

Application Number	19/01477/AS
Location	Little Greenacres Meadow, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EH
Grid Reference	584314 138536
Parish Council	Biddenden
Ward	Biddenden
Application Description	Change of use of stables for ancillary accommodation and for storage in connection with applicant's business. Stationing of log cabin mobile home for gypsy family (part retrospective).
Applicant	Mr Beany
Agent	The Rural Planning Practice
Site Area	0.1 hectares
(a) 1/ 43/S 6R	(b) Parish Council – R (c) KCC ECO/ X

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member Cllr Neil Bell.

Site and Surroundings

2. The application site comprises a former stable building and surrounding grassland. The application site is located within a rural area in the Biddenden and High Halden Landscape Character Area. To the south of the site is a large pond. Further to the south of the site is linear residential development fronting Sissinghurst Road. These residential properties are located within the Biddenden village confines. Biddenden village centre is located to the east of the site. The site is accessed via a shared vehicle access between two residential properties fronting Sissinghurst Road. The shared access is also used for fishing lakes to the rear of the site and access to stables on nearby land.

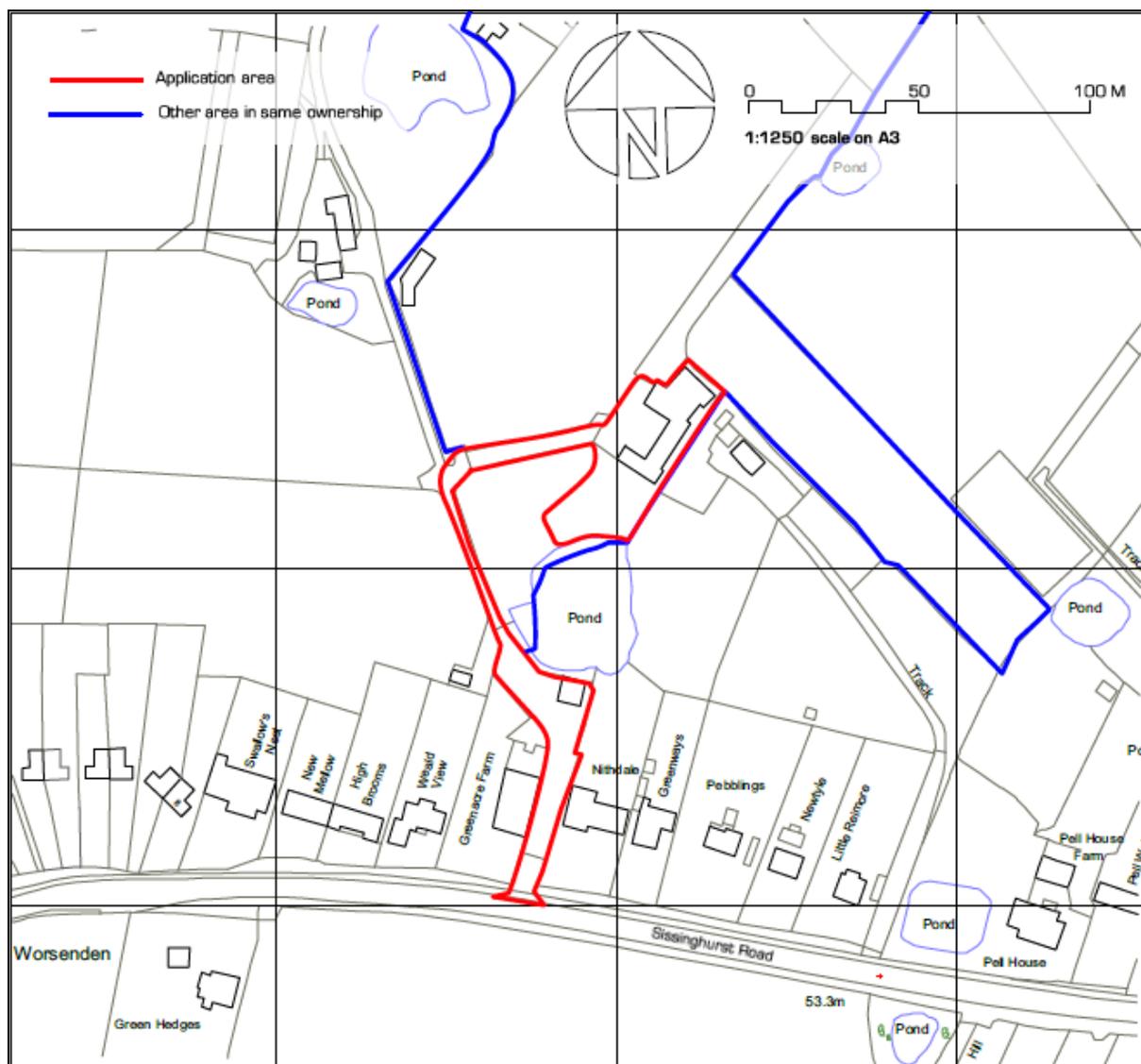


Figure 1 - Site location Plan

Proposal

3. Change of use of stables for ancillary accommodation and for storage in connection with applicant's business. Stationing of log cabin mobile home for gypsy family.
4. Amendments: The description has been amended to include gypsy traveller accommodation and further consultation has been carried out. Amendments have also been made to the red line site plan to address comments from neighbours regarding the ownership of land within the red line boundary. Ownership Certificate B has been completed and the relevant owners of the shared access have been notified.

