community and thus the unequal approach when compared to the settled population. Case law has established that a number of factors when combined together may result in very special circumstances. Given the weight that has been attributed to each of these considerations in this particular case, the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by these considerations in this case.
- 83 Regard has been had to the Human Rights Act 1998. In this case, it is found that very special circumstances exist that makes the development acceptable, therefore, there would be no interference with the rights afforded under the Act
- 84 In addition to the above, in exercising the function on behalf of a public authority and its duties under the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Due regard has been had to the existing/future occupiers' traditional way of life. Further regard has been had to the best interest of the children on-site. The wellbeing provided by an accessible and secure environment that the proposal would provide to rehomed gypsy families carries substantial weight. Personal circumstances are also a factor which attracts moderate weight in favour. However, very special circumstances have been demonstrated without needing to weigh personal circumstances of the current residents in the balance. The development is acceptable, so a permanent planning permission is able to be granted, therefore, it is not necessary to consider a temporary planning permission.

Conclusion

- 85 The site is justified for occupation by those meeting the definition of gypsies and travellers and so a condition restricting occupancy accordingly

will be required. The number of stationed caravans on the site at any one time. Further details are required in term of landscaping, acoustic assessment and any external lighting (if required).

- 86 Although substantial weight has to be given to the Green Belt by reason of inappropriate development and the impact on openness, it is considered that this would be clearly outweighed by the significant and unique benefits of the proposal as previously mentioned above.

As such, it is concluded that the very special circumstances exist, which would justify this development in the Green Belt.

Recommendation

- 87 It is therefore recommended that this application is GRANTED

Background papers

Site and block plan

Contact Officer(s): Sean Mitchell

Tel: 01732 227000

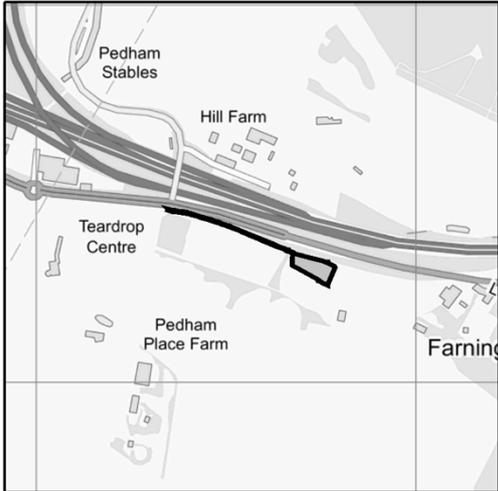
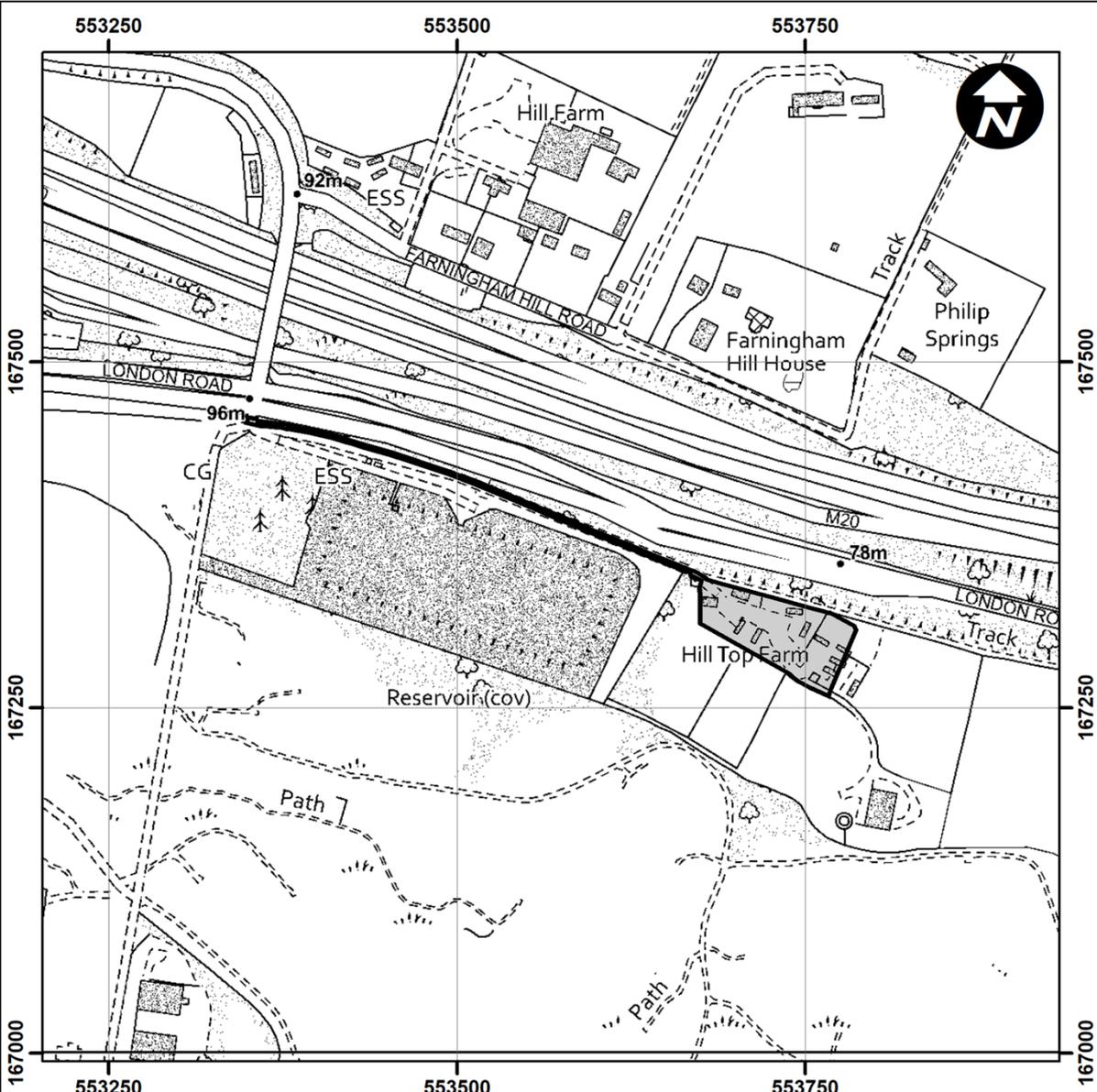
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUJDMUBKJPS00>



Site Plan

Scale 1:5,000

Date 20/02/2020



DISTRICT COUNCIL

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Ordnance Survey 100019428.



Hill Top Farm

REFERRAL WITHDRAWN - DECISION