

2.3 REFERENCE NO 22/503908/FULL		
PROPOSAL Section 73 - Application for Removal of condition 3 (occupancy restriction) and 4 (use of the land) pursuant to application SW/09/0972 (allowed on appeal) for - Change of use of land to use as a residential caravan site for one gypsy family with two caravans (including one static caravan), erection of amenity block and laying of hardstanding		
SITE LOCATION Land At Eden Top Sheppey Way Bobbing Kent ME9 8QP		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to securing appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Minor Gypsy and Traveler Sites		
REASON FOR REFERRAL TO COMMITTEE Bobbing Parish Council Objection		
Case Officer Rebecca Corrigan		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT Mr Robert Beck AGENT Green Planning Studio
DATE REGISTERED 17.08.2022	TARGET DATE 23.07.2024	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - Site Location Plan Planning Statement The full suite of documents submitted pursuant to the above application are available via the link below: - 22/503908/FULL Section 73 - Application for Removal of condition 3 (occupancy restriction) and 4 (use of the land) pursuant to application SW/09/0972 (allowed on appeal) for - Change of use of land to use as a residential caravan site for one gypsy family with two caravans (including one static caravan), erection of amenity block and laying of hardstanding Land At Eden Top Sheppey Way Bobbing Kent ME9 8QP (midkent.gov.uk)		

1. SITE LOCATION AND DESCRIPTION

- 1.1 The site is located within the countryside, the nearest settlement is Sittingbourne located to the south of the site on the opposite side of the A249. The site lies within an Important Local Countryside Gap. To the east there is a Grade II Listed building 'Upper Toes' and there are various outbuildings associated with Upper Toes which run along the boundary between the two sites. The Garden of England Crematorium and Memorial Gardens is located opposite the site on the northern side of Sheppey Way. The site is surrounded

by open fields to the south and west where residential properties are sited sporadically along with large agricultural/commercial buildings.

- 1.2 The site comprises of a mobile caravan and amenity block, hardstanding area and garden. Land within the wider control of the applicant includes a barn/stable block, menage and horse paddocks. Further to the south, along a track, there is a caravan stationed to the rear of the existing menage. This site is separate to the application site and does not form part of this application. That development is currently being investigated by the Planning Enforcement team.

2. PLANNING HISTORY

- 2.1 **17/502577/FULL** Change of use of land for the siting of 1no. caravan for a gypsy family and extension to an existing amenity block with parking, landscaping scheme and hardstanding. Refused 05.10.2017 (this was partially on the application site and partially on adjacent land to the west).
- 2.2 **14/500144/FULL** Change of use of land to use as an extension to existing caravan site to form a total of 6 no. caravan pitches, each containing two caravans of which no more than one will be a static caravan/mobile home, including the laying of hard standing and erection of two amenity buildings. Refused 05.08.2015 (this was partially on the application site and partially on adjacent land).
- 2.3 **SW/09/0972** Change of use of land to use as a residential caravan site for one gypsy family with two caravans (including one static caravan), erection of amenity block and laying of hardstanding. Refused. Appeal Allowed 07.10.2010

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks permission for the removal of conditions 3 & 4 of planning permission pursuant to application SW/09/0972 (allowed on appeal) for the change of use of land to use as a residential caravan site for one gypsy family with two caravans (including one static caravan), erection of amenity block and laying of hardstanding.
- 3.2 Conditions 3 and 4 are worded as follows:
- 3.3 Condition 3 - The occupation of the site hereby permitted shall be carried on only by Mr Robert Beck and his resident dependents only.
- 3.4 Condition 4 – When the land ceases to be occupied by Mr Robert Beck and his resident dependants, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use, including the amenity block hereby approved, shall be removed. Within six months of that time the land shall be restored in accordance with a scheme previously submitted to and approved in writing by the local authority.
- 3.5 In relation to the Inspectors inclusion of these conditions, Para 23 of the appeal decision states, “.....*My personal conditions 3 and 4, go further, indicating that a permanent approval to Mr Beck arises from his strong economic links to horses and that this particular need for a residential presence in the countryside is an overriding reason for granting permission to him*”

