

4.1 21/02890/FUL

Date expired 17 December 2021

Proposal: Enlargement of gypsy travellers' site, by way of additional 5 mobile homes and 5 touring caravans.

Location: Seven Acres Farm, Hever Road, Edenbridge KENT TN8 5DJ

Ward(s): Edenbridge South & West

Item for decision

The application has been referred to Committee by Councillor McArthur as the proposed is inappropriate development within the Metropolitan Green Belt.

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

1) This planning permission is granted for a temporary period of three years only, from the date of this permission. By the date this permission expires, all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

In order that any other proposal for the use of the land for a longer period is the subject of a separate application, to be determined on its merits, having regard to the harm to the Green Belt, the status of the Local Plan and the allocation of sites for Gypsies and Travellers.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:

1:2500 unnumbered location plan; 1:500 scaled BLOCK PLAN

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

3) The occupation of the site hereby permitted shall be carried on only by Nikita O'Driscoll, Nicole O'Driscoll, John Junior O'Driscoll, Chloe Connors, Savanha O'Driscoll and their resident dependants in compliance with the definition of gypsies and travellers set out in paragraph 1, Annex 1 of Planning Policy for Travellers August 2015. When the land ceases to be used by Nikita O'Driscoll, Nicole O'Driscoll, John Junior O'Driscoll, Chloe Connors, Savanha O'Driscoll or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease and all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted shall be removed.

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) There shall be no more than 5 residential pitches on the site. On each of the 5 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.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm, in accordance with Policy EN1 of the Local Plan.

5) 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 EN1 of the Sevenoaks District Local Plan.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 under condition seven 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 and retained in accordance with the approved details.

To safeguard the rural character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) Within three months of the date of this decision, full details of landscape works, including boundary treatment and ecological enhancements, to be retained and proposed for the site, shall be submitted to the local planning authority. The approved details shall be completed within the next available planting season following approval of the landscape works and if within a period of three years from the date of this decision any of the trees or plants that form part of the approved details 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 preserve and enhance the visual appearance of the area and the ecological value of the site as supported by EN1 of the Sevenoaks Allocations and Development Management Plan and policies LO8, SP11 of the Core Strategy.

8) 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 external lighting in accordance with the approved details shall be installed.

To safeguard the rural character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1. Network Rail requests that the development complies with the following to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of The National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the

installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

2. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

3. No information has been provided about the foul water drainage proposed to be installed for this development.

There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. If non-mains drainage is to be pursued, the applicant will need to demonstrate why this is not practicable in this specific case. Full details will be required, including size, location and maintenance regimes. Due consideration should be given to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report prepared by a suitably qualified and competent person and must be submitted with the application for it to be registered.

Proposals must be able to meet the Environment Agency's General Binding Rules, which can be found at <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>, or, where the proposals are unable to meet the general binding rules the scheme must be capable of meeting the requirements of a specific discharge consent upon application to the Environment Agency.

Please note that the Local Planning Authority will note the submission of this information where provided but will not comment on its technical accuracy or provide technical guidance to the applicant.

Any further guidance should be obtained from the Environment Agency as the UK regulator for the pollution of surface or ground waters and discharge consents.

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 The application site forms part of a triangular shaped parcel of land on the northern side of Hever Road under the ownership of the applicant. The wider land parcel is some 2.6 hectares in size, although the application site itself consists of a roughly crested shaped parcel within the north eastern corner of the site, amounting to some 0.98 hectares in size.
- 2 The site is located within the Metropolitan Green Belt, around 400 metres to the east of the town confines of Edenbridge. The nearest residential properties to the site are the Romani Way Council Gypsy site about 100m to the west, and Burnt Oak Farm about 300 m to the east. A railway line, situated within a cutting, runs along the rear boundary of the site.
- 3 The site is accessed via Hever Road and is largely laid to hardstanding. There is an existing barn used for commercial purposes to west and the existing site for the stationing of 10 caravans permitted under planning permission 20/02981/FUL.
- 4 The site is close to Edenbridge with access to services and facilities and within the designated Metropolitan Green Belt.

Description of Proposal

- 5 The adjacent site has accommodated Gypsy and Traveller families for more than 14 years. This use was originally unauthorised before temporary permission was granted on appeal in 2006. The Council granted a further temporary permissions in 2010, 2013 although these have expired. In 2020, a further planning permission was granted for 10 pitches that allowed for each pitch to have one static and a tourer, that accommodate gypsies and travellers that satisfies the definition set out within Annex 1 of the Planning Policy for Traveller Sites August 2015 (PPTS).
- 6 A permanent planning permission is being sought after for the introduction of a further 5 pitches to the northeastern corner of the site for occupants already living on-site due to cramped living conditions.

