

PLANNING COMMITTEE – 7 APRIL 2016

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

REFERENCE NO - 15/510499/FULL		
APPLICATION PROPOSAL Permission is sought for change of use of land to a residential caravan site, for two Romani Gypsy families. The site to contain two static caravans, two touring caravans, parking for four vehicles with associated hardstanding, and septic tanks/water treatment plants as required. This application is part retrospective.		
ADDRESS The Retreat Faversham Road Newnham Kent ME13 0SP		
RECOMMENDATION - Refuse		
WARD East Downs Ward	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mrs Annie Gibbs AGENT
DECISION DUE DATE 08/02/16	PUBLICITY EXPIRY DATE 30/03/16	

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a steeply sloping traditional orchard to the north of Newnham situated within an attractive dry valley within the Kent Downs Area of Outstanding Natural Beauty. The land has no prior planning history. The site is adjacent to Newnham Valley Road, but it is located in a remote location well away from any local services or amenities.
- 1.02 Access to the site is via a simple field gate situated within the junction between Elverland Lane and Newnham Valley Road, where emerging drivers cannot be seen by traffic turning left into Elverland Lane, and who cannot see approaching traffic due to a complete lack of visibility splays at the site entrance.
- 1.03 The site was occupied unlawfully by the applicant on the weekend of 12/13 December 2015 with two mobile homes and two touring caravans. This retrospective planning application was submitted on 14 December 2015. The Council served an Enforcement Notice on 24 December 2015. On the same day the Council also served a Stop Notice regarding hardsurfacing works on the site. The enforcement notice set a six month period for compliance, but an appeal has been lodged against this requirement, with the applicant seeking a three year period for compliance. A hearing date is yet to be set for this appeal.

2.0 PROPOSAL

- 2.01 The application proposes use of the site for the stationing of two mobile homes and two touring caravans for the applicant and her family, with hardstanding and septic tanks/water treatment plants as required. The occupants of the site are the applicant, her husband, her daughter, and her daughter's two children aged 7 years and about

one year old. I made relevant enquiries regarding personal circumstances when the applicant first occupied the site. The applicant has also submitted a number of documents and details regarding gypsy equality issues, her own family circumstances and her gypsy status to support the application, partly at my express request, and I summarise this information below.

Gypsy status

- 2.02 The applicant has sent details of her family's attendance at Horse Fairs, Fairs and Events throughout the year, as well as at other unspecified cultural and family events. The applicant explains that the family also continue to travel for work for a significant part of the year, and explains that her family have also stayed at different camps when working way on the roads. This she suggests satisfies the test of gypsy status.

Health issues

- 2.03 The applicant has also submitted an Education and Health Statement. This largely rehearses widely known issues about the health and educational issues affecting gypsies and travellers, but also sets out some details of the family members' health issues. These relate principally to the applicant's husband who has on-going health issues, and to her grandson (aged 7) who has learning and behavioural problems for which he is receiving specialist medical help. Letters from the grandson's school (which he started at in January 2016) and from the NHS to the school along with details of his referral to CAMHS (Child and Adolescent Mental Health Services) have been provided on a confidential basis. The applicant's daughter is also being prescribed medication.

Equality and Human Rights issues

- 2.04 A Design and Access Statement has been submitted some time after the application, although this is strictly speaking not a requirement for this application. Nevertheless, the statement suggests that;
- There would be little extra traffic from this small family site
 - The road is quiet with slow traffic speeds and low traffic flow
 - Visibility either side of the gate is "reasonably good". The site has good and safe access to primary and other roads
 - The applicant previously worked the orchard
 - Visual impact is minimal even though the site is within the AONB
 - Screening around the site can be improved with further planting
 - Two nearby private gypsy sites have temporary planning permissions
 - The site is not visible from nearby footpaths
 - A recent appeal decision at Badlesmere weighed personal circumstances above harm to the AONB
 - Mains water and electricity services can be provided to the site
 - Septic tanks or water treatment plants can be installed at the site
 - A bus service passes the site, which is just over 3 miles from Faversham
 - The site is affordable and will reduce the need for other sites
 - A lack of site supply should be a significant factor in granting a temporary permission
- [NOTE: This advice no longer applies in an AONB]**

- There is an undersupply of sites, possibly 9 or 10 sites, although it may be more
 - There are no flood risk issues on the site
- 2.05 A block plan showing the location of the mobile homes, touring caravans, parking areas, tarmac and planting has also been sent in more recently.
- 2.06 The statement notes that elsewhere, strongly compelling personal circumstances have carried significant weight along with identified need for sites and a lack of reasonable alternative sites. It also refers to the United Nations Convention on the Rights of the Child which requires that a child's best interests be a primary consideration, and to the European Convention on Human Rights that requires respect for family and private life.
- 2.07 The statement confirms that the applicant has gypsy status for planning purpose and would accept a personal and/or temporary planning permission as it is important that the family has a stable place to live and access education and healthcare. The Human Rights Act is referred to as is the entitlement of gypsies and travellers to their traditional way of life, which involves living in caravans. These issues are said to amount to "Very Special Circumstances" which are material to the planning application.
- 2.08 Finally, the applicant has submitted a number of documents relating more generally to the issue of racial discrimination especially in relation to gypsies both from the UK and the Council of Europe and UNHCR.

