

2.8 REFERENCE NO - SW/14/0530			
APPLICATION PROPOSAL Siting of two mobile homes with associated utility blocks, with parking for cars and two touring caravans for gypsy family and erection of stables.			
ADDRESS The Barn Yard, Land Adjoining Blackthorne Lodge, Greyhound Road, Minster, Sheerness, Kent, ME12 3SP			
RECOMMENDATION Grant temporary permission for a year to enable the applicant to find alternative accommodation.			
SUMMARY OF REASONS FOR RECOMMENDATION The site is not suitable for permanent residential use, but the Council is not yet able to direct the applicant to available alternative sites.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.			
WARD Sheppey Central	PARISH/TOWN Minster On Sea	COUNCIL	APPLICANT Mrs Patience Brazil AGENT Mr Martin Foad
DECISION DUE DATE 20 June 2014	PUBLICITY EXPIRY DATE 26 May 2014		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/504681/FULL	Change of use of land to gypsy residential site for the stationing of two static caravans, two tourers, one day room. (Ramblin Rose)	Granted	14.01.2016
Members will recall this application from the December meeting, where it was agreed to allow use of the current site for a further year to enable time for the applicant to find alternative accommodation. This is a result of the Council's long-held position that Greyhound Road is unsuitable for permanent accommodation by virtue of its remote location.			
15/503278/FULL	Change of use of land to gypsy residential site for the stationing of two static caravans, two tourers, one day room. (Blackthorne Lodge)	Granted	17.12.2015
Members may also recall this application from the November meeting last year, where a further year was agreed for the same reasons as above.			
15/502191/FULL	Change of use of land to gypsy residential site for the stationing of two static caravans, two tourers, one day room. (The Hawthorns)	Granted	17.12.2015
As above.			
15/502237/FULL	Change of use of land to gypsy residential site for the stationing of two static caravans, two tourers, one day room. (The Peartree)	Granted	17.12.2015
As above.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The Barn Yard is a gypsy site situated on Greyhound Road to the east of Minster and west of Brambledown. It is roughly L-shaped, sits on the southern end of the road, and measures approximately 45m wide x 62m deep. It is largely covered in shingle and contains 2 static caravans, 2 tourers and a wooden utility building. A timber fence runs along the front boundary.
- 1.02 The site sits immediately to the east of Blackthorne Lodge, and to the rear of an existing barn / stable building at the southern end of the road. Two static caravans have been erected along the western site boundary.
- 1.03 Prior to occupation by the applicant in 2014 the land was an open field that had, in the past been used for grazing in association with the existing barn / stables.

2.0 PROPOSAL

- 2.01 The application seeks permission for use of the land as a residential gypsy site, including the stationing of 2 static caravans, parking for 2 touring caravans, and the erection of 2 utility buildings / dayroom.
- 2.02 The application also proposes the erection of a stable building to the side of the existing barn and stables. This will measure approximately 9.3m wide x 4m deep x 3.3m high to the ridge, and will be of a standard design with an overhanging roof to the front. The covering letter states:

“Each site will have a modern mobile home with an associated utility block and services. The sites will also have their own allocated parking areas which will be surfaced in reclaimed road planings / scalplings. Drainage from the accommodation will go to a sealed cesspool...”

The utility blocks, as indicated, will be constructed from facing yellow stock brickwork and black stained / painted boarding, with Eternit slates to the roof and standard timber joinery for the doors and windows.”

- 2.03 The applicant, Mrs Brazil, is from a local gypsy family that is known to officers, and has lived within Swale for many years. Her parents live on the adjacent site (Blackthorne Lodge) and the application site will be occupied by the applicant and her family on plot 1, and her sister on plot 2.