4. CONSULTATION

- 4.1 Two rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the press. Full details of representations are available online.
- 4.2 As a result of the public consultation 11 letters of representation were received, all of which were letters of objection from a total of 5 different households. Concerns/ comments were raised in relation to the following matters: -

Comment	Report reference
Reasons given for the initial application was so the family could be near their equestrian business and if the business was to close the land should be reinstated.	See para. 7.8-7.10
Unclear whether this is a retrospective application for existing development on the site.	The application is retrospective.
Application seeks to further develop the land to allow occupancy for future residents unrelated to the equestrian business.	See para. 7.10
Removal of the condition could give rise to development in sensitive area.	See para's 7.12 to 7.16
The Council has already met the need for traveller pitches.	See para 7.9
Appeal process – should be referred back to the Inspectorate.	It is a matter for the Local Planning Authority to consider and determine an application in the first instance.
The site has already been developed beyond what was granted permission by the planning inspectors, there is now a permanent building on the site and the mobile unit has been relocated and not as per the site block plan.	See para. 7.15

- 4.3 Bobbing Parish Council object to the proposal for the following reasons:

Comment	Report reference
The site has already been developed beyond what was granted by the planning inspectors, as there is now a permanent building on the site and the mobile unit has been relocated and is not showing as per the site block plan.	See para. 7.15
The removal of occupancy restrictions would lead to a multi-site development, which is contrary to the inspector's permission.	See para 7.10
It will violate the important Countryside Gap status, causing traffic problems and activities which would	See para. 7.12 – 7.16 and 7.25

affect the neighbours, the Garden of England Crematorium and road users in general.	
The removal of these conditions would not be what one would reasonably expect. An appointed government inspector has applied the conditions for good reasons when he allowed the appeal re application SW/09/0972; overturning what was a majority vote for refusal by our elected members of the council.	It is a matter for the Local Planning Authority to assess the application in accordance with current policy and material considerations.

5. REPRESENTATIONS

- 5.1 **SBC Conservation and Design Manager:-** Raises no objection to this proposal from a heritage and related design perspective as the site is not altered by the additional/amended information provided in relation to site ownership.
- 5.2 **KCC Archaeology:** - No archaeological measures required in connection with this proposal.
- 5.3 **Mid Kent Environmental Health:** - No comment.
- 5.4 **KCC Ecology:** - Satisfied that an ecological survey is not required as there is limited opportunity for protected/notable species to be present within the site.
- 5.5 **KCC Highways:** - No comment.
- 5.6 **Natural England:** - It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies.

6.0 DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

- ST1** Delivering sustainable development in Swale
ST3 The Swale settlement strategy
DM6 Managing transport demand and impact
DM7 Vehicle parking
DM10 Gypsy and Traveller sites
DM14 General development criteria
DM25 The separation of settlements – Important Local Countryside Gaps
DM28 Biodiversity and geological conservation

- 6.2 Local Plan policy DM10 is most relevant and is a criteria-based policy for consideration of the acceptability of sites for use as Gypsy / Traveller accommodation. The Local Plan does not contain any site allocations for Gypsy / Traveller sites.

The National Planning Policy Framework (NPPF)

- 6.3 The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). 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.

- 6.4 Paragraph 11 of the NPPF sets a presumption in favour of sustainable development. For decision taking, it states that development should be approved if in accordance with an up to date development plan. Where there are no relevant development plan policies or those most important for determining an application are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 6.5 Paragraph 63 sets out that to determine the minimum number of homes required, policies should be informed by housing needs assessments, and the size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies – including travellers.

Planning Policy for Traveller Sites (PPTS) – Department for Communities and Local Government 2023

- 6.6 Paragraph 3 states - *“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.”*
- 6.7 Paragraph 4 sets out (inter-alia) that LPA’s should make their own assessment of need for the purposes of planning, that private traveller site provision should be promoted, that the number of traveller sites in appropriate locations should be increased, that travellers should have access to schools, healthcare and employment infrastructure, and that LPA’s should have due regard for the protection of local amenity and the local environment.
- 6.8 Paragraph 10 states that Local Plans should identify and update annually a 5 year supply of Gypsy and Traveller sites against locally set targets.
- 6.9 Paragraph 14 states 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.”*
- 6.10 Paragraph 25 states that LPA’s should consider the following issues 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”*
 - c) *“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.”