3.0 PLANNING CONSTRAINTS

Area of Outstanding Natural Beauty KENT DOWNS

4.0 POLICY AND OTHER CONSIDERATIONS

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

- 4.01 The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). Both documents were released in 2012 but the PPTS was re-issued in August 2015 with amendments. Together they provide national guidance for Local Planning Authorities on plan making and determining planning applications for Gypsy and Traveller sites. A presumption in favour of sustainable development runs throughout both documents and this presumption is an important part of both the plan-making process and in determining planning applications. In addition there is a requirement in both documents that makes clear that Councils should set pitch targets which address the likely need for pitches over the plan period and maintain a rolling five year supply of sites which are in suitable locations and available immediately.
- 4.02 Whilst regard has been paid to all of the guidance as set out within the NPPF, I consider that the following extracts from paragraph 7 are particularly pertinent:
- "There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right

places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

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

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
 - the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

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

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

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

4.05 The NPPF prioritises the safeguarding of AONBs at paragraph 115.

Planning Policy for Traveller Sites (PPTS)

4.06 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)

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

- a. that local planning authorities should make their own assessment of need for the purposes of planning*
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
- c. to encourage local planning authorities to plan for sites over a reasonable timescale*
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development*
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
- g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions*
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. for local planning authorities to have due regard to the protection of local amenity and local environment.” (para 4 PPTS)*

4.07 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)*

4.08 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)

4.09 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). Members should note that that the mini paragraph above was added in the 2015 re-issue of PPTS

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

“If a local planning authority cannot demonstrate an up-to-date 5year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception to this is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites

designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).” (para 27 PPTS). Members should note that that the last sentence above was added to this paragraph in the 2015 re-issue of PPTS.

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

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

The implications for this change in definition has affected the issue with regard to defining need, and this matter is the subject to some very recent changes regarding the Council’s emerging Local Plan which are referred to below.

- 4.10 The Council has responded positively and quickly to the changes in the national policy position in respect of Gypsy and Traveller accommodation. The Local Development Framework Panel quickly supported the commissioning of a new Gypsy and Traveller Accommodation Assessment (GTAA), which was completed in June 2013 and identified a need for 82 pitches to be provided during the plan period (adjusted down from 85 pitches in reflection of those sites granted permanent permission whilst the document was under preparation). This need figure was incorporated within the draft Bearing Fruits Swale Borough Local Plan: Part 1 alongside a policy introducing provision for pitches on certain major development sites. An additional net 47 permanent pitches (some with personal use conditions) had also been approved up to March 2015, reducing the outstanding need to 35 pitches over the Plan period. A further number of pitches enjoy temporary permissions.
- 4.11 Shortly after publication of the GTAA in 2013 the Council began work on Part 2 of the Swale Borough Local Plan which will deal with site allocations for Gypsy and Traveller pitch provision only. This process began with a call for sites between September and December 2013, and the publication of an issues and options paper which was subject to public consultation (this finished on 25th April 2014). The Local Plan was subject to examination in November 2015 and the latest position on this is referred to below.

Saved Policies of Swale Borough Local Plan 2008

- 4.12 Policy E1 (General Development Control Criteria) sets out standards applicable to all development, saying that it should be well sited appropriate in scale, design and appearance with a high standard of landscaping, and have safe pedestrian and vehicular access whilst avoiding unacceptable consequences in highway terms.
- 4.13 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.

