

2.12 REFERENCE NO - 15/510676/FULL			
APPLICATION PROPOSAL Change of use of land to extend an existing gypsy caravan site to provide for two additional pitches and addition of a dayroom.			
ADDRESS Jack Russell Place, Halstow Lane, Upchurch, Kent, ME9 7AB.			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal would provide additional pitches on an existing gypsy site to cater for family growth, and without causing serious harm to the character or amenity of the countryside.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN Upchurch	COUNCIL	APPLICANT Mr & Mrs Beaney AGENT Mr Ronald Perrin
DECISION DUE DATE 12/02/16	PUBLICITY EXPIRY DATE 15/02/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/08/0917	Use of the site for the stationing of a touring caravan, two mobile homes, the erection of a stable block and a shed, for residential use by a gypsy family.	Temporary permission granted	18.06.2009
Approved by Planning Committee for a temporary period of 2 years to allow further consideration of the acceptability of permanent permission, with particular regard to the (then ongoing) GTAA and pitch provision need.			
SW/10/0433	Variation of condition to allow parking of a single work vehicle on site.	Approved	01.06.2010
Considered to have no significant detrimental impact on the visual amenities and character of the surrounding rural area.			
SW/11/0496	Removal of condition (1) of SW/08/0917 to allow permanent occupancy of the site.	Approved	24.06.2011
Approved by Planning Committee as the site is considered suitable for permanent gypsy/traveller occupation, would not give rise to any serious amenity concerns or landscape impacts, subject to suitable mitigation by way of landscaping, and would contribute positively to the Council's pitch provision target.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 Jack Russell Place is a permanent gypsy/traveller site currently occupied by one family. The site is currently occupied by three static caravans (one of which is unauthorised – discussed further below), two tourers, two wooden sheds, and a number of small timber chicken coops and dog kennels. There is a vehicle access

running through the centre of the site, and the previous rear fence has been removed and new fence erected as per the submitted drawing to pre-emptively enclose the current application site.

- 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' under the adopted Local Plan, and the site is also located within the Coastal Zone and the Strategic Gap between the Medway Towns and Sittingbourne. It is not in an area considered by the Environment Agency to be at risk of flooding.
- 1.03 The wider area is generally rural in character, and despite the surrounding fields being subdivided into paddocks and a number of residential caravans within the vicinity, the area generally retains an open appearance. Planting and soft landscaping to the front of the existing site has taken hold, and provides an effective screen in views from the road. Planting along the side boundaries has also matured and now rises above the boundary fencing to help soften the visual impact of the site in longer views.
- 1.04 Application SW/08/0917, which sought permission for the use of the site for the stationing of a touring caravan, two mobile homes, the erection of a stable block and a shed, was approved on a temporary basis for two years by Planning Committee at its meeting on 18th June 2009. A subsequent application to allow the parking of a single transit van at the site (reference SW/10/0433) was approved by Members.
- 1.05 In 2011 application reference SW/11/0496 granted permission for removal of condition (1) of SW/08/0916 to allow permanent occupation of the site. This was approved by Members in recognition of the sites' generally acceptable location and the low impact of the development upon the open and rural character of the area. Furthermore the site contributed positively towards the Council's (then) inadequate pitch provision figures.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for change of use of land to the rear of the existing site to allow stationing of two additional static caravans (for a total of five), and erection of a dayroom. The additional pitches will provide for the applicant's children who currently live in with their parents / older siblings, but are getting older and need their own private accommodation.
- 2.02 The submitted Design & Access Statement explains:

"They envisage extending the existing site...and positioning the two proposed pitches to the immediate rear of the existing static caravans... Each would comprise a further static caravan plus touring caravans, to be served by a footpath, with a gate to allow access for the tourers. A grassed area would be left for amenity purposes, and a field gate inserted to give access to the residue of the land.

Additionally a dayroom is proposed to serve the needs of this family unit. It is to be finished in brick with a plain tiled roof, and would measure 10 metres by 7 metres, with a ridge height of 4.5 metres. It would be a single storey and provide this family unit with a communal area, plus areas for the children to use, together with kitchen and bathroom facilities... I would also stress the dayroom would be ancillary to the use of the site, and is not intended to be a separate residential dwelling."

