



Planning Statement

O'Dell Farm Lower Higham Road Gravesend
Kent DA12 2NY

Change of use of land as a further extension of the existing Gypsy & Traveller site (approved under 20190823) being a revised site layout to accommodate the approved additional 3 No. pitches including details of hardstanding areas, provision of waste treatment plant and use of part of the stable block as utility areas.

Mr. & Mrs L. Friend
14 November 2022

BARRONEDWARDS
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1.0 Introduction

1.1 This Planning Statement has been prepared on behalf of Mr. & Mrs Levi Friend to further extend the area of their existing traveller site in order to revise the approved layout of their permission granted under 20190823 (dated 8 June 2020) to provide a more sustainable layout and to meet caravan site licence requirements.

1.2 It is important to note that NO ADDITIONAL PITCHES are proposed over what has previously been approved only a reorganisation of the site layout to provide the facilities approved under permission 20190823 including details of the hardstandings and parking area, details of surface and foul water drainage and details of boundary treatments.

1.3 In addition to the application form and certificates the following documents are submitted;

221007-001A (Approved Block Plan and Site Plan)

221007-002A (Proposed Block Plan)

Plan 3 – Proposed stable layout

Plan 5 – Original 2005 approved site layout

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2.0 Site and Surrounding

2.1 The site comprises of a roughly rectangular shaped plot located close to the junction of Lower Higham Road and Church Lane, approximately 0.5 km east of the settlement of chalk. The developed part of the site is set back from the road and substantially enclosed to the north by close board fencing. A highly conspicuous detached utility building is set close this boundary, whilst the two mobile homes are set further back into the site. Beyond this group further south of the site is a large L shaped stable building. A paved access drive from Lower Higham Road onto a hardstanding and parking area with a tarmac road that passes the mobile homes and leads to a further tarmac surfaced area in front of the stable block.



2.2 Eastcourt Cottages, a two storey brick built terrace block and a builders yard, lies across Lower Higham Road, to the north of the site, whilst to the west there is Filborough Farm. The land to the south and east are owned by the applicants and are currently used as paddock. The land in the applicants ownership has access to Lower Higham Road gained via a wooden field gate with a further gated entrance from Church Lane,

2.3 The site benefits from planning permission granted on appeal in 2005 for the stationing of 2no. mobile homes. Permission to add 3 further pitches and 3 tourers on the residential garden between the approved mobile homes and the stable block was granted with conditions in June 2020 (20190823). The Planning Statement submitted in support of the application stated the additional pitches will be occupied by extended family members of the applicant who need a stable base. The statement confirmed that the adults in the group are siblings with a history of travelling together at certain periods to look for building work and

travelling to traditional gypsy horse fairs. The adjoining land in the applicants ownership being used as paddock for the grazing of horses. Although the application did not provide any details in relation to the dimensions of the caravans it was accepted that they would fall within the lawful definition of a caravan, under section 29 of the Caravan Sites and Control of Development Act 1960.

3.0 Proposal:

3.1 In the process of implementing this permission (20190823) it was found that, because of existing facilities on the site, it would not be possible to layout the site as originally proposed and a further extension of the approved site area is now sought. No increase in the number of pitches is sought and the additional pitches will still be occupied by the same travellers as indicated in permission 20190823 who now wish to have a stable base.

4.0 Planning Considerations

4.1 All the usual planning considerations for the extension of a traveller site such as the need for pitches, appropriateness within and impact on the Green Belt and sustainability of the site were all considered with the approved 20190823. The current proposal does not make any change to these approved details other than an enlargement of the site in order to facilitate a more sustainable site layout and to comply with the caravan site licence legislation. This involves the taking of the small paddock immediately to the south of the approved site although the adjoining land will still be available for the grazing of the applicant's horses.

4.2 The proposal will require the relocation of the existing Caravan 1 next to the utility block as it sits too close to the septic tank that serves the site which is located immediately adjacent to the western boundary. This septic tank will continue to serve the utility block and Caravan 2 (now Caravan1). The proposed Caravan 5 will also need to be relocated as a new septic to serve Caravans 2 – 5 will be located there in order to provide suitable land drainage in the adjacent land. This area will also be used to relocate the sites existing gas storage tank that currently is located in the paddock area.