- 4.14 Within Areas of Outstanding Natural Beauty policy E9 (Protecting the Quality and Character of the Borough's Landscape) gives priority to the long term protection and enhancement of the quality of the landscape, whilst having regard to the economic and social well being of their communities. Policy E9 seeks to protect the quality, character and amenity value of the wider landscape of the Borough. Within the countryside it expects development to be informed by local landscape character and quality, consider guidelines in the Council's landscape character and assessment, safeguard distinctive landscape elements, remove detracting features and minimise adverse impacts on landscape character. Protection of AONBs is a high priority in the NPPF and they are now afforded recognition in the PPTS, see below.
- 4.15 Policy E19 (Achieving High Quality Design and Distinctiveness) requires development proposals to be well designed.
- 4.16 Policy RC7 (Rural Lanes) seeks to protect the physical features and character of rural lanes, of which Elverland Lane is one.
- 4.17 Policy H4 explains the Borough Council will only grant planning permission for the use of land for the stationing of homes for persons who can clearly demonstrate that they are gypsies or travelling showpersons with a genuine connection with the locality of the proposed site, in accordance with 1 and 2 below.
1. For proposals involving the establishment of public or privately owned residential gypsy or travelling showpersons sites:
 - a) there will be a proven need in the Borough for the site and for the size proposed;
 - b) the site will be located close to local services and facilities;
 - c) there will be no more than four caravans;
 - d) the site will be located close to the primary or secondary road networks
 - e) in the case of a greenfield site there is no suitable site available on previously developed land in the locality;
 - f) the site is not designated for its wildlife, historic or landscape importance;
 - g) the site should be served, or capable of being served, by mains water supply and a satisfactory means of sewage disposal and refuse collection;
 - h) there is no conflict with pedestrian or highway safety;
 - i) screening and landscaping will be provided to minimise adverse impacts;
 - j) no industrial, retail, commercial, or storage activities will take place on the site.
 - k) use of the site will not give rise to significant adverse impacts upon residential amenity, or agricultural or commercial use, of surrounding areas; and
 - l) the land will not be in a designated flood risk area.
 2. Additionally to 1, for proposals for short term stopping places:
 - m) there will be a planning condition to ensure that the length of stay for each caravan will be no longer than 28 days with no return to the site within 3 months."
- 4.18 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 appeal.

Swale Landscape Character and Biodiversity Appraisal SPD 2011

- 4.19 This site is within the Doddington and Newnham Dry Valleys landscape character areas as defined in the March 2011 Swale Landscape Character and Biodiversity Appraisal, areas which are seen as of high and moderate sensitivity respectively and in good condition.

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

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

Site Assessment

- 4.22 The Council's February 2014 Gypsy and Traveller Site Allocations: Issues and Options consultations document recommended a new methodology for how to assess site suitability for determining whether or not to allocate a site. Although this was primarily intended to rank potential site allocations, it was agreed by Members of the LDF Panel in June 2014 to be used as a material consideration in planning applications. Even though this is normally done in relation to the potential suitability of a fresh site I have considered this 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.
- 4.23 The assessment starts with Stage 1: Availability. The applicant is in occupation of the site. Here the site scores green. This means that the site should proceed to Stage 2.
- 4.24 Stage 2: Suitability/Constraints. The site is not in a flood risk zone (assessment green); it is in an AONB and is a former traditional orchard, now in need of restoration, but hard by the main Newnham Valley Road and very prominent in public consciousness. The recent occupation of the site has been extremely visually intrusive (boundaries feature predominantly deciduous hedging so for long periods of the year the caravans and vehicle etc. are plainly seen) and harmful to the aims of designation of the AONB. Whilst the caravans have so far been sited only at the bottom of the site, they are prominent even here, and any other siting would only be higher up the site and even more prominent (red); it has very harmful landscape impact (red); it has no unacceptable impact on biodiversity (green); no dominating effect on settlements on its own but there are already three private gypsy sites nearby on temporary permissions (one on adjacent land and two others across the otherwise unpopulated Elverland Lane). Furthermore, a recent planning application for a further private site nearby was recently refused by the Council. If an appeal is lodged there it will indicate sustained pressure for sites here which taken together will have a significant effect on such a sparsely populated and otherwise unspoilt area (amber); no adverse impacts on heritage/archaeology (green); is not known to be contaminated (green); will not be subject to unacceptable noise or disturbance (green); has dangerous access which the highway authority have raised formal

objection to (red); and is remote and not within walking distance to any significant facilities (red). The red scores mean that it is not a site considered to be suitable as a permanent site, and that the site should not proceed to Stage 3 and will not be a candidate site for any future allocations policy (if such a policy were now to be produced). The site assessment scoring sheet is attached as an appendix to this report.

- 4.25 The arrangements for production of Part 2 of the new Local Plan included consultation upon a preferred options document in Summer 2014. The future of and need for Part 2 of the Local Plan was expected to be dependent upon the successful adoption of Part 1 of the Local Plan. It was intended that should the Local Plan Inspector find problems with Part 1 of the Local Plan, Officers were likely to suggest that all pitch provision matters be deferred to Part 2 to enable Part 2 of the Local Plan to progress independently of Part 1. The latest position on this issue is referred to below.

