

2.15 REFERENCE NO - 14/505230/FULL			
APPLICATION PROPOSAL			
Variation of conditions 2 and 4 of planning permission SW/11/0496 to provide one additional mobile home on the site (3 statics and one touring caravan in total), and security lighting to the front entrance of the site.			
ADDRESS Jack Russell Place Halstow Lane Upchurch Kent ME9 7AB			
RECOMMENDATION GRANT			
SUMMARY OF REASONS FOR RECOMMENDATION			
The proposed additional caravan and lighting are acceptable in all respects			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council objection			
WARD	Hartlip, Newington & Upchurch	PARISH/TOWN COUNCIL	Upchurch
		APPLICANT	Mrs Georgina Beaney
		AGENT	
DECISION DUE DATE	09/02/15	PUBLICITY EXPIRY DATE	05/05/15
		OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/08/0917	Change of use to residential - stationing of one touring caravan and two mobile homes. Erection of a stable block and a storage shed (open sides).	Approved	23/06/2009
SW/10/0433	Variation of condition 5 of planning permission SW/08/0917 to allow the storage of a 3.5tonne commercial vehicle on the site.	Approved	01/06/2010
SW/11/0496	Removal of condition (1) of permission SW/08/0917 to permit permanent occupancy of the site for Gypsy family.	Approved	24/06/2011

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 Jack Russell Place is a parcel of land located within the open countryside and currently in use as gypsy and traveller site for one family. The site is occupied by a static caravan set approximately 40m into the site; and further to the rear lies a touring caravan; utility block; stables and other structures.

- 1.02 The site lies in open countryside between Lower Halstow and Upchurch, approximately one kilometre from the centre of Upchurch. Halstow Lane is designated as a 'rural lane' for the purposes of Development Plan policy, and the site is also located within the Coastal Zone and the Strategic Gap between the Medway Towns and Sittingbourne. It is not though in an area considered by the Environment Agency to be at risk of flooding.
- 1.03 The area is very rural in character, and despite the surrounding fields being subdivided into paddocks, this area generally retains an open appearance.

2.0 PROPOSAL

- 2.01 This application seeks to vary conditions and 4 of planning permission SW/11/0496 to provide one additional mobile home on the site (3 statics and one touring caravan in total), and security lighting to the front entrance of the site.
- 2.02 The proposed additional static caravan would be located at the rear of the site, adjacent to existing stables/sheds etc.
- 2.03 The proposed lighting would sit on top of the existing gate posts, and would be low level in nature.

3.0 PLANNING CONSTRAINTS

None

4.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS) (Re-issued)

- 4.01 The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). Both documents were released in 2012 but the PPTS was re-issued in August 2015 with amendments. Together they provide national guidance for Local Planning Authorities on plan making and determining planning applications for Gypsy and Traveller sites. A presumption in favour of sustainable development runs throughout both documents and this presumption is an important part of both the plan-making process and in determining planning applications. In addition there is a requirement in both documents that makes clear that Councils should set pitch targets which address the likely need for pitches over the plan period and maintain a rolling five year supply of sites which are in suitable locations and available immediately.

4.02 Whilst regard has been paid to all of the guidance as set out within the NPPF, consider that the following extracts from paragraph 7 are particularly pertinent:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

4.03 In relation to rural housing the NPPF (at paragraph 55) states;

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
 - the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

- 4.04 In relation to conserving and enhancing the natural environment the NPPF, at paragraph 109, states;

The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Planning Policy for Traveller Sites (PPTS)

- 4.05 The PPTS was originally published in March 2012 but it was re-issued in August 2015 with minor changes. Whilst regard has been paid to all of the guidance as set out within the PPTS, its main aims now are:

"The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community." (para 3 PPTS)

To help achieve this, Government's aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning*
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
- c. to encourage local planning authorities to plan for sites over a reasonable timescale*
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development*
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
- g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*

- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions*
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. for local planning authorities to have due regard to the protection of local amenity and local environment.” (para 4 PPTS)*

4.06 In terms of plan making the PPTS advice is that;

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community*
- b) promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) ensure that children can attend school on a regular basis*
- d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) avoid placing undue pressure on local infrastructure and services*
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.” (para 13 PPTS)*

4.07 For sites in rural areas and the countryside the PPTS advice is that;

“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.” (para 14 PPTS)

4.08 In relation to the determination of planning applications the PPTS says that;

“Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.” (para 23 PPTS)

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*

- d) *that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) *that they should determine applications for sites from any travellers and not just those with local connections”*

“However, as paragraph 16 [relating to Green Belts] makes clear, 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.” (para 24 PPTS). Members might like to note that the mini paragraph above was added in the 2015 re-issue of PPTS

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.” (para 25 PPTS). Members might like to note that the word “very” was added to this paragraph in the 2015 re-issue of PPTS.