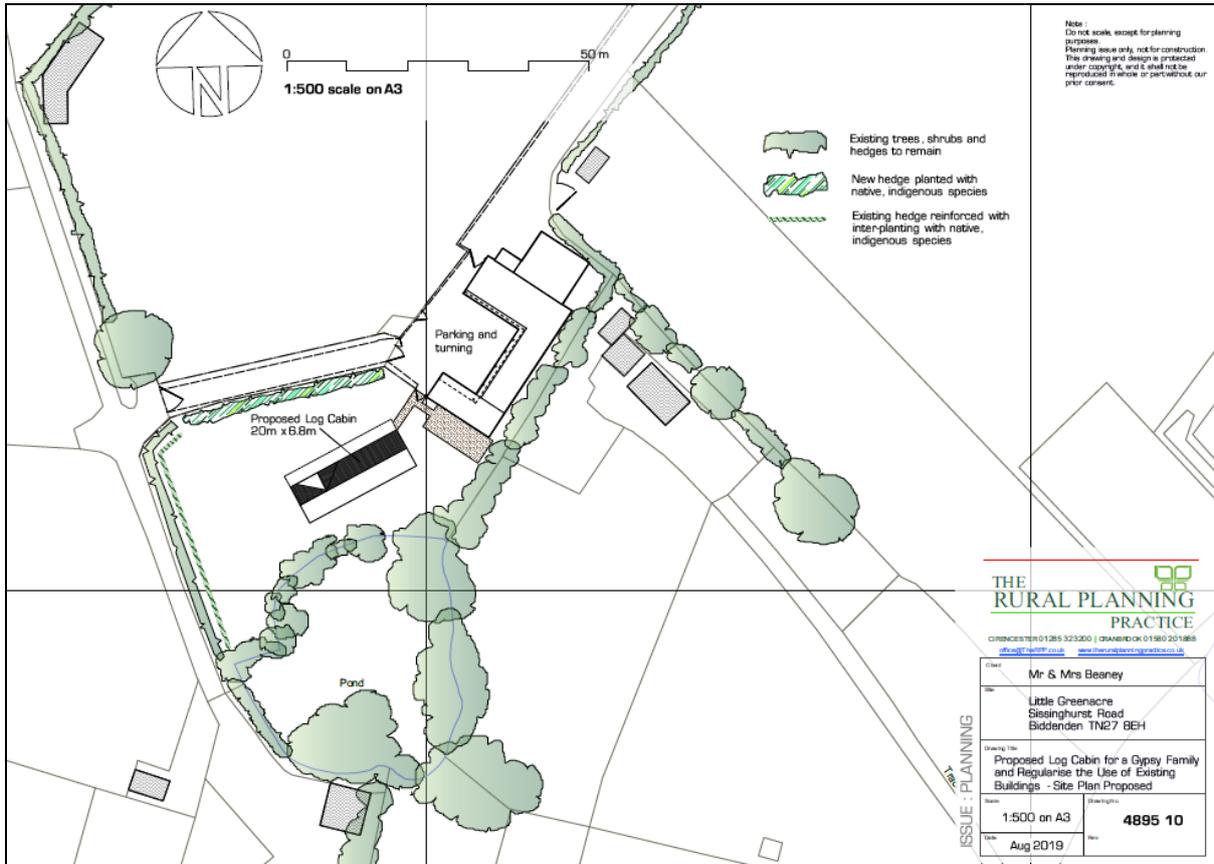


Figure 2: - Proposed block plan

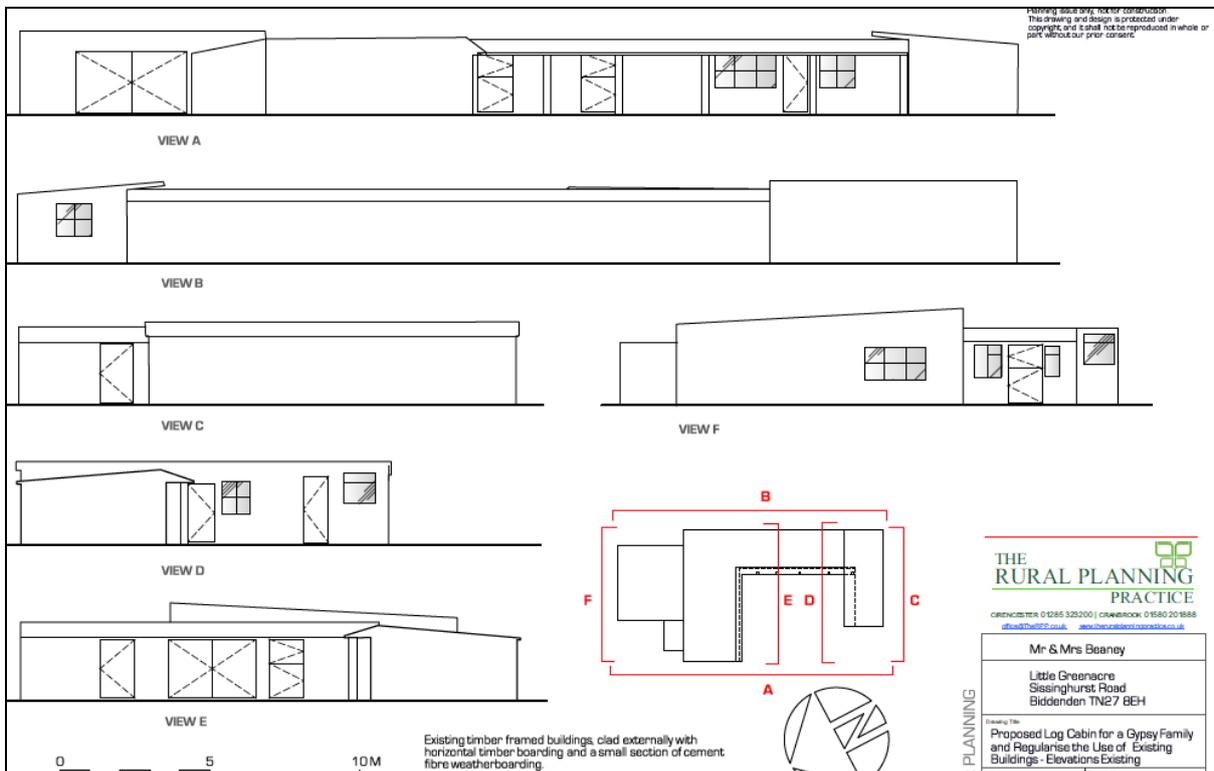


Figure 3 – Stable buildings for conversion (retrospective)

