

4.1 22/01447/FUL

Date expired 5 September 2022

Proposal: Change of use of land for stationing of caravans for residential occupation for Gypsy Traveller site with portacabin structure.

Location: Field East Of High Elms, London Road, West Kingsdown Kent

Ward(s): Fawkham & West Kingsdown

**Item for decision**

This application has been referred to Development Control Committee by Councillors Harrison, Bulford and Fothergill on the grounds there is insufficient justification for a new Gypsy Traveller the pitch in this Green Belt location and that there are already many pitches in West Kingsdown

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

1) This planning permission is granted for a temporary period of five 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: Block plan, site location plan and portacabin elevations.

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

3) The occupation of the site hereby permitted shall be limited to Ms Harrison and their resident dependants to whom are gypsy and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together. When the land ceases to be used by Ms Harrison and dependants 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 1 residential pitch on the site. No more than 2 caravans (one static and one touring), 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.

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 SP6 of the Local Plan.

5) The hedgerow shown on the submitted plans shall be retained for the lifetime of the development.

To preserve the character of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) No commercial activities shall take place on the land, including storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

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

7) 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.

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

### **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 is a small rectangular shaped parcel of land to the east of the A20 (London Road) West Kingsdown. The site is an area of hard standing (Item No 4.1) 2

for a small stable yard, with surrounding paddock land to the west and east used in connection with the keeping of horses. The application site itself equates to roughly 500 square meters.

- 2 The site is located within the Metropolitan Green Belt though it is adjacent to the settlement confines of West Kingsdown, the northern border of which cuts through the properties of The Stables and 1 Three Ways to the south and along the rear garden boundaries of the northern Phelps Close properties.
- 3 The site is accessed via the A20 (London Road) via gated tarmac drive, the site is partially screened from the main road via a 2m hedgerow.

### **Description of Proposal**

- 4 Permission is sought for a change of use of the land for the stationing of caravans (one static and one touring) for residential occupation for a Gypsy Traveller with portacabin structure. The use, stationing of caravans and the erection of the portacabin is retrospective.

### **Relevant Planning History**

- 5 No planning history relevant to this application site on record.

### **Policies**

- 6 National Planning Policy Framework (NPPF)
- 7 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.
- 8 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 proposed<sup>7</sup>; 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.
- 9 (Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.)
- 10 Core Strategy (CS)
  - SP1 Design of New Development
  - SP6 Provision for Gypsies and Travellers and Travelling Showpeople
  - LO8 The Countryside and Rural Economy

11 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

12 Other

- Sevenoaks Gypsy and Traveller Accommodation Assessment 2022 (GTAA)
- Development within the Green Belt SPD
- Planning Policy for Traveller Sites - August 2015 (PTTS)
- Sevenoaks Landscape Character Assessment SPD 2017 - area 1a West Kingsdown Settled Downs

### Constraints

13 The following constraints apply:

- Metropolitan Green Belt
- Adjacent to urban confines of West Kingsdown

### Consultations

14 West Kingsdown Parish Council

15 Objects to the application for the following reasons:

16 “1) This would be a totally inappropriate development on this Green Belt site.

17 2) The Applicant has given up the gypsy/traveller way of life. Three Ways was a one time a “tolerated” gypsy site”. According to paragraphs 3.3 and 3.4 on Page 5 of the Planning Statement submitted in respect of Mr Luke’s application 22/01602/LDCEX, in 1998 an application was made to re-develop the land (98/00711) and permission for this was renewed in 2001 (01/2228/RENEW). A variation of condition 3 was granted in 2004 (04/02509/RENEW). Final Reserved Matters were successfully discharged in 2005 (SE/04/03179/REM.

18 The Applicant agreed the sale of the Three Ways gypsy site (next door) to Three Ways (West Kingsdown) Limited in November 2011 and the final transfer was made in July 2012.

19 Paragraph 4.4 on Page 7 of the same document says, “The relevant Building Control Application (12/000349/IN) has a decision date of 23rd April 2012 and completion on Oct 2013.”

20 From the above information it appears that the Applicant sold the gypsy site on which he lived for a development of 5 houses, one of which he has occupied since completion in 2013, nearly 9 years ago. It appears, therefore, that he has given up his gypsy status. He has sold one 3 pitch gypsy site and now wants another on Green Belt land next door. This cannot be a justification for overriding important Green Belt policy.