- 6.11 Paragraph 27 states *“If a local planning authority cannot demonstrate an up-to-date 5 year 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).”*

The Swale Borough Council Gypsy and Traveller Accommodation Assessment 2023 (GTAA)

- 6.12 The GTAA comprises the latest available evidence to identify the accommodation needs of Gypsies and Travellers across the Borough. The GTAA identifies the forecast pitch requirements for Gypsies and Travellers that meet the definition in the PPTS. The Councils GTAA published December 2023 has identified an overall need for 114 additional Gypsy and Traveller pitches across Swale Borough over the period 2022/23 to 2037/38, with 80 in the five-year period 2022/23 to 2026/27 and 34 in the longer-term 2027/28 to 2037/38).
- 6.13 The report advises that the Council should consider the following to help meet identified residential pitch need. Firstly, regularising of sites that are not permanently authorised. Secondly, additional pitch provision through the use of existing sites.

Supplementary Planning Documents (SPD)

- 6.14 Swale Car Parking Standards

Other relevant legislation and Court Judgements

- 6.15 The Human Rights Act 1998 Article 8: Respect for your private and family life, and home
- 6.16 The Equality Act 2010
- 6.17 In *Smith v Secretary of State for Housing, Levelling Up and Communities [2022]*, the Court of Appeal ruled that the PPTS definition in 2015, which excluded Gypsies and Travellers who had permanently ceased to travel due to old age or illness from the PPTS definition, was unjustified and discriminatory. The Court determined that this discriminated against the ethnic and cultural identity of Gypsies who, as a result of age, illness or disability, are no longer able to travel. The PPTS definition was amended in 2023 as a result of this judgement.

7. ASSESSMENT

- 7.1 This application is reported to the Committee because Bobbing Parish Council has objected to the proposal. Considering these comments and the proposal that has been submitted, the committee is recommended to carefully consider the following main points:
- The Principle of Development including Supply of G&T sites in the Borough
 - The impact of the development on the character and appearance of the area including the Important Local Countryside Gap

- Heritage
- Archaeology
- Transport and Highways
- Living Conditions
- Ecology

Principle of Development

- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan. The PPTS is also a significant material consideration, representing the national policy position on Gypsy and Traveller sites.
- 7.4 The site falls within open countryside and as such development within this location is generally restricted. However, the majority of Gypsy and Traveller sites are invariably found in rural locations. Key issues with such sites generally relate to visual impact and sustainability objectives. Policy DM10 of the Local Plan sets out the circumstances under which Gypsy and Traveller sites will be acceptable, and requires such development to comply with criteria listed in the policy.
- 7.5 The original application, Ref: SW/09/0972 sought permanent planning permission for the change of use of land from agriculture to a residential caravan site for one gypsy family. One static caravan and one mobile caravan was provided within the site including a single storey pitched roof amenity block to provide a toilet, shower room, kitchen and dining room. Access to the site was already in place and it was proposed that additional hardstanding would be provided within the application site.
- 7.6 The application was initially refused by the Council on the grounds that (1) the proposal was found to be harmful to the visual amenities and character and appearance of the countryside and the maintenance of the separation of settlements and (2) having balanced the unmet need for the provision of gypsy/traveller sites, the harm to the character of the area, and the Important Countryside Gap outweighed the need.
- 7.7 The decision was allowed on appeal. In allowing the appeal, the Inspector considered the impact of the development upon the character and appearance of the countryside and on the important countryside gap, and noted that the gap was particularly fragile and narrow in this location. The Inspector gave weight to the circumstances of the occupant of the site, Mr Beck, who bred and traded in horses and kept them on land at the site and in the local area. The Inspector concluded that the equestrian use helped maintain an open tract of land and the countryside gap, and that such use was an acceptable use in this countryside gap and the ability to live on the site was the best method of maintaining the gap and wider open countryside. Mr Beck and his family were granted personal permission to stay for that reason.
- 7.8 The removal of conditions 3 and 4 would essentially allow the site to be occupied as a Gypsy and Traveller site and not just by the current named occupant Mr Beck and his

dependents. In the determination of this case, it must be considered whether conditions (3) and (4) still serve a purpose today.