Relevant Planning History

- 7 04/01555 - Conversion of agricultural building to 2 no B1 units and installation of a cess pool and car park - Approved
- 8 05/01966 - Change of use to residential and stationing of six mobile homes, six utility rooms and six touring caravans for gypsy family - Refused. Allowed on appeal for a temporary period of 3 years.
- 9 09/02953 - Change of use for stationing of caravans for residential use with associated development (new access, driveway and retain extension to existing hard standing and septic tanks) - Approved for a temporary period of 3 years.

- 10 13/02565 - A mixed use application for the retention of a barn for B1 use and the use of land for the stationing of caravans for residential purposes for 7 No gypsy pitches together with the formation of additional hard standing ancillary to that use - GRANTED (temporary)
- 11 20/02981 - Confirmation of the use of land for the stationing of 10 caravans for residential purposes and the retention of a barn for B1 use - GRANTED

Policies

- 12 National Planning Policy Framework (NPPF)
- 13 Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 14 Paragraph 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
 - (Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.)
- 15 Core Strategy (CS)
- SP1 Design of New Development
 - SP6 Provision for Gypsies and Travellers and Travelling Showpeople
 - LO8 The Countryside and Rural Economy
- 16 Allocations and Development Management Plan (ADMP)
- EN1 Design Principles
 - EN2 Amenity Protection
 - GB6 Siting of Caravans and Mobile Homes in the Green Belt
 - T2 Vehicle Parking
- 17 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

18 The following constraints apply:

- Metropolitan Green Belt

Consultations

19 Edenbridge Town Council - Objects to the application for the following reasons:

20 “1) This site was allocated in the draft Local Plan which said: site to have no more than 10 permanent pitches in total to retain existing trees and hedges.

21 The response by the Town Council was that it accepts the need for these sites, but would not want to see this site exceed a maximum of 10. In 2013, a 3-year license for no more than 7 pitches; this had expired (13/02565), but confirmation was granted 2020 (20/02981/FUL).

22 2) The site is set in the Green Belt and should adhere to NPPF paragraph 139, and there is no clear justification to allocate further traveller development in this location.

23 3) The expansion of this site does not refer to the other site, which is close-by on Hever Road. This has the potential to cause conflict.

24 4) There is reference to the 5-pitches being used as a transit site which would be unusual to mix with existing permanent pitches.

25 5) Also the application states that all of pitches, whether mobile homes or touring will be used by the extended family of the current occupiers. Therefore they cannot be classified as needed transit pitches.

26 6) There detail Design and Access Statement has minimal information and quotes the site being access sought from the existing A21. Edenbridge is about 12 miles from the A21.

27 7) The location of the 'transit' pitches is not shown on the plan

28 8) There is no ecology report and no flood mitigation included.

29 9) It is in breach of policy GB6.”

30 Other Consultees -

31 SDC Planning Policy - “The LDS states that the Local Plan will be submitted for examination in 2023 and adopted in 2024. We are currently undertaking an update to the Gypsy and Traveller Accommodation Assessment (GT AA) to cover the period up to 2040. A main focus of the emerging Local Plan is

sustainability, and sites in the most sustainable locations will be preferred over those which are more remote. National policy also states that new development should be focused outside of protected areas such as Areas of Outstanding Natural Beauty (AONB).

- 32 It is our intention to allocate available land for Gypsy and Traveller pitches in suitable and sustainable locations to meet the identified need. It is highly likely that these sites will be located in the Green Belt and therefore will be required to meet the Local Plan exceptional circumstances test.
- 33 The site at Seven Acre Farm has previously been assessed for potential allocation through the Local Plan process. The site was found to be more sustainable than many others submitted for consideration and in comparison to other existing sites. It does not lie within the AONB and is on the edge of a town with good services and facilities...
- 34 We are currently undergoing a call for sites and any sites that applicants wish to be considered for allocation within the Local Plan should be submitted to the Council through this process.”
- 35 Hever Parish Council (adjacent Parish Council) - Does not support the application
- 36 SDC Gypsy/Traveller Liaison Officer - No response
- 37 Network Rail - No objectives - recommend informatives
- 38 KCC Economic Development -
- 39 “Kent County Council acknowledges that Sevenoaks District Council is a CIL Authority. However, we set out below the assessed impacts upon County services which cannot be accommodated within existing capacity and request if CIL receipts are insufficient then s106 also be applied (as permitted under the CIL Regs as amended 2019) to top up to ensure the impacts upon these services are mitigated and the development is sustainable.
- 40 This development of 5 dwellings is applicable as it is on a site of more than 0.5ha and will place the following unfunded pressures on KCC:
- Secondary Education: £22,700
 - Community Learning: £82.10
 - Youth Service: £327.50
 - Libraries: £277.25
 - Social Care: £734.40
 - Waste: £918.35
- 41 It is requested that these impacts be noted in determining the application and that Sevenoaks District Council allocates all funds received from the development, and secures via s106, to ensure the impacts of the development can be met, so the development can be regarded as sustainable.”