3.0 SUMMARY INFORMATION

	Existing
Site Area (ha)	0.44 (1.08 acres)
No. of static caravans	2
No. of touring caravans	2

4.0 PLANNING CONSTRAINTS

4.01 None.

5.0 POLICY AND OTHER CONSIDERATIONS

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

5.01 The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). Both documents were released in 2012 but the PPTS was re-issued in August 2015 with amendments. Together they provide national guidance for Local Planning Authorities on plan making and determining planning applications for Gypsy and Traveller sites. A presumption in favour of sustainable development runs throughout both documents and this presumption is an important part of both the plan-making process and in determining planning applications. In addition there is a requirement in both documents that makes clear that Councils should set pitch targets which address the likely need for pitches over the plan period and maintain a rolling five year supply of sites which are in suitable locations and available immediately.

5.02 Whilst regard has been paid to all of the guidance as set out within the NPPF, consider that the following extracts from paragraph 7 are particularly pertinent:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

5.03 In relation to rural housing the NPPF (at paragraph 55) states;

- *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*
 - *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
 - *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*

- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.”*

5.04 In relation to conserving and enhancing the natural environment the NPPF, at paragraph 109, states;

“The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Planning Policy for Traveller Sites (PPTS)

5.05 The PPTS was originally published in March 2012 but it was re-issued in August 2015 with minor changes. Whilst regard has been paid to all of the guidance as set out within the PPTS, its main aims now are:

“The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.” (para 3 PPTS)

5.06 *To help achieve this, Government’s aims in respect of traveller sites are:*

- a. *that local planning authorities should make their own assessment of need for the purposes of planning*
- b. *to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
- c. *to encourage local planning authorities to plan for sites over a reasonable timescale*
- d. *that plan-making and decision-taking should protect Green Belt from inappropriate development*
- e. *to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. *that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
- g. *for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*

- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions*
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. for local planning authorities to have due regard to the protection of local amenity and local environment.” (para 4 PPTS)*

5.07 In terms of plan making the PPTS advice is that;

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community*
- b) promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) ensure that children can attend school on a regular basis*
- d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) avoid placing undue pressure on local infrastructure and services*
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.” (para 13 PPTS)*

5.08 For sites in rural areas and the countryside the PPTS advice is that;

“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.” (para 14 PPTS)

5.09 In relation to the determination of planning applications the PPTS says that;

“Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.” (para 23 PPTS)

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*

e) *that they should determine applications for sites from any travellers and not just those with local connections”*

“However, as paragraph 16 [relating to Green Belts] makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.” (para 24 PPTS). (This mini paragraph was added in the 2015 re-issue of PPTS.)

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.” (para 25 PPTS). (The word “very” was added to this paragraph in the 2015 re-issue of PPTS.)

“If a local planning authority cannot demonstrate an up-to-date 5year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception to this is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).” (para 27 PPTS). Members might like to note that the last sentence above was added to this paragraph in the 2015 re-issue of PPTS.

- 5.10 Finally, the definition of gypsies and travellers has been amended in the re-issued PPTS to remove the words “or permanently” from after the word “temporarily” in the following definition;

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

Saved Policies of Swale Borough Local Plan 2008

- 5.11 Policy E1 (General Development Control Criteria) sets out standards applicable to all development, saying that it should be well sited appropriate in scale, design and appearance with a high standard of landscaping, and have safe pedestrian and vehicular access whilst avoiding unacceptable consequences in highway terms.
- 5.12 This site lies in an isolated position within the countryside where policy E6 (The Countryside) seeks to protect the quality, character and amenity of the countryside, and states that development will not be permitted outside rural settlements in the interests of countryside conservation, unless related to an exceptional need for a rural location.
- 5.13 Within the countryside, and outside of designated landscape areas such as AONBs, policy E9 (Protecting the Quality and Character of the Borough’s Landscape) expects development to be informed by local landscape character and quality, consider guidelines in the Council’s landscape character and assessment, safeguard distinctive landscape elements, remove detracting features and minimise adverse impacts on landscape character.