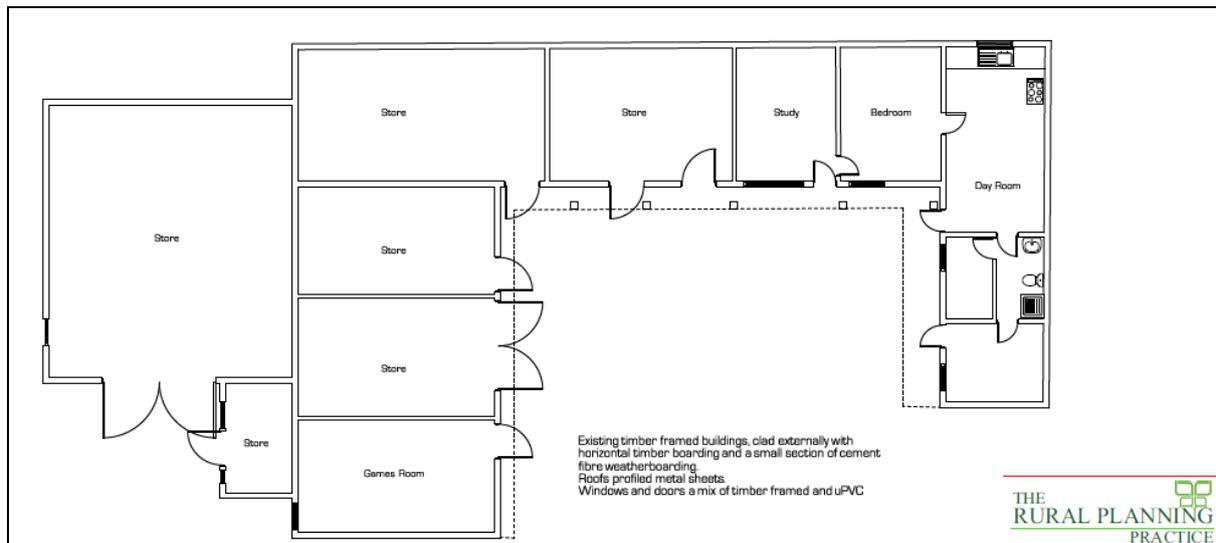


Figure 4 – Existing stable building for conversion (retrospective)

