

SECTION '2' – Applications meriting special consideration

Application No : 15/04653/FULL1

Ward:
Cray Valley East

Address : Rosedale Hockenden Lane Swanley
BR8 7QN

OS Grid Ref: E: 549631 N: 169176

Applicant : Mr Robert Smith

Objections : NO

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 Area
Green Belt
London City Airport Safeguarding
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.

In support of the application, the applicant has submitted information regarding his son's educational needs, specifically his specialist speech and language provision.

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

No comments have been received from local residents to date. Any comments received will be reported verbally at the meeting.

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) Aug 2015 (updated from the March 2012 PPTS):

The PPTS requires Local authorities to set targets for pitch provision which address the assessed needs of travellers in their area. There is currently a need for 12 pitches in Bromley, comprising a need for 11 pitches currently on 5 existing unauthorised sites (including this single pitch site) and a single pitch requirement from the waiting list for the existing Council sites.

With regard to Local Plan policy development the updated PPTS is unchanged, with Policy E "Travellers in the Green Belt", as previously, enabling the limited alteration of defined Green Belt boundaries through the Local Plan in "exceptional circumstances" to meet a specific identified need for a traveller site.

PPTS Policy H sets the guidance for determining planning applications for traveller sites. Para 24 identifies relevant matters as 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

Paras 16 and 24 of the PPTS clarify that "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."

The glossary to the PPTS also provides guidance in respect of relevant matters to consider in determining whether persons are defined as "gypsies and travellers" for the purposes of planning policy. The revised definition continues to include those who have ceased to travel temporarily on grounds of their own or their family's or dependants' educational or health needs or old age, but excludes those who have ceased to travel permanently.

With regards to temporary planning permission Para 27 indicates that if a local planning authority cannot demonstrate an up-to-date five-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, but clarifies that this is not the case for certain designations, including Green Belt.

Emerging Local Plan:

In order to address the assessed need, 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 PPTS. The most recent consultation - the "Draft Allocations, Further Policies and Designations" document (September 2015) delineates two sites in Hockenden Lane as "Draft Traveller Site Allocations" (the other site at South View having recently been granted planning permission).

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 guidance around plan making subsequently changed with the simultaneous publication in March 2012 of the

- * National Planning Policy Guidance (NPPG)
- * Planning Policy for Traveller Sites (PPTS)

Once the 2010 temporary permission expired, an application (ref.15/00500) was made on the basis of the former appeal and the emerging Local Plan policy direction which indicated this as a location for a traveller site, however this application was refused at Plans Sub-Committee on 30th July 2015 as it was considered to be contrary to Green Belt policy in the absence of very special circumstances.

It should be noted that at a later Plans Sub-Committee on 27th August, Members granted permission for the continued use of a nearby site (South View) for the siting of 2 static mobile homes for residential use and 1 horse drawn wagon (ref.15/00602). This site had also been identified by the Council as a designated Travellers site within the draft Local Plan.

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 proposed allocation of this site as a Traveller site has not yet been adopted, and whilst the granting of permanent planning permission cannot remove the site from the Green Belt, the Council's view as set out in the consultation document is that "exceptional circumstances" exist to propose that this site should be allocated as a traveller site inset within the Green Belt through the Local Plan process. NPPF para 216 advises that decision-takers may give weight to relevant policies in emerging plans from the day of publication subject to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency of the policies to the policies in the Framework.

The applicant has supplied information relating to the special educational needs of his son, and whilst the revised PPTS advises that personal circumstances and unmet need are unlikely to clearly outweigh harm so as to establish very special circumstances, it clarifies that this is "subject to the best interests of the child".

The need for pitches has been robustly assessed and indicates an outstanding requirement. The lack of alternative accommodation for the applicants is a relevant consideration and whilst the PPTS advises that unmet need would be unlikely to outweigh harm, it specifically references the best interests of the child.

In this circumstance, where the Council proposes to allocate the site through the Local Plan, and the applicant's child is in school and receiving specialist education support, very special circumstances are considered to exist that outweigh the harm to the Green Belt due to its inappropriateness. Furthermore, 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 (2015)

- 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 (2015)

- 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 (2015)