- 5.14 Policy E19 (Achieving High Quality Design and Distinctiveness) requires development proposals to be well designed.
- 5.15 Policy H4 explains the Borough Council will only grant planning permission for the use of land for the stationing of homes for persons who can clearly demonstrate that they are gypsies or travelling showpersons with a genuine connection with the locality of the proposed site, in accordance with 1 and 2 below.
1. For proposals involving the establishment of public or privately owned residential gypsy or travelling showpersons sites:
 - a) there will be a proven need in the Borough for the site and for the size proposed;
 - b) the site will be located close to local services and facilities;
 - c) there will be no more than four caravans;
 - d) the site will be located close to the primary or secondary road networks
 - e) in the case of a greenfield site there is no suitable site available on previously developed land in the locality;
 - f) the site is not designated for its wildlife, historic or landscape importance;
 - g) the site should be served, or capable of being served, by mains water supply and a satisfactory means of sewage disposal and refuse collection;
 - h) there is no conflict with pedestrian or highway safety;
 - i) screening and landscaping will be provided to minimise adverse impacts;
 - j) no industrial, retail, commercial, or storage activities will take place on the site.
 - k) use of the site will not give rise to significant adverse impacts upon residential amenity, or agricultural or commercial use, of surrounding areas; and
 - l) the land will not be in a designated flood risk area.
 2. Additionally to 1, for proposals for short term stopping places:
 - m) there will be a planning condition to ensure that the length of stay for each caravan will be no longer than 28 days with no return to the site within 3 months.”

- 5.16 This policy was criticised by the Local Plan Inspector who saw it, as a criteria based rather than site allocations policy, as inconsistent with the then Circular 01/2006 - which itself has since been superseded by PPTS and its emphasis of a five year supply of sites - and the policy can only be of limited significance to this application.

Bearing Fruits 2031: 2014 Examination version of the Swale Borough Local Plan

- 5.17 The Council's Examination version of the draft Local Plan, entitled *Bearing Fruits 2031*, was published in December 2014 and was examined in November and December 2015. 5.25 below provides further commentary on this.
- 5.18 Policy CP 3 of the draft Local Plan aims to provide pitches for gypsies and travellers as part of new residential developments, and policy DM10 sets out criteria for assessing windfall gypsy site applications.

Site Assessment

- 5.19 The Council's February 2014 Gypsy and Traveller Site Allocations: Issues and Options consultations document recommends a new methodology for how to assess site suitability for determining whether or not to allocate a site. Although this was primarily intended to rank potential site allocations, it was agreed by Members of the LDF Panel in June 2014 to be used as a material consideration in planning applications. Even though this is normally done in relation to the potential suitability of a fresh site, given that this application is largely retrospective I have considered it in formulating this recommendation to be sure that the recommendation is up-to-date. This assessment is a Red/Amber/Green staged approach to site suitability, with any site scoring Red in any stage not being progressed to the next stage.
- 5.20 The red scores mean that the site should not proceed to Stage 3 and will not be a candidate site for a future allocations policy. The Barnyard (and, indeed, many of the other sites along Greyhound Road) scores red in a number of categories, including domination of nearest settled community; site access; and access to facilities. It is therefore not considered suitable as a permanent site – this has been the Council's stance in regards to all gypsy and traveller applications along Greyhound Road for a number of years.