“If a local planning authority cannot demonstrate an up-to-date 5year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception to this is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).” (para 27 PPTS). Members might like to note that the last sentence above was added to this paragraph in the 2015 re-issue of PPTS.

Finally, the definition of gypsies and travellers has been amended in the re-issued PPTS to remove the words “or permanently” from after the word “temporarily” in the following definition;

“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, but excluding members of an organised group of travelling showpeople or circus people travelling together as as such.”

The implications for this change in definition has clouded the issue with regard to defining need. At this stage, given that the application relates to an additional caravan on an existing site, it is advised that the Council should consider the application in the context of the existing GTAA as set out below.

- 4.09 The Council has responded positively and quickly to the changes in the national policy position in respect of Gypsy and Traveller accommodation. The Local Development Framework Panel quickly supported the commissioning of a new Gypsy and Traveller Accommodation Assessment (GTAA), which was completed in June 2013 and identified a need for 82 pitches to be provided during the plan period (adjusted down from 85 pitches in reflection of those sites granted permanent permission whilst the document was under preparation). This need figure is incorporated within the draft Bearing Fruits Swale Borough Local Plan: Part 1 alongside a policy introducing provision for pitches on certain major development sites. An additional net 47 permanent pitches (some with personal use conditions) have also been approved up to March 2015, reducing the outstanding need to 35 pitches over the Plan period. A further number of pitches enjoy temporary permissions, including the current application site.
- 4.10 Shortly after publication of the GTAA in 2013 the Council began work on Part 2 of the Swale Borough Local Plan which will deal with site allocations for Gypsy and Traveller pitch provision only. This process began with a call for sites between September and December 2013, and the publication of an issues and options paper which was subject to public consultation (this finished on 25th April 2014).

Saved Policies of Swale Borough Local Plan 2008

- 4.11 Policy E1 (General Development Control Criteria) sets out standards applicable to all development, saying that it should be well sited appropriate in scale, design and appearance with a high standard of landscaping, and have safe pedestrian and vehicular access whilst avoiding unacceptable consequences in highway terms.
- 4.12 This site lies within the countryside where policy E6 (The Countryside) seeks to protect the quality, character and amenity of the countryside, and states that development will not be permitted outside rural settlements in the interests of countryside conservation, unless related to an exceptional need for a rural location.
- 4.13 Policy E19 (Achieving High Quality Design and Distinctiveness) requires development proposals to be well designed.
- 4.14 Policy RC7 (Rural Lanes) seeks to protect the physical features and character of rural lanes, of which Halstow Lane is one.
- 4.15 Policy H4 explains the Borough Council will only grant planning permission for the use of land for the stationing of homes for persons who can clearly demonstrate that they are gypsies or travelling showpersons with a genuine connection with the locality of the proposed site, in accordance with 1 and 2 below.
1. For proposals involving the establishment of public or privately owned residential gypsy or travelling showpersons sites:

- a) there will be a proven need in the Borough for the site and for the size proposed;
- b) the site will be located close to local services and facilities;
- c) there will be no more than four caravans;
- d) the site will be located close to the primary or secondary road networks
- e) in the case of a greenfield site there is no suitable site available on previously developed land in the locality;
- f) the site is not designated for its wildlife, historic or landscape importance;
- g) the site should be served, or capable of being served, by mains water supply and a satisfactory means of sewage disposal and refuse collection;
- h) there is no conflict with pedestrian or highway safety;
- i) screening and landscaping will be provided to minimise adverse impacts;
- j) no industrial, retail, commercial, or storage activities will take place on the site.
- k) use of the site will not give rise to significant adverse impacts upon residential amenity, or agricultural or commercial use, of surrounding areas; and
- l) the land will not be in a designated flood risk area.