Five year supply position

- 4.26 The PPTS has since 2012 introduced a need for Council's to maintain a rolling five year supply of sites which are in suitable locations and available immediately. This is a relatively new requirement for Council's and the Council could only start attempting to meet this requirement following the commissioning and publication of the GTAA which provided the need figure and a base date. As such, the Council put measures into place to deal with the PPTS requirements very quickly, but have only recently started down the route of trying to maintain a rolling five year supply.
- 4.27 The GTAA sets out a target of 85 pitches to be provided by the year 2031, with a suggested provision of 35 pitches in the first five years (to 2018). Three pitches were approved during the course of the GTAA's production so the final target was in fact 82 pitches. Since the publication of the GTAA and up to the end of March 2015 a total of 47 permanent pitches were approved in Swale almost exclusively without an appeal, of which 33 pitches had been implemented. Evidence presented to the recent Local Plan examination shows that at the end of March 2015 the need for pitches identified from the GTAA thus stood at 82 pitches minus the 33 permanent pitches approved and implemented, including the personal permissions granted in the interim. This reduced the need to 49 pitches 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 was 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 were a further 13 approved but unimplemented permanent pitches as at the end of March 2015, an overall surplus of 14 pitches. These mostly comprised extensions to, or more intensive use of, existing sites and were awaiting occupation. Since then six more wholly new permanent sites have been approved including two fresh pitches 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.

The latest position of site provision

- 4.29 The revised PPTS (2015) has resulted in considerable uncertainty as it changed the planning definition of a traveller and gypsy, and therefore what number of required pitches need to be identified. Evidence to the recent Local Plan examination was that the Council has re-interrogated the GTAA data to determine the appropriate level of

pitch provision based on the new 2015 PPTS revised definition of gypsies and travellers. The data revealed that for all but unauthorised sites some two-thirds of households surveyed for the GTAA either never travel or travel not more than once a year. Overall, only 31% of respondents travel a few times a year, and 55% never travel, meaning that in Swale the gypsy and traveller population is quite settled, slightly more so than elsewhere in the country. Many current site occupants no longer meet the new PPTS definition of having a nomadic habit of life

- 4.30 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, over 51 have already been granted permanent planning permission meaning that the outstanding need is less than 10 pitches to 2031. The Council considers that on the basis of past trends this need could easily be met from windfall proposals.
- 4.31 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 less than one pitch 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.
- 4.32 The Local Plan Inspector's third interim report (March 2016) fully supports the Council's proposed position regarding gypsy and traveller site provision, accepting that the remaining need for sites can be managed by windfall applications and without a Part 2 Local Plan. The Inspector also accepts that the Council should revise draft Plan policies to reflect progress on site provision whereupon the Plan will be effective and consistent with national policy
- 4.33 At a more local level the Council is a contributor to the Kent Downs AONB management unit which has recently published its second revision to the Kent Downs AONB Management Plan (2014 – 2019). This included policies SD1, SD2, SD3, SD8 and LLC1 of the Plan, which refer to the need to conserve and enhance the natural beauty of the AONB being the prime purpose of the designation, with new development respecting the area's character, quality and distinctiveness, with development that runs counter to the primary purpose of the AONB, or its distinctive landform, special characteristics or qualities being opposed.
- 4.34 Finally, the Government's Chief Planner announced on 31 August 2015 (the same day PPTS was re-issued) a policy that from that date all applications and appeals that involve intentional unauthorised development this fact can be a material planning consideration. In this case the site was occupied over a weekend without prior warning and without the necessary planning permission. The site had previously been owned by a different gypsy family who had not carried out any unauthorised development on the site. However, after local concerns over activity on the site reached the Council a Land Registry search was carried out (7 December 2015) and it was revealed that the current applicant had recently purchased the land (27 November 2015). The Council then immediately wrote to the applicant at her registered address to make clear the planning situation on the site and to discourage any unauthorised development. This letter was sent on 8 December but, notwithstanding that letter the site was occupied over the weekend of 12/13 December 2015.

5.0 LOCAL REPRESENTATIONS

5.01 I have received over 50 local representations from a wide ranging local area. These make the following summarised points;

- The site lies in the Kent Downs AONB which the Council has a duty to protect; caravans do not protect this nature
- Contrary to Local Plan policies to protect the countryside
- The applicant has run roughshod over the planning system and retrospective planning permission should not be granted – this would make a mockery out of the planning system
- Gypsy status should not be allowed to authorise the destruction of the countryside
- Swift action should be taken to return the land to its former condition
- The site is extremely open and visible from the road and is an eyesore in a place entirely unsuitable for caravans
- The applicants have shown complete disregard for the AONB
- Productive fruit trees have been illegally cleared
- Orchids have been destroyed
- Local wildlife may be at risk
- Hardstanding has been laid
- This is a water catchment area and a cesspit may pollute local water supplies
- Badgers may have been disturbed
- The site is not in a sustainable location with no nearby amenities, schools or public transport, and close to other sites that have been found to be unsuitably located
- The junction at the foot of Elverland Lane is unsafe
- The site is at risk of flooding from the road
- There are a large number of vehicles and outbuildings for just two caravans
- Fences have been erected and the plot might be divided in two with additional occupation and a new access to Faversham Road
- The scale of the site dominates the local settled community
- There is now adequate provision for gypsies and travellers in the Borough in far more suitable locations
- Personal circumstances should not outweigh the need to protect the AONB
- Will affect local house prices
- If approved the site will spell the start of an irreversible decline in the area

5.02 The Faversham Society has objected to the application as the site has not been designated as a gypsy site and therefore occupation is unauthorised and premature; also the site is within an AONB.

