



Delegated Report

Planning Application

Application no: 20220604

Location: The Hedgerows Chalk Road Higham Rochester ME3 7JX

Description: Extension of existing day room to create 2nd day room for mobile home and caravan

Applicant: Mrs Ann Vine

Site Visit Date: 14 July and 12 August 2022

Description of the Application Site and Surroundings

The application site is located on the south side of Chalk Road just outside the western limit of the rural settlement of Lower Higham.

The site has been used as a private gypsy and traveller site since 2006 on a temporary basis and since 2014 on a permanent basis.

The residential part of the site is approximately 0.2 hectares (0.5 acres) and comprises the western half of the site and the remaining part of the site, 0.15 hectares (0.37 acres), is being used as a grazing paddock and is in horticultural use for the growing of vegetables although at the time of a recent case officer site inspections it appeared to be underutilised.

Currently the residential part of the site includes two residential mobile homes, one located towards the western boundary and the other towards the rear (south side) of the site. The western most unit comprises a kitchen, living room and two bedrooms. The southernmost mobile home contains a kitchen/living room and 3 bedrooms.

Below: Case officer photo of main mobile home and existing utility/dayroom



In the northwest part of the site close to the western mobile is a utility room of brick construction and with a pitched tiled roof and which is 7.5m by 5.5m. This is used as a kitchen and living room and with a bathroom. It has a first floor within the roof space, but it was used, according to the applicant, as storage.

To the south of the existing utility room is a small timber shed that is used currently for storage and houses a washing machine and fridge freezers. Further south is another timber shed with a curved roof that is used for domestic storage/workshop.

To the east of the southernmost mobile and towards the southern boundary of the site is a timber building comprising two stables and a tack room. There were no touring caravans present on the site at the time of the recent case officer site inspections.

The area between and east of the two mobiles is laid to lawn. There are patio areas to each mobile and the land to the south of the utility room is hard surfaced. A large area to the east of the existing utility room up to the vehicle access into the site is hard surfaced (crushed aggregate) and used for car parking (for 6 plus cars).

The land is well screened with existing trees and hedges around the site boundaries and supplemented by fencing where necessary. The site has vehicle access onto Chalk Road located in the centre of the site and which is gated.

The surrounding area to the west and south is open in character and generally arable farmed. The area to the north is primarily grazing land and smallholdings with some mixed residential accommodation. To the east the site adjoins the residential garden of No. 4 Chalk Road which is the last dwelling within the village envelope. Higham has facilities including shops, primary school, railway station and bus service.

Planning History

Planning Applications

Ref No	Description and Site	Decision	Date
19520109	Use of land for erection of dwelling house and private garage	Refused	04.07.1952
19520110	Outline application for residential purposes	Refused	03.08.1955
19520111	Outline application for erection of agricultural dwelling house	Refused	11.01.1956
19770311	Outline application for the erection of 4 dwelling houses	Refused	23.06.1977
19820150	Outline application for the erection of one dwelling with one garage	Refused	17.05.1982
19980757	Outline application for the erection of a single dwelling.	Refused	02.02.1999
		Appeal Dismissed (ref AP 1999/00003/REF)	07.10.1999
20060650	Use of land for the stationing of two mobile homes and a touring caravan; erection of two detached buildings one to provide utility room and shower/wc and the other to provide a block of three stables.	Refused	24.10.2006
		Appeal Allowed (ref AP 2007/00006/REF)	06.09.2007
20110138	Use of land for the stationing of two mobile homes and one touring caravan; retention of the two	Temporary Permission	23.06.2011

	detached building for use as a utility room and stables on a permanent basis.		
20120003	Application for variation of condition 5(d) attached to planning application reference number 20060650 allowed on appeal reference number APP/K2230/C/07/2036950 relating to details of the location within the site where the utility/day room is to be sited.	Permission	13.02.2012
20130946	Renewal of planning permission reference number 20110138 for use of land as residential for a gypsy family, stationing of two mobile homes, one touring caravan, utility room and stables on a permanent basis.	Permission	21.01.2014
20220604	<i>This Application</i>		

Proposal

This planning application is for the extension of existing day room to create 2nd day room for a mobile home and caravan