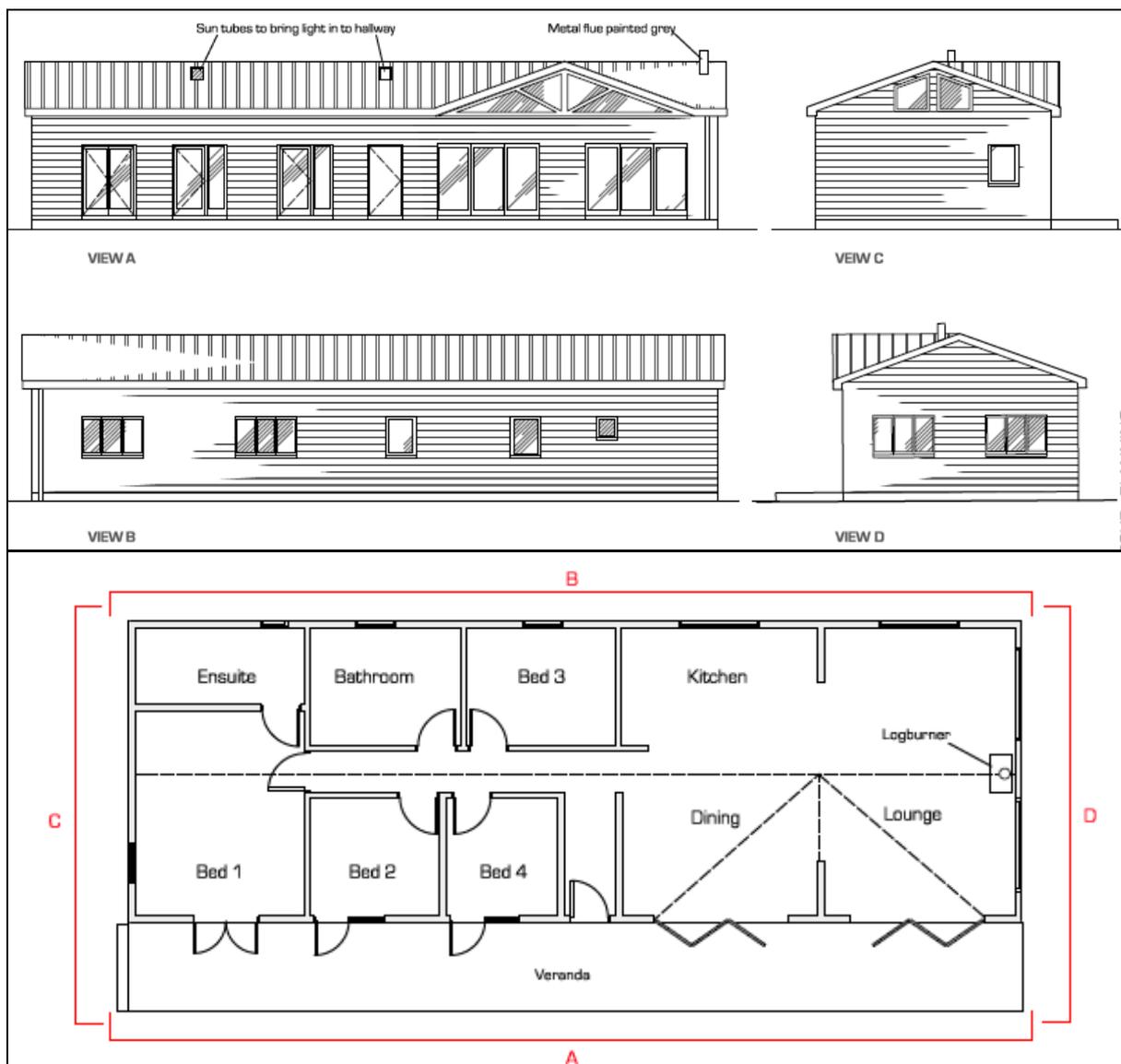


Figure 5 – Proposed log cabin mobile home

5. In support of the application a preliminary ecological survey has been submitted which concludes that the proposed development would have a low ecological impact. The site is mown regularly and the adjacent pond is stocked with carp and is unlikely to support GCNs. The mature trees around the site would be suitable for bat foraging and ecological sensitive lighting is recommended.

Planning History

None

Consultations

Ward Member: The Ward Member requests that the application be determined by the Planning Committee.

Parish Council: Objects for the following summarised reasons:

- Red line site plan and ownership details incorrect (**DMM comment:** *Amend site plan and ownership certificate submitted to address errors – reconsultation completed*).
- The applicant does not, it is believed have right of access of the shared access.
- The fishing lake to the north had an application refused to remove the time limitations on the use of the lake. (**DMM comment:** *not relevant to the current application. The right of access is a civil matter*)

Neighbours

1 neighbour consulted initially. 49 re-consulted on amended details.

43 neighbours in support; 6 objections.

43 Support comments are summarised as follows:

- General support and endorsement of the applicant and family from locals in the village.
- The applicant and family are considered to be valued members of the community.
- The site has been positively transformed since the applicants took over the site.

6 Objections are summarised as follows:

- Loss of residential amenity.
- Errors regarding red line site plan (*amended as per the above*).
- Loss of privacy to proposed building from neighbouring properties.
- Time restrictions on access to the fishing lake at the rear of the site.
- Impact on visual amenity.

- Noise and disturbance.
- Narrow access.
- Use of access for residential will impact amenity of adjacent properties.
- Increased traffic.
- Is business use proposed?
- Inappropriate location for housing (**DMM comment:** *description amended to refer to gypsy site rather than housing*).
- Impact on security of nearby stables.
- The applicant has already moved into the building on the site and is living in it.
- Gypsy status of the applicant needs to be confirmed.
- Contrary to policy HOU16

