

5.5 - SE/12/00894/FUL Date expired 28 June 2012

PROPOSAL: Retention of mobile home & hardstanding & proposed utility building.

LOCATION: Robertsons Nursery, Goldsel Road, Swanley KENT

WARD(S): Crockenhill & Well Hill

ITEM FOR DECISION

The application is being reported to Development Control Committee at the discretion of the Community and Planning Services Director.

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 Council.

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 Development Framework and the allocation of sites for Gypsies and Travellers.

2) The occupation of the site hereby permitted shall be carried on only by Mr Albert Coates (Jnr.) and Ms Amy Coates (nee Broomfield), whilst Mr Albert Coates (Jnr) is resident on the site and whilst he complies with the definition of gypsies and travellers set out in paragraph 1, Annex 1 of Planning Policy for Travellers March 2012. When the land ceases to be used by Mr Albert Coates (Jnr) or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 1, Annex 1 of Planning Policy for Travellers March 2012.

Given that the very special circumstances in this case which clearly outweigh the harm to the openness of the Green Belt and any other harm expressly relate to Mr Albert Coates (Jnr) and in accordance with Planning Policy For Travellers March 2012.

4) The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time (of which no more than 1 shall be a static caravan or mobile home).

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 commercial activities shall take place on the land, including the storage of materials, other than the keeping of horses in need for isolation. The use only ensure the benefit of the applicants, Mr Albert Coates (Jnr) and Ms Amy Coates (nee Broomfield).

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

6) No building, enclosure or temporary structures other than those shown on the approved Untitled plan block plan received on 03 May 2012 shall be erected or placed on the site.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

7) The development hereby permitted shall be carried out in accordance with the following approved plans: RN, RN1 and RN2.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies SP5, CC6, C4, H4

Sevenoaks District Local Plan - Policies EN1, EN4B, H9, H16, NR10

Sevenoaks District Core Strategy 2011 - Policies SP1, SP6, L08

The following is a summary of the main reasons for the decision:

The following very special circumstances exceptionally outweigh any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt by reason of other factors: a) the applicants are considered to be Gypsies; b) there is a clear and immediate need for accommodation within Sevenoaks District and a backlog of unmet need as established by the Gypsy and Traveller Accommodation Assessment; and c) a temporary permission would not result in a permanent adverse impact on the openness and character of the Green Belt.

Description of Proposal

1 The application seeks consent for the retention of use of the land for a gypsy and traveller caravan site including the erection of an amenity building and other residential paraphernalia. The proposed scheme seeks the retention of the provision of one static mobile homes and with one amenity building. The applicants own the full extent of the triangular parcel of land.

Description of Site

2 The site relates to a vacant section of land located on the south east side of Goldsel Road. The site is located to the north of Crockenhill and lies to the south

west of Swanley. The main section of the site is broadly rectangular in shape with a narrow strip of land to the south west. The site slopes steeply down from an embankment from Goldsel Road and then gently slopes away in a south-easterly direction.

- 3 To the south west of the site lies the property of Mannings Bank and to the north west is the junction to Green Court Road. The site is located within the Metropolitan Green Belt.
- 4 The site has been partially cleared and levelled to assist in the location of the hardstanding for the mobile home and vehicular turning area. The site is partially screened from the road due to the topography of the area, however there is a break in the existing south eastern boundary which exposes part of site to and from an existing public right of way (SD186).