Submitted Plans and Documents

Planning Application Form and Certificates

Ordnance Survey Plan 1:1250 scale dated 27.10.2006

Drawing No 1203/22/1: Site Layout

Drawing No 1201/22/2: Floor Plans and Elevations - Existing and Proposed

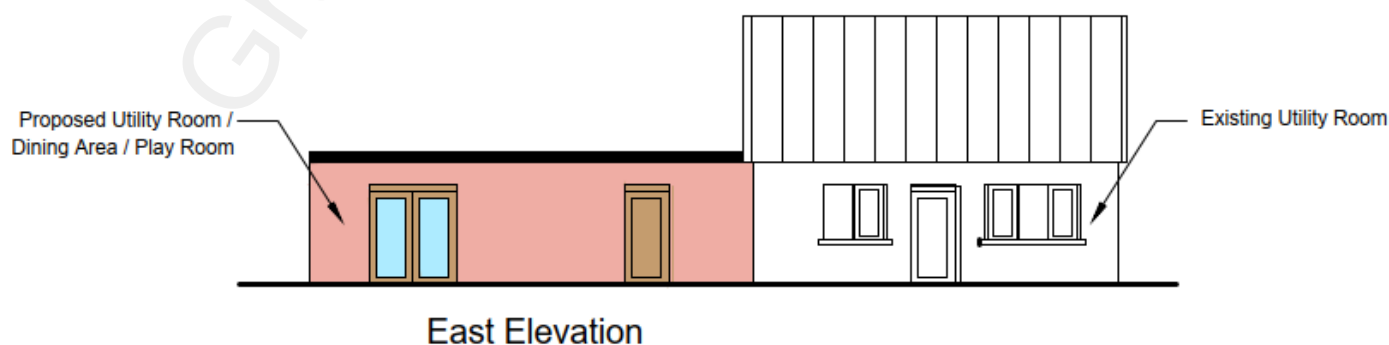
Details of the Development

The submitted plans indicate that the proposal is for a utility/communal dining area/playroom having a length of 9.1m and a width of 5.2m (footprint of 47m²). It shows it would also include a toilet.

The utility room/day room would be single storey with a flat roof to a height of 2.7m. It would physically adjoin the utility room and would be about 1m from the western end of the mobile and the 2 windows in the end elevation of the mobile.

It is indicated that it would be constructed of red flettons bricks.

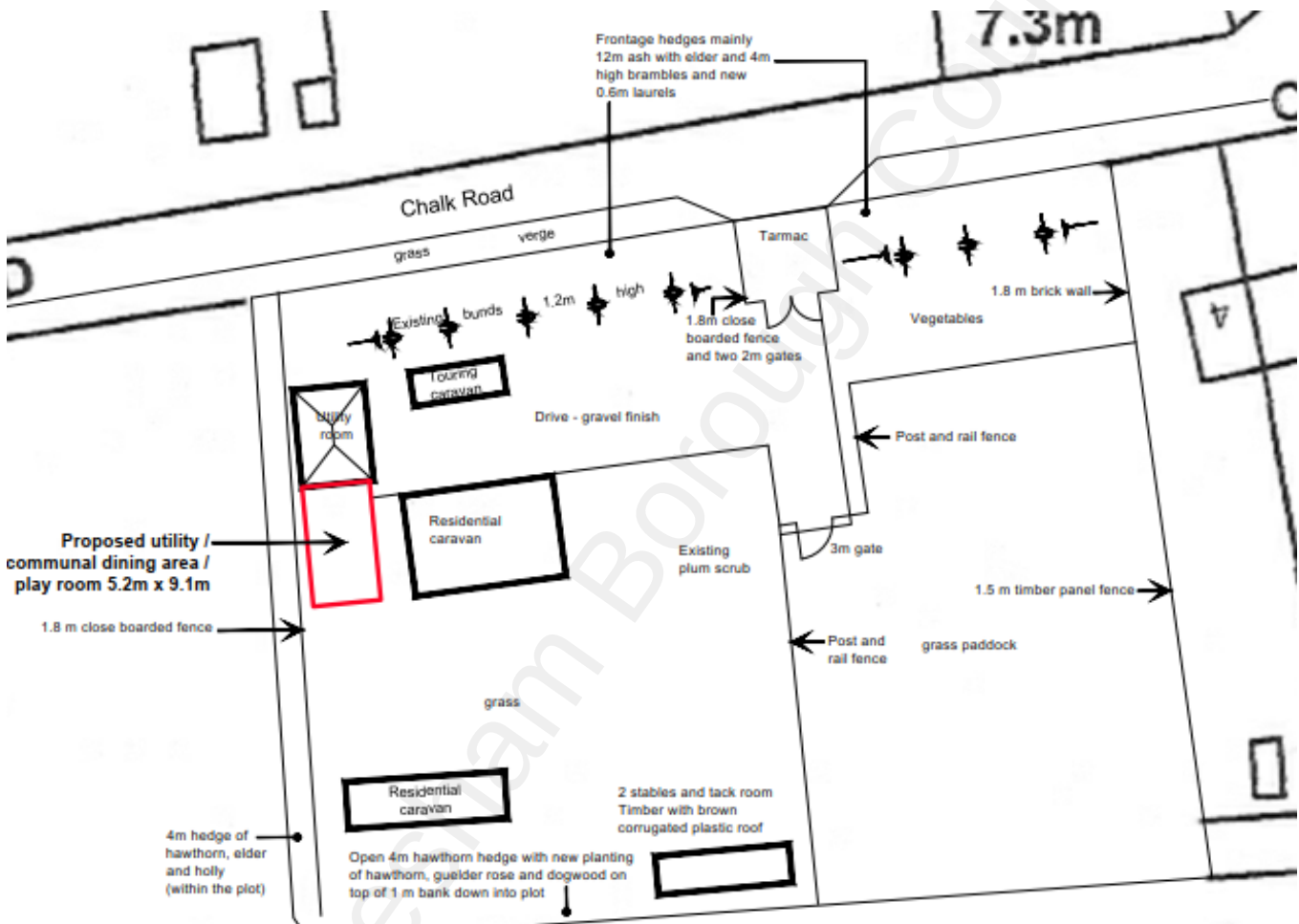
The east elevation drawing is shown below. It is noted in the submitted plans that the west elevation is incorrect in that the location of the existing utility room that it would adjoin is wrongly depicted.