Five year supply position

- 5.21 The PPTS has since 2012 introduced a need for Council's to maintain a rolling five year supply of sites which are in suitable locations and available immediately. This is a relatively new requirement for 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.
- 5.22 The GTAA sets out a target of 85 pitches to be provided by the year 2031, with a suggested provision of 35 pitches in the first five years (to 2018). Three pitches were approved during the course of the GTAA's production so the final target was in fact 82 pitches. Since the publication of the GTAA and up to the end of March 2015 a total of 47 permanent pitches have been approved in Swale almost exclusively without an appeal, of which 33 pitches had been implemented. Evidence to be presented to the Local Plan examination later this year shows that at the end of March 2015 the need for pitches identified from the GTAA thus stood at 82 pitches minus the 33 permanent pitches approved and implemented, including the personal permissions granted in the interim. This reduced the need to 49 pitches which, at an annualised rate of 4.6 pitches per year (23 pitches over five years) indicated that the Council has already provided a surplus of supply of 0.8 pitches over the full five year requirement. This is calculated by taking the two year annualised requirement of 9.2 pitches from the completions so far to show a current surplus of 23.8 implemented pitches over the two year requirement and already a surplus of 0.8 approved permanent pitches over the five year need after just two years. In addition to this there are a further 13 approved but unimplemented permanent pitches as at the end of March 2015, an overall surplus of 14 pitches. These mostly comprise extensions to, or more intensive use of, existing sites and are awaiting occupation. Since then two more wholly new permanent sites have been approved at Eastchurch and Newington. Planning permission for a further two fresh pitches is awaiting only the completion of a Section 106 Agreement on a large mixed use development site at Faversham. This is a very considerable achievement and indicates the Council's positive attitude to such development in the right location.

Furthermore, the likelihood of significant pitch provision as part of major new mixed use developments is a key feature of the emerging Local Plan and we will shortly see if that policy forms part of the final Plan.

The latest position of site provision

- 5.23 Evidence to the current Local Plan examination is that the Council has re-interrogated the GTAA to determine the appropriate level of pitch provision based on the new 2015 PPTS revised definition of gypsies and travellers. The data reveals that for all but unauthorised sites some two-thirds of households surveyed for the GTAA either never travel or travel not more than once a year. Overall, only 31% of respondents travel a few times a year, and 55% never travel, meaning that in Swale the gypsy and traveller population is quite settled, slightly more so than elsewhere in the country. Many current site occupants no longer meet the new PPTS definition of having a nomadic habit of life
- 5.24 Accordingly, the need for pitches in Swale has been re-evaluated, resulting in a reduced estimate of pitch need of 61 pitches over the Plan period to 2031. Of these 51 have already been granted permanent planning permission meaning that the outstanding need is just 10 pitches to 2031. The Council considers that on the basis of past trends this need could easily be met from windfall proposals.
- 5.25 As a result of this analysis, the Council is suggesting through main modifications to its draft Local Plan that the future need be based on a figure of 61 pitches, leaving a need per year of 0.7 pitches and, that no formal pitch allocations will be needed. Policy DM10 would be revised to deal with these windfall applications and policy CP3 would be removed from the Plan. Accordingly, a Part 2 Local Plan would not be required. The Local Plan Inspector endorsed this approach at the Inquiry sitting in November this year. Full, formal, acceptance of this stance relies upon a further round of public consultation, but based on the representations received up to this point it is not envisaged that there will be a significant deviation.
- 5.26 However, irrespective of the question of the five year supply, the question of whether any approved and unoccupied sites are available to individual appellants is also normally taken in to account by Inspectors. Here, the evidence suggest that they may consider that sites approved as expansions of existing site are not readily available to appellants facing loss of their existing temporary site. This appears to confirm their decisions where the question of availability of alternative sites is crucial to their decision.
- 5.27 To conclude on this subject, it seems that there is no reason to see approved but unimplemented pitches as other than as part of a five year supply. Nor should potential ethnic grouping issues rule them out of consideration where this applies. However, there appears to be a question in Inspector's minds regarding whether such sites should be afforded full weight in relation to the prospects of them being suitable for a particular appellant, and whether they will wish to, or be able to, occupy such a site for reasons of ethnicity, or availability for other than families of the current site owners.
- 5.28 The revised PPTS (2015) has resulted in considerable uncertainty as it changes the planning definition of a traveller and gypsy, and therefore what number of required pitches need to be identified. The Council has addressed this by re-interrogating the GTAA data and presenting a number of options for the way forward to the Inspector at the current Bearing Fruits Local Plan Examination. At the time of writing the Inspector has yet to consider or decide which option is appropriate and in the mean time it is

considered appropriate to continue to consider applications in the context of the GTAA as originally drafted.