2.03 The D&A explains that the applicant has four children, the eldest two of whom have their own households elsewhere, but that the youngest two live with their parents / grandparents and are now of an age where they require their own caravans. It is these two children, Jack and Matilda, which the new caravans will serve.

2.04 Further to discussions with the agent additional information was submitted, which notes:

"I am told by Mrs Beaney that Jack will be 17 in July [2016] and is already going steady with a gypsy girl, and they plan to marry. As you will be aware gypsies tend to marry at a young age, so this couple now have a need for independent accommodation in the very near future, let alone a need arising from any issues of 'inconvenience', real as that is. Jack and his partner will travel, but they aim to do so from a settled base, which is the way of the modern gypsy.

Similarly, his sister, Rita Matilda, needs her own space, as she currently shares a caravan with her older sister, Emily Jane. Emily Jane, however, is already 19, and she, too, is courting strongly with a gypsy boy, and they intend to marry. She also requires a further pitch, leaving Rita Matilda to live in the caravan they currently share. Emily Jane will travel with her new partner, but, they, too, wish to do so from their own settled base.

...Jack Russell Place is the existing family site. These children are direct descendants of an established gypsy family. Emerging policy aims to safeguard this site. It also supports the extension of existing sites. The proposal has been carefully conceived to minimise its impact on its surroundings. These surroundings are comparatively ordinary countryside, and have no special environmental designations, unlike much of the Borough. There is no evidence of any other harm."

3.0 PLANNING CONSTRAINTS

3.01 None.

4.0 POLICY AND OTHER CONSIDERATIONS

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 I 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. 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). I 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). I 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). I 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 affected the issue with regard to defining need and this matter is the subject to some very recent changes regarding the Council’s emerging Local Plan, which are referred to 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 was 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) had also been approved up to March 2015, reducing the outstanding need to 35 pitches over the Plan period. Further permanent permissions have since been granted. A further number of pitches enjoy temporary permissions.
- 4.10 Shortly after publication of the GTAA in 2013 the Council began work on Part 2 of the Swale Borough Local Plan which was intended to 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 25 April 2014). The Local Plan was subject to examination in November 2015 and the latest position on this is referred to below.

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 Within the countryside policy E9 (Protecting the Quality and Character of the Borough’s Landscape) gives priority to the long term protection and enhancement of the quality of the landscape, whilst having regard to the economic and social well being of their communities. Policy E9 seeks to protect the quality, character and

amenity value of the wider landscape of the Borough. Within the countryside it 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.

- 4.14 Policy E19 (Achieving High Quality Design and Distinctiveness) requires development proposals to be well designed.
- 4.15 Policy RC7 (Rural Lanes) seeks to protect the physical features and character of rural lanes, of which Halstow Lane is one.
- 4.16 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."
- 4.17 This policy was criticised by the 2008 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.

Swale Landscape Character and Biodiversity Appraisal SPD 2011

- 4.18 This site is within the Upchurch Fruit Belt landscape character area as defined in the March 2011 Swale Landscape Character and Biodiversity Appraisal, areas which are seen as of moderate condition and sensitivity.

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

- 4.19 The Council's Publication version of the draft Local Plan, entitled *Bearing Fruits 2031*, was published in December 2014 and underwent examination in November 2015. The Local Plan Inspector's relevant interim findings are set out below.
- 4.20 Policy CP 3 of the draft Local Plan aimed to provide pitches for gypsies and travellers as part of new residential developments. Policy DM10 set out criteria for assessing windfall gypsy site applications. These policies are now being significantly revised or abandoned as appropriate according to the Council's re-assessment of site need in the light of the changes to PPTS and local progress on site supply. This is discussed below.

