



Appeal Decision

Hearing held and site visit made on 11 February 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/U2235/W/19/3228298

Land adjoining The Glen, Pitt Road, Kingswood, Maidstone, Kent ME17 3NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Thomas Jenkins against the decision of Maidstone Borough Council.
 - The application Ref 18/504596/FULL, dated 28 August 2018, was refused by notice dated 12 November 2018.
 - The development proposed is change of use of land to use as a residential caravan site for two gypsy families, each with two caravans and an amenity building, including laying of hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to use as a residential caravan site for two gypsy families, each with two caravans and an amenity building, including laying of hardstanding at land adjoining The Glen, Pitt Road, Kingswood, Maidstone, Kent ME17 3NR in accordance with the terms of the application, Ref 18/504596/FULL, dated 28 August 2018, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. Two appeal proposals were discussed at this Hearing, both involving the same participants. The other¹, for the demolition of existing utility block/residence at The Glen and its replacement with new detached enlarged residence, is the subject of a separate decision.
3. At the Hearing the Council confirmed its agreement to the appellant's draft Statement of Common Ground, as advised in the email of 10 February 2020 to the Inspectorate.
4. The Council's decision on this proposal had included, as part of its reason, the failure to demonstrate the gypsy and traveller status of the occupants of the accommodation. However, on the basis of the information submitted with the appeal, the Council now accepts the gypsy and traveller status of the intended occupiers of the proposed mobile homes. This leaves the main issue in the appeal as follows.

¹ APP/U2235/W/19/3221632

Main Issue

5. The effect of the proposal on the rural character of the area.

Reasons

6. The appeal site lies within countryside as defined by policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 (LP). The wider area contains a mixture of agricultural land, woodland, a number of solar parks, a golf course and sporadic housing development, including several gypsy and traveller sites. The location is between the more built up settlements of Langley Heath, Sutton Valence and Kingswood which provide a reasonable range of services, such as primary schools.
7. The Glen is a long-established site accommodating a gypsy and traveller family. Its four mobile home pitches are currently vacant but there is a bungalow on the site occupied by the appellant and his wife. This was formerly an amenity building for the site but has since established a residential use. Access to this is from Pitt Road; a narrow lane running through the coppiced woodland that continues opposite the site. Backing onto The Glen is Bridgefield, another gypsy and traveller site of similar size, which has its access to the other side, from Chartway Street. Pitt Lane and Chartway Street meet at a sharp angle just beyond these gypsy and traveller sites, where a bungalow and its outbuildings, The Ness, occupies the corner plot.
8. The appeal site is a section of vacant land that lies between the two gypsy sites and The Ness. The proposal is effectively a two-pitch extension to The Glen to accommodate the appellant's son and grandson and their respective families, with its own access onto Pitt Lane.
9. LP Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in the LP and do not result in harm to the character and appearance of the area. LP Policy DM15 sets out the Council's approach to gypsy, traveller and travelling show people accommodation in the Borough. Part 1 of the policy states that permission will be granted for such accommodation if the site is allocated for that use or if a number of criteria are met.
10. The policy criterion in dispute is LP Policy DM15 ii. This would permit gypsy and traveller accommodation if the development would not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to local landscape character, cumulative effect and existing landscape features.
11. The local landscape is as described previously. In the area around the appeal site this is defined by the dense woodland and the golf course, sited respectively on the other sides of Pitt Road and Chartway Street. The housing and gypsy accommodation to the respective sides of the site are typical of the sporadic housing in this area. The topography is level and so the appeal location is visually quite contained, where the impact of the proposal would be mainly from near to where it is approached from the roads to each side.
12. On Pitt Road there is dense woodland opposite, which would shield the proposal from long distance views. As seen immediately from this road, the improved site access might involve the removal of vegetation and the further opening up of the frontage. However, this would be in relation to an existing access located

between the entrances to The Ness and The Glen, and in this context the visual effects would be moderate and quite enclosed.