Constraints

- 5 Metropolitan Green Belt

Policies

South East Plan

- 6 Policies – CC6, SP5, C4

Sevenoaks District Local Plan

- 7 Policy – EN1

Core Strategy

- 8 Policies– SP1, SP6, L08

Other

- 9 National Planning Policy Framework Paragraphs – 14, 87, 88, 89
- 10 Planning Policy for Traveller Sites, March 2012
- 11 Gypsy, Traveller and Travelling Show-person Accommodation Assessment, Sevenoaks Final Report 2012

Planning History

- 12 SE/94/00554 - Retention of new vehicular crossing and drive - Approved

SE/03/01765 -Proposed replacement bungalow after demolition of existing bungalow due to fire damage - Withdrawn

SE/08/02349 - Retention of mobile home & hardstanding & proposed utility building – Granted

SE/12/00894 – Retention of stable building – Pending Consideration

Consultations

KCC Highways Officer

13 No objection raised

Environment Agency

14 No objection

KCC Gypsy Liaison Officer-

15 No comment

KCC Ecology –

16 No comment.

Crockenhill Parish Council

17 *“A temporary 3 year permission was originally granted purely on the basis of “very special circumstances” as it was acknowledged that the mobile and utility building would harm the openness of the Green Belt. A temporary permission was granted in the hope that decisions would have been taken by 2012 with regard to the provision of sites by SDC. However, this has been hampered by Government and the changing goal posts with regard to the required provisions. It would therefore seem appropriate to the parish council that future decisions should not be pre-empted and that a further temporary permission should be granted, along exactly the same lines as previously, in the hope that the planned decisions will be made by 2014.*

The application refers to past buildings but this use was abandoned and therefore is irrelevant. The buildings on this land are clearly visible, not only from the public footpath but from some aspects of the main road running alongside it and from Eynsford Road.

There is also concern that the proposed utility building is of brick construction which would seem inappropriate for a temporary building.

The parish council submitted a comprehensive objection to the proposal when it was first submitted 3 years ago and can see no reason to change its thoughts on this and would like all previous comments to be taken into account.

This application is purely for the mobile and utility building as the proposed stables has been dealt with separately and has not been considered as part of the application.”

Representations

18 11 neighbours in support of the application

11 neighbours object for the following reasons:

- inappropriate development within the Green Belt;

- no very special circumstances exist;
- erosion of the green wedge between Swanley and Crockenhill;
- running a commercial operation from the site.

Considerations

19 The main considerations of this proposal are:

- the status of the applicant in relation to the advice contained within Planning Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites;
- whether the development constitutes inappropriate development in the Green Belt and whether the proposal causes any other harm to the important attributes of the Green Belt. Should the scheme be considered to constitute inappropriate development it would be necessary to consider whether there are any very special circumstances or other material considerations that would justify a permission;
- impact on character and appearance of the rural area and on the visual amenities of the Green Belt;
- the impact on highway safety;
- the impact on surrounding residential amenities.

Status of applicant

20 Circular 01/06 has been replaced by Planning Policy For Travellers Sites defines Gypsies and Travellers 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 show-people or circus people travelling together as such.”

21 It has been accepted on all previous submissions that the family on-site comply with the definition of Gypsy status.

22 The family on site still travel away to the horse fairs throughout England and Ireland to maintain the family’s means of livelihood.

Green Belt

23 The application site is located within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development in the Green Belt. This includes material changes in the land use which do not maintain openness.

24 The use of the land for the stationing of mobile homes/caravans with associated works would, by its very nature, have a greater impact on the openness of the

Green Belt. The development would result in a loss of openness, which is the most important attribute of the Green Belt. As such, and in accordance with paragraph 89 of the NPPF and paragraph 14 of the Planning Policy for Traveller Sites, the proposal constitutes inappropriate development. Inappropriate development is by definition harmful to the Green Belt.

- 25 In respect of the impact of the structures on the openness of the Green Belt, historically the site has had some element of hard standing. The existing mobile home, proposed utility building and other structures are low level structures/buildings in comparison to more permanent built form, and although domestic paraphernalia, such as television aerials, LPG tank adds to the urbanisation of the plot, the impact upon the wider openness of the Green Belt is somewhat limited by their low level appearance. Furthermore these structures and paraphernalia can easily be removed.
- 26 This does not outweigh the presumption against inappropriate development, in order for inappropriate development to be permitted, very special circumstances need to be demonstrated which clearly outweigh the harm by reason of inappropriateness and any other harm in accordance with paragraph 87 of the NPPF that states:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

This will be considered after all other matters.

