

2.5 SW/14/0608		Iwade	
APPLICATION PROPOSAL			
Change of use of land to use as a residential caravan site for 2 gypsy families, including laying of hardstanding and erection of 2 No amenity buildings.			
ADDRESS Land Adjacent To Tiptree Bungalow, School Lane, Iwade, Kent, ME9 8QE			
RECOMMENDATION GRANT with conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
The development is acceptable in principle. It is essentially an expansion of an existing gypsy site and in this respect; it would accommodate members of the same family as the adjacent site. The site would be further from local services and facilities than we would usually recommend. However, in this case, the distance is not significant enough to cause demonstrable harm in my view and I am mindful that the residents of the site will already be accessing the local services and facilities. The loss of agricultural land would be outweighed by the need for this additional gypsy site in my view. The impact on visual amenities would be mitigated somewhat by the existing mature hedgerow and proposed new planting. I do not consider that there proposal would be materially harmful to the Area of High Landscape Value. I have not identified any highway safety/amenity harm and I am seeking further information in respect of the potential for protected species at this site. I therefore consider that permanent planning permission should be approved subject to further details in respect of protected species.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council objection			
WARD Iwade & Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Mrs Rachel Smith AGENT Mr Philip Brown	
DECISION DUE DATE 08/07/14	PUBLICITY EXPIRY DATE 04/11/14	OFFICER SITE VISIT DATE 29/05/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/05/1477	(adjacent land) Change of use to caravan site for five gypsy families and use of barn for ancillary storage and storage of touring caravans.	Approval	02/07/12

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies to the west of Iwade, outside the built up area of the village, in the countryside. The site is adjacent to Tiptree Bungalow, a residential property. Little Tiptree Barn lies to the north of the site. This is an existing gypsy site for 5 caravans approved in 2012 under SW/05/1477 with permanent planning permission. Basserhill Farm lies to the west of the site. The remaining surrounding land is in agricultural use. The site lies within an Area of High Landscape Value.
- 1.02 The ground is flat and level with the road. There is a thick hedge of approximately 2.5m in height along the eastern boundary of the site, adjacent to the road. There is an existing metal gate at the proposed access point. There is a short hedgerow on the boundary between the application site and Tiptree Bungalow.

2.0 PROPOSAL

- 2.01 The proposal is for the change of use of agricultural land to a gypsy site for the stationing of 2 static caravans and two touring caravans for two families arranged in two pitches. In addition, the pitches would be provided with a day room/utility block. New planting would be provided around the boundaries of the application site and between the pitches. Tarmac would be laid adjacent to the road at the access point and visibility splays of 2m x 120m provided. A crushed stone driveway would be provided to serve each pitch and each pitch would be surrounded by grass. A post and rail fence would be provided along the western and southern boundaries and between the pitches. Existing hedgerows would be retained.
- 2.02 The day room buildings would be constructed of red brick, dark grey tiles to the roof and white Upvc windows.
- 2.03 The applicant's agent makes the following statement:

'Little Tiptree Barn is an existing gypsy site occupied by the extended Smith family. This family is growing, Mr and Mrs Smith's children beginning to form households of their own. The two pitches would be occupied by brothers, James and Sam Smith and their partners. The proposed pitches would clearly contribute towards meeting the identified five year supply, and constitute an extension to an existing gypsy site: thereby complying with the first part of the Council's draft policy, Policy DM10, for the allocation/approval of sites for Gypsies and Travellers.'