The proposed floor plan is shown below



The following plan shows the existing/proposed site layout



There is no supporting information or planning statement accompanying the application.

Development Plan and other related Planning Policies and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.¹ Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

¹ See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

The Development Plan for Gravesham currently comprises:

- *The Gravesham Local Plan Core Strategy and Policies Map (September 2014)*
- *Remaining Saved Policies in the Gravesham Local Plan First Review (November 1994), and*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance and where they exist neighbourhood plans. There are currently no relevant neighbourhood plans.

Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The whole of the application site is shown as being within a **Green Belt area** (Policy CS02) in the Gravesham Local Plan Policies Map. Chalk Road Higham is shown as a **local distributor** in the highway network (Saved Policies T1-T5).

The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance:

Core Strategy Policy CS01: Sustainable Development
Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS11: Transport
Core Strategy Policy CS12: Green Infrastructure
Core Strategy Policy CS17: Provision of Traveller Sites
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles

Policy CS17 (Provision of Traveller sites) states, among other things, that traveller sites with permanent permission will be safeguarded unless they no longer meet their identified need.

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994. A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 219). Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this proposal:

Policy C13: Policy for Extensions to Dwellings in the Countryside
Policy T1: Impact of Development on the Highway Network
Policy T4: Development outside the Built-Up Area

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and the review found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02 due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan First Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF 2021, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this pre-application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy GB 5 Extensions, Replacement Buildings and Ancillary Development in the Green Belt.

Proposed Policy INF 2: Transport Design Principles.

Proposed Policy INF 3: Understanding and Mitigating Transport Impacts.

Proposed Policy INF 5: Electric Vehicle Charging Points.

Proposed Policy GI 5: Landscape Character.

Proposed Policy GI 6: Biodiversity.

Proposed Policy RES 8: Proposals for the stationing of caravans for gypsies and travellers on unallocated sites.

Proposed Policy RES 8 states:

9.8.20. In assessing the suitability of sites for stationing caravans, trailers, tourers, etc. for gypsies and travellers, proposals will only be permitted where the proposal will afford a high standard of amenity for existing and future users; and

- Sufficient space is available to satisfactorily accommodate the planned number of caravans, and any associated amenity buildings, amenity space, vehicle space and commercial use within the site
- The site is in a location which is accessible to a range of local services, including schools and health facilities
- The site is within flood zone 1 or alternatively meets the exception test for flood zone 2
- There will be no unacceptable adverse effects on the local built, natural and historic environment
- Safe pedestrian and vehicular access to and from the highway network will be provided
- There will be a satisfactory living environment for future occupants and the proposal will not result in an unacceptable adverse impact on the amenity of occupiers of neighbouring properties
- There is adequate and readily accessible parking on site for all types and the number of vehicles to be accommodated, and a secure metered power supply is available for the provision of electric vehicle charging points unless otherwise justified as an exception, and

- If a cesspit/septic tank is used for foul drainage, there are adequate arrangements to enable the safe servicing of the cesspit/septic tank and no unacceptable impact on the water environment.