KCC Ecology – No objection. A range of surveys have been carried out within the site and the applicant has a good understanding of the ecological interest of the site. Recommend ecology conditions to protect and enhance ecology.

Planning Policy

6. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
7. The key policies from the Development Plan relating to this application are as follows:-
 - SP6 - Promoting High Quality Design
 - HOU16 – Traveller Accommodation
 - TRA3a - Parking Standards for Residential Development
 - TRA7 - The Road Network and Development
 - ENV1 – Biodiversity
 - ENV3a – Landscape Character and Design
 - ENV4 – Dark Skies
8. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Residential Parking and Design SPD 2010
Sustainable Drainage SPD 2010

Landscape Character SPD
Dark Skies SPD

Government Advice

National Planning Policy Framework (NPPF) 2019

9. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
10. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS August 2015). Together they provide national guidance for Local Planning Authorities on plan making and determining planning applications for Gypsy and Traveller sites. Both documents state that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. There is also requirement in both documents that makes clear that Local Planning Authorities 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.
12. 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. As set out under paragraph 8 of the NPPF there are three dimensions to sustainable development: economic, social and environmental. The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 11 of the NPPF.
13. 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. To help achieve this, the government seeks, amongst other things, to promote more private traveller site provision and increase the number of traveller sites in appropriate locations with planning permission, addressing under-provision and maintain an appropriate level of supply. It also requires LPA's to assess their own levels of need and to plan positively for managing gypsy traveller development (para 4, PPTS) The PPTS does not preclude sites in the open

countryside but advises that LPAs 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

Assessment

14. The issues for consideration are:

- Whether the site is appropriate for a gypsy traveller site - policy HOU16
- Visual/rural impact.
- Neighbour amenity.
- Highways safety.