2. Additionally to 1, for proposals for short term stopping places:

- m) there will be a planning condition to ensure that the length of stay for each caravan will be no longer than 28 days with no return to the site within 3 months.”

4.16 This policy was criticised by the Local Plan Inspector who saw it, as a criteria based rather than site allocations policy, as inconsistent with the then Circular 01/2006 - which itself has since been superseded by PPTS and its emphasis of a five year supply of sites - and the policy can only be of limited significance to this application.

Bearing Fruits 2031: 2014 Publication version of the Swale Borough Local Plan: Part 1

4.17 The Council’s Publication version of the draft Local Plan, entitled *Bearing Fruits 2031*, was published in December 2014 and is shortly due for examination.

4.18 Policy CP 3 of the draft Local Plan aims to provide pitches for gypsies and travellers as part of new residential developments. Policy DM10 sets out criteria for assessing windfall gypsy site applications

Site Assessment

4.19 Ordinarily, as Members will be aware, the site would be assessed for its suitability against a range of criteria. Thwese are designed to assist Members

and Officers in considering whether new sites are appropriately located etc. However – as this application relates to an *additional* caravan at an existing site with permanent planning permission, I have not carried out such an assessment here.

Five year supply position

- 4.20 The PPTS has since 2012 introduced a need for Council's to maintain a rolling five year supply of sites which are in suitable locations and available immediately. This is a relatively new requirement for Council's and the Council could only start attempting to meet this requirement following the commissioning and publication of the GTAA which provided the need figure and a base date. As such, the Council put measures into place to deal with the PPTS requirements very quickly, but have only recently started down the route of trying to maintain a rolling five year supply.
- 4.21 The GTAA sets out a target of 85 pitches to be provided by the year 2031, with a suggested provision of 35 pitches in the first five years (to 2018). Three pitches were approved during the course of the GTAA's production so the final target was in fact 82 pitches. Since the publication of the GTAA and up to the end of March 2015 a total of 47 permanent pitches have been approved in Swale almost exclusively without an appeal, of which 33 pitches had been implemented. Evidence to be presented to the Local Plan examination later this year shows that at the end of March 2015 the need for pitches identified from the GTAA thus stood at 82 pitches minus the 33 permanent pitches approved and implemented, including the personal permissions granted in the interim. This reduced the need to 49 pitches which, at an annualised rate of 4.6 pitches per year (23 pitches over five years) indicated that the Council has already provided a surplus of supply of 0.8 pitches over the full five year requirement. This is calculated by taking the two year annualised requirement of 9.2 pitches from the completions so far to show a current surplus of 23.8 implemented pitches over the two year requirement and already a surplus of 0.8 approved permanent pitches over the five year need after just two years. In addition to this there are a further 13 approved but unimplemented permanent pitches as at the end of March 2015, an overall surplus of 14 pitches. These mostly comprise extensions to, or more intensive use of, existing sites and are awaiting occupation. Since then two more wholly new permanent sites have been approved at Eastchurch and Newington. Planning permission for a further two fresh pitches is awaiting only the completion of a Section 106 Agreement on a large mixed use development site at Faversham. This is a very considerable achievement and indicates the Council's positive attitude to such development in the right location. Furthermore, the likelihood of significant pitch provision as part of major new mixed use developments is a key feature of the emerging Local Plan and we will shortly see if that policy forms part of the final Plan.
- 4.22 However, irrespective of the question of the five year supply, the question of whether any approved and unoccupied sites are available to individual appellants is also normally taken in to account by Inspectors. Here, the evidence suggest that they may consider that sites approved as expansions

of existing site are not readily available to appellants facing loss of their existing temporary site. This appears to confirm their decisions where the question of availability of alternative sites is crucial to their decision.

- 4.23 To conclude on this subject, it seems that there is no reason to see approved but unimplemented pitches as other than as part of a five year supply. Nor should potential ethnic grouping issues rule them out of consideration where this applies. However, there appears to be a question in Inspector's minds regarding whether such sites should be afforded full weight in relation to the prospects of them being suitable for a particular appellant, and whether they will wish to, or be able to, occupy such a site for reasons of ethnicity, or availability for other than families of the current site owners. I will deal with this question below.