9.8.21. Proposals for sites within the Green Belt which have not been allocated through the local plan process will be treated as inappropriate development requiring the demonstration of very special circumstances that clearly outweigh harm to the Green Belt and any other harm. In determining whether very special circumstances exist to meet the national policy test, the Council will have regard to:

- The status of the applicant and his or her family in terms of the definitions set out in the appendices to the Planning Policy for Traveller Sites (2015) or superseding documents
- Where the above definitions are not met, and a nomadic lifestyle is no longer being followed, whether or not the applicant and his or her family are from gypsy and traveller stock and can demonstrate a cultural preference for living in a caravan
- The existence of suitable alternative accommodation, including allocated sites through the Local Plan and the need to occupy an unallocated site within the Green Belt, and
- The personal circumstances of the applicant and his or her family, and whether or not these can only be satisfied through the occupation of the site, including the best interests of the child.

9.8.22. Within the countryside, special consideration will be given to potential adverse impacts on heritage assets, historic landscapes and settlements, or on valued landscapes of the highest significance, such as the Kent Downs AONB.

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) 2021 is a material consideration. The following paragraphs are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.

Section 2, Paragraphs 7 - 14: Achieving Sustainable Development

Section 4, Paragraphs 38 - 59: Decision Making

Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes

Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Section 13, Paragraphs 137 - 151: Protecting Green Belt land

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things. The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

Planning Policy for Traveller Sites, August 2015 Department for Communities and Local Government

This document sets out the Government's planning policy for traveller sites.

Paragraph 4 d indicates that plan-making and decision-taking should protect Green Belt from inappropriate development

Policy E (Traveller sites in Green Belt) states:

16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. 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.

17. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

Policy H: Determining planning applications for traveller sites states, amongst other things:

25. 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.

27. 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 planning permission 9. The exception 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).

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this development:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006)
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- Vehicle Accesses on Classified Highways (SPG6 November 1992)
- GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2) Adopted February 1996 - amended June 2020.
- Technical Housing Standards: Nationally Described Space Standards.
- Householder Extensions/Alterations Design Guide SPD - adopted 01 October 2021.
- Gravesham Landscape Character Assessment, May 2009, (a technical document which underpins policy CS12 of the Gravesham Local Plan Core Strategy).

The application site lies within the Higham Arable Farmlands Landscape Character Area in the Gravesham Landscape Character Assessment

Consultations, Publicity and Representations

Consultations - Internal

GBC - Planning Policy

No comments received

GBC Regulatory Services - Environmental Protection Comments

The following to be considered:

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical, and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out

Code of Practice on Construction and Demolition

Please apply

GBC Highways Development Management Officer

I can see no highway implications with these proposals, no objections.

Ward Councillors

No comments received

Consultations - External

Kent County Council (KCC) Highways and Transportation Services

No comments received

Higham Parish Council

No comments received

Publicity and Representations

A site notice was under Article 15. In addition, 9 neighbouring properties were notified of the application with an overall expiry date of 05 August 2022.

No representations have been received

Planning Analysis and Assessment

Introduction

In 2006 the site was occupied by the current applicants and their family and following investigation were requested to make a retrospective application. An application for the use of the land for the stationing of two mobile homes and a touring caravan, erection of two detached buildings one to provide utility room and shower/wc and the other to provide a block of three stables was submitted in August 2006. It was subsequently refused by the Council on 24 October 2006 primarily on the grounds of detriment to the Green Belt and landscape amenity, poor access and being contrary to existing Gypsy & Traveller policy.

The Council's decision was taken to appeal, and the Planning Inspectorate subsequently granted temporary planning permission to use the application site as a gypsy and traveller site for a period of four years until 7 September 2011.