5.03 One letter in support of the application suggests that hardly any objectors live nearby and are only affected when driving by. The writer says that everyone needs somewhere to live, that the site is innocuous and a little more diversity will harm no-one.

5.04 As the publicity period regarding the new Design and Access Statement and Block Plan information extends until 30 March I will update Members at the meeting.

6.0 CONSULTATIONS

6.01 Newnham Parish Council opposes the application on the following grounds;

- There is a change of use from orchard to residential use

- What will happen to waste collection?
 - Will the cesspit be near to the water supply?
 - Has the site been tested for newts and biodiversity?
 - Trees have been removed
 - There are a large number of vehicles for the number of mobile homes
 - The entrance is on a dangerous junction
 - The site is within an Area of Outstanding Natural Beauty
- 6.02 Ospringe and Doddington Parish Councils both object to the application within the AONB, saying that the site is of a significant scale but unsustainable with harm to local landscape character and an unsafe access. They note that the application is contrary to Local Plan policies and that the Council has now approved sufficient sites not to require temporary or permanent permissions in the AONB. Issues of flooding are also raised.
- 6.03 Kent Highway Services object to the application as the site entrance does not have sufficient visibility sightlines and is close to the existing junction, so being to the detriment of highway safety.
- 6.04 The Environment Agency does not raise objection to the application on groundwater protection grounds.
- 6.05 The County Archaeological Officer does not see any archaeological measures as needed with this application.
- 6.06 The Kent Downs AONB Management Unit have objected to the application, saying that sites here should be protected to conserve the natural beauty of the landscape, and that this site lies in a particularly attractive, undeveloped and remote part of the Borough. They consider that the proposal will detract from the landscape character of the locality and fail to conserve the natural beauty of the area, contrary to policies of the AONB management plan.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Papers for application 15/510499/FULL and other applications mentioned above.

8.0 APPRAISAL

- 8.01 My starting point for consideration of this application is the provisions of the saved policies of the Swale Borough Local Plan 2008 and the Council's published site assessment criteria for gypsy and traveller sites. Policies E6, E9 and RC7 seek to resist development in the countryside and to protect valued landscapes and rural lanes. There is no doubt that the site is not generally suitable for residential development or use as a caravan site as it is located in open countryside, well outside any defined settlement designated as suitable for residential development, and that saved policy E6 seeks to protect the wider countryside from development except in specific exceptional circumstances. It follows that the granting of planning permission for the proposal would seriously undermine the effectiveness of local rural settlement policy and thus have adverse implications for the character of the countryside, unless it satisfies at least one of the exceptions that justify a departure from the development plan.

- 8.02 Elverland Lane is classified as a rural lane and the proposal to use this site for caravans would significantly harm its character to the extent that a refusal of planning permission on grounds of being contrary to saved policy RC7 is sustainable.
- 8.03 The weight to be given to AONB landscape protection remains a strong national policy. Occupation of the appeal site has a significant landscape impact that would be a clear reason for refusal of planning permission as supported by saved policy E9. The site could be further landscaped but this would not reduce its impact significantly, unless it is to be hidden completely, contrary to good planning practice and to paragraph 26 of PPTS.
- 8.04 That is the normal background to a decision here, but on the basis of the applicant's evidence that she and her family have gypsy status, issues relating to the supply of sites and their appropriateness in AONBs will be of relevance. The Council's own 2008 policy H4 seeks to exclude sites that are not well related to services and amenities, or are designated for landscape value, both of which apply here. However, that policy is of little weight having been left in the Local Plan almost by default, and when Circular 1/2006 was to be preferred. That Circular has now been superseded by PPTS (it too having since been revised) and it is this that will be the principal policy that should be looked to, along with the wider NPPF and the Council's own published site assessment criteria.
- 8.05 The NPPF seeks to protect Areas of Outstanding Natural Beauty and PPTS states that sites in open countryside away from settlements should be very* strictly controlled (* very was introduced into this sentence in August 2015). In my view this policy has three purposes which are to minimise visual harm to the countryside, ensure sites are not isolated from the settled community and, to ensure sites are sustainably located.
- 8.06 The idea that conserving the landscape and natural beauty of the AONB by introducing incompatible development and then attempting to screen it is the wrong approach. Furthermore, this approach is directly contrary to PPTS guidance which seeks greater openness and can only serve to raise the sense of social exclusion of the site occupants; hiding them away from the world. It is also true that in this case the PPTS demand for greater openness is in direct conflict with preserving the natural beauty of the AONB.
- 8.07 Overall, I consider that the landscape impact of this site is overriding and that further landscaping is not the solution to any objection on landscape grounds, sufficient to warrant a refusal of planning permission.
- 8.08 Notwithstanding this matter, the site is very poorly located both for integration with any local community, or for a sustainable form of development. There are few facilities close to the site and any access to amenities will involve the use of private transport. Saved policy SH1 of the Local Plan identifies a settlement hierarchy for the Borough where various levels of development might be appropriate. This isolated location is not one where there is ready access to amenities. It thus fails to meet the second stage of the Council's published site assessment criteria.
- 8.09 In this regard the nature of the site is far more remotely located than one at Spade Lane close to the Medway conurbation that was subject of an appeal decision regarding a proposed gypsy or traveller site in October 2014. In that case (APP/V/2255/C/14/2220447) the Inspector considered whether the use of that site close to a major population centre with a wide range of facilities as a gypsy or traveller site constituted sustainable development. He noted that locational sustainability depends on a range of factors which are neither constant nor easy to measure with