- 7.9 The GTAA identifies a significant need for 114 Gypsy and Traveller Sites in the Borough, with an immediate need over a 5 year period for 80 sites. The Council can only currently identify a 1.3 year supply of Gypsy sites. The significant need and shortfall in site provision are highly material in the consideration of this application.
- 7.10 The application has been made on the basis that the original occupant (Mr Beck) no longer has a need to reside at the site. Although the planning agent has been unwilling to provide specific details of the current occupant, officers have identified that Mr Beck's adult son currently occupies the site. Removal of the conditions would provide a more unrestricted site for use by the wider Gypsy and Traveller community and in this respect would assist with meeting identified needs. It would still remain as a single pitch site. In sustainability terms, the site is of reasonable credentials for a Gypsy and Traveller site, being on a road with a continuous footway within reasonable distance of Sittingbourne, and with a bus stop next to the site entrance.
- 7.11 On the other hand, consideration needs to be given to the implications of removing the conditions, specifically in relation to the impacts on the Important Local Countryside Gap.

Visual Impact and effect on Important Local Countryside Gap

- 7.12 Eden Top is located within an important Countryside Gap which is particularly narrow in this area. The site and surrounding area are rural in character and appearance and the built form in the immediate vicinity of the site is sporadic.
- 7.13 Policy DM25 of the adopted Local Plan states that within such gaps, planning permission will not be granted for development that would undermine one or more of their purposes. The supporting text states that the purposes of such gaps are to maintain the separate identities of settlements, safeguard the open and undeveloped character of the area, prevent encroachment and piecemeal erosion by built development or changes to the rural open character, and to influence decisions on the longer term development of settlements.
- 7.14 The site does have some urbanising impact on this area of land and surrounding countryside, however the appeal Inspector allowed the structures on site on the basis that Mr Beck bred and traded in horses, and the structures were to be used for ancillary equestrian purposes whilst maintaining a degree of openness to protect the rural character of the countryside and environment, and that there were benefits in allowing a residential use to preserve this rural activity and provide security.
- 7.15 Comments have been received that the site has already been developed beyond what was granted permission by the planning inspector, and that there is now a permanent building on the site and the mobile unit has been relocated and is not as per the site block plan. Since the appeal decision there has been limited change within the arrangement of the application site itself. The stationing of the larger mobile home remains within the same position as does the amenity, barn/stable block. It is noted that the second caravan is no longer located on the site, and that a caravan has been stationed in the adjoining field to the south of the site, however this does not form part of the application site and this development is currently under investigation by the Planning Enforcement team. The site has benefitted from planning permission for more than 13 years. Although it is a personal permission, it is not a temporary permission.

To a degree, the site has established into the landscape over this period of time. The site is not especially prominent, being set a significant distance back from the road. Whilst the development causes a degree of harm to the character and appearance of the countryside and conflict with the Important Local Countryside Gap, this is tempered to a degree by the above factors. In addition, the use of adjacent equestrian land and any associated development, to which the previous Inspector gave weight as a factor in keeping the land as attractive and open countryside, would be generally controlled under the planning regime.

- 7.16 Taking the above factors into account, it is considered that there would be some conflict with policies ST3 and DM25 in allowing unrestricted occupation of the site, and which would effectively create a permanent site in this location. However the degree of harm is not considered to be substantial under the above circumstances.

Heritage

- 7.17 The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.18 The neighbouring dwelling at Upper Toes is Grade II listed, dating back in part to the C16. S66 of the TCP (Listed Buildings and Conservation Areas) Act places a duty on LPA's to have special regard to the desirability of preserving the buildings, its setting, or any features of special historical or architectural interest. Policy DM32 of the Local Plan sets out a similar local requirement for the preservation of such buildings.
- 7.19 The development is located approximately 60 metres away from the listed dwelling. Taking this distance into account and together with the landscaping, the Inspector's conclusions would apply equally to this proposal, and would not harm the setting of this building. The Conservation Officer shares this view and therefore the development would not be in conflict with DM32 or the requirement under S66.

Archaeology

- 7.20 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.21 Policy DM 34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.22 No ground works are proposed. KCC Archaeology have been consulted who are satisfied that no archaeological measures are required in connection with this proposal.