An application was submitted in February 2011 for use of land for the stationing of two mobile homes and one touring caravan, retention of the two detached building for use as a utility room and stables on a permanent basis. This was considered by the former Regulatory Board (Planning Committee) on 22 June 2011 which concluded that in the light of existing gypsy and traveller policy and the emerging Core Strategy that a full permanent permission could not be granted. A further temporary four-year permission was granted in order for the completion of the Council's Development Plan and Core Strategy which would deal with the allocation of land for Gypsy and Traveller provision.

A further application for renewal of planning permission reference number 20110138 for use of land as residential for a gypsy family, stationing of two mobile homes, one touring caravan, utility room and stables on a permanent basis was granted in January 2014 by the former Regulatory Board (Planning Committee).

It was subject to various planning conditions, namely:

- Restricting the occupancy to gypsies and travellers
- That no more than two residential caravans, one touring caravan and associated development for a gypsy family, including a single storey utility building and stable building, shall be stationed on the site at any one time without the prior approval of the Local Planning Authority.
- The use hereby permitted shall be for a single traveller family and the caravans only occupied by Mr. & Mrs J. Vine and members of their immediate family normally residing with them.
- The residential occupation of the site shall be limited to that shown on the submitted drawing as a single traveller pitch and shall not at any time expand into the adjoining paddock and vegetable garden land in the applicants' ownership without the prior approval of the Local Planning Authority.
- The area of land adjacent to the caravans shown on the deposited plans for the parking and turning of two vehicles shall be kept available for the parking and turning of vehicles at all times.
- The site shall not be used for the carrying out of any trade or business including the external storage of materials.
- No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

The current proposal is for an additional utility room or day room with a footprint of 47m², linking with the existing day room and which has a ground floor footprint of 41.25m².

The Main Issues

The principal issues in the consideration of this current planning application are:

- Principle of the Development and whether the proposal would be inappropriate development in the Green Belt, including its effect on openness and the purposes of the Green Belt
- Impact on the Landscape and the Character and Appearance of the Area
- The Amenity of Future Occupiers - whether the proposed development would provide acceptable and safe living conditions for future occupants
- The Impact on the Amenity of Neighbouring Properties
- Highways, Access and Parking
- Any Other Material Planning Considerations

Principle of the Development and Appropriateness in the Green Belt

Previous planning applications since the occupation of the land as a gypsy and traveller site have all been adjudged in relation to existing and future supply of gypsy and traveller site provision having regard to local planning policy, most notably in relation to then emerging, and now adopted, Gravesham Local Plan Core Strategy, and also having regard to national planning policy in the National Planning Policy Framework (NPPF) and the more recent national Planning Policy for Traveller Sites (PPTS). Other matters of importance that were relevant were the gypsy status of the occupiers and whether there were very special circumstances since the site is within a Green Belt area.

However, in this case the site is now a permanent gypsy site and adopted Core Strategy Policy CS17 seeks to safeguard such sites and the application for the additional utility room is adjudged in relation to relevant national and local planning policy not least the fact that the site is within a Green Belt area, rather than to the supply of gypsy and traveller site provision or gypsy status.

There used to be Government guidance on Designing Gypsy and Traveller sites: good practice guide that included design guidance on such matters as utility rooms, but this was withdrawn in September 2015. That previous guidance indicated that it was essential for an amenity building to be provided on each pitch. It said:

It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self-contained semi-detached units. The amenity building must include, as a minimum: hot and cold-water supply; electricity supply; a separate toilet and hand wash basin; a bath/shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch... The inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area. It is desirable that the day/living room should not be part of essential circulation space, nor contain essential storage... Its construction should be sympathetic to local architecture, attractive and of a domestic nature... The building layout and construction should be designed to maximise energy conservation and the use of passive solar gain.

There is nothing in the current policy guidance, Planning Policy for Traveller Sites, August 2015 Department for Communities and Local Government, in relation to the design of or need for amenity buildings (day rooms) on traveller sites.

Equally it is noted that there is no supporting information or planning statement accompanying the application from the applicants that might justify the location of the proposed utility/day room or its size or extent of accommodation, which would have been helpful.

As indicated elsewhere in this report, the site is within a Green Belt location, but the site has a permanent permission as a traveller site. Arguably the development as proposed could be seen as being inappropriate development in the Green Belt. Conversely the development could also be viewed in terms of being an alteration or extension of a building, albeit that the principal development of the site is the use of the land. The development would nevertheless extend an existing amenity building.

