

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

**Application No :** 17/00655/FULL1

**Ward:**  
**Darwin**

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

**OS Grid Ref:** E: 544582 N: 160998

**Applicant :** Miss Charmaine Moore

**Objections :** YES

### **Description of Development:**

Use of land for private Gypsy and Traveller caravan site comprising 1 pitch accommodating one mobile home and one touring caravan. (Revision to planning application ref. 10/02059/FULL2 allowed at appeal comprising removal of existing mobile home and its replacement with twin mobile home unit in a re-sited position within the site with associated slab and access ramps, without compliance with Condition 5).

Key designations:

Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding

### **Proposal**

This application follows a July 2015 Appeal Decision granting the applicant and her resident dependents permission to reside permanently on the site, this involving the use of the land for use as a single pitch Gypsy and Traveller site accommodating one mobile home and one touring caravan for ancillary residential purposes. Condition 5 of that permission required that: "Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts." This excluded the sort of twin mobile home which the applicant now seeks to install on the site. The applicant seeks to install a twin mobile unit without complying with Condition 5. This is justified in a supporting statement which sets out the applicant's personal and medical circumstances and is accompanied by corroborating correspondence from medical professionals.

The applicant seeks to replace an existing single unit situated adjacent to the northern boundary (measuring 9.75m x 3.65m and 3.6m in height) with a twin unit fronting Cudham Lane North which would be situated approximately 35m away from the site frontage. The proposed double unit will measure approximately 14.0m(w) x 6.6m(d) and will include two bedrooms (for the applicant and her youngest child), a wheelchair charging point, a wet room (incorporating a shower and bath), and open-plan kitchen/dining room/lobby and utility area and a separate living room. The proposal also includes entrances at the front and rear with

associated ramps. The floor plans indicate the unit will be wheelchair accessible and in compliance with Part M of the Building Regulations. The proposed unit will be constructed on a concrete slab with a ring beam floor incorporating three courses of bricks. Externally, the proposed unit will incorporate a pitched roof which will rise to a height of approximately 4.1m. The front entrance will feature two plinths supporting a gable roof. The external finish will be characterised by brick and render finishes and a series of bay windows along the front, side and rear elevations.

The application is accompanied by a "Mobile Home Report" compiled Value Mobile Homes Ltd; supporting statements written by the applicant; supporting letters from the applicant's doctors' practice; and supporting statements from the applicant's Occupational Therapist.

## **Location**

The application site is situated within the Green Belt and is approximately 0.25 hectares in area, with a 25.8 metre wide frontage to Cudham Lane North. A 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 with little built development within close proximity to the appeal site.

## **Consultations**

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- applicant has been gradually chipping away at planning regulations over the last nine years
- applicant's original appeal was based on the fact that she had an aversion to living in a conventional house so she need to live in a caravan, it would seem to all intents and purposes that this application contradicts that
- any further development on this site will encourage more people to develop in this way
- objection on the basis that the house will increase in size by over 200%
- this is setting a very worrying precedent
- no new development should be allowed in the Green Belt, otherwise what is its point?
- what is the difference between allowing a static mobile home to a house?
- strong objection to further development on this site
- applicant would be expected to be travelling
- permission should only be granted for the lifetime of the applicant
- present mobile home was installed without any consideration for planning permission and should be removed
- concern that this could be the start of a larger scale caravan site

- an objector's application was turned because the medical grounds were not acceptable, if this application is approved then then the objector proposal must also be approved in view of the precedent
- concern regarding use of the site as a gypsy encampment affecting the whole neighbourhood and Green Belt land
- neighbouring residents told they could not install a shed without planning permission or park a caravan or mobile home in the front garden
- site has gone from agricultural use to living accommodation
- increase in size would probably not be allowed if it were an existing brick built property and it therefore discriminates against the residents who live in such permanent residences
- use of site should never have been approved
- original application was highly controversial. Applying now for a further extension just confirms and reinforced all the objections made at the time
- highway narrows at this point, access is bad and a danger to other highway users

## Highways

The Council's Highways Engineers note that the use of the site for a residential unit has been established. It is considered that the impact on the highway is unlikely to be significant and therefore no objections are raised from a Highways perspective.