confidence. Nevertheless, he concluded that the site was “in a location where the overwhelming majority of journeys to shops, to school, to the doctor or to most other facilities and services would be undertaken by car.” He added that “The distances involved, the absence of any public transport in easy reach, the character of the lanes along which people would travel, and the unattractiveness at night, in winter or in bad weather of any short cuts provided by local PROWs, would obviate journeys on foot other than for the fittest and/or most enthusiastic of walkers.” His conclusion was that the sustainability benefits of the proposed development were minimal and more than outweighed by significant and demonstrable disadvantages. I consider that similar conclusion apply with even greater force here where the site is far further from amenities and where the roads and lanes in question are also without footpaths or street lighting.

- 8.10 If further evidence were needed, there have been three recent appeal decisions relating to private gypsy and traveller sites in Elverland Lane close to the current appeal site in 2007, 2011 and 2012. In the 2007 appeal decision at the site then known as Tootsie Farm (immediately adjacent to this site) the Inspector commented that;

“I am also not convinced that this is a particularly sustainable location for a Gypsy site. I appreciate that Billy seems to have coped with school in Faversham on his bike and proposes to use bike and train to go to college in Canterbury. While it meets the current needs of the family it is in a relatively remote and sparsely populated location some distance from services which in the main are to be found in Faversham. However, I do not consider it so unsuitable a location as to rule it out were that the only area of concern.”

Nevertheless in January 2012 (pre PPTS), a different Inspector commenting on the same site said that;

*“As to **sustainability** the evidence strongly suggests that there are more sustainable locations for G&T development than the appeal site, which in effect adds to the scatter of residential development in the open countryside. There is no reason to doubt that the eventual allocation of sites to meet G&T pitch needs, whether within the Borough or within this area of Kent as part of a joint effort by a group of local authorities complying with their duty to cooperate, will be in more sustainable locations and circumstances than the appeal site. This has considerable weight as an objection to the grant of a permanent permission for the appeal use. On the other hand, until adequate pitch provision is made elsewhere account should be taken of the advantages of providing, even on a temporary basis, for those who lack alternative accommodation and would therefore otherwise be moving between potentially more unsatisfactory temporary locations. This point is referred to in paragraph 64 of ODPM Circular 1/2006, and in this case I consider it to balance harm to sustainability objectives in the short term.”*

Finally, at Horseshoe Farm, Elverland Lane (opposite Tootsie Farm) an Inspector in May 2012 (post original PPTS) stated that;

“19. Paragraph 11 of the PPTS requires traveller sites to be sustainable economically, socially and environmentally. The appeal site is remote from all services and facilities and is not well located in relation to any settlement so as to foster social inclusion. It is isolated, in a sparsely populated area and there is environmental harm as identified above. Although there are two other gypsy sites nearby, they are not lawful.

20. A positive factor is that the Applicant has his horse keeping and breeding business based on the land on which he lives which reduces daily travel. There are also the recognised benefits arising from having a permanent base, such as being able to access health services more readily and reducing any need to move around on unauthorised sites. But those are benefits which arise in the provision of any permanent site and do not outweigh the disbenefits arising from the isolated location in this case.”

- 8.11 On the basis of this consistent view from recent Planning Inspectors, and bearing in mind the results of the Council’s own site assessment criteria (see above) I consider that this location is too remote from services and amenities to be acceptable as a permanent gypsy or traveller site. I consider that the limited remaining need for sites in the Borough can more properly be met in far more suitable locations and that use of this site fails to meet the environmental role necessary to be considered sustainable development in terms of the NPPF definition.
- 8.12 The site is accessed via the original field gate entrance which sits squarely within the right-angle junction of Elverland Lane with the Newnham Valley Road. This junction has limited visibility for traffic emerging from Elverland Lane and Newnham Valley Road carries fast moving traffic to many rural communities and across from the A2 to the A20/M20 at Maidstone. This junction is not ideal even for regular additional use. However, the concealed and awkward nature of the junction with no visibility for emerging drivers has caused the Highway Authority to object to the application on highway safety grounds.
- 8.13 Policy T1 of the adopted Local Plan is clear in its desire not to see highway safety prejudiced by development, and this development can only put this safety at risk.