Traveller Pitch Need

15. In 2017 the Council commissioned ARC4 to carry out a GTAA on its behalf. The survey work was conducted in winter 2017/2018 and was carried out in conjunction with other authorities across East Kent. The GTAA provides a robust assessment of pitch need and supply across the Borough.
16. Ashford's overall 5-year 'cultural' need was identified as 194 pitches in the GTAA. Subtracting the supply (140 pitches at the time of the GTAA) this created a 5-year pitch need of 54. However, when reduced to those only considered to meet the PPTS definition this is calculated as a 5-year need for 37 pitches.
17. The adopted Local Plan 2030 proposes a dual approach to Traveller site/pitch provision. It allocated three new pitches through Policies S43 at Biddenden and S44 at Westwell, which now have full permission. In addition, Policy HOU16 allows for suitable 'windfall' (unidentified) pitches to come forward to further contribute to the supply where they meet a set of criteria which is (in accordance with the PPTS 2015). A number of permissions for new permanent pitches have been granted using this HOU16 windfall approach since the GTAA was undertaken which has reduced the pitch need. In addition, Policy HOU17 safeguards existing pitches for retention in the supply. However, these pitch supply increases do not meet all of the need identified in the GTAA.

Gypsy and Traveller Accommodation Local Plan

18. In order to meet the remaining pitch need for 5 year supply and the plan period to 2030, the Council is in the process of preparing a separate Gypsy and Traveller Local Plan (formerly DPD) to address the shortfall through pitch allocation.

19. Site assessment work has commenced of all existing Gypsy and Traveller sites/pitches in the Borough in terms of suitability for making temporary permissions permanent and extensions or regularisation to increase pitch numbers on sites. Assessment work is also being undertaken with regards to provision for new public and transit site provision.
20. The Regulation 19 version of the plan, which will be a full draft plan including proposed site allocations to meet the remaining pitch need, is expected in the later part of 2020. This is behind the adopted timetable set out in the Local Development Scheme (2019) by 12 months, and adoption of the Plan is expected in mid/late 2021.

Policy HOU16 Assessment

21. Policy HOU16 states planning permission for the expansion to existing sites or new sites to accommodate Gypsy and traveller accommodation or accommodation for travelling showpeople, will only be permitted outside of allocated sites if the following criteria are met:

a) The proposals cannot be accommodated on an existing available site or allocated site;

There are no other alternative available sites at this time.

b) The site would not accommodate more than 5 pitches or make an existing site exceed 5 pitches in size;

Only one pitch is proposed.

c) The site would provide a good living environment free from the risk of flooding and risks to health through contamination, noise or pollution;

The site is located outside high risk flood zone 2 and 3. There are no known contamination risks associated with the site and the neighbouring uses would not result in unacceptable noise or pollution for future occupants.

d) Local services and facilities – such as shops, public transport, schools, can be readily accessed from the site;

The site is located in close proximity to Biddenden village and shops, public transport, schools and village facilities can be readily/safely accessed from the site along a roadside pedestrian footpath.

e) The site is capable of being provided with on-site services such as water supply, sewage disposal and power supply;

It is considered that the necessary services could be provided on-site.

f) The form and extent of the accommodation does not adversely affect the visual or other essential qualities of the AONB and its setting, SSSI,

Ancient woodland, international, national or local nature reserve or wildlife site;

The proposal does not have an adverse impact on any of the above protect areas.

g) Access to the site which does not endanger highway safety for vehicles and pedestrians can be provided;

The site would utilise an established vehicle access and there would be sufficient space on site to allow vehicle to turn for safe access. Pedestrian access would be along the shared vehicle access with no dedicated pedestrian footway from the main road into the site. However, given the low volume of vehicle traffic along the shared access pedestrian safety would not be compromised.

h) Proposals incorporate a landscape strategy, which will be required by use of planning conditions, where mitigation of the impact on the landscape is necessary to protect the quality of the surrounding landscape;

The submitted layout plan proposes to retain the existing trees/landscaping along the south and west boundary of the site and includes new native hedgerow planting along the north boundary and reinforced native hedgerow along the west boundary.

i) The scale and siting of the site, along with its design, layout and any boundary treatments, should take into account the key characteristics of Landscape Character Area within which it is located; and,

The proposed mobile would be located adjacent to the existing stable building in an open part of the site to ensure the native tree/hedgerow boundary treatment is retained and nearby pond is not impacted.

