

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/00500/FULL2

**Ward:**  
**Cray Valley East**

**Address :** Rosedale Hockenden Lane Swanley  
BR8 7QN

**OS Grid Ref:** E: 549631 N: 169176

**Applicant :** Mr R Smith

**Objections : YES**

### **Description of Development:**

Continued use of land for stationing of residential caravans to provide 1 gypsy pitch, with associated works (hardstanding, fencing, septic tank and landscaping) and stable block and paddock on land adjacent to Vinsons Cottage, Hockenden Lane, Swanley (Renewal of permission ref 08/02489 granted on appeal for a temporary period of 5 years.)

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads  
Smoke Control SCA 20

### **Proposal**

A 5 year temporary planning permission was granted on appeal in February 2010 (ref.08/02489) for the change of use of this area of land to the east of Vinsons Cottages for the stationing of residential caravans to provide 1 gypsy pitch, with associated works (hardstanding, fencing, septic tank and landscaping), but this has now expired. A permanent permission was also granted for the retention of a stable block consisting of 3 loose boxes and a store with associated paddock.

The current application has been submitted in order to continue the use of the land and retain the structures, other than the stable block which has a permanent permission. The application states that the use first commenced in September 2004, and that none of the structures permitted in 2010 have changed.

Location

This site is located on the southern side of Hockenden Lane, adjacent to Vinsons Cottages and opposite the junction with Cookham Road. It measures 0.15ha in area, and lies within the Green Belt.

### **Consultations**

Letters of objection have been received from nearby residents, and the main points raised are summarised as follows:

- \* the residential caravans are not now required to look after horses on the adjoining land
- \* the site lies within the Green Belt
- \* the site is too close to nearby residential properties.

#### Comments from Consultees

The Council's Highway Engineer has commented that the proposals were previously granted on appeal for 5 years, and he is not aware that this has caused any impact on the highway, therefore, no objections are raised.

#### **Planning Considerations**

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

G1 The Green Belt  
H6 Gypsies and Travelling Show People  
BE1 Design of New Development

National Planning Policy Framework (NPPF) March 2012:

Paragraphs 87 and 88 of the NPPF advise that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 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.

Planning Policy for Traveller Sites (PPTS) March 2012:

Policy H of the PPTS sets out guidance for determining planning applications for traveller sites. Paragraph 22 identifies relevant matters including:

- \* the existing level of local provision and need for sites
- \* the availability (or lack) of alternative accommodation for the applicants
- \* other personal circumstances of the applicant
- \* 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.

Paragraph 25 indicates that 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.

The application has been called in to committee by a Ward Councillor.

## Planning History

A 5-year temporary planning permission was granted on appeal in February 2010 (ref.08/02489) for the change of use of this land for the stationing of residential caravans to provide 1 gypsy pitch, whilst a permanent permission was granted for the retention of the stable block consisting of 3 loose boxes and a store.

The Inspector concluded that inappropriate development had taken place which reduced the openness of the Green Belt, led to encroachment into the countryside and failed to prevent urban sprawl. She found that the harm identified to the Green Belt by reason of inappropriateness was not sufficiently outweighed by other considerations to allow a permanent permission to be granted, but concluded that a temporary 5 year permission could be granted due to the significant unmet need for gypsy and traveller sites (which would not be resolved in the immediate short term), and the limited harm caused to the Green Belt by the temporary permission when compared with the significant harm that would be caused to the appellant's home and family life if they were forced to leave the site. For that reason, the Inspector also limited the temporary permission to the applicant, Mr Robbie Smith, and his resident dependants. The temporary permission would enable the Council to bring forward allocated traveller sites.

The NPPF and PPTS were subsequently introduced in March 2012 which required Councils to allocate Traveller Sites within a comprehensive Local Plan document.

The Council's intention to designate this site as a Traveller Site has already been set out in two stages of Local Plan public consultation, to which no objections were raised

\* "Options and Preferred Strategy Document" (March 2013) Preferred Option 30

\* "Draft Policies and Designations Document" (Feb 2014). The supporting text to the draft Traveller's Accommodation Policy 5.12 reiterates that this site is proposed as a Traveller Site.

The detailed boundary of this and other traveller sites was recently endorsed for public consultation by Development Control Committee (on 13th July) and the Executive (on 15th July).

## Conclusions

The main issues in this case are whether there are very special circumstances to justify the continued use of the site as a gypsy pitch that would outweigh the harm caused by reason of its inappropriateness within the Green Belt, and the impact on the amenities of nearby residential properties.

The emerging Local Plan has to date involved four separate consultations, three of which have specified that the Council proposes to allocate this site as a Traveller

Site in accordance with the PPTS. This exclusion from the Green Belt can only occur through the plan making process, and therefore, whilst the intention is clearly set out in published documents, the allocation would not take effect until the Local Plan is adopted, and the proposal therefore remains an inappropriate use in the Green Belt.

Although the proposed allocation of this site as a Traveller Site has not yet been adopted, and the granting of a permanent permission cannot remove the site from the Green Belt, the Council has accepted that "exceptional circumstances" exist to propose that this site be allocated as a Traveller Site inset within the Green Belt through the Local Plan process. The NPPF sets out the weight to be attached to emerging policies according to; the stage of preparation (the allocation has been through three public consultations with only the detailed boundaries to be consulted on); the extent to which there are unresolved objections (no objections have been raised to the allocation of this site); and the degree of consistency with the NPPF (the proposals are consistent with the PPTS which is the sister document to the NPPF).

These are considered to constitute very special circumstances that outweigh the harm to the Green Belt due to its inappropriateness, and a permanent permission (rather than a further temporary permission) would be considered appropriate in this case.

The site has been kept in a good condition, and the structures on the site are the same as those which were not considered by the previous Inspector to cause significant visual harm to the surrounding area.

The site lies within a small residential enclave, and the proposals are not considered to result in any undue loss of light, privacy or prospect to neighbouring properties.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.**

**Reason: In order to comply with the requirements of UDP Policy H6, the NPPF (2012) and the PPTS (2012)**

- 2 No commercial activities except the breeding of horses shall take place on the land, including the storage of materials.**

**Reason: In order to comply with the requirements of UDP Policy H6, the NPPF (2012) and the PPTS (2012)**

**3 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.**

**Reason: In order to comply with the requirements of UDP Policy H6, the NPPF (2012) and the PPTS (2012)**