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| 2.6 REFERENCE NO - 14/504681/FULL | | | |
| APPLICATION PROPOSAL Change of use of land to gypsy residential site for the stationing of two static caravans, two tourers, one day room | | | |
| ADDRESS Ramblin Rose, Greyhound Road, Minster-on-sea, Kent, ME12 3SP. | | | |
| RECOMMENDATION Grant further temporary permission for a year from the date of the decision, to enable the applicant to find alternative accommodation. | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The site is not suitable for permanent residential use, but the Council is not yet able to direct the applicant to available alternative sites. | | | |
| REASON FOR REFERRAL TO COMMITTEE Parish Council objection. | | | |
| WARD Sheppey Central | PARISH/TOWN Minster On Sea | COUNCIL | APPLICANT Mr Danny Penfold AGENT Ms Maria Faraone |
| DECISION DUE DATE 02/03/15 | PUBLICITY EXPIRY DATE 02/03/15 | OFFICER SITE VISIT DATE Various | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| SW/07/1198 | Stationing of two mobile homes and erection of a utility building | Approved. | 25.04.2008 |
| Approved for a temporary period of 3 years in recognition of the Council's policy position at the time, the lack of alternative sites to direct the applicant to, and recognition that the site was not suitable for permanent use. | | | |
| SW/11/0522 | Remove condition (1) of SW/07/1198 to allow permanent residential use by gypsy family. | Refused. | 09.09.2011 |
| Two reasons for refusal relating to the remote location of the site making it unsuitable for permanent residential use, and being harmful to the character and appearance of the countryside. | | | |

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Ramblin Rose is a gypsy site situated on Greyhound Road to the east of Minster and west of Brambledown. It is roughly rectangular, sits on the western side of the road, and measures approximately 32m wide x 63m deep. It is largely covered in shingle and contains 2 static caravans, 2 tourers and a wooden utility building. A timber fence runs along the front boundary.
- 1.02 The site sits between two other gypsy sites: The Peartree to the south and Three Palms to the north, and is visible in views from the Lower Road when approaching from the west.

- 1.03 Prior to occupation by the current applicant earlier this year the site had been empty for some time following the departure of the previous resident (Ms. Smith), who moved a few pitches along to The Hawthorns following expiration of the temporary period granted by SW/07/1198.

2.0 PROPOSAL

- 2.01 The application seeks permission for use of the land as a residential gypsy site, including the stationing of 2 static caravans, parking for 2 touring caravans, and the erection of a utility building / dayroom – all as already existing on site.
- 2.02 The applicant, Mr Penfold, is a local gypsy who has travelled across the country for work. He now lives on the site with his three young children in one of the static caravans, while his eldest daughter lives in the other with her husband.

3.0 SUMMARY INFORMATION

| | Existing |
|-------------------------|------------------|
| Site Area (ha) | 0.5acres (0.2ha) |
| No. of static caravans | 2 |
| No. of touring caravans | 2 |

4.0 PLANNING CONSTRAINTS

- 4.01 The site lies within Environment Agency Flood Zone 2.

5.0 POLICY AND OTHER CONSIDERATIONS

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

- 5.01 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.
- 5.02 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.”*

5.03 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.”*

5.04 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)

- 5.05 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)

- 5.06 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)*

- 5.07 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)*

5.08 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)

5.09 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). (This mini paragraph 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). (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.

- 5.10 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.”

Saved Policies of Swale Borough Local Plan 2008

- 5.11 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.
- 5.12 This site lies in an isolated position 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.
- 5.13 Within the countryside, and outside of designated landscape areas such as AONBs, policy E9 (Protecting the Quality and Character of the Borough’s Landscape) expects development to be informed by local landscape character and quality, consider guidelines in the Council’s landscape character and assessment, safeguard distinctive landscape elements, remove detracting features and minimise adverse impacts on landscape character.
- 5.14 Policy E19 (Achieving High Quality Design and Distinctiveness) requires development proposals to be well designed.
- 5.15 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.”

5.16 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 Examination version of the Swale Borough Local Plan

5.17 The Council's Examination version of the draft Local Plan, entitled *Bearing Fruits 2031*, was published in December 2014 and was examined in November and December 2015. 5.25 below provides further commentary on this.

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

Site Assessment

5.19 The Council's February 2014 Gypsy and Traveller Site Allocations: Issues and Options consultations document recommends a new methodology for how to assess site suitability for determining whether or not to allocate a site. Although this was primarily intended to rank potential site allocations, it was agreed by Members of the LDF Panel in June 2014 to be used as a material consideration in planning applications. Even though this is normally done in relation to the potential suitability of a fresh site, given that its publication post-dates the previous grant of temporary permission on this site I have considered it in formulating this recommendation to be sure that the recommendation is up-to-date. This assessment is a Red/Amber/Green staged approach to site suitability, with any site scoring Red in any stage not being progressed to the next stage.

