

SECTION '4' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 10/02059/FULL2

**Ward:
Darwin**

**Address : Archies Stables Cudham Lane North
Cudham Sevenoaks TN14 7QT**

OS Grid Ref: E: 544557 N: 160989

Applicant : Charmaine Moore

Objections : YES

Description of Development:

Change of use of land from equestrian to gypsy and traveller caravan site comprising 1 pitch accommodating one mobile home and one touring caravan, together with additional hardstanding area, concrete post and timber panelled fence (max height 1.98m) steel gates (max height 1.98m) detached shed, lamp post and utility room.
RETROSPECTIVE APPLICATION

Key designations:

Special Advertisement Control Area
Green Belt

Proposal

- Retrospective permission is sought for the change of use of an equestrian site to a gypsy and traveller caravan site
- The application site incorporates 1 pitch accommodating one mobile home measuring 3.6m x 9.7m and a touring caravan measuring 1.8m x 5.4m which have been located adjacent to the southern site boundary, together with an enlarged tarmac hardstanding area located mainly within the eastern side of the site
- The application also includes concrete post and timber panelled fencing (max height 1.98m) which have been installed adjacent to the northern and southern site boundaries up to approximately mid-way along the site, and steel gates (max height 1.98m) within the site entrance
- In addition a detached timber shed has been installed measuring approximately 1.2m x 2.0m to the east of the mobile home, although the application proposes

to replace this with a utility room to be built around an existing (authorised) toilet building which would measure 4.2m x 3.2m, which has not been built. A lamp post has also been erected toward the southern site boundary which measures approximately 2.2m in height.

- Various submissions have been provided by the applicant in support of the application and the Gipsy and Traveller status of the applicant, including a Design & Access Statement, photographs, statements and education and medical records which are available to view in the application file.

Location

The application site is situated within the Metropolitan Green Belt and is approximately 0.25 hectares in area, with a 25.8 metre wide frontage to Cudham Lane North. The Shaws Girl Guide camp site adjoins southern site boundary whilst the area to the north is occupied by protected woodland. The surrounding area is generally open and rural in character.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and a number of representations were received from a wide area which are summarised as follows:

- national, regional and local planning policy are consistent in acknowledging that the stationing of residential caravans and related structures constitutes inappropriate development within the Green Belt
- the land was acquired in the full knowledge of the planning position concerning the site. An application to relax a condition attached to the original permission specifically precluding the stationing of caravans was refused. The Inspector found that any additional structures or uses would be incompatible with this Green Belt location
- no justification provided by applicant to warrant relaxation of Green Belt policy
- applicant agreed to restrictive conditions originally placed on the site which specifically precluded stationing of a caravan
- unfair that the applicants can remain on the site without permission
- inappropriate form of development harmful to the open and rural character of the area
- development is out of character with the area
- visually intrusive
- site has been progressively altered
- proposal will lead to increased traffic flows
- entrance gates contravene planning rules
- planning regulations have been abused and flouted
- doubtful whether land has ever been used for equestrian purposes
- similar parcels of land exist in the area and if this application is not refused, and this could set a worrying precedent
- concern regarding proximity of development to Girlguiding site

Comments from Consultees

Concerns have been raised by the Highways Engineers in regard to the impact that the development has on road safety and on the free flow of traffic along the adjoining highway. This is with particular regard to the suitability of the access which was designed for the authorised horse-related use.

Planning Considerations

The application falls to be determined in accordance with the following policies:

- BE1 Design of New Development
- G1 The Green Belt
- H6 Gypsies and Travelling Showpeople
- T18 Road Safety

Existing London Plan Policy 3A.14 London's travellers and gypsies states that Boroughs should, in co-ordination with neighbouring boroughs and districts, assess the accommodation needs of gypsies and travellers and review the pitch capacity of each borough.

The revised London Plan is currently in draft with a minor amendment (23rd March) requiring that Bromley provide 17 pitches between 2007 and 2017. Following the removal of a number of targets from the London Plan a further amendment is anticipated this autumn which may remove the target altogether.

PPG2 : Green Belts and ODPM Circular 01/2006 entitled 'Planning for Gypsy and Traveller Caravan Sites' are both relevant.