42 Southern Water - No objection - informatives recommended

43 KCC Highways - No objection

Representations

44 6 representations received, objecting on the following matters:

- Out of character with the area;
- Increased traffic;
- De-value nearby properties;
- Increase light pollution;
- Works have already started;
- Increase anti-social behaviour;
- Impact upon nearby listed buildings within Hever Road;
- Plots too near to the railway line.

Chief Planning Officer's appraisal

45 The main considerations of this application are:

- Impact upon the Green Belt;
- Housing need/Gypsy Sites
- Impact upon character and appearance of area
- Impact upon highways
- Other Issues

Impact upon the Green Belt

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

47 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.

48 Paragraph 137 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."

49 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.

- 50 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’
- 51 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.
- 52 Consequently, the introduction of additional caravans together with hardstanding and parking areas would be harmful to both the visual and spatial openness of the Green Belt. Furthermore, the provision of further built form further reduces the openness. Although sited off-centre to the rear of an existing field, it is likely that a caravans etc. would be visible through the gap in the green cover created by the access road and the adjacent hedgerow fronting the site. 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 138 of the Framework.
- 53 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 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.
- 54 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.

Housing Need/Gypsy sites

- 55 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 Local Plan, despite a need being identified, however the emerging local plan examination has now stopped and therefore these identified sites would not be examined any further. In

the meantime, any need can only therefore be addressed through planning applications.

- 56 It is recognised that there has been a failure of policy over a considerable period of time, and that this site has been previously granted temporary/permanent permissions. 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. Given this, reliance is placed on national policy and the PPTS.
- 57 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. 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.
- 58 The Council's 2017 Gypsy and Traveller Accommodation Assessment (GTAA) Final Report figures indicate a need for 51 pitches between now to 2035, but with recent planning permission that authorise sites, since 2017, the need now stands at 5 pitches. With this in mind, this current unmet need for sites should be given substantial weight in its consideration.
- 59 Currently, there are no pitches available at the Council's public sites or the turnover has been extremely low and therefore, is a long waiting list for pitches. With this site, there has been a gypsy and travellers occupying the land in excess of 14 years.
- 60 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 previously proposed gypsy and traveller site allocations in the Emerging Local Plan being located in the Green Belt and to which moderate weight can be given to it as a material consideration.
- 61 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 Gypsy and Traveller sites will be 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.
- 62 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 a further 5 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.

- 63 Over the past fourteen years it has been demonstrated consistently that the families upon the site are Irish travellers and that there are 28 children on site of which many are of school age. Other occupants include family relatives and some other children that require medical treatment and others that have children to whom that attend the local schools of Primary and Secondary ages. Most of the occupants travel regularly for, albeit not necessarily together, carrying out mainly landscaping and aboricultural and the mothers stay at home with the children who are at school during term time. The site occupiers also trade at various horse dealing fairs. 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.
- 64 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 14 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.
- 65 *Sustainable Location?*
- 66 Policy SP6 of the Core Strategy in part seeks to ensure that sites are located close to existing settlements with an accessible range existing local services.
- 67 The site is located approximately 850m as the crow flies from the centre of Edenbridge whereby there is limited facilities consisting of a Doctor's surgery, pre-school, primary school, shops and a Public Houses. Edenbridge is classified as a town with good provision of services and access to public transport provision.
- 68 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 Edenbridge whereby there is good access to services despite the view of the Town Council. 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 areas 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 105 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.

- 69 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.
- 70 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.
- 71 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 etc. 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.

Impact upon the character and appearance of the area

- 72 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.
- 73 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, this is also reflected in Policy LO8 of the Core Strategy.
- 74 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.
- 75 The Sevenoaks Landscape Area Assessment SPD 2017 defines the area of the application site as the landscape type as being low lying flat to gently undulating valley bottom with tree cover limited to field boundaries. Irregular fields, both arable and pasture, make up much of the landscape with tree belts, hedgerows and small watercourses delineating the field pattern. Post and wire fencing is also present around arable fields. Tree cover is generally limited to field boundaries although there are small areas

of woodland around the settlement edge of Edenbridge including a traditional orchard.