Impact on character and appearance of surrounding area

- 27 Policies CC6 of the South East Plan and EN1 of the Sevenoaks District Local Plan require that development respects and takes opportunities to enhance the character and distinctiveness of the locality. The form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard so that the distinctive character of villages is not damaged.
- 28 Policy SP1 of the Sevenoaks Core Strategy seeks for all new development to be of high quality and respond to the distinctive local character of the area. Policy LO8 of the Sevenoaks Core Strategy requires that the countryside should be conserved and the distinctive features that contribute to its character protected and enhanced.
- 29 The site is outside the built area of Crockenhill Village and was previously developed land that had been reclaimed by the environment. The policies of the development plan seek to maintain the character and appearance of the area.
- 30 In this instance there would be a visual impact from the actual development of the mobile homes/caravans and associated paraphernalia. The site is partially screened by existing vegetation but there are gaps allowing views of the site and mobile home from nearby public footpaths. The proposal has an impact therefore on the wider landscape. However it is considered that additional landscaping could take place to mitigate the harm as the site is readily seen from public right

of way (SD186). However, it is not normally acceptable to require landscaping in relation to time limited permissions. On taking the above into account, I am satisfied that if a temporary planning permission were to be granted, the harm to the landscape is not so great to justify a refusal as it would be limited.

- 31 There is some harm in relation to Local Plan policy EN1 and South East Plan policies CC6, C4 and Core Strategy Policy LO8 but this harm must also be weighed against the other factors considered below.

Highway Safety and parking

- 32 Policy EN1 of the Sevenoaks District Local Plan requires that development should ensure satisfactory access for vehicles and pedestrians. The Kent Highway Authority has raised no objection to the existing access or its use based on Highway Safety. Furthermore, the site has been in existence for more than three years and has not presented itself as an issue in terms of trip generation and highway safety issues.
- 33 On considering the above, no objection can be raised in this regard despite the concerns raised by the Parish Council.

The impact on surrounding residential amenities.

- 34 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development including any changes of use does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 35 As the site is separated by a small buffer zone of trees and scrubland to the south-western part of the site. The clear separation distances between properties, it is considered that there would be no harmful loss of outlook and noise and disturbance to nearby residents. .
- 36 As such it is considered that the adjacent property would not detrimentally affected by this development in terms of loss of residential amenity. This proposal would accord to in part with Policy EN1 of the Local Plan.

Very Special Circumstances

- 37 In accordance with paragraph 87 of the NPPF it is necessary to consider whether very special circumstances exist that clearly outweigh the defined harm by reason of inappropriate development and any other harm identified.
- 38 The applicant's agent recognises that the application amounts to inappropriate development in the Green Belt and has submitted the following considerations as a case of Very Special Circumstances
- unmet need for Gypsy sites in Sevenoaks;
 - absence of alternative provision in Kent as a whole;
 - the scope for temporary permissions under Planning Policy For Travellers;