The extent of need for gypsy sites locally and the 5 year site supply issue.

- 8.14 The key issue in this respect is the Council’s need to demonstrate a five year supply of available and appropriate sites sufficient to meet the need within the Borough. The PPTS sets out very clearly that Local Planning Authorities should have regard to, amongst other things, the existing level of local provision and need for sites, and the availability (or lack) of alternative accommodation for the applicant/applicant.
- 8.15 The current position with site supply is that the Council has commissioned a GTAA which now provides an up-to-date assessment of the need for pitches up until the year 2031. This has quantified local future need, but a very significant number of sites have since been approved. In fact over 5 year’s supply of sites have been approved within the first two years with more approved subsequently. The Council’s supply of sites is now running above trend meaning that the release of sites such as this one is completely unnecessary. More significantly, the remaining need for sites is small, and the Local Plan Inspector has accepted the Council’s re-assessment of site need on the light of the revised PPTS, such that any need to see this site developed has been removed

The applicant’s own circumstances.

- 8.16 The Council made relevant enquiries regarding personal circumstances when the applicant first occupied the site. The applicant has also submitted a number of documents and details regarding gypsy equality issues, her own family circumstances and her gypsy status with the retrospective planning application. This was partly at my express request, and I have had regard to this information in its following comments.

Gypsy status.

- 8.17 The applicant has sent details of her family's attendance at Horse Fairs, Fairs and Events throughout the year, as well as at other unspecified cultural and family events. The applicant explains that the family also continue to travel for work for a significant part of the year, and explains that her family have also stayed at different camps when working way on the roads. This she suggests satisfies the test of gypsy status.

Health issues.

- 8.18 The applicant has also submitted an Education and Health Statement. This largely rehearses widely known issues about the health and educational issues affecting gypsies and travellers, but also sets out some details of the family members' health issues. These relate principally to the applicant's husband who has on-going health issues, and to her grandson (aged 7) who has learning and behavioural problems for which he is receiving specialist medical help. Letters from the grandson's school (which he started at in January 2016) and from the NHS to the school along with details of his referral to the CAMHS (Child and Adolescent Mental Health Services) have been provided on a confidential basis. The applicant's daughter is also being prescribed medication.

Equality and Human Rights issues

- 8.19 The Design and Access Statement notes that elsewhere, strongly compelling personal circumstances have carried significant weight along with identified need for sites and a lack of reasonable alternative sites. The statement refers to the United Nations Convention on the Rights of the Child which requires that a child's best interests be a primary consideration, and to the European Convention on Human Rights that requires respect for family and private life.
- 8.20 The Statement confirms that the applicant has gypsy status for planning purpose and would accept a personal planning permission as it is important that the family has a stable place to live and access education and healthcare. The Human Rights Act is referred to as is the entitlement of gypsies and travellers to their traditional way of life, which involves living in caravans. These issues are said to amount to "Very Special Circumstances" which are material to the planning application.
- 8.21 Finally, the applicant has submitted a number of documents relating more generally to the issue of racial discrimination especially in relation to gypsies both from the UK and the Council of Europe and UNHCR.

The balance between the above issues

- 8.22 The appeal site is very remote from social, health and educational facilities, has a significantly harmful impact on the natural beauty of the Kent Downs AONB, has a serious highway safety problem, and is not a site where a permanent planning permission ought to be granted on the basis of current policies. Nor is the need for sites so overwhelming that such an unsuitable site should be approved. Finally, I do not consider that the applicant's personal circumstances so significant to suggest that a personal planning permission should be granted in the face of such overwhelming objections.

Whether a temporary permission might be appropriate if a permanent permission is not.

- 8.23 The revised PPTS now makes it very clear that personal circumstances are unlikely to clearly outweigh harm to the AONB sufficient to grant a temporary permission, even where the supply of sites is inadequate. The exception here is where the best interests of a child might indicate otherwise (see Article 3 of the United Nations Convention on the Rights of the Child (UNCRC)). It is quite clear to me that in taking a

decision which affects children the decision maker should understand and take proper account of the best interests of the child involved. This issue also relates to Article 8 of the European Convention on Human Rights (Right to a Private and Family Life). I have made enquiries of the applicant and circumstances relating to her husband, daughter and grandson have been revealed, either in medical or educational term (or both). I can understand the benefits of a settled site for all these issues, but it is not clear to me how by settling on this remote site, on what must only at best be a temporary basis, the best interests of the family or children will be best served. Moreover, whilst the best interests of the child will always be a primary consideration, this does not mean that identifying their best interests will inevitably lead to a decision in conformity with those interests.