- 76 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.
- 77 Whilst it the site may appear isolated, is not a significant distance from the main residential development of Edenbridge. Further to west of the site lies another gypsy site, small collection of commercial units, and residential development. Directly to the north, is the railway.
- 78 `The impact of the low-level caravans would be limited upon the wider landscape character as it's contained within the existing site with the existing boundary treatments in place, however these existing boundaries can be strengthen should planning permission be forthcoming.
- 79 On balance, despite the number of pitches sought, whilst the development does cause some harm, but it is capable of being assimilated into the surrounding landscape without having a significant adverse visual effect. Any long distance views of the site are limited and therefore the landscape character of the area would be conserved and enhanced by further appropriate landscaping.

Impact upon highway

- 80 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.
- 81 The existing access drive is well established and finished in tarmac. The access junction with the main road is wide with acceptable visibility onto Hever Road. Traffic associated with the site is likely to be limited and very low key.
- 82 There is sufficient hard standing on site for the turning of vehicles within the site as well as for the parking of vehicles.
- 83 Satisfactory parking can be provided on site and KCC Highways has raised no objection to the proposal.
- 84 *Assessment of any very special circumstances that may apply for this Green Belt proposal*
- 85 Paragraph 148 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.
- 86 The proposal is inappropriate development within the Green Belt. It would also be harmful to the openness and one purposes of the Green Belt. The

Framework states that substantial weight should be given to any harm to the Green Belt.

- 87 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.
- 88 The pitches would enable existing families with strong local connections to reside close by and support others within the site. 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. The proposed occupants do not have dependants however may do so in the future which would allow for future children to have a settled base which affords them access to education and other services, as well as integration into the community. Given the circumstances and context in this case, limited weight can be attributed to his circumstance.
- 89 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.
- 90 In relation to traveller status some information has been provided that shows the extended family connections to the existing Irish Traveller families on-site and the same families have lived on the site since its inception and this is not disputed.
- 91 To be weighed against the Green Belt harm is the unmet need for gypsy and traveller sites and the failure to provide for them through allocations to which significant weight is attached. Also give significant weight is also given to the likelihood that allocations will involve designated Green Belt land. Moderate weight is given to the personal circumstances of the extended family units and their wishes to remain together in order to provide stability and maintenance of the family unit(s).
- 92 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 gypsy families carries significant weight.

- 93 When the above considerations are taken together in the round, the case does not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the development, so as to comprise very special circumstances. As such to grant of permanent planning permission is not justified, at this present moment in time. Therefore, it is necessary to consider whether a temporary or personal planning permission would be appropriate. In this case, it is likely that a new local plan will be in place within the next 3 years, and that it will allocate sites for gypsies and travellers. A temporary permission would allow the local authority time to reconsider the development at the end of the temporary period in the light of any change in circumstances, in particular with regard to the supply of potential alternative sites through the local plan.
- 94 By granting planning permission for a temporary period of three years it would avoid the families either becoming homeless and to stop living in cramped conditions, and give them the opportunity to pursue a site through the local plan allocation process. This would be a proportionate approach to the legitimate aim of protecting the environment, and granting a personal permission for a limited period would have no greater impact on the applicants and their extended family than would be necessary to address the wider public interest.
- 95 As the harm to the Green Belt would therefore be temporary, the personal circumstances of the applicants and other considerations are sufficient to clearly outweigh the harm to the Green Belt and the other harms. Taking account of the positive obligation to facilitate the gypsy way of life, there are very special circumstances to justify a temporary permission in this instance.
- 96 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.

Other issues

- 97 With regard to existing local residents, the proposed pitches would be some distance from any adjoining occupiers. The separation distance 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.
- 98 Representations relating to de-valuing property values is not a material planning consideration.
- 99 The site is not within flood zone and therefore a flood risk assessment is not required in this instance.
- 100 An ecological assessment is not required as the site has been used for grazing of animals and has been manicured in the past. The development proposed is temporary and is for the stationing of caravans and any harm

would be limited and conditions can be used to limit any impact arising in ecology terms from the development itself.

- 101 It is noted that works have started, however, any land level changes or operations outside the scope of this permission, this if this application is permitted, further enforcement of the permission can be pursued, likewise, if any conditions are not conformed with or to.
- 102 Edenbridge Town Council and Hever 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 Development Plan Documents 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.
- 103 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 Edenbridge and is more sustainable than other sites within District.
- 104 With regard KCC request for infrastructure provision, the permission is not for permanent dwellings and therefore the development is not CIL liable. As such, the request for monies is considered to be unreasonable in this instance.