- 21 3) It appears that the caravan/mobile home has been on site for only 4 months. As there are so many gypsy sites in West Kingsdown, Members believe the application should be refused and enforcement action taken.
- 22 There are 4 or 5 pitches on a site in Crowhurst Lane, 3 at Hollywood Gardens in School Lane, 2 at Two Barnes in Knatts Lane and 13 on Knatts Valley Caravan Park (although there are still 17 caravans on site). There are 35 on Barnfield Park at Ash (next Village) and several on Farningham Hill a fairly new site (next Village).
- 23 4) As Ms Harrison and her children were all born in Chatham, it is obvious that that has always been her home. She may have come from a long line of Kent gypsy families but they are not local to West Kingsdown. As far as Members are aware she has never lived in the Village and no-one seems to have known of her existence. The family would appear to be the responsibility of Medway Council rather than Sevenoaks.”
- 24 Other Consultees
- 25 SDC Planning Policy:
- 26 The site lies adjacent to the settlement boundary for West Kingsdown, which is identified as a Service Village in the Settlement Hierarchy and offers a number of key services and facilities which contribute to the overall sustainability of the settlement. The site lies fully within the Metropolitan Green Belt.
- 27 Gypsy and Traveller Pitch Need and Provision
- 28 The previous 2017 Gypsy and Traveller Accommodation Assessment (GTAA) identified a need of 51 pitches up until 2035. Since April 2017, 52 pitches have gained permanent permission. The updated Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken in 2022.
- 29 The GTAA 2022 identified a need for 43 additional pitches up to 2040. This need to
- The baseline number of households on all types of site (authorised, unauthorised and temporary authorised sites) as at April 2022;
  - Existing households planning to move in the immediate (0-5 years) and longer (up to 2040) time period (currently on sites and also from bricks and mortar) and where they are planning to move to; and
  - Emerging households currently on sites and planning to emerge in the immediate (0-5) years and longer (up to 2040) time period and stay within the study area on a pitch.
- 30 This need has since been reduced by 6 pitches (to 37 pitches) up to 2040, due to the granting of planning permission since the GTAA was undertaken in April 2022.
- 31 It should be noted that the GTAA 2022 identified, at table ES1, an immediate 5 year need of 5 Gypsy and Traveller pitches.

- 32 Since the GTAA 2022 was undertaken, 6 pitches have been delivered across the District. Whilst this does not meet our identified need in full up to 2040, this shows the Councils commitment to meeting Gypsy and Traveller need across Sevenoaks District.
- 33 Green Belt
- 34 The site lies fully within the Metropolitan Green Belt and therefore it is considered that a very special circumstances (VSC) case would be required to justify the granting of this application.
- 35 Consideration should be given to paragraph 16 of the Planning Policy for Traveller Sites (PPTS) when considering a very special circumstances case, which sets out that “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 so as to establish very special circumstances”.
- 36 New Local Plan for Sevenoaks District
- 37 The new Local Plan will allocate land to meet the need for Gypsy and Traveller accommodation within the District over the plan period (up to 2040). However, there are currently no existing adopted allocations for Gypsy and Traveller Pitches and therefore the Council cannot demonstrate a 5 year supply of specific deliverable sites for Gypsy and Traveller pitches.
- 38 The Council has recently adopted a new Local Development Scheme for the emerging Local Plan, which states that the Local Plan will be submitted for examination in 2023 and adopted in 2024. Our first Regulation 18 consultation is currently open and will run until 11 January 2023.
- 39 As previously stated, the Council has recently published the new GTAA, in April 2022, and this forms part of the new Local Plan evidence base, to cover the plan period up to 2040.
- 40 A main focus of the new Local Plan is sustainability, and sites in the most sustainable locations will be preferred over those which are more remote or with more limited access to services and facilities. National policy also states that new development should be focused outside of protected areas such as Areas of Outstanding Natural Beauty (AONB) and the Green Belt.
- 41 It is our intention, through the new Local Plan, to allocate land for Gypsy and Traveller pitches in suitable and sustainable locations to meet the current unmet need of 37 pitches over the plan period.
- 42 SDC Gypsy and Traveller Liaison Officer - No response

### **Representations**

- 43 44 letters of objection have been received outlining the following matters:
- Loss of Green Belt land. Raised in most comments.

- Security and value of neighbouring homes.
- Already enough caravan parks in West Kingsdown. Raised in most comments.
- Land not brought from Brands Hatch, rather obtained.
- Smoke pollution from bonfires is frequent.
- Permanent and temporary permissions are not acceptable.
- Additional noise and rubbish.
- Lack of letters notifying residents of the application.
- Infrastructure and services cannot cope with additional families.
- Site is untidy with rubbish dumped.
- Traffic and highway safety issues due to access by national speed limit change at the point of access.
- No information on foul drainage.
- Need reassurance there will be no more caravans on site.
- Allowing permission will result in site expanding uncontrollably.
- Forcing people to move out of their homes.