6.0 LOCAL REPRESENTATIONS

6.01 The application was advertised by way of a site notice, and letters to local residents.

6.02 Two letters of objection have been submitted by local residents, commenting:

- The scale of sites on Greyhound Road now dominates the settled community;
- Work has already been carried out on site;
- The site is within a flood plain [NB: the site is outside of the flood zone];
- Planning permission was previously refused for a dwelling and smallholding on the site [NB: this relates to an enforcement case where a caravan was being lived in by a single person, who did not claim gypsy / traveller status, and without any justification of agricultural need];
- Gypsies and Travellers are treated differently to the settled population; and
- The Council will not listen to local concerns *“as you have never done so in the past.”*

6.03 The Brambledown Resident’s Association objects on the following summarised grounds:

- There has been an established pattern of unauthorised sites on Greyhound Road;
- The number of pitches has formed one large site, with further surrounding land available for more expansion;
- Cumulative, dominating impact on settled community;
- The Woodlands Lodge appeal decision sets a precedent for refusing permission here; and
- Planning enforcement action has been slow to respond.

6.04 No other representations received.

7.0 CONSULTATIONS

7.01 Minster Parish Council objects strongly on the following summarised grounds:

- Impact on the character and amenity value of the countryside;
- Remote, unsustainable location;
- Domination of nearby settled community; and
- History of planning breaches.

A full copy of the Parish Council’s objection is appended to this report.

7.02 Southern Water has no objections, but advises that the Environment Agency should be consulted with regard to the use of soakaways and septic tanks.

7.03 No other representations received.

8.0 BACKGROUND PAPERS AND PLANS

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

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

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

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

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

8.04 Members will also recall applications for The Hawthorns, The Peartree, and Blackthorn Lodge, which were considered at the meeting on 17 December, and Ramblin Rose, which was considered at the meeting on 14 January, where Members agreed to grant permission for a further year to allow current residents time to find alternative accommodation.

9.0 APPRAISAL

9.01 This scheme differs somewhat from the previous applications noted above in that it has not previously been granted permission, and while the application is retrospective, it effectively amounts to an application for a fresh site. That notwithstanding, however, the circumstances and considerations are the same as for the previous applications for the neighbouring sites.

9.02 The PPTS suggests that local planning authorities should have due regard to the protection of local amenity and local environment and ensure that traveller sites are sustainable economically, socially and environmentally. The PPTS makes it clear that *“applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.”*

9.03 The PPTS goes on to say that *“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”* It is worth noting that the word “very” was added to this paragraph in the 2015 re-issue of PPTS which implies to me that whilst there is still no outright ban on approving sites in open countryside, there is a need to give greater weight to the harm that sites such as this one can do to the character of open countryside.