4.3 The two relocated caravans (approved 1 & 5) will now be located in the former paddock with their parking spaces being located alongside served by an extended tarmac area (now 4 & 5). The approved tourer sites will remain as approved as will Caravans 2 & 3. The use of part of the stable block as utility rooms will remain as approved.

4.4 It is our contention that the only aspect to be considered with this revised proposal is whether any additional harm to the Green Belt is demonstrably outweighed by other considerations so as to amount to very special circumstances to justify the proposal. The need for further traveller sites, the status of the applicants and their personal circumstances remain the same.

4.5 The NPPF at paragraph 146 states that material changes in the use of land are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes for including the land within it. The area surrounding of the application site has a distinct rural character, although there are pockets of residential development in the vicinity, including the terrace block across the Lower Higham Road.

4.6 However the existing use of the site as Gypsy caravan site, has necessitated the clearing of the site where the pitches are proposed, and the enlarged site has been screened by new fencing with established hedges so the proposed relocated caravans would be barely visible from outside the site. It is accepted that the proposed mobile homes would have the appearance of small bungalows, which would result in a material loss of openness. However, considering the units are proposed on an established traveller site immediately adjacent to already approved pitches would ensure the impact would be less than would be likely if a new site were established elsewhere in the Green Belt. This is particularly so in this instance as the proposal would not involve any increase in the number of pitches on the site. This would not contrast significantly with existing development at the site and the sporadically developed character of the local area. Whilst the proposal clearly conflicts with CS02 Core Strategy and policies of the NPPF the harm in this case would be limited. This should be considered in the light of the proposed East London River Crossing which will have a marked impact on the character and appearance of the area which will change substantially once works commence.

4.7 Considering the development would occupy the southern part of the site, immediately to the rear of the previously approved location, they would not be conspicuous from Lower Higham Road. Similarly, the mature hedgerow along the eastern site boundaries would assist in screening the site from Church Lane. The proposal would not increase the number of the mobile homes at the site over and above what has previously been approved, they would be set close to the existing hedgerow which forms a buffer between the site and the wider area. The existing natural landscape features would help screen the mobile homes from south and east of the site. In summary, the proposals would be adequately screened from Church Lane and Lower Higham Road due to the presence of the

existing fence and mature hedge and would not cause significant harm to the identified character and appearance of the local area.

4.8 The proposed pitches would make use of the existing access, and there is adequate hard surface space available within the plot for parking of vehicles associated with the increase in pitches proposed, and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear. The level of additional vehicle movements to and from the site resulting from the increased number of pitches on this plot is not likely to lead to a significant increase in traffic generation, unacceptable intensification of use of the local road network or raise any overriding highway safety issues. Overall, on this basis, it is considered that the impact upon highway capacity would be acceptable.

4.9 The nature of the proposal requires it to be considered under Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. Due regard also has to be had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED. Apart from the desire to provide a settled base for the applicant's extended family members and to enable the children to be enrolled in main stream school in the future, no other health, education or personal circumstances are understood to exist. Again this was all taken into consideration of application 20190823 and there is no change in substance in the current proposal.

5.0 Conclusions

5.1 We are of the opinion that a number of factors weigh in favour of granting planning permission in this case including the fact that the proposal does not seek to increase the number of pitches on the site only a more sustainable layout. This being coupled with the relatively sustainable location, being just under 0.5 km from the urban area boundary and the under supply of traveller sites in the District weigh in favour of permission being granted. We are satisfied that the intended occupiers have a personal need for a site, and the desire to live as an extended family group is consistent with traditional and nomadic way of life of travellers. A settled base is in the best interest of the child and would bring with it health benefits. It would also provide access to health care for all the intended occupants and improve their quality of life, as opposed to the unsatisfactory alternative of having to resort to roadside living. The group would

also benefit from having access to basic amenities, welfare and employment and a secure environment, which would inure to their well-being in line with the PPTS. In addition, the intended occupiers of the proposed pitches meet the planning definition of travellers and granting permission would be in line with the requirements set out in Article 8 of the Human Rights Act, as it would allow the group to live together as part of their traditional way of life. The PPTS states at paragraph 16 that subject to the best interest of the children, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and may be considered to be very special circumstances.

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