#### **Chief Planning Officer's appraisal**

44 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 residential amenity
- Impact upon highway safety
- Other Issues

#### **Impact upon the Green Belt**

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

46 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.

47 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.”

48 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 (paragraph 147, NPPF). The Framework also says that when considering any planning application, substantial weight should be given to any harm to the Green Belt.

- 49 Paragraph 16 of the Planning Policy for Traveller Sites (PPTS) 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’
- 50 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.
- 51 Consequently, the siting of caravans and the portacabin structure would be harmful to both the visual and spatial openness of the Green Belt. Although the development/use does not result in a further loss of undeveloped green field as the site is already laid to hardstanding. The caravan is sited away from the main road, within the grounds of an existing stable yard and is largely obscured by an established hedgerow. The proposal would therefore result in only a limited encroachment of development into the Green Belt. Nevertheless, this would be contrary to one of the five purposes of the Green Belt included within paragraph 138 of the Framework.
- 52 Harm to openness and encroachment into the countryside must nevertheless be distinguished from other landscape and visual effects. Based on the site layout, the scale - number and siting of caravans and buildings - and the sites’ relative containment there would be no significant harm to landscape character.
- 53 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**

- 54 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.
- 55 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. Given this, reliance is placed on national policy and the PPTS.



- 56 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.
- 57 The Council's 2022 Gypsy and Traveller Accommodation Assessment (GTAA) Final Report figures indicate a need for 43 pitches between now and 2040, but with recent planning permission that authorise sites, since April 2022, the need now stands at 37 pitches. With this in mind, this current unmet need for sites should be afforded substantial weight in its consideration.
- 58 Currently, there are no pitches available at the Council's public sites or the turnover has been extremely low and therefore there is a long waiting list for pitches.
- 59 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 evidenced with the unmet need identified in the GTAA 2022 which forms part of the new local plan evidence. Moderate weight to the plans to meet the need in the new local plan can be given and it is considered to be a material consideration in the determination of the application.
- 60 Whilst Criterion (f) of Policy SP6 states that alternative sites should have been considered first before Green Belt locations, given its sustainable location - it being adjacent to the urban confines of West Kingsdown - the application site is considered to be a good option for a new gypsy site compared to an isolated Green Belt plot. As such, the use of the site is therefore partially supported by policy SP6 of the Core Strategy.
- 61 This site would provide for the accommodation needs of family members who require accommodation, there are no private or council pitches available. 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 one pitch at 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. Particularly when considered in conjunction with the sustainable location of the site.
- 62 The site is owned by the occupier of the neighbouring dwelling of Threeways, the owner and family are established as part of the gypsy traveller community and therefore the occupation of the caravan pitch by their daughter (and children) is compliant with policy and guidance. The main occupant requires medical treatment and has been unable to readily obtain prescriptions without a permanent residence - more on this later in the report.

- 63 The occupants travel regularly for, albeit not necessarily together, for 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 allocated land for such provision. The circumstances of the occupants as identified in previous paragraphs, also weigh in favour of the development. 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 If not for the settlement confines of West Kingsdown cutting through the land/gardens of the neighbouring properties instead of along the northern boundaries, the site would directly abut the confines. Instead it is adjacent to it. West Kingsdown is a rural settlement/village with some services. However, the site is directly connected to the A20 which leads to other large towns including Swanley, there is also reasonable access to public transport and services.
- 68 The site is not considered to be isolated as it's in very close proximity to West Kingsdown. Other gypsy and traveller sites within the District 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.
- 72 Suitability of the site
- 73 Policy SP6 of the Core Strategy outlines a number of factors gypsy sites should meet, criterion a-d state:
- a) The site should be located within or close to existing settlements with a range of services and facilities and access to public transport;
- 74 As outlined earlier in the report the site is adjacent to West Kingsdown and a major A Road, it is not an isolated countryside plot.
- b) The site is of a scale appropriate to accommodate the facilities required and will offer an acceptable living environment for future occupants in terms of noise and air quality
- 75 The scale of the site is minor and will be conditioned accordingly, the provision of one pitch will add excessive pressure to the existing facilities and services of West Kingsdown.
- c) Safe and convenient vehicular and pedestrian access can be provided to the site
- 76 The site, courtesy of its existing use for stables, has a safe and permanent access with good pedestrian and vehicular visibility.
- d) The site is not located within an area liable to flood
- 77 The site is not within Flood Zone 2 or 3 and is therefore not subject to a high risk of flooding.