A London-wide Gypsy and Traveller Needs Assessment (GTANA) was published in March 2008 by Fordham Research which provided a background for the London Plan housing targets.

Trees comments

Although the proposal does not directly affect trees, the land to the north is covered by woodland TPO. The trees are semi mature but concern is raised in relation to their proximity to the caravan, mobile home, shed and utility room. These structures could not withstand falling branches and whilst there is not an imminent risk of branch failure this would need to be borne in mind if permission is being considered.

Planning History

There is a comprehensive planning history associated with the site since 2008 which is summarised below:

1. In May 2008 planning permission was granted (under application ref: 08/00559) for a change of use of the site from agricultural land to the keeping of a horse and for the retention of a newly created access and hardstanding. The applicant indicated, in a supporting statement, that the site would be used by her daughter to practice riding her horse and, in addition, enclosed a photograph of a horse box stating that this would only be going to the land once or twice a year for shows.

2. Under a subsequent application approved in November 2008 (ref: 08/03254), planning permission was granted for a stable and a store room and hardstanding area for horsebox and trailer parking. This application was submitted in relation to the equestrian use of the site which had been granted 6 months prior. Planning permission was also granted for a detached WC building in December 2009 (under ref. 09/02833) to be used by the applicant and her children when visiting the site.

3. In April 2009 the applicant appealed against the refusal to remove Condition 12 of application ref: 08/03254 which restricted uses within the site, including the stationing or storage of a caravan or caravans (including for the setting up or preparation for such uses or activities) at any time. The Planning Inspector considered the condition to be justified and dismissed the appeal in August 2009. The Inspector commented "I consider that the use of the Land as it has been permitted by the Council represents its maximum capacity as an acceptable enterprise within the green belt.....To add to its intensification of its use for up to 28 days a year would be materially harmful to the openness of the area, and its character and appearance, in breach of the relevant policies of the UDP".

4. In April 2010 the Council refused a further application which sought to vary the above planning condition in order to permit the stationing of a caravan on the site. During the course of the application, the applicant was invited to submit details relating to the type and size of caravan to be installed within the site but declined to do so, claiming that she did not know what type of caravan would be installed. The applicant explained that she sought to vary the condition should she wish to place a caravan on the site at a later date. A further application for an additional storage building was refused by the Council in June 2010 (ref: 10/00834) on the basis that this was not considered necessary to facilitate equestrian activities on the site and that this would result in a disproportionate level of site coverage by buildings, thereby representing an undesirable intensification of development in the Green Belt.

A request for an injunction issued by the Council for the unauthorised development to be removed is currently being considered by the Courts. Enforcement action concerning the removal of this unauthorised development has also been sanctioned.

Conclusions

The main issues for consideration concern what, if any, harm is caused to the Green Belt by reason of this form of development; the effect of this development on the character and openness of the Green Belt; and whether there are mitigating circumstances relating to the applicant's personal circumstances which outweigh any identifiable harm to the Green Belt, justified by way of very special circumstances.

The use of the land for residential purposes as a gypsy and traveller site constitutes an inappropriate form of development, as defined by PPG2 – Green Belts. Paragraph 1.4 of PPG2 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the most important attribute of Green Belts is their openness. In particular, the stationing of a mobile home and caravan on the site represents a form of development which conflicts with the objectives of national and local planning policy, and does not constitute an appropriate use as defined by Green Belt policy.

In this case it is considered that the development which has taken place has significantly altered the appearance of the site, which has also resulted in actual harm to the character and openness of the Green Belt. The stationing of the mobile home and caravan has served to erode the open character of the site (for which planning permission has been granted to use for equestrian purposes). This harm is compounded by the additional installations which have been erected, including the extended hardstanding area, concrete posts and timber panelled fencing along the northern and southern boundaries and the steel entrance gates. Collectively, these unauthorised installations result in an intensive and urbanised form of development, significantly out of character with the wider area and prominent from Cudham Lane North and from views from the surrounding field to the south. Within a wider context the development undermines the open landscape character, particularly to the south of Cudham Lane North which is much devoid of built development.