Transport and Highways

- 7.23 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

The NPPF also states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.

- 7.24 In terms of location, the site would lie 1.3km from the petrol filling station, restaurants and pub on the outskirts of Bobbing, 0.9km from Bobbing Primary School, and 1.4km from the doctor’s surgery at Iwade village. This has previously been considered appropriate for this site in the context of a Gypsy site application.
- 7.25 A further issue raised by local representations is that the removal of the conditions will violate the important Countryside Gap status, causing traffic problems and activities which would affect the neighbours, the Garden of England Crematorium and road users in general. The access from Sheppey Way, into the application site was established several years ago with planning permission granted in 1982 (SW/82/0425). There is an existing entrance driveway at the north eastern end of the site frontage and there are wide vehicle frontages either side. It is noted that the Local Planning Authority raised no objection to the use of this access when planning permission was granted on appeal for the gypsy site. On the basis that there would not be an increase in the number of families living at the site, it is unlikely that there would be a material increase in vehicles using the site. Whilst KCC Highways have not commented on this application, they previously raised no objection to the proposal and no concerns are raised on highway safety grounds.
- 7.26 The site provides a large area of hardstanding and no changes are proposed. It would meet the SBC residential parking guidelines which require at least 2 parking spaces in such locations.

Living Conditions

- 7.27 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.

Existing residents

- 7.28 The dwelling to the north east is sited some 60 metres from the application site. It is separated by a range of outbuildings within the neighbour’s site, by landscaping, and the existing unit. The removal of conditions 3 & 4 would not result in any unacceptable loss of privacy, light or outlook to this property, as the site would continue to operate as a 1 pitch Gypsy and Traveller site.
- 7.29 There would be no likely increase in vehicle movements on the access tracks given that the intended use is to remain as one gypsy family, and the neighbouring dwelling is well divorced from this track.

Ecology

- 7.30 The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP 7 and DM 28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 7.31 Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The National Planning Policy Framework states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'
- 7.32 National planning policy aims to conserve and enhance biodiversity, and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 7.33 In terms of the Local Plan, policy DM 28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.34 This application does not result in the uplift of additional residential units on the site and therefore mitigation is not required in this instance. As there are no physical or site layout changes, there are no impacts relating to ecology or wildlife.

Conclusion

- 7.35 In conclusion, the original purpose of conditions 3 & 4 were to take into account the personal circumstances of the applicant at the time and to offset harm to the countryside and Important Local Countryside Gap. Allowing the removal of the condition would retain the use of the site for the wider Gypsy and Traveller Community, but would perpetuate the above harm. However, officers have assessed that the degree of harm and conflict with the Local Plan is not substantial. In addition, the physical characteristics of the site will remain as they have been for the last 13-15 years.
- 7.36 The GTAA identifies a significant need for 114 Gypsy and Traveller Sites in the Borough, with an immediate need over a 5 year period for 80 sites. The Council can only currently identify a 1.3 year supply of Gypsy sites. On this basis, the site would contribute towards this identified need.
- 7.37 Taking the above factors into account it is considered that the benefits of retaining the site for the wider Gypsy and Traveller community outweigh the harm, and it is recommended that planning permission be granted subject to appropriate conditions.

7.38 As this would result in a new decision notice for the site, the following conditions that were imposed on the 2010 permission remain applicable (as updated / modified).

Conditions

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

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

2. No more than two caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended) shall be stationed on the site at any time, of which no more than one shall be a static caravan or mobile home.

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

3. Any caravans positioned on the site shall be capable of being lawfully moved on the public highway without division into separate parts.

Reason: To accord with the terms of the application and ensure that the site is used for the stationing of caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended).

4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site other than one horse box with a gross laden weight not exceeding 7.5 tonnes. All parking of vehicles, commercial or otherwise, shall take place on the proposed gravel hardstanding shown on the 1:500 site layout plan, unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of the rural and residential amenities of the area.

5. No commercial activities shall take place on the land, including the storage of materials, other than the keeping of horses.

Reason: In the interest of the rural and residential amenities of the area.

6. No floodlighting, security lighting, or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to, and approved in writing by, the local planning authority.

