

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

**Application No :** 12/03987/FULL1

**Ward:**  
**Darwin**

**Address :** 2A Keston Showmans Park Layhams  
Road Keston BR2 6AR

**OS Grid Ref:** E: 539762 N: 161191

**Applicant :** J And P Bond

**Objections : NO**

**Description of Development:**

Construction of a single storey dwelling

Key designations:

Areas of Archaeological Significance  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding

**Proposal**

The proposal is for the construction of a permanent single storey 2 bedroom dwelling within site 2a, intended to match the design and size of the mobile homes elsewhere on site.

**Location**

The site relates to Keston Showman's Park, an established park of show peoples pitches/yards. The site is split up into pitches/yards that comprise mobile homes, residential caravans, vehicle parking, showground equipment and areas of open storage. Site 2a is a fenced off pitch with caravans and showground equipment. The park is screened by established trees and hedges to the south and east and the surrounding and includes agricultural and sports fields. The site is designated as an Area of Archaeological Significance and Green Belt land.

**Comments from Local Residents**

Nearby owners/occupiers were notified of the application and no representations were received.

**Comments from Consultees**

Highways - The application indicates that a mobile home on the site would not require planning permission. Levels of trip generation from mobile homes are unlikely to be significantly different from a permanent structure particularly if it is the same people who would be living there. The increase in traffic from the site with an additional unit is also likely to be low. Consequently I would have no objection to the application.

Drainage – no objection, subject to conditions.

Waste - refuse and recycling to be placed edge of curb.

Any comments from archaeological perspective will be reported verbally.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE16 Ancient Monument and Archaeology
- G1 Green Belt
- H6 Gypsies and Travelling Show People

The National Planning Policy Framework.

### **Planning History**

The change of use of the land to permanent showman's headquarters was refused in 1997 (97/02017/FULMAJ) and 1999 (99/02264/FULL2) but allowed on appeal in 1999. The identified need for a site for travelling show people was found to be very special circumstance to allow the change of use in the Green Belt.

### **Conclusions**

The main issues relating to the application are the principle of development, the appropriateness of a permanent dwelling, the size and design of the dwelling and its impact on the Green Belt and surrounding area.

#### Principle

The site is situated with Keston Showman's Park which has been identified under Policy H6 as an established travelling show people site. However, it is located within the Green Belt and therefore a new permanent dwelling constitutes inappropriate development, contrary to National Planning Policy Framework and advice contained within Policy G1 of the Unitary Development Plan.

The applicant argues that proposed dwelling can not be treated as 'inappropriate' given its appearance, location and use would be no different from the development on other show people's plots (mobile homes) which could be replicated on this site without the need for planning permission.

However, it is well established in planning law that the stationing of mobile homes comprises the use of the land and is not operational development creating permanent floorspace. Therefore, whilst the use of the land for siting a mobile home may continued, this use does not constitute the erection of a new permanent dwelling. Therefore, the potential to put a mobile home on site does not represent an opportunity for a permanent residential building in the Green Belt, which constitutes development in its own right.

Section 9 of the NPPF advises that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

### Very special circumstances

As set out above, the proposed development is inappropriate and therefore any very special circumstances need to be considered to ascertain if they outweigh the identified harm to the Green Belt by reason of inappropriateness.

The applicant has put forward that the proposed dwelling, given its appearance, location and use is not materially different from the mobile homes, caravans etc on other show peoples's plots which could be replicated on this site without requiring planning permission and that the fact that the site is allocated under policy H6 as a protected show people's site represents very special circumstances.

Whilst Policy H6 does ensure the continued provision of the use of the land for travelling show people, it does not relate to the erection of new built development, nor would the refusal of such an application jeopardise the ongoing provision of accommodation for travelling show people.

The proposed dwelling would be of a similar size and design to mobile homes and would occupy a footprint of similar size. Therefore the design would not necessarily cause any harm to the character and appearance of the area. However, there is no mobile home on site 2a currently and the development proposed would replace the use of the land with a permanent dwellinghouse, which would mean this part of the Green Belt would be less open than it is at present. The permanence of this proposed development differs from the use of the land currently ongoing.

### Archaeological implications

Policy BE16 protects areas of archaeological significance. The site has been designated under Policy H6 for a show people's yard and the site. However, the current uses of land have not involved significant disturbance to the ground. Archaeological ground investigation would be necessary and a condition would be appropriate should permission be granted.

### Other considerations

The development proposed would offer improved accommodation for the applicant that would be more energy efficient and easier to maintain. It has been put forward to represent a base for the show people during winter and provide better stability for the education of children of the show people.

### Conclusions

The current use of the site does not involve any permanent built development and therefore does not provide an opportunity for a permanent built dwelling. The proposed dwelling therefore amounts to inappropriate development in the Green Belt, which is by definition harmful to Green Belt and is a consideration to which substantial weight should be attached. It is considered that a permanent dwellinghouse would have a greater impact on the openness of the Green Belt and its purposes than the current use.

The applicant reference to the benefit of a permanent dwelling in terms of its improved maintenance, energy efficiency and practicality is noted. However, the refusal of this application would not jeopardise the ongoing provision of accommodation for travelling show people and this limited positive weight does not clearly outweigh the significant harm caused by the inappropriateness of development and the loss of openness. Therefore, very special circumstances to justify the proposal do not exist in this circumstance.