5.20 The red scores mean that the site should not proceed to Stage 3 and will not be a candidate site for a future allocations policy. Ramblin Rose (and, indeed, many of the other sites along Greyhound Road) scores red in a number of categories, including domination of nearest settled community; site access; and access to facilities. It is therefore not considered suitable as a permanent site – this has been the Council's stance in regards to all gypsy and traveller applications along Greyhound Road for a number of years.

Five year supply position

- 5.21 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 Councils 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 has put measures into place to deal with the PPTS requirements very quickly, but has only recently started down the route of trying to maintain a rolling five year supply.
- 5.22 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.

The latest position of site provision

- 5.23 Evidence to the current Local Plan examination is that the Council has re-interrogated the GTAA to determine the appropriate level of pitch provision based on the new 2015 PPTS revised definition of gypsies and travellers. The data reveals that for all but unauthorised sites some two-thirds of households surveyed for the GTAA either never travel or travel not more than once a year. Overall, only 31% of respondents travel a few times a year, and 55% never travel, meaning that in Swale the gypsy and traveller population is quite settled, slightly more so than elsewhere in the country. Many current site occupants no longer meet the new PPTS definition of having a nomadic habit of life
- 5.24 Accordingly, the need for pitches in Swale has been re-evaluated, resulting in a reduced estimate of pitch need of 61 pitches over the Plan period to 2031. Of these 51 have already been granted permanent planning permission meaning that the outstanding need is just 10 pitches to 2031. The Council considers that on the basis of past trends this need could easily be met from windfall proposals.

- 5.25 As a result of this analysis, the Council is suggesting through main modifications to its draft Local Plan that the future need be based on a figure of 61 pitches, leaving a need per year of 0.7 pitches and, that no formal pitch allocations will be needed. Policy DM10 would be revised to deal with these windfall applications and policy CP3 would be removed from the Plan. Accordingly, a Part 2 Local Plan would not be required. The Local Plan Inspector endorsed this approach at the Inquiry sitting in November this year. Full, formal, acceptance of this stance relies upon a further round of public consultation, but based on the representations received up to this point it is not envisaged that there will be a significant deviation.
- 5.26 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.
- 5.27 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.
- 5.28 The revised PPTS (2015) has resulted in considerable uncertainty as it changes the planning definition of a traveller and gypsy, and therefore what number of required pitches need to be identified. The Council has addressed this by re-interrogating the GTAA data and presenting a number of options for the way forward to the Inspector at the current Bearing Fruits Local Plan Examination. At the time of writing the Inspector has yet to consider or decide which option is appropriate and in the mean time it is considered appropriate to continue to consider applications in the context of the GTAA as originally drafted.

6.0 LOCAL REPRESENTATIONS

- 6.01 Minster-on-Sea Parish Council objects on the following grounds:

- i. The proposal contradicts Swale Borough Council Local Plan Policy E6 (the Countryside) which dictates that the quality and character and amenity value of the countryside of the Borough will be protected and where possible enhanced. The application sites lie within the countryside, outside any recognised built up area, as defined in the Swale Borough Local Plan 2008, where policy RC4 for rural restraint applies. The proposal would amount to visually intrusive development which would fail to protect the countryside for its own sake because of its prominent location within a rural area, lack of site screening and the harsh urban appearance of the mobile homes, buildings and hard landscaping presenting as harmful to the character and appearance of the surrounding countryside and does not guarantee environmental sustainability by protecting the rural landscape from development.*
- ii. The proposal goes against the Governments Planning Policy for Travellers which instructs local planning authorities to strictly limit new traveller site*

development in open countryside that is away from existing settlements or outside areas allocated in the development plan. In line with the Governments Planning Policy for Traveller Sites which is now law, local planning authorities have a duty to ensure that gypsy and traveller sites are sustainable; economically, socially and environmentally. The site is remotely located from shops, services, public transport and amenities. There is no pedestrian access and road access is from the A2500 Lower Road, a de-restricted road which is well known for its safety issues having suffered two fatalities within 100 metres of the access to the unmade track at Greyhound Road. There are no employment opportunities available locally. The site cannot be considered to be sustainable or suitable for gypsy and traveller accommodation or indeed ANY residential accommodation. (Planning Officer's Report). This view is supported by the Planning Inspector who when determining the Woodlands Lodge Appeal in October 2014 decided: In terms of the sites location, it is remote and lacks access to local facilities. It is unsuitable and unsustainable for a caravan site. Added to that is the harm caused by the development to the character and appearance of the surrounding area. That harm cannot be overcome by landscape planning. Accordingly the development conflicts with Local Plan Policies E1 and E6 and advice contained in paragraphs 11 and 23 of the Planning Policy for Traveller Sites, because of harmful environmental impact. The Inspector attached substantial weight to those findings. He also concluded that a permanent permission should not be granted. His decision to grant temporary permission until 25 June 2016 was made only to ...allow sufficient time for the appellant to find an alternative site with planning permission and minimise the disruption of education of his children.

