

2.7 REFERENCE NO - 19/501816/FULL		
APPLICATION PROPOSAL Change of use of the land for the stationing of a mobile home for a temporary period (Retrospective).		
ADDRESS Whitegate Stables Wallbridge Lane Upchurch Sittingbourne Kent ME8 7XH		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The applicant and his family have a specific medical requirement for accommodation close to, but away from the family home, and is willing to accept a personal, temporary permission. Officers have reviewed the evidence and consider there is a case to made for an exception to the adopted policies in this instance, because of the medical need.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Palm Investments Ltd AGENT Tetlow King Planning
DECISION DUE DATE 07/06/19		PUBLICITY EXPIRY DATE 22/05/19

Planning HistorySW/10/0350

Erection of hay/straw storage building with ancillary machine store and formation of an illuminated all-weather manège, and change of use of land to equestrian use for the keeping of horses associated with the livery stables at Small Profits and Whitegates.

Approved Decision Date: 12.07.2010

SW/08/1265

Use of part of building as a one bed dwelling associated with livery stables.

Approved Decision Date: 28.08.2009

1. DESCRIPTION OF SITE

- 1.1 The application site is a parcel of land situated within the curtilage of Whitegate Stables (an existing equestrian operation) on Wallbridge Lane, in the countryside near Upchurch. The site is roughly rectangular and sits in the south-western corner of the wider Whitegate Stables site, which is accessed via a driveway off the lane.
- 1.2 The site contains a static caravan of a standard scale and design, a gravel parking area, and access to the existing driveway onto Wallbridge Lane. The land is set above the road but, due to changing land levels and existing fences and mature boundary planting, the static caravan is not visible from outside the site.
- 1.3 The main dwelling at the stables, known as Grooms Cottage, is to the north-east of the caravan, and the land to the north is in use as grazing / paddock for horses. To the

south of the site, beyond the lane, is Upchurch golf course; and to the east and west along Wallbridge Lane are existing dwellings of varying types and designs.

2. PROPOSAL

- 2.1 This application seeks retrospective planning permission for stationing and use of a static caravan as a residential dwelling, for a temporary period.
- 2.2 As noted above, the static caravan is of a standard scale and design, and the application site boundary includes a gravelled parking / turning area. The site is accessed by the existing driveway for the stables and cottage.
- 2.3 The applicant is Palm Developments Ltd, although the application is made on behalf of the occupier of the caravan, who wishes to remain anonymous. The agent has submitted a detailed supporting statement setting out the occupier's specific health and care requirements which have brought about a need to live at the site. The statement contains highly sensitive medical information and, as such, a slightly redacted version has also been provided which is available for public view.
- 2.4 In brief, the occupier is an elderly gentleman with a serious chronic medical condition requiring daily professional care. His wife suffers from a serious medical condition herself which make it unsafe, and unsuitable, for him to be able to reside with her at the family home (which is close to the application site). He does need, and understandably want, however, to be close to the family home to be able to support his wife, and to ensure he receives treatment himself. The application is accompanied by a letter from the family's doctor who confirms the details set out within the supporting statement. The name of the occupier has been withheld, at the agent's request, because of the very sensitive nature of their circumstances.
- 2.5 The occupier's agent has confirmed they would be willing to accept a personal permission, and a temporary permission, to ensure the site is returned to its previous condition when the accommodation is no longer required.

3. SUMMARY INFORMATION

	Proposed
Site Area	416sqm
No. of Residential Units	1

4. PLANNING CONSTRAINTS

- 4.1 None.

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) generally restrict residential development outside of the defined built up area boundaries unless in accordance with specific exceptions (such as for provision of agricultural worker's housing, or a development of remarkably outstanding design) which this scheme does not meet.
- 5.2 Policies ST1 (sustainable development), ST3 (settlement strategy), CP2 (sustainable transport), CP3 (wide choice of homes), CP4 (good design), DM7 (vehicle parking), DM9

(rural exceptions housing), and DM14 (general criteria) of the adopted Swale Borough Local Plan 2017 are relevant.

- 5.3 Policies ST1, ST3, CP2, and DM9, in particular, discourage the provision of new housing in isolated, rural locations such as this.

6. LOCAL REPRESENTATIONS

- 6.1 A letter of support has been received from the owner of Whitegate Stables, stating that they are aware of the personal circumstances of the occupier and *“strongly support the application.”*

- 6.2 One letter of objection has been received from a neighbouring resident, raising the following summarised points:

- Approval will set a precedent for others to do the same;
- The occupier has done what they want, forced the hand of the Council, and a stand should be taken;
- No good reason has been provided as to why this should be approved; and
- Additional traffic and consequent highway safety concerns.

7. CONSULTATIONS

- 7.1 Upchurch Parish Council objects to the application on the basis that it is retrospective, having been submitted after the caravan was placed on the land and the occupier moved in. The Parish council comments that *“to grant this application will set a precedent that supports the next case.”*

- 7.2 Natural England have no objection subject to securing a standard SAMMS contribution towards management of the Swale SPA, as required on all new residential development within the borough.

