

PLANNING COMMITTEE – 8 NOVEMBER 2018

PART 1

Report of the Head of Planning

PART 1

Any other reports to be considered in the public session

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| 1.1 REFERENCE NO - 15/502716/FULL | | |
| APPLICATION PROPOSAL Change of use of land to single gypsy pitch and associated development | | |
| ADDRESS Breach Farm Paddocks Land North-east Of Breach Farm Bungalow Breach Lane Upchurch Kent ME9 7PE | | |
| RECOMMENDATION Revoke Planning Permission | | |
| WARD Hartlip, Newington And Upchurch | PARISH/TOWN COUNCIL Newington | APPLICANT Mr M Love AGENT Patrick Durr |

1. BACKGROUND

- 1.1 This report relates to an extant planning permission at Breach Farm Paddocks, Breach Lane, Upchurch.
- 1.2 Planning permission was granted for the development in October 2015, and has recently been implemented.
- 1.3 The applicant no longer wishes to progress this scheme and instead is seeking planning permission for an adjacent site as an alternative (application reference 17/506569/FULL). In order to avoid the situation whereby the two sites could both be completed, it is necessary to revoke the permission granted initially. Such a decision is not delegated to Officers by the Constitution, hence this report being presented to Members for a decision.

2. PROPOSAL

- 2.1 The approved scheme sits above the level of Breach Lane, and the highway to the south. As such it is comparatively prominent in the landscape. The approved development would be noticeable (although not materially harmful) from a distance.
- 2.2 The alternative site sits at a much lower level, closer to the highway and better screened from view from distance and in close proximity. The scheme proposes the same number of caravans (one static and one tourer) together with a utility room.
- 2.3 In my view, given a choice between the original approved scheme and the proposed alternative, the alternative is preferable. The current, alternative application has been the subject of consultation and, whilst it has attracted objections from local residents, Newington Parish Council (despite the address above, the site lies within Newington Parish) do not object if any permission granted would be an alternative to the approved

scheme. The Ward Members have been consulted and do not wish the application to be reported to the Planning Committee. The determination of the alternative planning application (Ref 17/506569/FULL) can therefore be a delegated decision.

- 2.4 Under Section 97 of the Town and Country Planning Act 1990 (as amended) the Council has the power, where expedient, (and in very specific circumstances) to revoke permissions granted. In the case of changes of use, this can only be done where the use has not yet commenced.