Approval therefore contradicts Swale Borough Councils Local Plan policy E1 (General Development Criteria) which 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.

- iii. Policy C of the Governments Planning Policy for Traveller Sites makes it clear that when assessing the suitability of sites in rural areas and the countryside that local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. The cumulative effect of the proposal which considered together with the adjacent sites on the existing community at Brambledown, in terms of their overall scale and the effect of this insidious expansion directly contravenes this policy. The neighbouring Woodlands Lodge application was deemed by Swale Borough Councils Planning Committee on two occasions having refused planning applications on the site, as representing the tipping point in this respect. Granting planning permission will set a precedent that will impact negatively not only on the current sites but on the surrounding area. This will be impossible to defend against future incursions. It will also add to the existing social imbalance stemming from the continuous arrival of unauthorised caravans over several years. It would therefore harm the amenities of the area contrary to Policy E1 of the Swale Borough Local Plan 2008 and government policy 12, 21 and 23 of Planning Policy for Traveller Sites.*

(The residents of Brambledown have no problem with accommodating small sites in their midst, demonstrated by their support for a previous application in Elmley Road, nearby. They do however have a problem with what is now an

inexorably-increasing number of caravans on adjacent plots in Greyhound Road which form, in effect, one large site).

- iv. *The Governments Planning Policy for Traveller Sites legislation specifically promotes peaceful and integrated co-existence between the site and the local community. However, the Greyhound Road sites have a long and contentious history of various breaches of planning control, which have caused friction with local residents.*

In concluding, MPC urges SBCs Planning Committee to take these factors into consideration by refusing planning permission before any further harm is incurred."

6.02 No other representations received.

7.0 CONSULTATIONS

7.01 The Environment Agency has no objection.

7.02 The Lower Medway Internal Drainage Board (LMIDB) notes that the site is adjacent to the South Lees Drain and therefore any works within 8m of the watercourse will require the Board's consent. They also recommend that any soakaways should be agreed by the Environment Agency before installation.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Of particular relevance is the appeal for Woodlands Lodge, another gypsy / traveller site also on Greyhound Road, under ENF/13/0036 and APP/V2255/C/13/2208507.

8.02 An enforcement notice was served on 14 October 2013 in respect of the applicant having moved on to the site unlawfully. The breach alleged within the notice was *"without planning permission, the material change of use of the land to land used as a caravan site for the stationing of caravans/ mobile homes used residentially, including the erection of a utility building(s) and the laying of hard-surfacing"* at land now known as Woodland Lodge, Brambledown, Greyhound Road, Minster.

8.03 The appeal was allowed – largely on the personal circumstances of the applicant, but also as the Council could not identify other sites to which the applicant could relocate – and with the Inspector commenting (at paras. 41 and 43 of the decision):

"In terms of the site's location, it is remote and lacks access to local facilities. It is unsuitable and unsustainable for a caravan site. Added to that is the harm caused by the development to the character and appearance of the surrounding area. That harm cannot be overcome by landscape planting. Accordingly, the development conflicts with LP Policies E1 and E6, and advice contained in paragraphs 11 and 23 of the PPTS, because of the harmful environmental impact. I attach substantial weight to these findings.

On balance, however, taking all of these considerations into account, I conclude that the identified harm that arises from the development outweighs my findings on the positive aspects of the development. On this basis, a permanent permission should not be granted at this time."

8.04 Members will also recall applications for The Hawthorns, The Peartree, and Blackthorn Lodge, which were considered at the meeting on 17 December 2015, and

where Members agreed to grant permission for a year from the date of those decisions, to allow current residents time to find alternative accommodation.