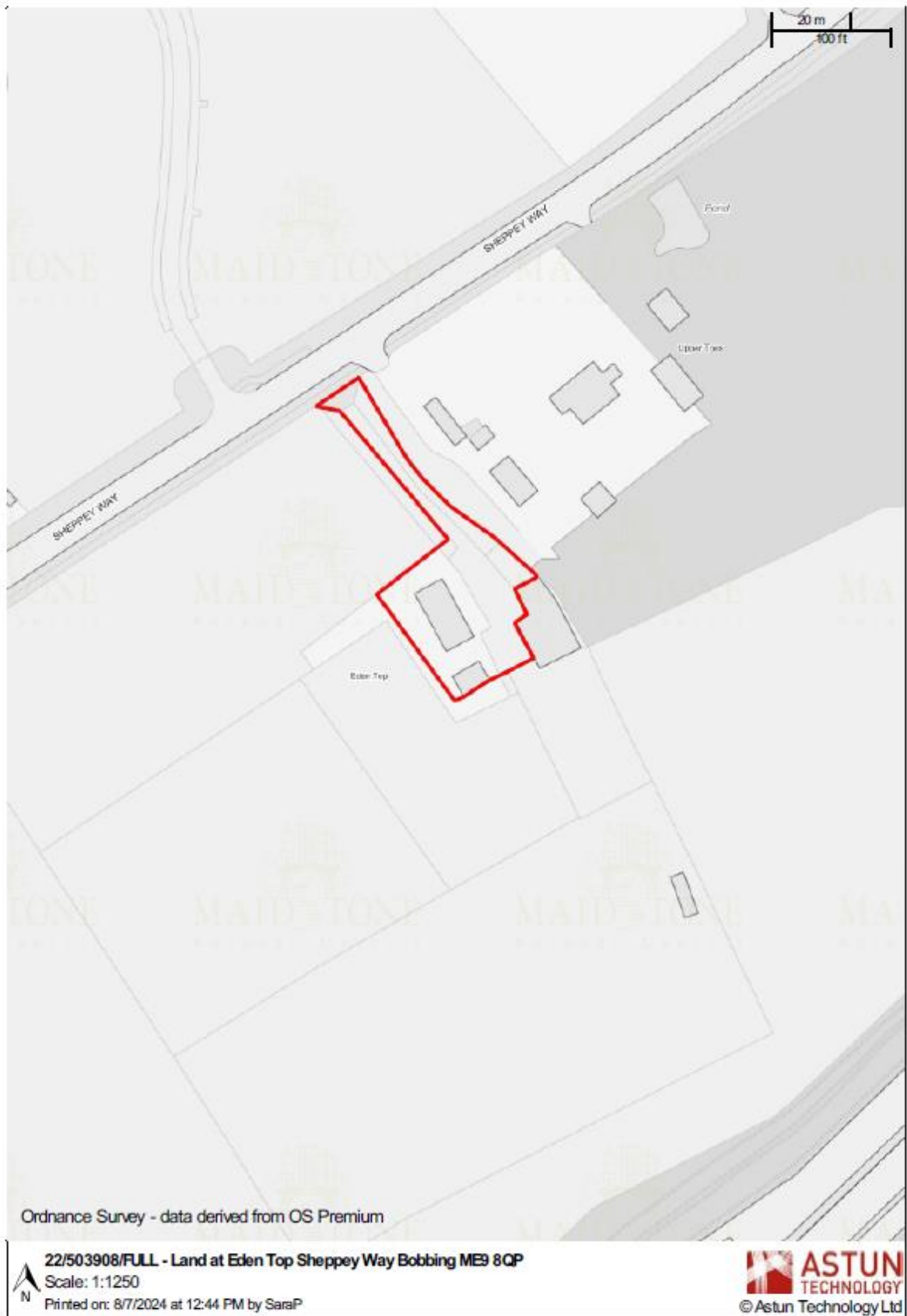
Reason: In the interest of the rural and residential amenities of the area.

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (2023), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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



Ordnance Survey - data derived from OS Premium

22/503908/FULL - Land at Eden Top Sheppey Way Bobbing ME9 8QP
Scale: 1:1250
Printed on: 8/7/2024 at 12:44 PM by SaraP

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TECHNOLOGY
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