- 9.04 The proliferation of sites on Greyhound Road has caused some harm to the character and appearance of the street scene and the wider countryside. An area of woodland has been removed to make room for the various plots and, as a result, a number of the sites are prominent in views from the Lower Road and give rise to a harsh urbanised appearance that is contrary to the rural character of the area. I am not convinced that landscaping entirely mitigates this harm.
- 9.05 The number of sites on Greyhound Road has also reached a point at which they dominate the local settled community at Brambledown and the small unmade local roads nearby.
- 9.06 The unsuitability of the location along with the harm caused, as set out above, is a clear indication that permanent planning permission should not be granted. The Inspector's decision on the Woodlands Lodge appeal (as above) supports this assertion, and provides a clear steer for the Council.
- 9.07 However - I consider that there has been a significant change in relevant considerations since the first grant of temporary permission for pitches on Greyhound Road in 2008 (The Hawthorns, SW/08/0579), with a very strong growth in the number of permanent permitted pitches within the Borough, and the evolution of the Council's policy approach to gypsy and traveller sites.
- 9.08 I understand that at the end of the 2014/2015 annual monitoring year 47 permanent gypsy and traveller sites had been permitted. According to the strictest supply calculation, that represents a more than five year supply of sites in just two years, with approval of more windfall sites likely. As such, I see no overriding need for sites that suggests that a site with such clear environmental and sustainability objections should be approved on a permanent basis. Any re-calculation of need following the re-issue of PPTS can only reduce the need figure, but that is an argument that I do not feel needs to be given weight here.
- 9.09 This situation may improve still further with new sites coming forward through windfall applications. However, there is not yet a set of currently genuinely available sites for this applicant to relocate to, and it is unlikely that there will be in the immediate future. This suggests that more time than initially thought is required to see the future of the applicant resolved and further clarification on gypsy and traveller policy would be established through National Planning Policy Guidance and the adoption of the Local Plan.
- 9.10 This suggests that there is a need to grant further temporary permissions for the existing sites along Greyhound Road, including the current application site, to enable the applicants to find alternative accommodation.
- 9.11 I therefore recommend that temporary permission, for a period of 1 year, be granted, which will give time for the applicants to investigate alternative accommodation and for the Council to continue to review its position in regards to the supply of sites.
- 9.12 I consider that the Council's position is not strong enough in terms of being able to direct the applicant to alternative sites at this time to justify an outright refusal of permission if an appeal were to be submitted. In this regard I would revisit the previous Inspector's decision, as above, in which the Inspector comments "*I find that in the immediate future, the prospects of finding an affordable, acceptable and suitable alternative site with planning permission in the Borough appear limited.*"

9.13 Refusal of planning permission here would be an infringement of the applicant's rights under Article 8 of the European Convention of Human Rights. To a lesser extent so too is the grant of permission for only one year. However that infringement would, in my opinion, be proportionate and necessary in the public interest to avoid permanent harm to the countryside and landscape, which is supported by the above local and national policies.

10.0 CONCLUSION

10.01 The application seeks permanent residential use of the site by two gypsy families. The Council has long held the view, which has been supported at appeal, that the site is not suitable for permanent accommodation, and the Council has now effectively met its 5-year supply target, but at this stage we are unable to direct the applicant to available alternative pitches.

10.02 Taking the above into account I recommend that temporary permission be granted for a period of 1 year to allow time for the applicant to find suitable alternative site.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

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

Reasons: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area.

(3) No more than two touring caravans shall be stationed on the site at any one time.

Reasons: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area.

(4) The site shall only be used for residential purposes and it shall not be used for any business, industrial or commercial use. In this regard no open storage of plant, products or waste may take place on the land and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

Reasons: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area.

- (5) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reasons: In the interests of preventing light pollution.

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

Reasons: In the interests of highway safety and convenience.

- (7) The areas shown on the submitted layout as vehicle parking spaces 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 these reserved parking spaces.

Reasons: To ensure the use does not prejudice conditions of highway safety and in accordance with Policy T3 of the Swale Borough Local Plan 2008.

The Council's approach to this application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

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

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

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

APPENDIX 1

M.P.C. comments

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adjoining Blackthorne Lodge, Greyhound Road, Minster ME12 3SP **STRONGEST OBJECTION** on the following grounds: -

- i. The proposals contradict Swale Borough Council Local Plan policy E6 (the Countryside) which dictates that the quality and character and amenity value of the countryside of the Borough will be protected and where possible enhanced.

The application sites lie within the countryside, outside any recognised built up area, as defined in the Swale Borough Local Plan 2008, where policy RC4 for rural restraint applies. The proposals would amount to visually intrusive development which would fail to protect the countryside for its own sake because of their prominent location within a rural area, lack of site screening and the harsh urban appearance of the mobile homes, buildings and hard landscaping presenting as harmful to on the character and appearance of the surrounding countryside and do not guarantee environmental sustainability by protecting the rural landscape from development.

This also goes against the Government's new Planning Policy for Travellers which instructs local planning authorities to strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

- ii. In line with the Government's new Planning Policy for Traveller Sites which is now law and supersedes the Core Strategy which is only in draft form and subservient to current legislation, local planning authorities have a duty to ensure that gypsy and traveller sites are sustainable; economically, socially and environmentally.