Site Assessment

- 4.21 The Council's February 2014 Gypsy and Traveller Site Allocations: Issues and Options consultations document recommended 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 a site assessment exercise has been carried out in relation to this site and it is enclosed with this statement (see coloured sheets enclosed). The 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.
- 4.22 The assessment starts with Stage 1: Availability. The applicant is in occupation of the site. Here the site scores green. This means that the site should proceed to Stage 2.
- 4.23 Stage 2: Suitability/Constraints: The site is not in a flood risk zone (assessment green); it is not within a designated landscape (green); it has no unacceptable impact on biodiversity (green); no dominating effect on settlements on its own but there are already other private gypsy sites elsewhere within the Parish that are a cause for concern to local residents, but an appeal is lodged this will indicate sustained pressure for sites here which taken together will have a significant effect on such a sparsely populated and otherwise unspoilt area (green); no adverse impacts on heritage/archaeology (green); is not known to be contaminated (green); will not be subject to unacceptable noise or disturbance (green); good access to the highway (green); and within walking distance of many facilities within both Upchurch and Lower Halstow (green). The site "scores" green in every category and is therefore considered to be a good site.
- 4.24 The arrangements for production of Part 2 of the new Local Plan included consultation upon a preferred options document in Summer 2014. The future of and need for Part 2 of the Local Plan was expected to be dependent upon the successful adoption of Part 1 of the Local Plan. It was intended that should the Local Plan Inspector find problems with Part 1 of the Local Plan, Officers were likely to suggest that all pitch provision matters be deferred to Part 2 to enable Part 2 of the Local Plan to progress independently of Part 1. The latest position on this issue is referred to below.

Five year supply position

- 4.25 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.
- 4.26 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 were approved in Swale almost exclusively without an appeal, of which 33 pitches had been implemented. Evidence presented to the recent Local Plan examination 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. These mostly comprised extensions to, or more intensive use of, existing sites and were awaiting occupation. Since then six more wholly new permanent sites (comprising eight pitches) have been approved including two fresh pitches on a large mixed use development site at Faversham. This provision of 55 permanent pitches (47 in 2013 to 2015 plus eight (8) in 2015/2016) is a very considerable achievement and indicates the Council's positive attitude to such development in the right location. As at July 2016 monitoring shows that 41 new permanent pitches have been implemented with 13 pitches yet to have their permission implemented. Based on these figures the Council has already met two thirds of the target to 2031 and the number of pitches completed exceeds any residual requirement for the five year period. The Council is able to demonstrate a five year supply and has in fact exceeded a 10 year supply of pitches.

The latest position of site provision

- 4.27 The revised PPTS (2015) has resulted in considerable uncertainty as it changed the planning definition of a traveller and gypsy, and therefore what number of required pitches need to be identified. Evidence to the recent Local Plan examination was that the Council has re-interrogated the GTAA data to determine the appropriate level of pitch provision based on the new 2015 PPTS revised definition of gypsies and travellers. The data revealed 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 of the borough's Gypsy/Traveller population no longer meet the new PPTS definition of having a nomadic habit of life
- 4.28 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; this being the most generous of the possible reduced pitch numbers scenarios considered. Of these, 55 have already been granted permanent planning permission meaning that the outstanding need is six (6) pitches to 2031. The Council considers that on the basis of past trends this need could easily be met from windfall proposals. Moreover it indicates that by proper engagement with the Council appropriate sites can be found in sustainable and acceptable locations in Swale (outside of the AONB or other

designated area) without an appeal, meaning that there is a high probability of being able to find an acceptable alternative site with minimal delay.

- 4.29 As a result of this analysis, the Council is suggesting through Main Modifications to its draft Local Plan (published in June 2016) that the future need be based on a figure of 61 pitches, leaving a need per year of less than one pitch and, that no formal pitch allocations will be needed. Policy DM10 has been revised to deal with these windfall applications and the element of policy CP3 on pitch allocations is to be removed from the Plan. Accordingly, a Part 2 Local Plan would not be required.
- 4.30 The Local Plan Inspector's third interim report (March 2016) fully supports the Council's proposed position regarding gypsy and traveller site provision, accepting that the remaining need for sites can be managed by windfall applications and without a Part 2 Local Plan. The Inspector also accepts that the Council should revise draft Plan policies to reflect progress on site provision whereupon the Plan will be effective and consistent with national policy. In June 2016 the Council published Main Modifications to the draft Local Plan to confirm these intentions and these are due to be considered at the resumption of the Local Plan EIP in January 2017.