Of relevance, during the course of an appeal in 2009 a Planning Inspector considered that:

“the use of the Land as it has been permitted by the Council represents its maximum capacity as an acceptable enterprise within the green belt.....To add to its intensification of its use for up to 28 days a year would be materially harmful to the openness of the area, and its character and appearance, in breach of the relevant policies of the UDP”.

A number of documents have been submitted within the application supporting the case that the applicant has pursued a Romany gypsy lifestyle, has an aversion to bricks and mortar and that she has resided within a caravan parked on a drive way of her house for a number of years.

Policy H6 of the UDP states that the Council will ensure the continued provision of existing sites and sets out the criteria for new gypsy traveller sites. Circular 1/2006 requires local authorities to “allocate sufficient sites for gypsies & travellers, in terms of the number of pitches required by the RSS” (in Bromley’s case the London Plan). The number of pitches required by the RSS is currently under discussion. The London Plan is currently in draft with a minor amendment (23rd March 2010) requiring that Bromley provide 17 pitches between 2007 and 2017. Following the removal of a number of targets from the London Plan a further amendment is anticipated this autumn which this may remove the target altogether. Within Bromley there are already

a number of pitches with temporary permission up to 2014/2015 which currently contribute towards the 2017 target, which in any event may be scrapped.

There is no evidence to suggest that the applicant has considered or investigated any other location or has sought to obtain a suitable traveller pitch, or that the applicant is on any waiting list for any site in or outside the Borough. It appears to be the case that the applicant has lived in caravans parked on the drive of her home, and that she has been asked to remove these vehicles by her housing association over a period of several years. It is clear that the applicant has had adequate time in which to register for a lawful pitch outside an area of constraint. Since 2008 the applicant had submitted numerous applications in connection with the equestrian use of the site without reference to her gipsy/traveller status or to seek to alter its status to a gipsy/traveller pitch. Enquiries made to the Council's gipsy liaison officer indicate that it is likely that a pitch on a Council site could be available to the applicant in a short timescale so as to enable a move to a lawful pitch.

The applicant has put forward some information regarding personal and medical circumstances; however these do not appear to be overriding very special circumstances. From the supporting documents it appears that the children are schooled in St Paul's Cray and this location is a considerable distance from that facility. Furthermore, notwithstanding normal Green Belt considerations, it is not considered that the application site provides a viable or sustainable site to accommodate a gipsy/traveller pitch given the circumstances. The site is located within remote area whose Public Transport Accessibility Rating has been classified as low and is devoid of a pedestrian footpath and a scheduled bus service to provide a connection to local shops and services. With regard to the issue of need this site would not be considered a suitable location to meet any identified need in any case, given its sensitive rural location.

Taking the above factors into account it is not considered that the applicant has demonstrated very special circumstances that would outweigh the identified harm which has been caused to the character and appearance of the Green Belt, nor is it considered that these circumstances justify permitting this inappropriate form of development as a departure to local and national planning policy.

Consideration has been given to the Human Rights Act 1998 and the appropriate Convention Rights. Officers are satisfied that these rights will not be breached or alternatively any breach is justified under the doctrine of proportionality.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/00559, 08/01950, 08/03254, 09/02833, 10/00192, 10/00834 and 10/02059, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