The original permission granted was for the use of the land and this use for parking vehicles and stationing mobile homes would have a far less permanent impact on the Green Belt than the construction of buildings. Furthermore, new buildings are inappropriate unless within the relevant categories as defined within the NPPF. This proposal does not fall within any of the any of these categories and since the site already provides accommodation for show people, the need for such accommodation does not constitute very special circumstance.

On balance, the benefits for the applicants are not considered to outweigh the harm caused by reason of inappropriateness. Furthermore, the approval of such a proposal could give rise to similar applications on site, which would change the character of the Showman's Park, intended for stationing of mobile homes, parking of vehicles and storage and maintenance of fairground equipment to a site with a much more a permanent residential character, contrary to Policy G1 and the NPPF.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/03987, excluding exempt information.

as amended by documents received on 19.12.2012

### **RECOMMENDATION: PERMISSION BE REFUSED**

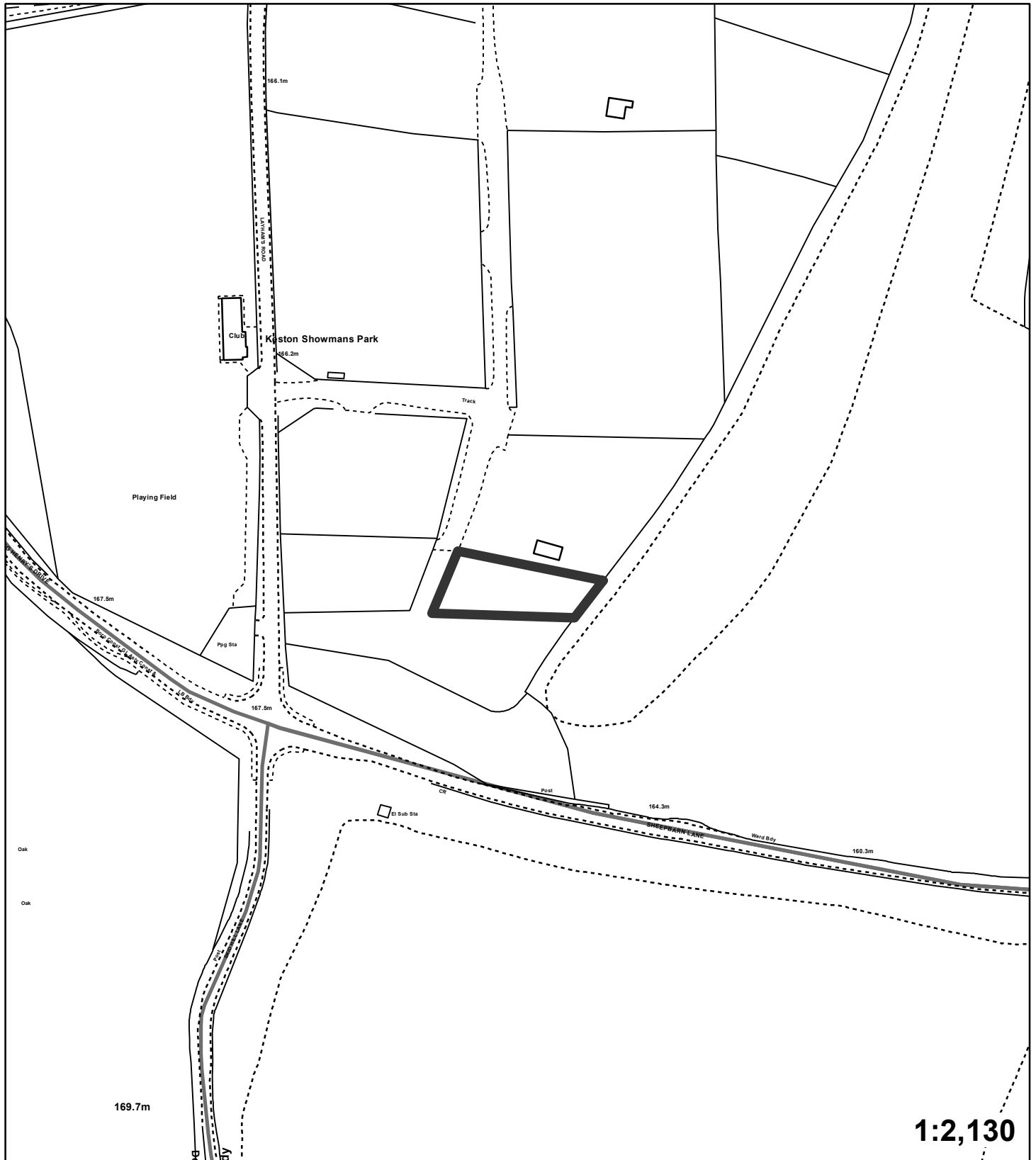
The reasons for refusal are:

- 1 The proposal development is inappropriate development within the Green Belt and the Council sees no special circumstances which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework.
- 2 In the absence of exceptional circumstances to justify a relaxation of established policy, the proposal if permitted would be likely to set a pattern for similar undesirable development in the Green Belt to the detriment of its character and open nature.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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