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)		0.32 ha	0
Approximate Ridge Height (m)		4.4m	
Approximate Eaves Height (m)		2.5m	
Parking Spaces		4	

4.0 PLANNING CONSTRAINTS

Swale Borough Local Plan 2008 RC7 - Rural Lanes

Swale Borough Local Plan 2008 E6 - The Countryside

Swale Borough Local Plan 2008 E7 - Separation of Settlements

Swale Borough Local Plan 2008 E9 - Quality & Character of Boroughs Landscape

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 National Planning Policy Framework (NPPF)

5.02 The NPPF was released on 27th March 2012 with immediate effect, however, para 214 states *“that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”*

5.03 The 12 month period noted above has expired. As such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local Development Framework (LDF) Panel on 12 December 2012. All policies cited below, with the exception of policy E7 (Strategic Gap), are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process. With regards to policy E7, the report to the LDF panel notes that this policy is not wholly in accordance with the NPPF in that it seeks to protect gaps between settlements. In contrast, the NPPF in seeking to support a prosperous rural economy is more positively framed in terms of development opportunities in the rural area. In this sense, the prevention of the merging of settlements at a strategic level is weakened somewhat. This policy is at low/medium risk, should the Borough not have a viable and deliverable five year housing land supply. As such, it is not advisable to solely rely on this policy for the refusal of development.

5.04 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are

out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

- 5.05 Para. 7 defines sustainable development as having three strands – social, economic and environmental.
- 5.06 The NPPF outlines a set of core land-use planning principles (Para 17) which should underpin both plan-making and decision-taking including to -Contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.
- 5.07 Para 55 - 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.
- 5.08 Para. 109 - 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.
- 5.09 Para. 112 - Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 5.10 Planning Policy for Traveller Sites (PPTS)
- 5.11 National Policy on Gypsy and Traveller sites is set out in the National Planning Policy Framework (NPPF) and the Planning Policy for Traveller Sites (PPTS)(also published in 2012, and which deals with decision-taking on pages 6 and 7). The requirement in both documents is very clear, in that the Council should now set pitch targets which address the likely need for pitches over the plan period. Furthermore, the Council is required, from 2013 onwards, to maintain a rolling five year supply of sites which are in suitable locations and available immediately.
- 5.12 Prior to the publication of the PPTS, national policy was set out in Circular 01/2006; where the original intention was for regionally set pitch targets to be met. The Council, in my view responded positively and quickly to the change in national policy. The LDF Panel immediately recognised, and 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 (adjusted down from 85 pitches in reflection of those sites granted consent whilst the document was under preparation). From this, the Council will produce a Development Plan Document setting out deliverable sites to meet this need (see below for details).
- 5.13 Para. 22 - Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
1. the existing level of local provision and need for sites
 2. the availability (or lack) of alternative accommodation for the applicants
 3. other personal circumstances of the applicant
 4. 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
 5. that they should determine applications for sites from any travellers and not just those with local connections
- 5.14 Para. 23 - Local planning authorities should 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.

- 5.15 Regard should also be had to the guidance in the Communities and Local Government document, 'Designing Gypsy and Traveller Sites: Good Practice Guide' (2008).

Local Policy

i) *The Swale Borough Local Plan 2008*

- 5.16 The Development Plan comprises the South East Plan and the Swale Borough Local Plan 2008 (SBLP). I will focus on the contents of the Local Plan as the Government has recently abolished the South East Plan.
- 5.17 SBLP policy E1 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.
- 5.18 SBLP Policy E6 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.
- 5.19 SBLP Policy E7 seeks to resist development that results in the merging of settlements or results in the encroachment or piecemeal erosion of land or its rural open and undeveloped character or, prejudice the Council's strategy for the redevelopment of urban sites.
- 5.20 SBLP Policy E9 seeks to protect the quality and character of the Borough's Landscape. Within the Countryside and rural settlements, the Borough will expect development proposals to be informed by local landscape quality and character, consider the landscape character SPD, safeguard and enhance landscape elements that contribute to the distinctiveness of the locality or the Borough, remove features which detract from the character of the landscape and minimise the adverse impacts of development upon the landscape character.
- 5.21 SBLP Policy E11 seeks to protect and enhance the Borough's Biodiversity and Geological Interests. Policies E14 and E15 seek to conserve and enhance the setting of Conservation Areas and listed buildings.
- 5.22 SBLP 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.”

5.23 Policy H4 had largely been superseded by ODPM Circular 01/2006. However that has itself largely been superseded by the newly published *Planning Policy for Traveller Sites*. Policy H4 should in my view be afforded very little weight.