## **Impact upon the character and appearance of the area**

- 78 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.
- 79 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.
- 80 Policy EN1 of the Allocations and Development Management Plan requires that the layout of proposed development would respect the topography and character of the site and the surrounding area.
- 81 The Sevenoaks Landscape Area Assessment SPD 2017 describes the West Kingsdown Settled Downs area as:
- ‘An elevated, gently undulating chalk plateau overlain with clay and flints. A small chalk valley leads to the northern edge of the area. Land use is predominantly residential and recreational, but was formerly commons and woodland. Large blocks of both mixed woodland and ancient woodland give the landscape a well-wooded feel.

The West Kingsdown area encompasses the village of West Kingsdown, Brands Hatch racing circuit, a golf course and long stretches of the A20 and M20 highways’.

- 82 Whilst the site is outside the settlement confines of West Kingsdown and within the open countryside it does border existing residential development to the south. The impact of one static and one touring caravan, along with the ancillary structure(s) upon the wider landscape character is limited as the development is well screened to the countryside to the north and east and can be read in conjunction with the existing built development in the area.
- 83 The development 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. The proposed development is therefore considered to accord with policy EN1 of the Allocations and Development Management Plan.

## **Impact upon residential amenity**

- 84 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development. While ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 85 The proposed static caravan is some 12m+ from the nearest dwelling to the south (The Stables), and other 40m to the rear of the nearest Phelps Close

dwelling. The separation distance is considered sufficient for the proposed scale of development to preserve amenity in terms of noise and privacy.

- 86 Numerous concerns have been raised regarding untidy site, rubbish dumping and smoke from bonfires. Having viewed the site there was no evidence of rubbish dumping and the only element on untidiness was in relation to miscellaneous equipment for the keeping of horses. As for smoke, this is not a planning matter and would require an investigation by the Council's Environmental Health Officers.
- 87 Concerns relating to the expansion of the site will be managed through conditions.
- 88 The development is considered to accord with policy EN2 of the Allocations and Development Management Plan.

#### **Impact upon highway safety**

- 89 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.
- 90 The existing access drive is well established and finished in tarmac, it has been in place for around 10 years in its current form/permanence and is used in connection with the stables. Consequently, it is suitable for horseboxes and other large vehicles, it stands to reason therefore it is also suitable for the proposed gypsy traveller use. The access junction with the main road is wide with ample visibility onto the A20. Traffic associated with the site is also likely to be limited.
- 91 There is sufficient hard standing on site for the turning of vehicles within the site as well as for the parking of vehicles.

#### **Very special circumstances**

- 92 Assessment of any very special circumstances that may apply for this Green Belt proposal
- 93 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.
- 94 The proposal is inappropriate development within the Green Belt. It would also be harmful to the openness and one purposes of the Green Belt, albeit to a limited extent. The Framework states that substantial weight should be given to any harm to the Green Belt.
- 95 As outlined earlier in the report the impact upon the openness of the Green Belt and encroachment into the countryside 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.

- 96 The pitch would enable a family with a strong local connection to reside close by. The proposal would provide a permanent base from which the family could access 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 have dependants, the pitch would allow for the children - in this case the youngest of 4 years - to have a settled base which affords them access to education and other services, as well as integration into the community. Moderate weight can be attributed to this circumstance.
- 97 The proposed occupant of the site has been on the road for 10 years, they have a need for weekly medicine to treat a long term illness. The occupant has struggled to obtain prescriptions whilst on the road and had to use their mother's address whilst caring for them. Having a permanent base would provide stability and medical security for the occupant which carries moderate weight.
- 98 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 a very strong, if not ideal, candidate for an allocated gypsy and traveller site.
- 99 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. 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 family and their wishes to remain together in order to provide stability.
- 100 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 and the medical conditions of the main occupant. The wellbeing provided by an accessible and secure environment that the proposal would provide to gypsy families carries significant weight.
- 101 When the above considerations are taken together in the round, particularly the location adjacent to the settlement confines, the case does outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the development. To grant planning permission is justified, however it is likely that a new local plan will be in place within the next 3 to 5 years and therefore it is necessary to consider whether a temporary or personal planning permission would be appropriate. A new local plan will allocate sites for gypsy and traveller accommodation, given the location of this application site it is reasonable to predict it may be allocated. Nevertheless, 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.