- 7.3 KCC Highways have no comment save to note that the scheme falls below their protocol response threshold.

- 7.4 The Council’s Environmental Health manager has no comments to make.

8. BACKGROUND PAPERS AND PLANS

- 8.1 The application is supported by a site location / block plan and a supporting statement.
- 8.2 As set out above: the contents of the supporting statement are medically sensitive and thus confidential, but set out the particular circumstances of the occupier and his wife’s health which bring about the necessity for this development.

9. APPRAISAL

Principle of development

- 9.1 The site is outside of any defined built up area boundary and is therefore considered to lie within the countryside, where local and national policies of rural restraint restrict residential development other than in certain specific circumstances. This scheme

does not meet those circumstances and would ordinarily be considered unacceptable in principle.

- 9.2 The Council currently does not have an identified five-year supply of housing, in which case para. 11 of the NPPF sets out that development should be approved *“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.”* In this instance I consider that the inherently poor design of static caravans and the consequent harm to the character and visual amenity of the countryside, as well as the site’s unsustainable rural location, would amount to justifiable reasons to override para. 11 and refuse the application in principle.
- 9.3 The key issue to be considered here, in my opinion, is the personal circumstances of the occupier and the implications of a temporary permission.

Personal circumstances

- 9.4 The elderly occupier suffers from a serious and chronic illness himself, which requires daily intervention from professional medical staff. This in itself is sometimes sufficient justification for officers to consider schemes as exceptions to policy, and there are a handful of otherwise unacceptable developments in the borough (most usually overly-large extensions to residential dwellings) which have been approved on the basis of a genuine medical need. An entirely new dwelling is, perhaps, the most significant example of such exceptions but nevertheless there is an evident need here.
- 9.5 What compounds the situation in this instance, however, is that the occupier’s elderly wife also suffers from a serious medical condition. The condition is such that it is unsafe for the occupier to continue to reside at the family home. I am told that being unable to do so has caused significant distress for the couple, but that it is wholly necessary and in both of their interests. The occupier understandably wishes to remain close to his wife, and the application site suits this need in terms of proximity to their main dwelling.
- 9.6 The evidence from the occupier’s physician is that the static caravan caters entirely for the occupier’s needs. It enables him to remain close to his wife, but within a separate and secure dwelling where he can continue to receive the daily medical assistance he requires. I have no reason to dispute the medical evidence in front of me.
- 9.7 Taking these matters into consideration I am of the opinion that there is a definite need for the occupier to live at this site, and that a temporary permission would be appropriate and justified.

Highways

- 9.8 Use will be made of the existing vehicle access at the site, and I do not consider that one additional dwelling would give rise to a volume or frequency of traffic such that there would be any serious harm to local highway safety or amenity. I don’t consider there to be grounds for refusal on this matter.

Ecology

- 9.9 I note that Natural England request a standard SAMMS contribution, as on all new residential development. However the caravan is effectively serving as a detached,

remote annexe to an existing dwelling and occupation is restricted to the named occupier only, and for a temporary period.

- 9.10 As proposed the use, is not likely to give rise to any additional harm to the SPA, and I don't consider a SAMMS payment to be necessary or justified in this instance.

Landscaping

- 9.11 No additional landscaping or planting is proposed under this application, but I note that the site boundaries are already heavily planted and that the occupier has undertaken new planting on site ahead of this submission. Furthermore, and again with reference to the temporary nature of the permission, I consider this to be acceptable.

Local amenity

- 9.12 The caravan is sufficiently far from existing dwellings to not give rise to any serious issues of overlooking, overshadowing, or loss of residential amenity. Use of the caravan, for a temporary period, is unlikely to generate significant levels of noise or disturbance (and this would be addressed by the Council's Environmental Wardens under separate legislation if or when the need arose).

Conditions

- 9.13 Taking the above into account I consider a temporary permission for a period of three years to be reasonable, after which the occupier can reapply if necessary and officers will be able to review any further justification (medical or otherwise).
- 9.14 I have considered whether or not any temporary permission should be made personal, and am of the view that given the circumstances of this case that it should not. This is because this would require the occupier's name to be made public through publication of the decision notice (which is a public document) on the Council's website. However, a short temporary permission would protect the Council's position to the same degree in my opinion.

10. CONCLUSION

- 10.1 This is an unusual application seeking permission for siting and use of a static caravan as a dwelling, on a temporary basis, due to the particular exceptional personal circumstances of the occupier and his family. I have no reason to dispute the medical evidence put forward, and consider it compelling justification. I note local objections but do not consider they amount to a justifiable reason for refusal in these very specific circumstances.
- 10.2 Taking the above into account I recommend that planning permission should be granted for a temporary period of three years.

11. RECOMMENDATION

GRANT Subject to the following conditions:

1. The use of the land as a residential caravan site shall cease, and the static caravan hereby permitted shall be removed and the site restored to its previous condition on

or before three years from the date of this permission.

Reason: In order that the position may be reviewed at the end of the period stated.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.


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

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

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



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