5.24 SBLP Policy E19 requires development proposals to be well designed.

5.25 SBLP Policy T3 requires adequate parking to be provided.

ii) *Bearing Fruits 2031*

5.26 The Council’s Draft Core Strategy has now been replaced by the emerging draft Local Plan, entitled *Bearing Fruits 2031*, part 1 of which was sent out for consultation in August last year. The emerging nature of the document is such, however, that it cannot be afforded significant weight in the determination of planning applications such as this.

5.27 Policy DM10 of the emerging Local Plan aims to provide pitches for gypsies and travellers as part of new residential developments, stating:

“For housing proposals between 50 and 149 dwellings, one pitch shall be provided for gypsies and travellers. For 150 dwellings and above (or 200 dwellings on previously developed urban sites), unless a commuted sum has

been agreed with the Council, 1% of the total number of dwellings proposed shall be serviced and made available to gypsies and travellers as pitches and/or bespoke accommodation, either for sale or rent, as appropriate, and up to a maximum of 10 pitches on any one allocation. Where identified, pitches may also be required to meet an affordable housing need.”

- 5.28 The policy also notes that sites may need to be granted permission individually in order to meet the five-year supply, and this will be subject to certain general criteria, and also compliance with draft policies DM9 and ST3.
- 5.29 Draft policy DM9 requires applications for affordable housing / gypsy and traveller pitches within rural areas to demonstrate that:
- The site is well located to local service centres and villages, with access to day-to-day services;
 - There will be no significant impact upon character and amenity of the countryside; and
 - The need for the scheme is clearly demonstrated and justified by the applicant.
- 5.30 Policy ST3 sets out a settlement hierarchy for when considering proposals for new development, stating that outside of the defined built up areas *“permission will be granted for appropriate development involving...accommodation for gypsies and travellers that cannot be met at housing allocations or within or adjacent locations within”* the identified Borough centres, rural service centres, or other villages with built up area boundaries.
- 5.31 Policy DM 30 - Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:
1. The site is allocated for development by the Local Plan;
 2. There is no alternative site on land of a lower grade than 3a; or
 3. Use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and
 4. The development will not result in the remainder of the agricultural holding becoming not viable.
- 5.32 The following policies are also relevant – DM14 (general development criteria); DM15 (design); DM27 (biodiversity); DM31 (listed Buildings) and; DM32 (Conservation Area).

iii) *Corporate Policy*

- 5.34 In January 2009 the Council published a consultation draft Gypsy and Traveller Corporate Policy to address the issue of gypsy site provision. This recognised that the Borough has traditionally had one of the largest gypsy and

traveller populations within Kent and the South-East of England, often related to traditional farming activities.

- 5.35 The policy is based on meeting the predicted site needs from the Council's original GTAA (and was designed to meet the expected RSS figures) and whilst the Circular advocated a site allocations policy, the Council's policy explains that the combination of the wide range of pitch numbers potentially required, and the Council's good record of approving small private sites, meant that at that stage a site allocations approach was not the right way forward for Swale. The Council undertook a full survey of potential sites against a set of criteria in accordance with Government guidance. This included a review of current temporary permissions and an assessment of the potential of publicly owned land to meet the identified need. This, together with finding a solution for a persistent group of families at Sittingbourne (who were responsible for the vast majority of the unauthorised encampments in the Borough), was expected to see the Council making adequate provision to meet needs.
- 5.36 Potentially acceptable sites were then been assessed against a range of criteria including ownership (deliverability), utilities, highway issues, landscape impact and ease of access to local services. These assessments are a simple but objective measure of the likely suitability of each site, but are not intended to be the sole consideration in determining planning applications, which remain to be determined on their own merits. Some sites have been excluded from these assessments at the first stage due to flood risk or national or international nature conservation grounds, serious landscape or heritage impact or site suitability over a range of issues.
- 5.37 The Corporate Policy produced a schedule of possible sites to address local need, and these were published in the March 2010 Gypsy and Traveller Corporate Policy Site Assessment Consultation. The result of public consultation on that schedule and the assessment scores of potential sites was considered by the Council on 7 October 2010.
- 5.38 The Local Development Framework Panel at its meeting on 7 October 2012 accepted the following recommendations:
- (1) *“That site assessments are a material consideration for the purpose of decision making subject to review when new national guidance is produced and further note the report on site scores. Also, as sites come forward as planning applications the site assessment be reviewed for currency*
 - (2) *That sites to be removed from the Site Assessment process in Appendix 2 be agreed.*
 - (3) *That assessment work so far and consultation responses as evidence base for the LDF be noted.*
 - (4) *That the Corporate Policy and Site Assessment be reviewed when new national guidance is produced.*
 - (5) *That consideration of the Borough's pitch numbers be resolved when new national guidance is produced.*