## Planning Considerations

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

Unitary Development Plan:

BE1 Design of New Development

BE3 Buildings in Rural Areas

G1 The Green Belt

H6 Gypsies and Travelling Showpeople

T18 Road Safety

"Planning Policy for Traveller Sites" (PPTS) August 2015 (first issued March 2012) is to be read in conjunction with the National Planning Policy Framework (NPPF).

Policy B (Para 9) advises that Local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. Pitches and Plots are defined in Annex 1 to the PPTS.

Policy E (Para16)of the PPTS deals specifically with traveller sites in Green Belt. It reiterates previous Green Belt policy in relation to travellers advising 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."

"Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. 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."

National policy does however indicate how traveller sites can, in exceptional circumstances, be defined as sites inset within the Green Belt and specifically allocated as traveller sites only.

"Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the planmaking process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only." (Para17)

Policy G1 of the UDP states that the openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials, or design. Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 of the NPPF identifies five purposes that Green Belts serve:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 of the NPPF advises that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the NPPF advises that "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".

Policy 7.16 of the London Plan gives the strongest protection to London's Green Belt in accordance with national guidance. Inappropriate development should be refused except in very special circumstances and development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set

out in national guidance; such improvements are likely to help human health, biodiversity and improve overall quality of life.

## Draft Local Plan

Draft Policy 12 of the Draft Local Plan seeks to ensure the continued provision of sites for Travellers (including Gypsies and Travellers and Travelling Showpeople) at the sites allocated as traveller sites only, illustrated in the location map "Location of Sites, allocated as Traveller Sites only, inset within the Green Belt".

The Council will seek to meet the identified need for provision by first considering the potential within allocated Traveller sites. Proposals for new development within allocated traveller sites will need to be sensitively located and landscaped to minimise adverse impacts on the visual amenity of the site and adjoining land.

Traveller Sites will be safeguarded for the purposes of Traveller Sites only. Proposals that would result in the loss of all or part of a Traveller site will be refused unless the local planning authority is satisfied that there is no longer a need for the provision.

Given the allocation of the sites as insets within the Green Belt for Traveller Sites only, only uses appropriate in the Green Belt will be permitted should the site no longer be needed for traveller purposes.

## Planning History

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

- 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.
- 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.
- 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".

- 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 (ref: 10/00192). 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.

- On 9 July 2010 two caravans were moved on to the site, comprising a mobile home which was occupied as a dwelling by the applicant and her family and a smaller touring caravan which was understood to be used for travelling. An application (ref: 10/02059) was registered on 26 July 2010, in which retrospective planning permission was sought for the change of use of the equestrian site to a gypsy and traveller caravan site. The application included one mobile home measuring 3.6m x 9.7m and a touring caravan measuring 1.8m x 5.4m which were shown to be located adjacent to the southern site boundary, together with an enlarged tarmac hardstanding area located mainly within the eastern side of the site. The Council refused permission by Notice dated 14 September 2010 for the following reasons:

"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."

- A subsequent appeal concerning the change of use of the equestrian site to a gypsy and traveller caravan site was dismissed in June 2011; however, this Appeal Decision was subsequently overturned by the High Court, a decision upheld by the Court of Appeal. The High Court judgement dated 16 November 2012 quashed the Inspector's decision but only relating to temporary permission. The Council issued two enforcement notices in July 2013 to put an end to the use of the land as a

gypsy and traveller site and to remove various associated operational development.

