

SECTION '2' – Applications meriting special consideration

Application No : 15/00602/FULL2

Ward:
Cray Valley East

Address : South View Hockenden Lane Swanley
BR8 7QH

OS Grid Ref: E: 549869 N: 169155

Applicant : Mr W Friend

Objections : YES

Description of Development:

Continued use of land for siting of 2 static mobile homes for residential use and 1 horse drawn wagon **RETROSPECTIVE APPLICATION**

Key designations:

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

Proposal

A 4 year temporary planning permission was granted on appeal in March 2011 (ref.10/00038) for the continued use of land for siting of 2 caravans for residential use, but this has now expired.

The current application has been submitted in order to continue the use of the land and retain the structure existing at the site. The application states that the Applicant and his family have lived at the site for 7 years and 8 months (at the time of submitting the application), during which time no changes have been made to the site which the exception of planting.

Location

This site is located on the southern side of Hockenden Lane, with the junction of Trunks Alley. The site is sited within the Green Belt.

Consultations

Comments from Local Residents

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

- land is on greenbelt
- comments regarding a different site at land adjacent to 1 Vinson's Cottages

Comments from Consultees

Highways: no objections 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

The planning history of the site is summarised as follows:

10/00038: Planning permission was allowed on appeal in March 2011 for 4 year temporary permission for the Continued use of land for siting of 2 caravans for residential use

06/02717: Planning permission allowed on appeal for the temporary use of land for siting of 2 caravans for residential use

05/04357: Planning permission granted for a stable block with concrete yard and access track

00/02227: Outline planning permission refused for 4 detached bungalows with detached garages

99/03278: Outline planning permission refused and dismissed on appeal for 12 detached bungalows with double garages and one detached house with detached garages

In the most recent appeal decision (ref.10/00038) the Inspector stated that the health needs of the appellant were substantial and significant and weigh considerably in the Applicant's favour. The Inspector concluded that the proposal was inappropriate development by definition, with some limited harm to the openness of the Green Belt, which taken together with the impact on the character of the area amounts to considerable harm. However, against this harm consideration must be given to other information put forward by the Appellant, in particular the need for additional Gypsy and Traveller site and the lack of a suitable alternative site. He found that the harm identified to the Green Belt by reason of inappropriateness was sufficiently outweighed by other considerations, including the personal circumstances of the Appellant to justify a temporary grant of planning permission. For that reason, the Inspector also limited the temporary permission to the applicant, Mr W Friend, Mrs M Friend, Levi Friend and Marie Chambers, and his resident dependants. The temporary permission would provide some temporary stability for the applicants, whilst the allocation of traveller sites is progressed through the local plan process.

Members will note that planning permission was refused at Plans Sub-Committee 2 on 30th July 2015 under ref.15/00500 at Rosedale, Hockenden Lane for the 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.) for the following reasons:

"The site is located within the Green Belt wherein there is a general presumption against inappropriate development. No very special circumstances have been demonstrated to justify an exception to local plan policy and it is considered that the application is contrary to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework."

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 to the southern side of Hockenden Lane, 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. 15/00602 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION: Subject to the following conditions:

- 1 The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Planning Policy for Traveller Sites 2012.**

Reason: In order to ensure that the Council can effectively control the use of the site and protect the interests of the Green Belt in accordance with Policy G1 and G4 of the Unitary Development Plan.

- 2 The use hereby permitted shall be carried on only by Mr W Friend, Mrs M Friend, Levi Friend, Marie Chambers and their resident dependents.**

Reason: In order to ensure that the Council can effectively control the use of the site and protect the interests of the Green Belt in accordance with Policy G1 and G4 of the Unitary Development Plan.

- 3 No more than 3 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)

- 4 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)

- 5 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)