- (6) *That the unapproved draft of Core Strategy policy be received for initial comments.”*
- 5.39 The Corporate Policy has in my view been largely successful in guiding the provision of gypsy and traveller sites.
- (iv) *GTAA 2013*
- 5.40 In response to national policy and to gain a greater understanding of the Borough's need for pitch provision, the Council were required to produce a Gypsy and Traveller Accommodation Assessment (GTAA), which was completed in 2013. The GTAA looked at a number of factors such as household growth and the number of families moving in and out of the Borough. The study also involved interviewing 163 resident households (79% of the estimated resident Gypsy and Traveller community within the Borough) to find out what their future accommodation needs were. The majority of Gypsies and Travellers both in caravans and in housing have lived in Swale for over ten years. Whilst the study assumed that inward and outward migration from the Borough equalled each other, it is possible that migration levels could increase in the future requiring a review of the GTAA or a need to grant planning permission for windfall sites - sites that come forward unexpectedly and get planning permission without first having been allocated for development in the Local Plan.
- 5.41 The GTAA concluded that the Borough requires 85 pitches to be provided from 1 April 2013 to 31 March 2031. This target has been adjusted to 82 pitches to reflect the granting of planning permission for three pitches between the survey base date February 2013 and 31 March 2013. An additional net 10 pitches have also been approved since 1 April 2013 and as such, the remaining need totals 72 pitches to 31 March 2031. When considering the requirements of the PPTS – to provide a five year supply of available gypsy pitches, the need figure of 72 has been annualised. This equates to the need for 21.2 pitches over five years from April 2014. This council currently has a supply of 22 pitches (Brotherhood Woodyard, Orchard Park, Cricket Meadow) and therefore, we are able to demonstrate the delivery of a 5 year supply of available pitches. It is worth noting that this Council is awaiting a number of appeal decisions on gypsy sites within the borough where we have relied on the figures set out above.
- 5.42 The GTAA recommends the Council meet a more onerous requirement for a five year supply, which encourages front-loading supply in the first five years amounting to 35 of the 85 pitches required. As explained earlier, the 85 pitch figure was adjusted to take account of three pitches completed in between the base date of the GTAA and the publication of the document. As such, it is also necessary to adjust the 35 figure to take this into account (32). Taking into account the 10 completions to date, plus the 22 pitches in the supply, this amounts to a total of 32 meeting a five year supply as per the phasing of the GTAA.

- 5.43 Having demonstrated this, however, the Council do not consider there is a requirement in either the GTAA or in policy for the Council to deliver a set number of pitches per year and no requirement for the Council to adopt the phased approach suggested by the GTAA.
- 5.44 The Council has begun work on Part 2 of the Local Plan which relates solely to allocations for Gypsy and Traveller sites. The work started with a call for sites and shortly after a consultation on an issues and options paper. The closing date for this consultation was Friday 25th April 2014. A further consultation due to take place in the summer of 2015 on the Council's preferred options. Part 2 of the Local Plan, is not anticipated to be adopted until 2016. This document will eventually identify and allocate sufficient sites to meet the future needs of Gypsies and Travellers in the Borough until 2031. The document recommends a new methodology for how to assess site suitability for determining whether or not to allocate a site (see appendix A).