There is only limited appeal guidance that might assist in the evaluation of the proposals. Planning Resource DC Casebook reports an appeal against refusal being allowed in 2010 in Bedfordshire and where an Inspector did indicate that each pitch should have an amenity building and a building of 40m² was considered to be a limited size. The proposed extension in this case is very similar in size.

The proposed extension has some necessity as existing facilities are currently located and provided within an existing shed building and the extension will replace the timber shed. The area on which the extension will be sited is already hard surfaced and it is considered that the development would only have a limited impact on the openness of the Green Belt.

On balance it is considered that the principle can be supported but it would be essential for the use of the utility/day room extension to be restricted to the use as applied for and for it not to be used at any time for any sleeping/bedroom accommodation.

Impact on the Landscape and the Character and Appearance of the Area

Paragraph 130 of the National Planning Policy Framework (NPPF) 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

In respect of its visual impact, it is considered that the development being only single storey and with a flat roof it would not be widely visible from public viewpoints and is reasonably well screened by fencing and hedgerows particularly from more open land to the west outside of the village of Lower Higham. It is therefore considered that the development would not result in material harm to the Higham Arable Farmlands Landscape Character Area.

Whilst the design is utilitarian with a flat roof, adding a pitch would increase the bulk of development on the site and increase its prominence.

On balance it is not considered that the building would have a harmful impact on the wider landscape and is not contrary to adopted local and national landscape policies.

The Amenity of Future Occupiers - whether the proposed development would provide acceptable and safe living conditions for future occupants

Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines'.

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines referred to above sets out the Council's standards in relation to private garden areas and internal space standards, amongst other things.

On 25 March 2015, the Government issued a written ministerial statement, which introduced new technical housing standards in England. This means that the Borough Council now interpret Tables 1 and 3 of the Residential Layout Guidelines July 1996 in accordance with the new standards.

The development will provide additional day space for the applicant's family and will provide an area for the location of essential facilities currently located within a timber shed and therefore would be beneficial to the applicants.

The only significant issue in relation to existing living conditions is that the siting of the extension will be very close to the existing windows (bedrooms) in the applicant's own mobile home, which is unfortunate, and would not provide the applicants with a pleasing outlook from the windows in the mobile home but conversely an alternative siting of the building could increase its visual prominence on the site.

On balance there is therefore no material conflict with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) in terms of this specific aspect of the development.

The Impact on the Amenity of Neighbouring Properties

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 130 of the NPPF (2021) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The development is sufficiently distant from neighbour properties such as to not result in any material harm to local amenity. It is over 60m away from the nearest adjoining dwelling to the east.

It is noted that there have been no neighbour objections to the wide publicity given to the proposal.

Traffic Generation, Highway Safety, Access and Parking Issues

At a local level Gravesham Local Plan Core Strategy Policy CS11 (Transport) states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards, which will reflect the availability of alternative means of transport accessibility to services and facilities.

This approach to development is also supported by saved policies in the Gravesham Local Plan First Review Policy T1 (Impact of Development on the Highway Network), Policy T5 (New Accesses onto the Highway Network) and Policy P3 (Policy for Vehicle Parking Standards) and in supplementary guidance in the adopted KCC vehicle parking standards (SPG4). Parking standards for residential caravans are the same as for Use Class C3 residential dwellings

The existing access arrangements on to Chalk Road are satisfactory and there is adequate visibility to the access. There is also sufficient parking space within the site including vehicle turning area. The development would not add to additional traffic generation from the site as it is only for additional amenity space.

There is no highway objection from the GBC Highways Development Management Officer.

The proposal is not considered to conflict with Gravesham Local Plan Core Strategy Policy CS11 (Transport) or saved Policies T1, T5 and P3 of the Gravesham Local Plan First Review.

Any Other Material Planning Considerations

None

Conclusions and Overall Balancing Exercise

The current proposal is for an additional utility room or day room with a footprint of 47m², linking with the existing day room and which has a ground floor footprint of 41.25m². The site is within a Green Belt location, but the site has a permanent permission as a gypsy and traveller site.

Previous Government guidance on Designing Gypsy and Traveller sites, but now withdrawn, indicated that it was essential for an amenity building to be provided on each Gypsy and Traveller pitch. The proposed extension has some necessity as existing facilities are currently located and provided within an existing shed building and the extension will replace the timber shed. The area on which the extension will be sited is already hard surfaced and it is considered that the development would only have a limited impact on the openness of the Green Belt.