The site is remotely located from shops, services, public transport and amenities. There is no pedestrian access and road access is from the A2500 Lower Road, a de-restricted road which is well known for its safety issues having suffered two fatalities within 100 metres of the access to the unmade track known as Greyhound Road. There are no employment opportunities available locally. The site cannot be considered to be sustainable or suitable for gypsy and traveller accommodation or indeed ANY residential accommodation.

Approval would also contradict Swale Borough Council's Local Plan policy E1 (General Development Criteria) which sets out standards applicable to all development, saying that it should be well sited appropriate in scale, design and appearance with a high standard of landscaping, and have safe pedestrian and vehicular access whilst avoiding unacceptable consequences in highway terms. Furthermore, the overall need for gypsy and traveller site accommodation in the Borough is outweighed by the harm arising from the unsustainable location of this site and as such planning permission should be refused.

- iii. Policy C of the Government's new Planning Policy for Traveller Sites makes it clear that when assessing the suitability of sites in rural areas and the countryside that local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

The cumulative effect of this and the adjacent sites on the existing community at Brambledown, in terms of their overall scale and the effect of this insidious expansion directly contravenes the Government's own Planning Policy for Traveller Sites. This means that this application should not and cannot be considered in isolation. Granting

APPENDIX 1

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permission will set a precedent that will impact negatively not only on the current sites but on the surrounding area which will be impossible to defend against future incursions. If approved, it will add to the existing gross social imbalance, constituting more than one third of the population of a small hamlet.

(The residents of Brambledown have no problem with accommodating small sites in their midst, demonstrated by their support for a previous application in Elmley Road, nearby. They do however have a problem with what seems to be an inexorably-increasing number of caravans on adjacent plots in Greyhound Road to form, in effect, one large site).

- iv. The Government's new Planning Policy for Traveller Sites legislation specifically promotes peaceful and integrated co-existence between the site and the local community.

The site has a long and contentious history of various breaches of planning control. The obvious lack of enforcement by Swale Borough Council on what is a clear abuse of the planning system and that authority's lack of compliance with the Localism Act 2011 which gives councils the power to tackle the intentional abuse of retrospective planning is evident in this case. This clear lack of enforcement action has without a doubt provided a major stumbling block in creating the situation at Greyhound Road today. It has led to the proliferation of the open countryside site and opened the door to further unauthorised encampments. Indeed, events on and surrounding the site can clearly demonstrate how its close proximity to the settled community has indeed impacted on residents' quality of life, from both an environmental and a social perspective. Furthermore, conditions attached to the previous five temporary permissions have been largely ignored, and a key requirement of the Council's Consultation Document (Policy H4, A.1) that "use of the site will not give rise to adverse impacts upon residential amenity" has not been met.

Another recommendation for approval here ('Temporary' or otherwise) would serve to demonstrate yet again to Brambledown residents that there is no effective planning mechanism to prevent the continual spread of gypsy sites along Greyhound Road until all available space is occupied. And further, that all new legislation and Government guidance to Local Authorities to prevent this in the interests of community cohesion is ineffective on the ground. Such a recommendation could also undermine the Council's case at the imminent Appeal on Woodlands Lodge, where Officers have been tasked by Members to oppose the Appeal on the grounds given for the recent decision to refuse permission. In addition, recommending approval following yet another example of unauthorised site preparation would serve to confirm to residents that however strong the case for refusal on the grounds of unsustainability and cumulative impact, it will always be overridden by considerations of 'need' by gypsy families who have obviously been settled elsewhere but have chosen, for their own reasons, to re-locate to Greyhound Road. Local residents see such blatant disregard of planning policy as fundamentally objectionable, which doesn't bode well for future community relations.

For all of the above reasons and in accordance with the express wishes of Planning Committee Members when refusing Woodlands Lodge, Minster-on-Sea Parish Council would ask you to recommend refusal of this application.