- 102 By granting planning permission for a temporary period of 5 years it would avoid the family becoming homeless 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.
- 103 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.
- 104 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 matters**

- 105 It is noted that the Parish Council raise concerns regarding the number of pitches in West Kingsdown already. However, this is not a planning reason to have prejudice against this application. Moreover, it is for the new local plan site allocations to determine the distribution of pitches across the district. This application is conditioned to have temporary permission until such a time there is a raft of allocations in the new local plan.

#### **Conclusion**

- 106 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.
- 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.

It is recommended that the application be granted temporary permission for 5 years

**Background papers**

Site and block plan

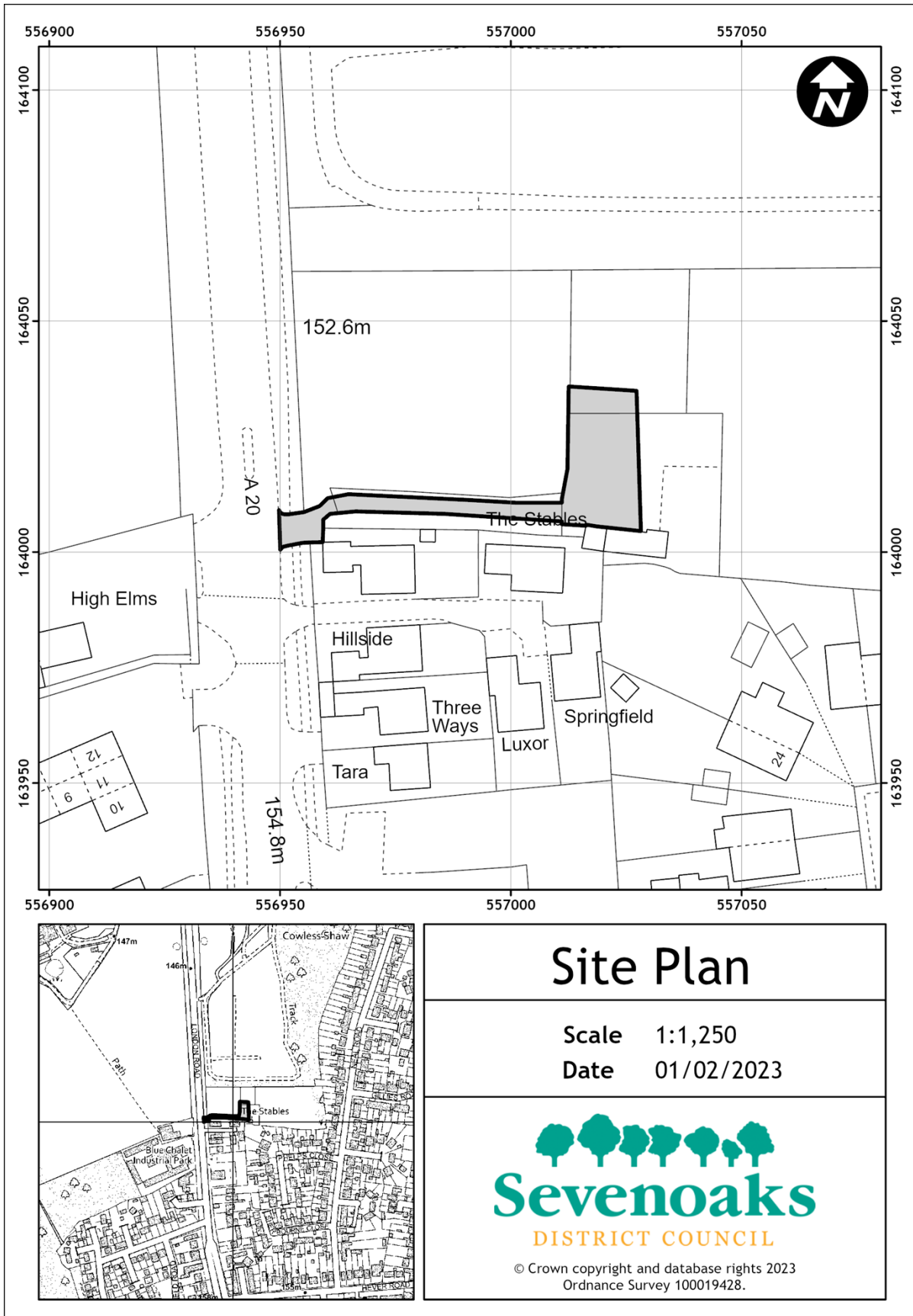
Contact Officer(s): Ashley Bidwell 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)





# Site Plan

Scale 1:1,250  
 Date 01/02/2023



© Crown copyright and database rights 2023  
 Ordnance Survey 100019428.