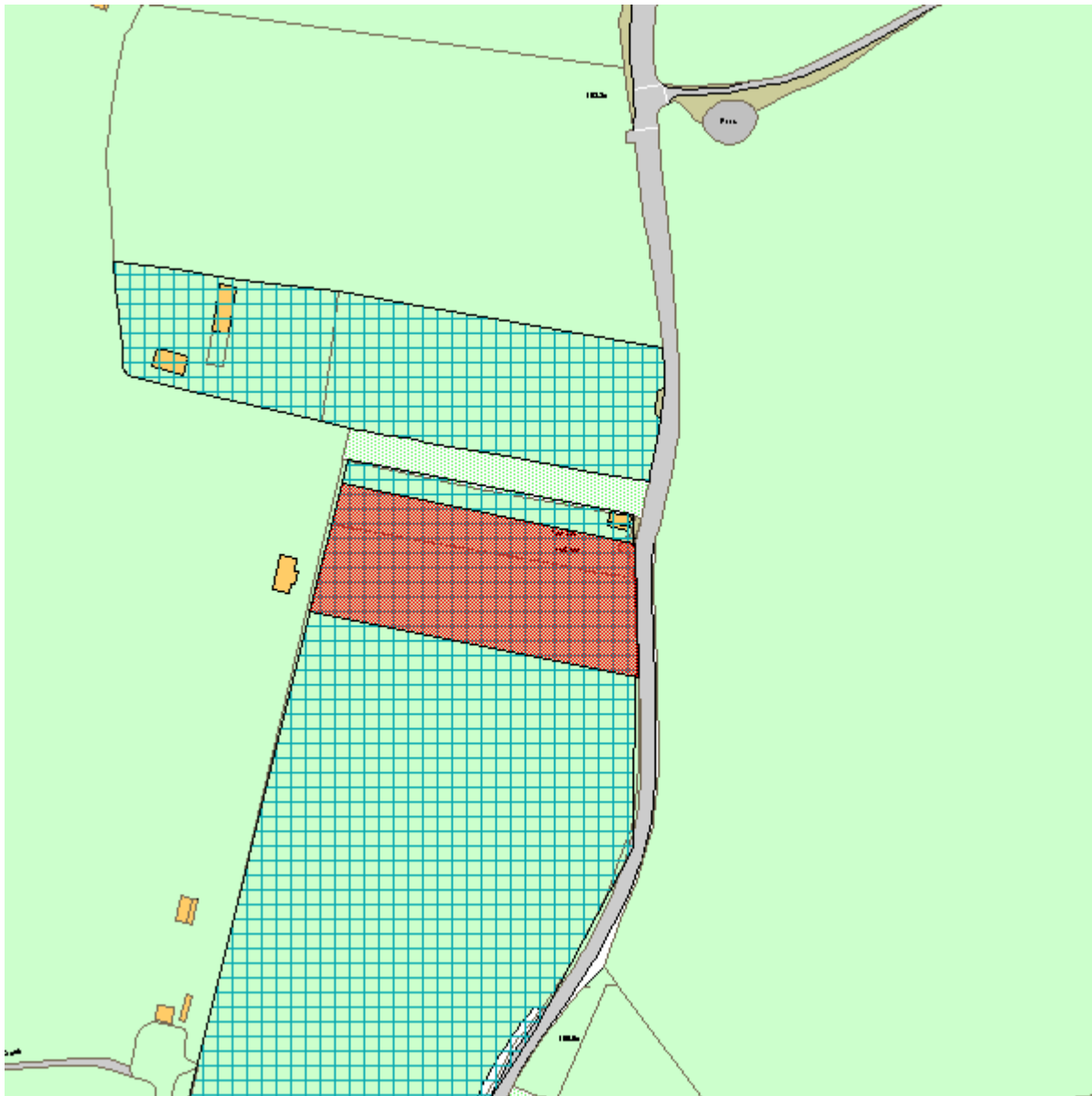
The reasons for refusal are:

- 1 The proposal constitutes an undesirable form of urbanised development located in the Green Belt wherein there is a general presumption against inappropriate development, and no very special circumstances have been demonstrated to justify making an exception to Policy G1 and H6 of the Unitary Development Plan and Planning Policy Guidance Note 2 'Green Belts'.
- 2 The continued residential occupation of this site and the stationing of caravans will cause unacceptable visual harm to the character and appearance of the area and undermine the openness and character of the Green Belt, therefore contrary to Policies G1 and BE1 of the Unitary Development Plan and PPG2.
- 3 The additional hardstanding, boundary fencing and entrance gate detract from the visual amenities and openness of this rural and open area, by reason of their prominent siting, unsympathetic materials excessive height and unsympathetic design, contrary to Policies BE1 and G1 of the Unitary Development Plan.
- 4 In the absence of information to the contrary, the means of vehicular access is unsuitable for larger vehicles/trailers manoeuvring on to the site and is prejudicial to the free flow of traffic and general conditions of safety within the highway, contrary to Policy T18 of the Unitary Development Plan.

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