Given the single-storey scale and discreet backland location the proposed mobile home would not have an adverse impact on the character and appearance of the Landscape Character Area.

j) New sites or enlargement of existing sites are of a scale appropriate to their surroundings and would not individually or cumulatively dominate the nearest settled community, cause significant visual harm to an area and its landscape, or unduly impact on the capacity of local services.

The site is for one pitch only and would not individually or cumulatively dominate the nearest settled community or unduly impact on the capacity of local services.

Given the discreet location of the site behind linear residential development this is considered to be a well contained site and appropriate for the scale of

gypsy accommodation proposed and there would be no significant adverse impact on the surrounding rural landscape as a result.

Other matters

22. The retrospective part of the application includes the conversion of the former stable building to a day room, bedroom, utility room, study and games room, with the remainder of the building used for internal storage for the applicants gardening and logging business. It is not unusual for gypsy sites to have a day room and ancillary accommodation in a separate building and there would be no adverse visual impact as the building is already in situ. The principle of the ancillary internal business storage is also considered acceptable and conditions are proposed to ensure no business activities are carried out at the site other than ancillary storage, to safeguard neighbour amenity.
23. A number of objections have been raised regarding loss of amenity, however given the separation distances involved between the site and residential properties fronting Sissinghurst Road there would be no adverse amenity impact on future occupants or neighbouring properties.
24. Objections have also been raised regarding the use of the shared access and potential adverse impacts on the adjacent residential properties arising from noise and disturbance from vehicle traffic associated with the proposed use. The shared access is utilised for access to the fishing lake although it is noted access to the lake is restricted. Access to the application site and existing stable block is however unrestricted and it is not considered that the introduction of one traveller pitch would result in a significant increase in vehicle traffic that would warrant and objection on amenity grounds. Rights of access over the shared vehicle access is a civil matter.
25. The gypsy status of the applicant is not disputed and has been confirmed previously by the council. In any event officers are of the view that this is an acceptable location for a gypsy/traveller site of the scale and nature proposed and occupation only by a gypsy/traveller can be secured by condition.
26. In addition, there are four children in the family that attend local schools and access to education and health facilities, would be more advantageous from a permanent site than an unauthorised one.

Human Rights Issues

27. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

28. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

29. There is a need for traveller sites in the Borough and these should be encouraged in appropriate locations. The PPTS allows for new traveller sites in rural areas but states that they should be strictly limited in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. The site is located where this strict restraint applies. That said the site is sustainably located being within easy walking distance of the services and amenities within Biddenden.
30. The identification and delivery of available gypsy sites sufficient to meet the unmet need has not yet been completed. The provision of one additional permanent pitche on this existing site would go some way towards meeting the unmet need as identified under policy HOU16. The visual impact would be localised and contained to within the site itself and the development would not interrupt upon any medium to long distance views of the countryside. No harm to residential amenity or highway safety would be caused. Conditions limiting occupation of the caravans and the number of mobile homes and tourers on the site would be appropriate to mitigate future concerns.
31. Therefore, in light of the above and considering there is an existing unmet need for gypsy sites within the Borough, and this application would go some way towards meeting that need, it is recommended the application is permitted subject to conditions.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to either the Strategic Development and Delivery Manager or the Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

1. Standard time condition
2. Plans
3. Gypsy status condition
4. Stables to be used for ancillary accommodation only
5. Restrict to no more than 1 mobile log cabin and 1 tourer
6. No commercial activity
7. No vehicles over 3.5 tonnes parked
8. Landscaping
9. Ecology enhancements
10. Boundary treatment
11. Sewerage
12. No external lighting
13. Site shall be available for inspection

Note to Applicant

1. Working with the Applicant

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01477/AS

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