In respect of its visual impact, it is considered that the development being only single storey and with a flat roof it would not be widely visible from public viewpoints and is reasonably well screened by fencing and hedgerows particularly from more open land to the west outside of the village of Lower Higham.

The development will provide additional day space for the applicant's family and will provide an area for the location of essential facilities and therefore would be beneficial to the applicants.

The development is sufficiently distant from neighbour properties such as to not result in any material harm to local amenity.

There is no highway objection from the GBC Highways Development Management Officer.

There are no other material planning considerations.

On balance therefore there are no overriding planning objections to the development, and it is not contrary to adopted Gravesham Local Plan Core Strategy policies CS02, CS11, CS12, CS17 and CS19, or the national planning principles in the NPPF and NPPG.

It is therefore considered that the proposals can be supported, and **PERMISSION** granted but subject to various appropriate conditions.

In the analysis of the planning issues and the subsequent recommendation, consideration has been given to the Human Rights Act and it is concluded that any breaches or interference to individual human rights are reasonable and fair.

Recommendation:

PERMISSION subject to planning conditions, reasons and informatives

CONDITIONS AND REASONS

Time Limit Condition

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans and Particulars

2. The development hereby permitted shall be carried out only in precise accordance with the following approved details, plans and specifications:

Planning Application Form and Certificates
Ordnance Survey Plan 1:1250 scale dated 27.10.2006
Drawing No 1203/22/1: Site Layout
Drawing No 1201/22/2: Floor Plans and Elevations - Existing and Proposed

and those approved pursuant to any conditions contained herein after and there shall be no deviation therefrom.

Reason: In order to ensure the development is implemented on the basis of the scheme as submitted and assessed in the interests of proper planning and in accordance with Policy CS19: Development and Design Principles of the Gravesham Local Plan Core Strategy (September 2014).

Materials

3. All external facing materials used in the development hereby permitted shall match those of the existing day room building on the site or as indicated in the planning application form and annotated on the approved drawings.

Reason: In the interests of visual amenity and to ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS19: Development and Design Principles of the Gravesham Local Plan Core Strategy (September 2014).

Restriction on Use

4. The extension of the existing day room as hereby permitted shall be used only to provide a 2nd day room (amenity room) and comprising a utility/communal dining area/playroom including a wc in connection with the use of the site for a single gypsy and traveller family. For the avoidance of doubt the extension as hereby permitted along with the existing day room to which it shall be attached to shall not at any time be used for sleeping or bedroom accommodation. Neither shall the extension or existing day room building be used in connection with any trade or business.

Reason: In order that any other uses of the extension may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to the prevailing planning policies in the NPPF and the adopted development plan as the site is within a Green Belt area and an open landscape setting and pursuant to adopted Gravesham Local Plan Core Strategy policies CS02, CS11, CS12, CS17 and CS19.

Watching Brief

5. The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical, and the work shall not continue until written agreement is provided by the Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF), 2021.

Existing Shed

6. Upon the first occupation of the extension as hereby permitted as a utility (day room) the existing timber shed shall be demolished and removed from the site and not relocated in any other location within the application site.

Reason: To ensure that the extent of built development on the site is reduced in the interests of visual amenity and having regard to the location of the site within the Green Belt and pursuant to adopted Gravesham Local Plan Core Strategy policies CS02, CS12, CS17 and CS19, or the national planning principles in the National Planning Policy Framework (NPPF), 2021.

INFORMATIVES: -

1. DEVIATION FROM APPROVED PLANS

Deviation from or amendment to the approved plans could require a further application and permission/consent. In the event that any change is proposed, applicants and builders are advised to seek advice from the Local Planning Authority. Proceeding without the necessary permissions or consents could result in enforcement action.

2. BUILDING REGULATIONS AND PARTY WALL ACT

This decision **DOES NOT** imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION - TAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance the application was acceptable as submitted.

4. WORKS OF CONSTRUCTION

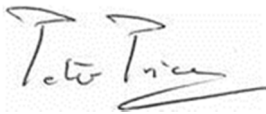
Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00 a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.

ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.

iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.

iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Case Officer:	Mr Peter Price	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	30 th August 2022	Dated:	30 th August 2022

File Location: H: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20220604 - Delegated Report - The Hedgerows Chalk Road Higham - Extension of existing day room for mobile home and caravan