Swale Landscape Character and Biodiversity Appraisal SPD 2011

- 5.43 The site is identified as Lower Halstow Clay Farmlands. The condition of the landscape is moderate and its sensitivity to change is high with a recommendation to conserve and restore.

6.0 LOCAL REPRESENTATIONS

- 6.01 No representations have been received.

7.0 CONSULTATIONS

- 7.01 Bobbing Parish Council object to the proposal on the grounds that there have been a number of applications in School Lane over the past couple of years and the Parish Council feels that these have more than contributed to Swale's need for sites; there now being 26 pitches within the surrounding area. The adjoining site, Basser Hill Farm started out the same as this application and has ended up now with a bungalow and farm shop on the site, on an area which was once agricultural farm land. They are concerned that the same will happen here and believe that these families are connected. More agricultural land would be lost and if approved, this will result in 11 pitches along this stretch of School Lane.
- 7.02 Iwade Parish Council object to the application on exactly the same grounds as Bobbing Parish Council.
- 7.03 Lower Halstow Parish Council have been consulted but no response has been received.
- 7.04 Kent Highway Services comments are awaited and will be reported at the meeting.

- 7.05 The Technical Officer for Housing Services notes that the site licence at the adjacent sites requires no combustible structure to be positioned within the 5m separation space between occupied units.
- 7.06 Southern Water advise that the applicant should contact the EA regarding the use of package treatment plant to dispose of effluent to sub-soil irrigation. The EA should be asked to comment on the adequacy of soakaways to dispose of surface water.
- 7.07 Comments from the Environment Agency are awaited.

8.0 BACKGROUND PAPERS AND PLANS

Post & Rail Fence; Front elevation of amenity block; rear elevation amenity block; side elevation amenity block; proposed day room floor plan; site layout plan; site location plan and; Design and Access Statement.

9.0 APPRAISAL

- 9.01 It is prudent to comment on the impact of the loss of agricultural land. The land is classified as Grade 3 on the DEFRA Agricultural Land Classifications map and as such, it potentially falls within the definition of best and most versatile land. Paragraph 112 of the NPPF states that '*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land....*'. I am of the view that this borough's need for the provision of gypsy pitches outweighs the economic and other benefits that the retention of this small area of land for agriculture would have. In this respect, I consider that the loss of this agricultural land would be acceptable.
- 9.02 The site is not located in an area at risk of flooding, nor is it located in a nationally designated area relating to landscape or biodiversity. The site can therefore be considered further for its appropriateness as a gypsy site.
- 9.03 As set out above, the PPTS states that sites in the open countryside, away from settlements should be strictly controlled. In my opinion, this strand of the current policy has three purposes. Firstly, it seeks to ensure that visual harm to the countryside is minimised. I deal with the visual impact of this proposal below. Secondly, I consider that it seeks to ensure that sites are not isolated from the settled community and thirdly, in my view, it seeks to ensure that sites are approved in sustainable locations.
- 9.04 This site is located some 3km from the shops and services in Iwade, more than the normally accepted distance of 2km, and is not well served by public transport. However - I still consider that it is located in a comparatively sustainable location. The residents of the proposed site already live at the adjacent site – Little Tiptree Barn and so will already be accessing local services and facilities and would be integrated with the community in this way. The shops, services and school in Iwade are 1km further from the site than I would normally consider acceptable. However – this is not a significant

distance, and in this respect I do not consider this to be a wholly isolated site. It lies between two villages (Iwade and Lower Halstow) and is within a reasonable distance to both, with the services each provides. I am also mindful of the approval of a permanent planning permission at the adjacent site and acknowledge that the proposed site would accommodate family members. The proposal would essentially be an expansion of an existing site and this is encouraged by policy DM10 of the Local Plan Review, although this can only be given limited weight. However, it is my view that, depending on the size of the site, it is beneficial to allow existing sites to be expanded, as opposed to scattering smaller sites across the borough. Granting only a temporary planning permission here would not be justified in my view as the proposal complies with planning policy and I do not consider that the distance from local services would amount to a level of harm that would exclude the site from being granted a permanent permission. A temporary planning permission is only necessary where harm is identified but the need for gypsy sites within the borough outweighs this harm. Despite the fact that this Council does have a five year supply of gypsy sites, Members should be clear that the current proposal is acceptable in principle and as such, it should not be resisted on the grounds of lack of need.