5.0 LOCAL REPRESENTATIONS

- 5.01 Upchurch Parish Council object to the application on the following grounds:

- *"We continue to object to the ever expanding population of travellers homes in and around the village. It is felt by the nature of this application that this particular site will continue to expand."*
- *"Following our previous comments on this application. Upchurch Parish Council would like to add that the application does not appear to adhere to the Travelers site policy implemented in August 2015 which states that the applicant must prove that they are of nomadic existence."*

- 5.02 Lower Halstow Parish Council (the neighbouring Parish) object to the application on the following grounds:

- *"The site is on the narrowest part of Halstow Lane and the exit sight lines from the site are limited and further traffic using the access will increase the risk of accidents."*
- *"There has been a disproportionate increase of traveller sites to the west of the A249 compared to other parts of Swale and this puts increased pressure on local services and amenities."*
- *"Planning permission for permanent structures in this area has been refused by the Borough Council."*
- *"There is no justification given for increasing the number of caravans on this site."*
- *"The site lies in the green belt land between two villages."*

- 5.03 The Swale Footpaths Group has no objection.

- 5.04 Two letters of objection received from local residents, raising the following summarised concerns:

- The applicants run a dog breeding business from the site, with a consequent increase in vermin and noise;
- There are a number of unauthorised structures on the site;
- The proposed caravans are for the applicant's children who have never travelled for work and do not fit the definition of gypsies and travellers;

- The application for neighbouring Ridgedale Stables was refused and the Council should be consistent;
- Increased traffic and parking requirement;
- Additional caravans will “detract from current view;” and
- Loss of tranquillity.

6.0 CONSULTATIONS

6.01 None.

7.0 APPRAISAL

Principle

- 7.01 In terms of the status of the applicants, it was considered at the time of the original application in 2008 that the family fell within the definition of gypsies/travellers as set out in circular 01/2006. I initially had concerns that the applicant’s children may not fit the description of gypsies / travellers, but on discussing the case with their agent, and receipt of further information, I am satisfied that the children are actually of an age where they would be starting to follow the family’s traditional lifestyle – they are both starting their own families, and travel for work in the traditional manner. No evidence has been provided to dispute this position.
- 7.02 As noted above the Council’s GTAA recognises that most of the additional pitch need within the Borough comes from family expansion and “hidden households” such as in this instance.
- 7.03 I note reference to the Ridgedale Stables refusal within local objections. Members should be aware that that site differs from this in that the Ridgedale caravans need to be situated close to the road in order to be out of the flood risk zone, which increases their prominence and consequent visual harm. I therefore do not consider that there are any parallels to be drawn in terms of principle of development between Ridgedale and Jack Russell due to the particular site circumstances.
- 7.04 The site is within close proximity of both Lower Halstow and Upchurch, between which offer a full range of services including primary school, GP surgery, supermarket, takeaways, bus stops, pubs, etc. Taking all of this into account I consider the principle of additional pitches / caravans to be acceptable here.

Amenity

- 7.05 The site remains well removed from dwellings. The closest dwelling is Alqueira LaRana situated roughly 240m to the north of the extended site boundary. As such there is likely to be very little, if any, significant impact upon residential amenity over and above the current situation.
- 7.06 I note local comments in regards noise, disturbance and vermin, particularly from dogs on the site. Having visited the site on a number of occasions I have not seen any evidence of commercial dog breeding – there are a number of kennels within the site but these seem to house the applicant’s 3 dogs, which are ostensibly there for site security. Furthermore these matters are not material planning considerations and could be investigated by the Council’s environmental response team if complainants wished to pursue their concerns.