- no pitches available on larger gypsy sites;
 - circumstances remain unchanged since the 2009 permission.
- 39 Adopted national policy is set out in Planning Policy For Traveller Sites adopted March 2012. Paragraph 25 states that local authorities cannot demonstrate an up-to-date five year supply of deliverable sites; this should be a significant consideration when determining applications for the grant of temporary permission.
- 40 In August 2011, the Council commissioned a new Gypsy, Traveller and Travelling Show-person Accommodation Assessment to provide an update on the current need in the District and to consider how the issues in the emerging national policy on local and historic demand could be addressed. This has been completed. The assessment identifies the need for 44 pitches over the period 2012-2016 or 41 pitches, depending on whether the planning definition tests on travelling or reasons for not travelling are applied. The study is based on a survey of 86 resident households and engagement with key stakeholders, such as Kent County Council and SDC site managers.
- 41 Planning Policy for Traveller Sites requires each local authority to 'set pitch and plot' targets which address the likely permanent and transit site accommodation needs of travellers in the light of historical demand. It's also a vehicle to put in place a 5 year supply of deliverable gypsy and traveller sites to meet the need. The Council is currently considering the impact of these changes and allocate sites in response to the identified need through a future Development Plan Document.
- 42 Proposed allocations in a forthcoming DPD, which may include proposals to make temporary sites permanent, will need to take account of criteria in Policy SP6 of the Core Strategy and national policy, including paragraphs 11, 23 and 24 of 'Planning Policy for Traveller Sites'.
- 43 Paragraph 25 states that the lack of a 5 year supply of deliverable sites should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. Paragraph 28 provides that this applies until March 2013.
- 44 It is clear now that until additional sites are identified through a DPD, there is no realistic prospect that an alternative site will become available for the applicant /family.
- 45 The very special circumstances submitted, do not vary significantly in relation to the applicants circumstances from those considered by the Council in 2009. There is no real prospect of providing the families accommodation needs on an alternative site. At present, there are no available spaces on public sites and there is a long waiting list for vacant pitches at Barnfield Park, Ash and Polhill KCC sites. As such, removal of the family would likely result in unauthorised encampments elsewhere, cause significant hardship, disruption and nuisance to those who's land they may settle on and further harm to the environment.
- 46 In the medium to long term the Council has progressed with the adoption of its Core Strategy. There have been delays to preparing the DPD which have come about through the proposed abolition of the South East Plan, but there is a good

prospect of permanent sites being identified through the DPD process, to which the family could then seek to move.

- 47 I am satisfied that the personal circumstances of the applicant taken in conjunction with the guidance within Planning Policy for Traveller Sites regarding temporary consents, the lack of availability of current sites and the Council's policy position, justifies a further three year temporary period.
- 48 A permanent consent has been considered but at present, is not justified as this would be premature to the formal consideration process of allocating gypsy and traveller sites within the DPD.

Other Issues

- 49 The objections raised by the Parish Council and third parties have been fully considered for the reasons cited above. As previously mentioned, as the applicants have demonstrated very special circumstances in this instance, the harm caused to the openness of the Green Belt can be outweighed by the 'special' circumstances of the applicants. The highways officer has considered this proposal and has not raised an objection. Therefore, to raise an objection on the issues raised are not justified in this instance.

Conclusion

- 50 For the above reasons it is considered that a temporary consent for 3 years is justified. This would be consistent with the approach adopted in some other cases where the gypsy status of the applicant has been established. Conditions included shall restrict not only the time period of the consent but also the occupants on site and the numbers of caravans.

Recommendation

That a further temporary time limit is granted.