- 9.05 Thirdly, I consider that it seeks to ensure that sites are not isolated from the settled community. Although this site is not well located with regards the settled community, it is located in a small, albeit dispersed number of dwellings in the countryside. The nearest dwelling, Tiptree Bungalow, is adjacent to the site. Again, I do not consider that the site being removed from the settled community amounts to a sound reason not to grant permanent planning permission.

Visual Impact

- 9.06 The use of this site, as shown on the submitted plans, would not in my view cause material harm to the character of the landscape in which the site is located. It would cause only minor erosion of the character of the undeveloped character of the countryside. As set out elsewhere in this report, the caravans would be located behind an established tall hedgerow adjacent to the highway and this would mitigate the visual impact to a large extent. I find the layout of the site acceptable. Condition (17) below restricts the siting of caravans to their current location only. I consider this appropriate firstly to ensure that the caravans are sited in a manner which minimises their visual impact, and secondly to ensure an open area of soft landscaping which would act as an amenity space for the occupiers and their children.
- 9.07 In more distant views, the site and the mobile homes would be visible. However – condition (8), which requires planting to the boundaries of the site and within the site, will address this. Furthermore, conditions (4), (5) and (6) would prevent the site being used for storage and would restrict the number of caravans and the size of vehicles able to use the site. Subject to these conditions, I do not consider that this development would cause demonstrable or significant harm to the character and appearance of the countryside or the surrounding Area of High Landscape Value.

Other issues

- 9.08 I do not consider it necessary to ask for additional information about the gypsy status of the applicants owing to the fact that they are already living on the adjacent gypsy site where we accepted the gypsy status under the 2005 application.
- 9.09 I am awaiting comments from Kent Highways but I note that there is an existing access to the site and consider that its increased use would be insignificant having no to highway safety/amenity.
- 9.10 The land on which the caravans would sit is currently rough grassland and there is potential for reptiles and Great Crested Newts. I have asked the applicant to carry out a phase 1 ecological appraisal and I ask Members for delegation for officers to consider this appraisal and to require further survey work if necessary, attaching appropriately worded conditions.
- 9.11 The Parish Councils have raised concerns regarding the number of gypsy sites in the area. Whilst it may be perceived that there are too many gypsy sites along School Lane, it is my view that they are some distance from one another and would not be viewed within the same street scene. I do not believe that the number of gypsy sites would outnumber the number of residential dwellings along this road and I cannot identify any harm in this respect.

10.0 CONCLUSION

- 10.01 Having considered the comments from the Parish Councils, consultees and the relevant planning policies, I am of the view that the development is acceptable in principle. It is essentially an expansion of an existing gypsy site and in this respect, it would accommodate existing family members residing on the adjacent site. The site would be further from local services and facilities than we would usually recommend. However, in this case, the distance is not significant enough to cause demonstrable harm in my view and I am mindful that the residents of the site will already be accessing the local services and facilities. The loss of agricultural land would be outweighed by the need for this additional gypsy site in my view. The impact on visual amenities would be mitigated somewhat by the existing mature hedgerow and proposed new planting. I do not consider that there proposal would be materially harmful to the Area of High Landscape Value. I have not identified any highway safety/amenity harm and I am seeking further information in respect of the potential for protected species at this site. I therefore consider that permanent planning permission should be approved subject to further details in respect of protected species.

- 11.0 RECOMMENDATION** – Delegation for officers to approve following consideration of a phase 1 ecological appraisal and to require further survey work if necessary, attaching appropriately worded conditions.

CONDITIONS to include:

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.

Grounds: 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 development hereby approved shall be carried out in accordance with the following approved drawings: Post & Rail Fence; Front elevation of amenity block; rear elevation amenity block; side elevation amenity block; proposed day room floor plan; site layout plan and; site location plan.