5.0 LOCAL REPRESENTATIONS

- 5.01 Seven letters of objection have been received, the majority of which were submitted prior to the change in description of the application. The issues raised which are pertinent to the application (as amended) are as follows:

- permission should not be granted due to the problems surrounding the location;
- sight lines are inadequate
- the land is not suitable for any increase in dwellings as it is not on mains drainage;
- the site threatens the gap between the villages thus resulting in merging settlements;
- increase in light and noise pollution to nearby residents is unacceptable;
- and such an increase in use changes the character of the area;
- in the short distance of less than 1 tenth of a mile the lane which was once agricultural and grazing land now has 2 large static mobile homes and 7 seemingly permanent caravans, a variety of stables and out buildings, vehicles and a boat;
- this proposal to house and store more homes with flood lighting is inappropriate for this location and detrimental to the surrounding countryside;
- the lane is not suitable, being narrow and with several bends and would make the moving of mobile homes in and out of the access point hazardous;
- I object to the continued expansion of the flood plain and its surrounding areas and I am concerned that this will gradually become a larger site;
- it is unacceptable to grant more mobile homes to house other members of the family. I would not be able to build additional housing for my family, they would either have to live with me or move out and find their own accommodation;

- the increase in number from 2 to 5 [Members will note that this application proposes an increase from 3 to 5 caravans] is wholly unacceptable and too large for this site;
- any increase in emerging traffic is not acceptable and puts all road users at risk, whether on the road or leaving the site;
- There are no footpaths for pedestrians and so not an area suitable particularly for young children to access the local school on foot. Given the county's desire to see more children walk to school it seems perverse to consider growth in rural areas which put children in danger;
- Noise pollution from the site is also likely to be exacerbated given the number of dog kennels already on the site, it is not unreasonable to think that each family on site would also require its own kennel. [Members will note that no new dog kennels are proposed here]
- such an increase in caravans would result in an unacceptable change in the character of the area which residents of the village are not prepared to accept and is likely to have a negative impact on the value of properties in the area, a nearby property 'Blenmerrow' failed to sell after being on the market for a considerable time;
- Planning applications for permanent, residential housing on a neighbouring field were refused previously by Swale BC. Given this comprehensive list of problems, this application should be refused.
- Loss of high quality agricultural land;
- Failure to provide sufficient (or any) information to assess whether the proposal would have an acceptable impact on biodiversity and nature conservation interests;
- Upchurch has seen a large increase in the number of travellers who wish to settle in the area. The local school and GP services have not been expanded in order to cope with this influx of people and public services have suffered as a result.
- The grant of permission will only benefit the private interests of the applicant and not the public interest.

6.0 CONSULTATIONS

6.01 Upchurch Parish Council raise objection and comment as follows:

“Upchurch Parish Council strongly object to this application. Firstly, it is rather confusing when reading the applicants letter and then the application form. If this application is to site mobile homes on newly acquired land how does that relate to the request to vary conditions on the original site? is it not necessary to apply for change of use of that land in order to use it for residential? It is difficult to determine from the drawings supplied the 'before and after' layout as no one diagram illustrates the overall site and the 5 mobile homes. There appears to be additional brick wash rooms, breeze block stables and tourer caravans illustrated as well as additional 1.8 meter fencing. The combined diagrams seem more in line with the applicant's original letter outlining the proposed changes to the site but these are not reflected in the application form. Would not further variations in conditions or separate applications be required to meet these needs?”

In principle however, we have strong objections to the increase of mobile homes, which more than double the number originally permitted . It would result in a very densely populated site, not in keeping with the rural aspect of this area of the village. It would also result in Halstow Lane being dominated by mobile homes in a very concentrated area, taking the neighbouring properties into consideration. The volume of mobile homes suggest a substantial increase in residents and we would question the adequacy of amenities such as water and waste disposal and also parking facilities.

With regard to the lighting, the wording requests 'flood lighting security lighting'. By nature of this sort of lighting it is felt this would be very detrimental to, and not in keeping with, the rural aspect of the area. The diagram shows 2 lights on gate posts which would be very close to the road and may have a detrimental impact on highways as distracting to motorists on an otherwise unlit road. If the lighting is to be low level then we would question the benefit. The implications on highways of the lighting and potential increase in traffic access is a strong consideration."

7.0 BACKGROUND PAPERS AND PLANS

Plans, supporting information and decisions for SW/08/0917, SW/10/0433 and SW/11/0496.

Plans and supporting information for 14/505230/FULL.