- 8.24 Even taking the best interests of the children involved here to have a settled base (as their parent and grandparents desire) I ask whether this can be outweighed by any combination of other factors, which individually do not outweigh that consideration. I find that the combination of significant factors including the impact of the development on policies to protect the countryside; significant harm to the AONB; the remote location and lack of accessibility to vital social, health, and in time educational, facilities; highway safety issues; and the intentional unauthorised development issue; create powerful counter arguments for the need for a settled base to be met on this site. That is not to say that the need cannot or should not be met elsewhere in the Borough (or beyond) where all these factors might not be present.
- 8.25 A temporary planning permission is a useful device to allow a family time to relocate from an unacceptable site without resorting to roadside living, with the attendant health, welfare and educational challenges that brings. However, in this case the national policy is not to grant temporary planning permission in an AONB and, given that the Council will not be allocating the appeal site or any other sites for the foreseeable future, the applicant will be best served by finding an alternative permanent site elsewhere sooner rather than later. There seems to me no benefit in extending the applicant's current occupation of the appeal site as this will simply drag out the inevitability of relocation, and resulting in further harm to the AONB by consolidation of development, and the possibility of inappropriate tree planting as has happened on the adjacent Tootsie Farm/HillTop Farm site and elsewhere (and which is extremely hard to resolve under planning powers). I have also had regard to the Inspector's comments in the Spade Lane appeal decision in relation to the granting of a temporary planning permission, which he dismissed. He found that the granting of a temporary permission creates some expectation of future permanence, but he saw no realistic prospect of circumstances there changing in the near future. He noted that the site would still be in open countryside and with poor relationship to services. He also noted that harm is often greatest in early years when landscaping has not had time to establish, and that the applicant's position was not urgent. I consider that many of these factors apply to this case, reinforcing my conclusions above. I do not consider that a temporary planning permission should be granted.
- 8.26 The applicant's evidence of a need to live on the site for personal, health, or educational reasons is understood. Having considered why a temporary permission might be appropriate I can find insufficient reason to grant one, and I consider that a decision not to grant a temporary permission is proportionate to the interference with the applicant's human rights and the Council's need to consider the best interests of the child as a primary consideration.

9.0 CONCLUSION

9.02 I have considered the applicant's gypsy status and the need for sites, but have concluded that site supply is well advanced and as the area is very poorly served by amenities; that significant harm to the AONB and to highway safety would result, and that the site does not score well enough in relation to the Council's gypsy and traveller site assessment criteria to be suitable for a permanent planning permission. I also note that the issue of intentional unauthorised development is engaged here and I give this some weight. I have considered whether a personal or temporary planning permission would be appropriate and have concluded that it would not. I therefore conclude that the proposed development should not be granted planning permission.

10.0 RECOMMENDATION – REFUSE for the following reason.

REASON

- 1 Notwithstanding the Council's appreciation of the need for it to respond positively to the accommodation needs of gypsies and travellers, and the guidance in DCLG's Planning Policy for Traveller Sites (2015), the Council considers that this site is unacceptable as a gypsy or traveller site. The site is isolated in open countryside away from any social, health, educational or other amenities, and lies within the Kent Downs Area of Outstanding Natural Beauty and the siting of caravans and the associated hardsurfacing creates an alien and intrusive appearance to the site which harms the natural beauty, character and appearance of the area. The proposal to use the site for the stationing of caravans compromises the objectives of designation of the Area of Outstanding Natural Beauty which are the conservation and enhancement of the area's natural beauty, and is contrary to the advice in paragraph 12 of the NPPF, paragraphs 4, 23, 25 and 27 of the PPTS and to saved policies E1, E9 and RC7 of the Swale Borough Local Plan 2008. The Council has taken account of the position in terms of the supply of gypsy and traveller sites, the health issues of the applicant and her family, and considered whether a permanent or temporary planning permission should be granted. Despite appreciating the personal circumstances of the applicant's family, the Council does not consider that a permanent or temporary planning permission represents an acceptable balance between the need for gypsy and traveller sites in the Borough and the personal circumstances of the applicant's family, and the very substantial harm that occupation of the site causes to planning policy for the appropriate location of gypsy or traveller sites in terms of access to services and amenities, or on the character and appearance of the area. In taking account of all these factors the Council's considers that this proposal does not represent sustainable development, and that planning permission should be refused.
- 2 The proposal will result in an increase in use of the existing sub-standard access, lacking in sufficient visibility sightlines and close to an existing junction, which would be to the detriment of highway safety and contrary to saved policy T1 of the Swale Borough Local Plan 2008.

Council's approach to the 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.

The Retreat, Newnham Valley
15/510499 FULL

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		Owner confirmed site not available, nor is likely to become available over plan period	Site availability uncertain	Willing landowner ✓
Is the site available and deliverable?				

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 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

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

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
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