13. A reasonably thick hedge grows along the boundary to Chartway Street and the proposed new caravans would be viewed through this against the backdrop of those on the existing sites. This hedging could be fortified with further appropriate planting to mitigate visual impacts.
14. Sporadic gypsy and traveller sites are already a feature of the triangle of land between the two roads and, in this regard, the proposal would be reflective of existing character. Whilst the proposal would intensify the visual presence of caravan development, and in that sense further impact upon the undeveloped rural character of this locality, the visual effects would not be far-reaching. The relatively confined views around the site, coupled with the existing screening from the hedging and the other developments, means this proposal would not cause significant harm to local landscape character.
15. With regard to cumulative effects, I note there are already several gypsy and traveller sites in this locality. However, there is a significant amount of ribbon housing development running west from the appeal site along Chartway Street. With the golf club and parking opposite, the proposal would not be a stark incursion into countryside but rather a consolidation of an existing development and land use pattern.
16. In dealing with individual, quite small-scale proposals such as this, it is a judgement over identifying the point when cumulative impacts might result in significant harm. Due to the relatively small scale of this proposal, and in the context of the surrounding development, I find no material harm to arise cumulatively. The defining landscape features in this location include the hedging along Chartway Street, the woodland to one side and the backdrop of the existing gypsy accommodation, all of which mitigate against this scheme having a significantly adverse visual impact.
17. On the basis of the above, I conclude that any harm to the landscape and rural character of the area arising from this proposal would be less than significant. Consequently, the proposal would meet the requirements of LP Policy DM15 and, by extension, satisfy LP Policy SP17. As a fairly typical residential caravan site for two gypsy families, I find no further conflict with either LP policies DM1 and DM30 in respect of the principles of good design as they apply to the countryside.

Conclusions and conditions

18. The Government's Planning policy for traveller sites² (PPTS) is a material consideration. The characteristics of this area, with its varied and sporadic development, are not that of entirely open countryside and the surrounding main settlements are sufficiently close for this proposal not to be considered located away from these. As the two pitches, in combination with the existing development at The Glen and Bridgefield, would still respect the scale of, and not dominate, the nearest settled communities and would avoid placing an undue pressure on their local infrastructure, I find this proposal would be permissible under the PPTS.

² Planning policy for traveller sites August 2015 Department for Communities and Local Government

19. Maidstone can currently demonstrate over a five-year supply of deliverable gypsy and traveller pitches within the Borough. Furthermore, the present absence of mobile homes on The Glen fails to manifest a lack of alternative accommodation for the intended gypsy families. However, paragraph 11 of the PPTS states that criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. It follows that, as with bricks and mortar housing, identified need is not a prerequisite for a grant of permission for a traveller site under the PPTS. The starting point is simply whether the proposal would accord with the development plan.
20. I have no grounds to dispute the advice given at the Hearing that the existing vacant pitches on The Glen have forthcoming occupiers and that this proposal is to meet the needs of two further families. As I have found the proposal to be otherwise policy-compliant, my decision does not turn on a demonstration of need, given a more general aim in the PPTS to increase the number of traveller sites in appropriate locations with planning permission and to maintain an appropriate level of supply. As such, the balance of considerations would weigh clearly in favour of this proposal.
21. I have considered the conditions recommended by the Council in the light of the advice in paragraph 55 of the National Planning Policy Framework. I have amended those found necessary, mainly for simplicity and succinctness. As the development has been judged acceptable under policies relating to gypsies and travellers, a condition is necessary to ensure all future occupiers meet the definition set out in the PPTS.
22. In the interests of the satisfactory appearance of the development, conditions govern the external materials for the approved amenity buildings, require landscaping and restrict permitted development rights. Requiring a landscaping scheme to be approved before the development commences would ensure that there is agreement on the nature and extent of planting as well as its long-term maintenance.
23. In the interests of the satisfactory appearance of the development and to ensure acceptable living conditions for neighbouring occupiers, conditions prevent commercial activities on the approved site and address the number and size of vehicles and the external lighting installed.
24. Subject to these conditions, having taken all other considerations into account, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Philip Brown

Philip Brown Associates

Mr Tom Jenkins

Mrs Marion Jenkins

FOR THE LOCAL PLANNING AUTHORITY:

Mr Francis Amekor

Maidstone Borough Council

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan 1:1250, proposed site layout plan 1:500 floor plan and elevations of amenity building 1:50.
- 3) No development shall commence on that part of the approved development until details / samples of the materials to be used in the construction of the external surfaces of the amenity buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) Prior to the occupation of the caravans hereby allowed, foul and surface water drainage systems shall be provided and thereafter maintained in accordance with details that shall have had the prior written consent of the local planning authority.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those approved under condition 2 (above) shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site.

- 7) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the local planning authority.
- 8) The site shall not be occupied by any persons other than gypsies and travellers, as defined in Annex 1: Glossary of Planning Policy for Traveller Sites 2015 (or any subsequent definition that supersedes that document)
- 9) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than two shall be static caravans) shall be stationed on the site at any time.
- 10) Prior to the commencement of the development hereby permitted, a detailed landscaping scheme for the site shall have been submitted to and approved in writing by the local planning authority. A plan for the long-term maintenance of the landscaping scheme shall also be included in the details submitted. The approved landscaping scheme shall be implemented prior to the occupation of either mobile home. Any trees or plants which within a period of five years from the implementation of the approved landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