8.0 APPRAISAL

- 8.01 This site already has permanent planning permission as a gypsy/traveller caravan site, including the stationing of three caravans (two static caravans and one touring caravan. The principle of such a use is already clearly established.
- 8.02 Whilst I note the objections raised on the basis of highway safety and convenience, the addition of an additional static caravan here would not have a significant impact on vehicle movements to and from the site, and it is notable that Kent Highway Services did not object to previous applications at the site. The intensity of the lighting is capable of being controlled by condition, such that it would not have a harmful impact on highway safety.
- 8.03 I also note the objections raised on the basis of loss of value to property. As Members will be aware, this is not in itself a material planning consideration.
- 8.04 I do not envisage harm to residential amenity arising from these proposals. The site is not located in close proximity to dwellings.
- 8.05 The site lies in an area previously identified as being a strategic gap between Sittingbourne and the Medway Towns. This designation stemmed from the Kent and Medway Structure Plan, which was superseded some time ago. It is no longer therefore relevant. In any case, the addition of one caravan, and

two lights to the front of the site is not of a scale that it would lead to the merging of settlements, nor harm to the rural character of the area.

- 8.06 I am mindful that Upchurch and Lower Halstow (and Newington) do have a significant number of gypsy/traveller sites located around them. However – the addition of one caravan to this existing site would not in my opinion add unacceptably to this.
- 8.07 The key issue here is the impact of the additional caravan and the proposed lighting on visual amenity, including on the rural lane, and the character and appearance of the countryside.

Impact on Visual Amenity and Rural Lane

- 8.08 The lighting, as controlled by the conditions below, would be of a low intensity that would not in my view have a pronounced impact on the undeveloped character of the area. It would not in my opinion harm the rural character of the lane, nor the visual amenities of Halstow Lane and the surrounding area.
- 8.09 The proposed additional caravan would be located to the rear of the site, and whilst it would be visible from various public vantage points, it would not be prominent and in any case would be seen in the context of the existing structures, including other caravans, which are already on site. In my view, it would have a limited impact on the visual amenities of the area, and would not cause substantial harm to the character and appearance of the area, nor the rural nature of Halstow Lane.

Other Matters

- 8.10 Members will note, as set out above, that the PPTS has recently been revised. The revisions noted do not have a substantial impact on the development the subject of this application, which is of course on an existing site with permanent planning permission.
- 8.11 Equally, the lack or otherwise of a five year supply is only relevant here if Members consider that the proposed caravan would in itself cause such material planning harm that planning permission should be refused. The approval of this additional caravans would contribute, albeit in a very limited manner, towards addressing the unmet need for pitches within Swale. This does not though amount to a reason for granting planning permission in itself. However – as I set out above, the proposed caravan (and the proposed lights) would have a limited impact such that planning permission should not in my opinion be refused.

9.0 CONCLUSION

- 9.01 The stationing of an additional static caravan here is acceptable as a matter of principle. The proposed additional caravan would not be prominent or obtrusive and would be seen in the context of the existing structures at the

site. The proposed lighting would not be materially harmful. Accordingly, I recommend that planning permission is granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions/

CONDITIONS to include

- (1) The site shall only be occupied by gypsies or travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area.

- (2) No more than three mobile homes and one touring caravan shall be stationed on the site at any one time. The layout of the site shall accord with the approved block plan.

Reason: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area.

- (3) The site shall only be used for residential purposes and it shall not be used for any business, industrial or commercial use. In this regard no open storage of plant, products or waste may take place on the land, no vehicle over 3.5 tonnes and no more than one 3.5 tonne vehicle shall be stationed, parked or stored on the land.

Reason: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area.

- (4) No floodlighting, security lighting or other external lighting (save for the lighting expressly approved by this permission) shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

The lighting expressly approved by this permission shall be of an intensity which shall have been submitted to and approved in writing by the Local Planning Authority, and the source of the lighting hereby approved shall not be visible to users of the highway

Reason: In the interests of highway safety and convenience and preventing light pollution.

- (5) The access details shown on the approved plans shall be maintained in accordance with these details.

Reason: In the interests of highway safety and convenience..

- (6) Upon completion of the landscaping scheme approved under SW/11/0496, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and in pursuance of Policy E1 of the Swale Borough Local Plan 2008.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.