Conclusion

- 105 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 as well as restricting the number of stationed caravans on the site at any one time.
- 106 It is appropriate to require details of landscaping to strengthen the existing boundary treatments and soften the impact of the development. Although a temporary permission is being granted, an appropriate landscaping scheme would assist in mitigating the impact on the rural character of the Green Belt for the temporary period, whilst bringing ecological benefits. Conditions controlling the means of enclosure, external lighting, commercial uses and the storage of commercial vehicles over 3.5 tonnes, are necessary in the interests of protecting the rural character and landscape.
- 107 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 a temporary permission in the Green Belt in this instance.

Background papers

Site and block plan

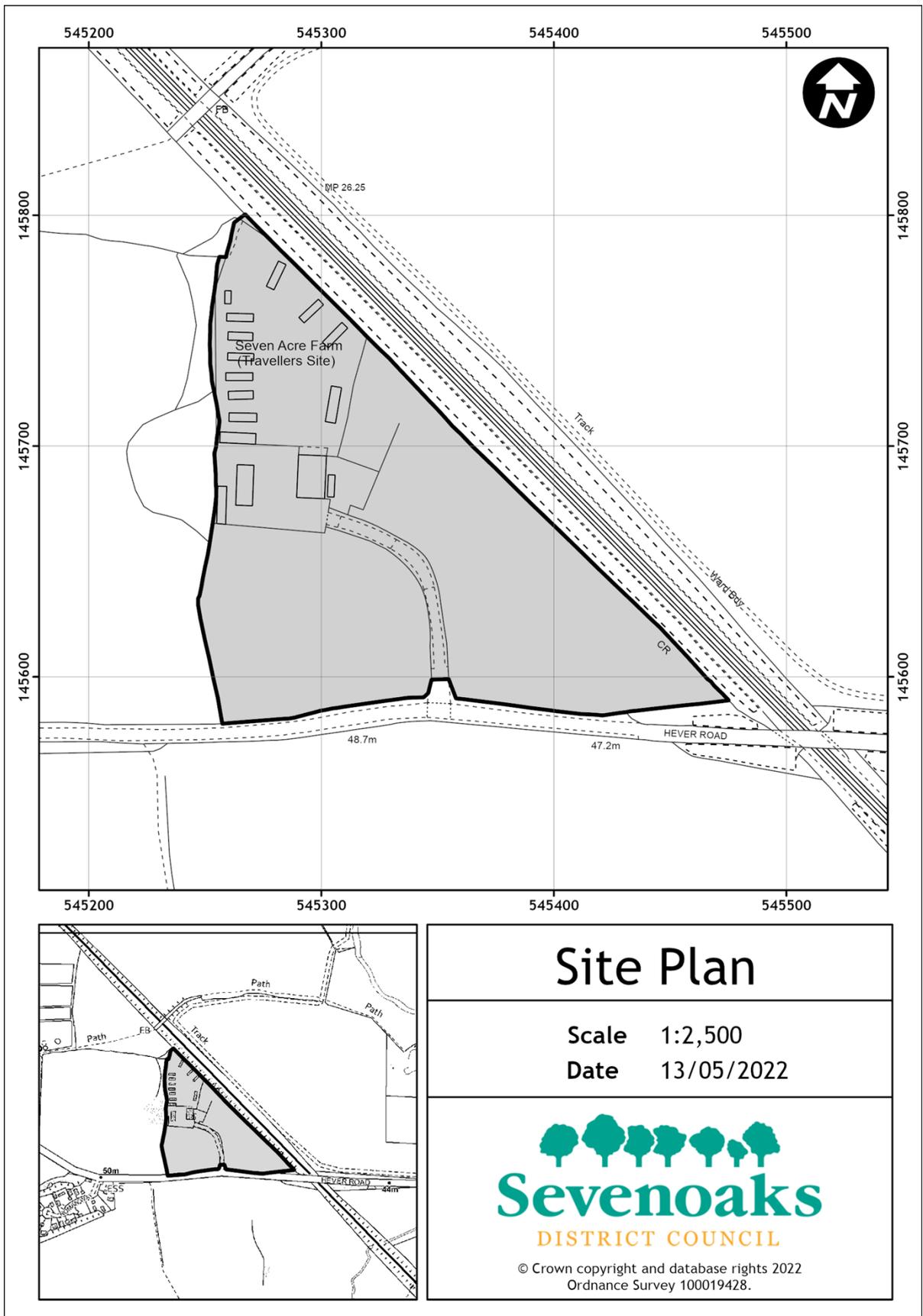
Contact Officer(s):

Sean Mitchell : 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:2,500
 Date 13/05/2022



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 Ordnance Survey 100019428.

BLOCK PLAN