Background Papers

Site and Block Plans

Contact Officer(s): Sean Mitchell Extension: 7349

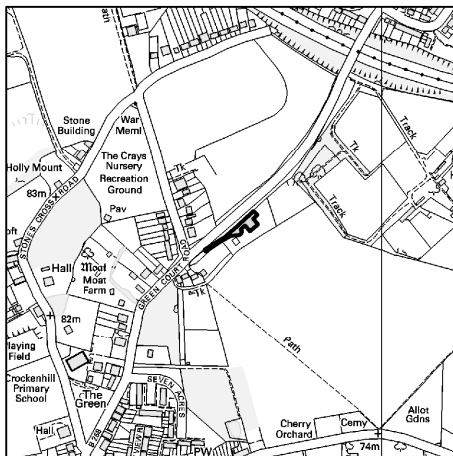
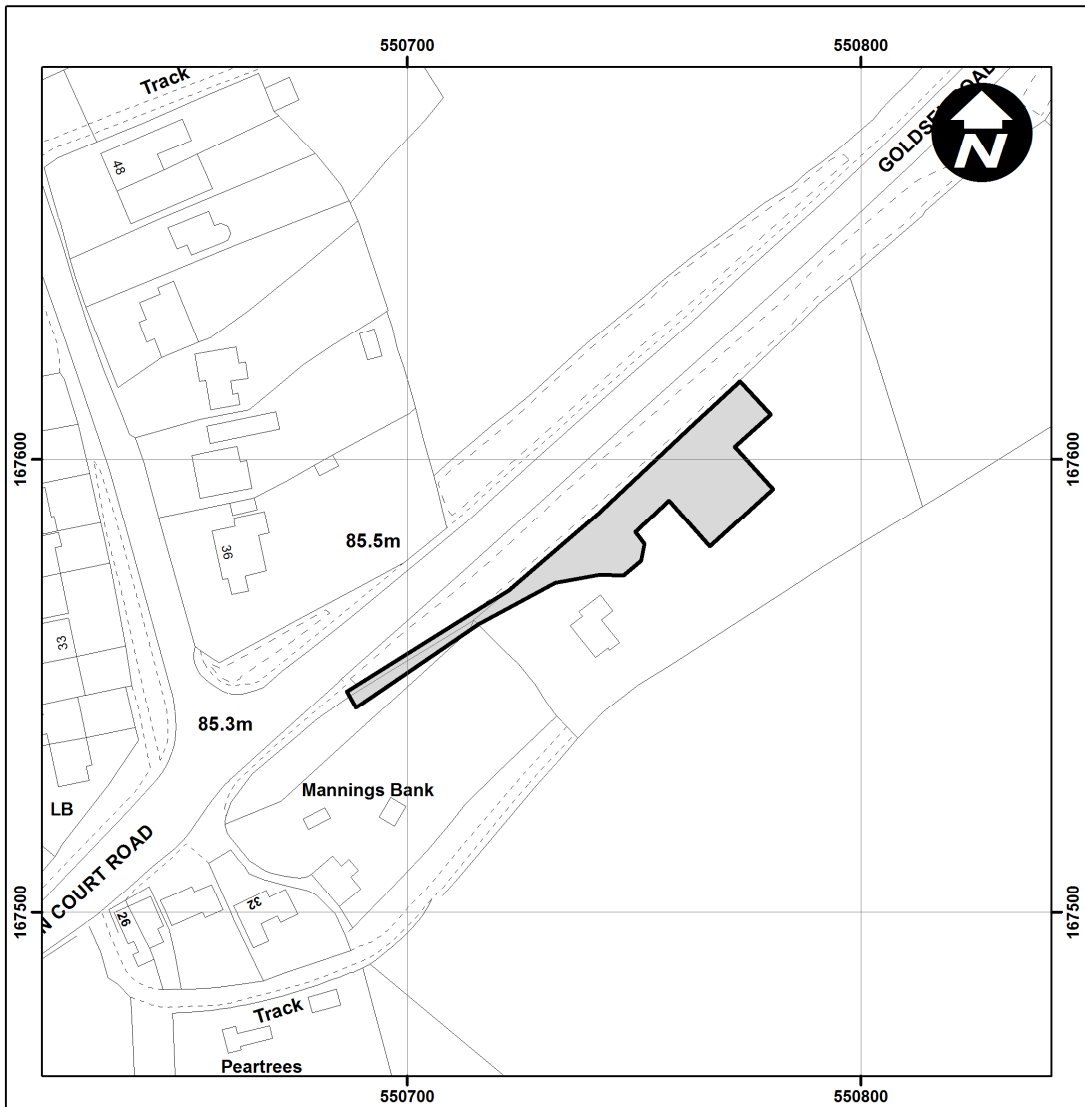
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M1WU8ZBKOCR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1WU8ZBKOCR00>



Site Plan

Scale 1:1,250

Date 06.06.2012



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BLOCK PLAN