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

3. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of Planning Policy for Traveller Sites, and if the site ceases to be occupied by such persons the use shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use shall be removed and the land restored to its former condition.

Grounds: In the interests of preventing general residential use of this rural site.

4. No more than two static caravans and two touring caravans shall be stationed on the site at any one time.

Grounds: 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 commercial activities shall take place on the land, including the storage of materials.

Grounds: In the interests of visual amenity and the character and appearance of the area.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Grounds: In the interests of visual amenity and the character and appearance of the area.

7. The area shown on the submitted layout 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.

Grounds: To ensure the use does not prejudice conditions of highway safety or convenience.

8. Prior to the commencement of development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. 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.

Grounds: In the interests of the visual amenities of the area.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Grounds: In the interests of the visual amenities of the area.

10. 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.

Grounds: In the interests of the visual amenities of the area.

11. Prior to the commencement of development hereby approved, full details of the method of disposal of foul and surface waters shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: In order to prevent pollution of water supplies.

12. The vehicular access to the site as shown on the approved drawings shall be constructed and completed prior to the commencement of the first use of the development hereby permitted.

Grounds: To ensure that a satisfactory means of access is provided for the site.

13. The sight lines shown on the approved plans shall be provided prior to the occupation of the caravans and thereafter maintained clear of any structure, tree, plant or other obstruction which exceed 0.6 metres above carriageway level within the approved sight lines.

Grounds: In the interests of highway safety.

14. Prior to the commencement of development hereby approved, details of the exact external finishing materials to be used on the day room/utility building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Grounds: In the interest of visual amenity.

15. Any floodlighting or security lighting shall be so sited, angled and shielded as to ensure that the light falls wholly within the curtilage of the site and such lighting shall be of an intensity and type to be approved by the Local Planning Authority before it is first used.

Grounds: To protect the visual amenities of the area.

16. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

Grounds: In the interests of highway safety and convenience.

17. The caravans at the site shall be located only in the area shown on the approved site layout plan. No caravan shall be located outside this area.

Grounds: In the interests of visual and residential amenity.

18. Any additional ecological conditions.

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 – SITE ASSESSMENT

APPENDIX A

Gypsy and Traveller Site Allocations Assessment Methodology

Stage 1 - Is the site available?

Site Assessment Table: Stage 1 - Site availability

Criteria and Issues	Assessment references	Red – Does not meet criteria	Amber – May be capable of meeting criteria	Green – Fully meets criteria
Availability				
Is the site available and deliverable?		Owner confirmed site not available, nor is likely to become available over plan period	Site availability uncertain	

IF RED THE SITE SHOULD BE DISCOUNTED AT THIS STAGE. ALL OTHER SITES SHOULD PROCEED TO STAGE 2.

Stage 2 – Suitability/ Constraints

Site Assessment Table: Stage 2 - Suitability

Criteria and Issues	Assessment references in addition to National Planning Policy Framework (NPPF), National Planning Guidance (NPG)	Red – Does not meet criteria	Amber – May be capable of meeting criteria	Green – Fully meets criteria
Flood Zone	Swale Strategic Flood Risk Assessment (SFRA) and Environment Agency guidance	Flood zone 3/ cannot be mitigated	Flood zone 2 or 3 but with acceptable mitigation to the satisfaction of the Council and Environment Agency	Flood zone 1
Landscape	Kent Downs AONB Management Plan 2009. Landscape Character and Biodiversity Appraisal SPD. Advice from Natural England and other environmental bodies	Site is within <ol style="list-style-type: none"> 1. a landscape designation, or 2. will affect the setting of a designation, or 3. is within an Area of High Landscape Value with unacceptable detrimental impact or where landscape impact cannot be mitigated including cumulative impacts	Within close proximity of a designated area but, and where landscape impact may be mitigated	Outside designated area and not affecting the setting of a designation/ No impact
Biodiversity	Advice from KCC Archaeology Officers, UK/ Kent/ Swale BAP, advice from Natural England and environmental bodies	Site is within or affecting international, national or locally designated sites with unacceptable detrimental impact or where impact cannot be mitigated including cumulative impacts	Site is within, close proximity to or affecting international, national or locally designated sites where impact could be mitigated	Outside of any designation and not affecting the setting of a designation/No impact
Scale of site or multiple sites	Officer assessment - considering quantity of existing sites against scale and form of existing settlement/settled community and advice from service providers	Has significant dominating effect	Scale has some impact	Scale has little or no impact
Archaeology and	Heritage asset list and advice from heritage	Unacceptable detrimental impact on scheduled	Possible impact /minor impact on scheduled	Not in close proximity to Scheduled Ancient