3. BACKGROUND PAPERS AND PLANS

Application papers and correspondence for 15/502716/FULL and 17/506569/FULL

4. APPRAISAL

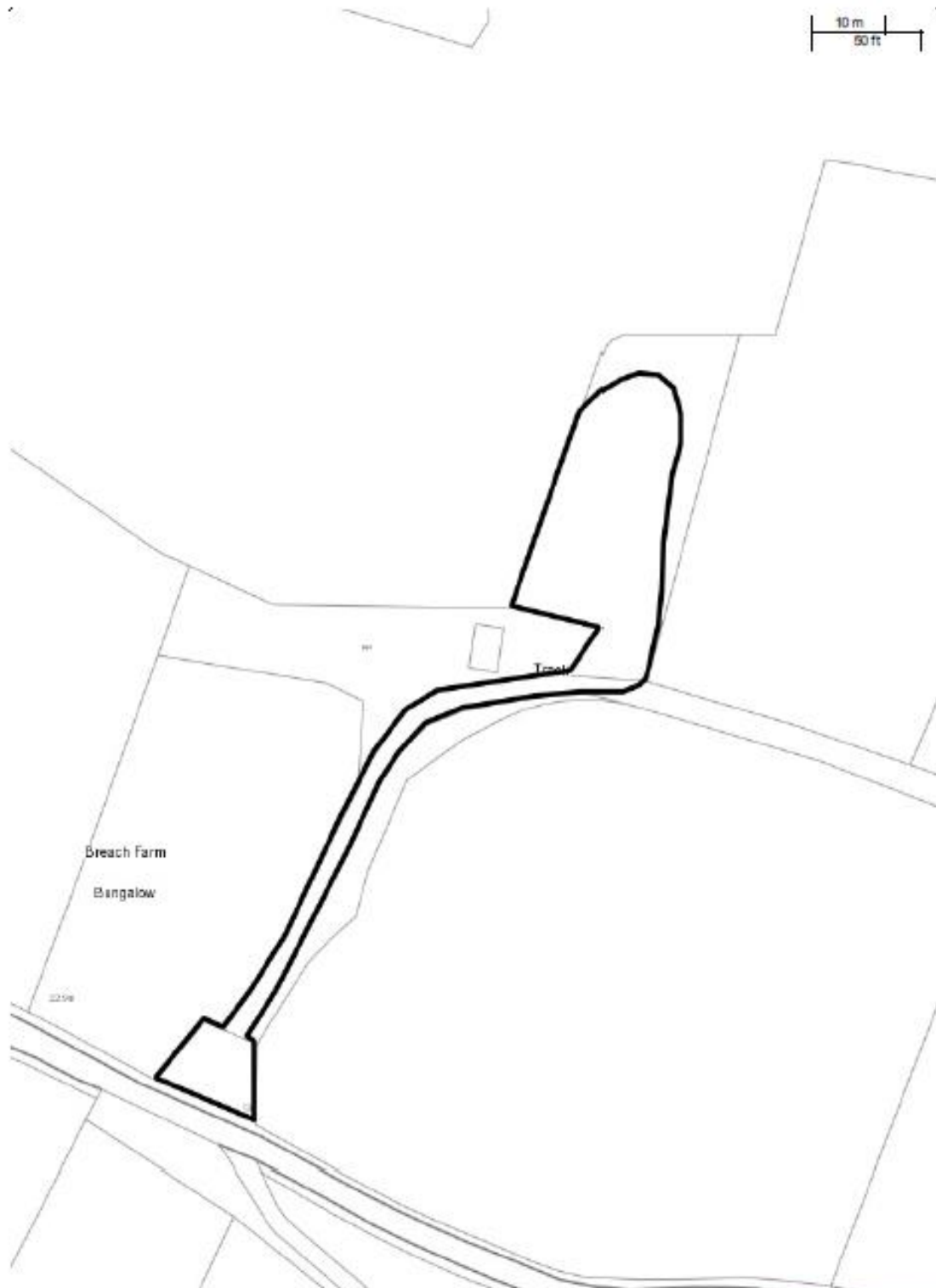
- 4.1 The key issue for Members to consider is whether it is expedient for the existing permission to be revoked.
- 4.2 This is clearly an unusual situation, where the applicant himself is seeking to reassure the local residents and Parish Council that the wider site will not be occupied by two separate developments, and as such is raising no objection to the revocation of the permission. The question of any potential compensation claim being made by the applicant should therefore not arise.
- 4.3 At the present time, the Council is (as set out elsewhere on this agenda) able to demonstrate in excess of a five year supply of gypsy/traveller sites, and there is therefore no compelling reason not to revoke the permission on these grounds.
- 4.4 In terms of visual impact, the currently proposed development is, as I set out above, preferable to the approved scheme – it sits lower in the landscape, would be less prominent and therefore less harmful to the visual amenities of the area. It would lie somewhat closer to the existing dwellings in the vicinity, but not to the extent that it would cause harm to residential amenity.
- 4.5 In my view, Members may consider it expedient to revoke the existing permission on the basis that the approved scheme is less preferable to the alternative in visual terms, and as the provision of two sites here would cause some additional harm to visual amenity.

5. CONCLUSION

- 5.1 Given the above, I conclude that the revocation of the planning permission granted under reference 15/502716/FULL is expedient and recommend that Members delegate authority to Officers and the Head of Mid Kent Legal Services to prepare and serve the necessary documents, including their precise wording.

6. RECOMMENDATION

That the planning permission granted under 15/502716/FULL is revoked under the provisions of s.97 of the Town and Country Planning Act 1990 (as amended).



15/502716/FULL - Breach Farm Paddocks
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