Landscape character / visual amenity

- 7.07 Whilst there is a close-boarded fence around the site perimeter the hedgerow planting within the site has established itself and towers up above the top of the fence panels. Due to surrounding land levels and roadside planting the fence is not a prominent feature of the landscape until you are almost immediately adjacent to the site, and it is the planting that is more noticeable within the landscape.
- 7.08 If this is repeated within the extended site area to the rear (which can be achieved through conditions as recommended below) I consider that the development would not be overly prominent or seriously intrusive within the context of the local landscape. The adopted Swale Landscape Character and Biodiversity Appraisal does refer to a “strong sense of enclosure” within the area, particularly from field divisions and hedgerow planting, which I consider his development would fit in with.
- 7.09 The existing planting to the front of the site provides an effective screen in views from the highway, and I do not consider a site extension or additional caravans would seriously affect this.
- 7.10 The applicant has pre-emptively erected a close-boarded fence around the new site area, and whilst this is generally not encouraged it has given me the opportunity to consider the proposal in real terms. I do not consider the additional fencing to be significantly more harmful than that around the approved site area.

Other matters

- 7.11 I note that there is currently an unauthorised caravan on the site, situated close to the site entrance. This was reported to the Council’s planning enforcement team by a number of complainants. I mentioned this to the applicant during my most recent site visit, and they were aware of the bad press this could bring to their application, but explained that the unit (which will be used as one of the new units applied for under this application) had been offered to them at a price too good to pass up and they elected to take a chance.
- 7.12 The agent has confirmed this, and comments:
- “She also advises me that there is an additional caravan at the front of the site at the present time. It is intended as one of the new caravans, and is simply stored there. It is not connected and it is not used. She had purchased it in anticipation of approval, but because of the high cost of storage elsewhere felt it necessary to bring it onto the land. Whilst I appreciate this is not ideal, you will know that the application has taken a lengthy time to determine, and she felt pressured by the circumstances. No disregard for the decision process has been intended.”*
- 7.13 The above notwithstanding, Members must be clear that the presence of this unauthorised caravan is not a material consideration in the determination of this application, and officers would not be able to defend an appeal if permission were refused for this reason as the proposal is otherwise considered to be acceptable.
- 7.14 I do not consider that the development would give rise to any significant additional vehicle movements to the extent that permission could be refused on highway safety and amenity grounds. The existing access serves the site well and provides sightlines in both directions.

7.15 I note the two Parish Council's objections in regards the number of gypsy and traveller sites within their areas, but reiterate that the caravans here would provide accommodation for people already living on the site. This application therefore would not result in an additional site, or introduce more people into the area (to make use of local services).

8.0 CONCLUSION

8.01 The application proposes an extension to an existing permanent gypsy / traveller site to provide two additional pitches for the applicant's children, who now require their own accommodation. The Council's GTAA recognises such circumstances as the main driver behind the need for additional pitches within the Borough, and the proposal is supported by local and national policy.

8.02 I have considered local objections but, on balance, consider this to be an acceptable scheme that would not give rise to any significant or serious impacts. I therefore recommend that planning permission should be granted.

9.0 RECOMMENDATION – GRANT Subject to the following conditions

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (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 five mobile homes and three touring caravans shall be stationed on the site at any one time, laid out in accordance with drawing JRP 2 A, received 10 December 2015.

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, no vehicle over 3.5 tonnes and no more than one 3.5 tonne vehicle 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: To minimise light pollution.

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

Reasons: In the interest of highway safety and convenience.

- (7) The use hereby permitted shall cease and any caravans, shed, other structures, hard standings, fences, materials and equipment on the site and connected with the use, together with all ancillary vehicles and equipment, shall be removed within 28 days of any one of the following requirements not being met:

- (i) within 3 months of the date of this decision there shall have been submitted for the approval of the Local Planning Authority a landscaping scheme comprising full details of both hard and soft landscape works. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
- (ii) within 11 months of the date of this decision the landscaping scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such a scheme, or fail to give a decision within the prescribed period an appeal shall have been lodged and accepted as validly made, by the Secretary of State.
- (iii) if an appeal is made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted landscaping scheme shall have been approved by the Secretary of State.
- (iv) all works comprised in the landscaping scheme as approved shall have been implemented, and completed within the timetable set out in the approved scheme.

Reasons: In the interest of visual amenity.

- (8) Upon completion of the approved landscaping scheme, 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.

Reasons: In the interest of visual amenity.

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:

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 acceptable as submitted and no further assistance was required.

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.

APPENDIX A – pages 106, 107 & 108