9.0 APPRAISAL

- 9.01 The PPTS suggests that local planning authorities should have due regard to the protection of local amenity and local environment and ensure that traveller sites are sustainable economically, socially and environmentally. The PPTS makes it clear 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.”* PPTS goes on to say that *“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.”* It is worth noting that the word “very” was added to this paragraph in the 2015 re-issue of PPTS which implies to me that whilst there is still no outright ban on approving sites in open countryside, there is a need to give greater weight to the harm that sites such as this one can do to the character of open countryside.
- 9.02 The proliferation of sites on Greyhound Road has caused some harm to the character and appearance of the street scene and the wider countryside. An area of woodland has been removed to make room for the various plots and, as a result, a number of the sites – including Ramblin Rose due to its position on the western side of the road – are prominent in views from the Lower Road and give rise to a harsh urbanised appearance that is contrary to the rural character of the area. I am not convinced that landscaping entirely mitigates this harm.
- 9.03 The number of sites on Greyhound Road has also reached a point at which they dominate the local settled community at Brambledown and the small unmade local roads nearby.
- 9.04 The unsuitability of the location along with the harm caused, as set out above, is a clear indication that permanent planning permission should not be granted. The Inspector’s decision on the Woodlands Lodge appeal (as above) supports this assertion, and provides a clear steer for the Council.
- 9.05 However - I consider that there has been a significant change in relevant considerations since the original grant of temporary permission for this site in 2011, with a very strong growth in the number of permanent permitted pitches within the Borough, and the evolution of the Council’s policy approach to gypsy and traveller sites.
- 9.06 I understand that at the end of the 2014/2015 annual monitoring year 47 permanent gypsy and traveller sites had been permitted. According to the strictest supply calculation, that represents a more than five year supply of sites in just two years, with approval of more windfall sites likely. As such, I see no overriding need for sites that suggests that a site with such clear environmental and sustainability objections should be approved on a permanent basis. Any re-calculation of need following the re-issue of PPTS can only reduce the need figure, but that is an argument that I do not feel needs to be given weight here.

- 9.07 This situation may improve still further with new sites coming forward on new major development sites or through windfall applications. However, there is not yet a set of currently genuinely available sites for this applicant to relocate to, and it is unlikely that there will be in the immediate future. This suggests that more time than initially thought is required to see the future of the applicant resolved and further clarification on gypsy and traveller policy would be established through National Planning Policy Guidance and the adoption of the Local Plan.
- 9.08 This suggests that there is a need to grant further temporary permissions for the existing sites along Greyhound Road, including the current application site, to enable the applicants to find alternative accommodation.
- 9.09 I therefore recommend that temporary permission, for a period of 1 year, be granted, which will give time for the applicants to investigate alternative accommodation and for the Council to continue to review its position in regards to the supply of sites.
- 9.10 I consider that the Council's position is not strong enough in terms of being able to direct the applicant to alternative sites at this time to justify an outright refusal of permission if an appeal were to be submitted. In this regard I would revisit the previous Inspector's decision, as above, in which the Inspector comments "*I find that in the immediate future, the prospects of finding an affordable, acceptable and suitable alternative site with planning permission in the Borough appear limited.*"
- 9.11 Members will be aware that the rights of the child are of paramount importance when considering all applications for planning permission, and in particular those for gypsy/traveller accommodation. In this case, the applicant has three children, aged between 3 and 17 on the site. In my view, it would cause disproportionate harm to their interest, including their education, to refuse this application. Members may be aware that the appeal at Woodlands Lodge was allowed primarily due to the presence on site of the applicants children. I see no reason to differ here. I do not consider that the further grant of temporary planning permission, as opposed to a permanent permission, would cause significant harm. It would allow sufficient time for the applicants to find alternative accommodation.
- 9.12 The further grant of temporary permission amounts to an interference with the rights of the applicant under article 8 of the Human Rights act to respect for their home, family and private life. However – in my view it is a proportionate interference, having regard to the impact of the development on the countryside and the public interest inherent in protecting it.

10.0 CONCLUSION

- 10.01 The application seeks permanent residential use of the site by a gypsy family. The Council has long held the view, which has been supported at appeal, that the site is not suitable for permanent accommodation, and the Council has now effectively met its 5-year supply target, but at this stage we are unable to direct the applicant to available alternative pitches.
- 10.02 Taking the above into account I recommend that a further temporary permission be granted for a period of 1 year to allow time for the applicant to find suitable alternative site.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The use hereby permitted shall be for a limited period being the period of one year from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

Reasons: As permission has only been granted in recognition of the particular circumstances of the case, having regard to the lack of alternative, available sites elsewhere within the Borough, in accordance with DCLG Planning Policy for Traveller Sites.

- (2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the DCLG Planning Policy for Traveller Sites.

Reasons: 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) No more than one touring caravan shall be stationed on the site at any one time.

Reasons: 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) 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 and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

Reasons: 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.

- (5) No floodlighting, security lighting or other external lighting 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.

Reasons: In the interests of preventing light pollution.

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

Reasons: In the interests of highway safety and convenience.

- (7) No building or structure shall be erected or stationed within 8 metres of the adopted drainage ditch.

Reasons: To ensure the use does not give rise to concerns over localised flooding.

- (8) The area shown on the layout submitted (as part of application SW/11/1430) as vehicle parking or turning space shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of

land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reasons: To ensure the use does not prejudice conditions of highway safety and in accordance with Policy T3 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.