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Conservation Impact on Scheduled Ancient Monument or other heritage asset/non designated heritage asset	advisors	ancient monument/other heritage asset/non designated heritage assets	ancient monument/other heritage asset/non designated heritage assets	Monument/other heritage asset/non designated heritage assets
Contamination Unacceptable living conditions	Consult Land Contamination Planning guidance Document 2013 and Contaminated Land Strategy 2010	Site is contaminated and cannot be mitigated	Site is or is potentially contaminated - potential impact likely to be mitigated	No known contamination issues
Noise and disturbance issues Unacceptable living conditions	Consult Noise and Vibration: Planning Guidance Document 2013	Site located adjacent to noisy land use – cannot be mitigated	Site located adjacent to noisy land use - potential impact likely to be mitigated or low level	No noisy adjacent land uses
Site access and safety Access/Proximity to major roads and pedestrian routes	Any transport information submitted and Kent Highways Services assessment/advice	Remote location accessed by unmade roads/ poor roads or unresolvable highway safety issue	Some access to road network and site – potentially requiring mitigation or highway safety issue and possibly capable of mitigation	Good site and road access and no significant highway safety concerns
Accessibility to facilities GP surgery, Primary School, Shops, Public Transport	Desk top review	None or few within reasonable distance	Reasonable distance to most services	All within reasonable travelling distance

IF ANY SCORE RED THE SITE SHOULD BE DISCOUNTED AT THIS STAGE. ALL OTHER SITES SHOULD PROCEED TO STAGE 3.

Stage 3 - More detailed site suitability

Site Assessment Table: Stage 3 - Detailed suitability

Criteria and Issues	Assessment references	Red – Does not meet criteria	Amber – May be capable of meeting criteria	Green- Fully meets criteria
Topography Uneven or unsafe ground levels and structures	Site survey by Officers and landscape evidence submitted	Steep slope which makes site unsuitable	Sloping land which may require works to make site suitable for use	Level or gently sloping site
Residential Amenity Impact on amenity of proposed and existing residents	Officers' assessment - same as housing, overlooking, disturbance from vehicle movements, loss of light, overcrowding etc	Close proximity to existing adjacent uses especially residential properties where any potential impact (light, visual, other disturbance). Has unacceptable impact which cannot be mitigated	Some impact on residential amenity – likely to be mitigated or low level	No impact on residential amenity
Utilities Electricity, Gas, Water, Drainage/ Sewers (mains or cesspit)	Site visit and utility providers advice	Not applicable as a reason for discounting a site	Yes – most (3 or 4)	Yes – all
Site capable of live/ work mix Priority for sustainable	Site visit/ submitted details	Not applicable as a reason for discounting a site	No or maybe	Yes

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locations				
Parking Sufficient parking and turning space	Site visit and Kent Highways Services advice	No parking/ turning and no potential to provide parking and turning space	Inadequate parking/ turning or limited potential to provide parking and turning space	Sufficient parking and turning space X
Landscaping Sufficient landscaping for amenity/impact on landscape character	Site visit and Swale Landscape Character and Biodiversity Assessment 2010, Planting on New Developments: A Guide for Developers	Not applicable as a reason for discounting a site	No soft landscaping/ landscaping could impact on landscape character area	Site has existing soft landscaping/ option to provide soft landscaping X