- A re-determined appeal concerning the change of use of the equestrian site to a gypsy and traveller caravan site as well as the 2013 enforcement notices was issued in July 2015. The appeals were allowed and planning permission was granted for the change of use of the land from the keeping of horses to a mixed use for the keeping of horses and for use as a single pitch Gypsy and Traveller site accommodating one residential mobile home and one touring caravan used for ancillary residential purposes, together with additional hardstanding area, concrete post and timber panelled fence (max height 1.98m), steel gates (max height 1.98m) and detached shed subject to conditions. Key considerations made by the Inspector in determining these appeals are set out below:

"The Traveller policy makes it clear that gypsy sites are inappropriate development in the GB and the Framework provides that substantial weight will be attached to such harm. This is common ground between the parties." (Paragraph 38)

"The fact that all existing sites in the borough are presently in the GB, as is all of the non-urban area, does not diminish the weight to be accorded to the harm resulting from inappropriate development caused by the appeal development. This is substantial and, therefore, contrary to UDP Policy G1 and paragraph 88 of the Framework." (Paragraph 39)

"However, I accept that if the appellant were to vacate the site and set up a roadside encampment, this would also be likely to be in the GB. Not only would this also be inappropriate, but roadside encampments can aggravate tensions between travellers and the settled community and cause as much, if not greater, environmental harm than unauthorised development. This is a material consideration which I afford some weight to." (Paragraph 40)

"The permitted structures on the land, including the stable building, toilet building and some of the fencing, already result in some loss of openness with the appeal development, as a whole, resulting in a further loss of openness. Even if this is more limited today than when the previous appeal was determined, any harm to the GB, no matter how limited, has to be afforded substantial weight, as required by paragraph 88 of the Framework. The loss of openness may be relatively limited but it is not minimal; two caravans have been sited on the land, a shed constructed on it, a high, solid timber fence erected along its southern boundary and additional areas of hardstanding have been laid within the site." (Paragraph 42)

"The appeal development is visible against a wooded backdrop when viewed from the south. Its visual impact would have been greater were it not for the landscaping carried out which predominantly screens the development. However, this landscaping itself has resulted in some visual harm. The solid timber fence and fast growing laurel hedge now visible above it are features more appropriate to a suburban setting not the appeal site's rural setting." (Paragraph 43)

"Overall, the appeal development has resulted in some harm to the character and appearance of the countryside, contrary to UDP Policy BE1. However, I am

satisfied that the harm identified could be mitigated over time and by more sensitive landscaping than that carried out. The native trees planted between the timber fence and the permitted fence along the site's southern boundary will mature to provide an effective and more natural form of landscaping than the laurel hedge planted behind it and the appellant has also offered to remove the fence. These matters could form part of a landscaping scheme which could be a condition of any planning permission granted." (Paragraph 45)

"Having regard to the provisions of the Traveller policy, the fact that any new sites would also be in the GB and that there would be no need to remove any frontage planting as a consequence of implementing proposed improvements to the current access arrangements (which I turn to next), I consider that the visual harm caused by the appeal development is limited. I am also satisfied that this limited visual harm could be reduced and the appeal development made acceptable such that the requirements of UDP Policy BE1 could be met." (Paragraph 46)

"Given the circumstances, there can be no guarantee that the Council's proposed strategy would deliver the additional pitches required to meet the significant level of current and future need identified, beyond allowing the size of families occupying existing sites to expand. Whilst this would meet some of the identified future need it would not meet the wider general need for pitches in the borough." (Paragraph 58)

"National policy advice and guidance is quite clear: Inappropriate development in the GB should not be approved except in very special circumstances. It is, by definition, harmful and the harm caused by it should be afforded substantial weight. Likewise, the harm caused by the loss of openness, even though the loss may be limited by virtue of the small scale of the development carried out and the fact that the appeal site is previously developed land. Consequently, the appeal development conflicts with UDP Policy G1 and relevant provisions of the Framework and the Traveller policy." (Paragraph 74)

"I have found that alternative forms of landscaping would reduce the harm caused to the character and appearance of the area, and this could be secured by condition. The Council now accepts that its concerns about highway safety could be similarly addressed. Consequently, I conclude that, other than the harm to the GB, the appeal development causes little harm, subject to appropriate conditions and that there would be no material conflict with UDP Policies BE1 and T18. If these matters do not necessarily weigh, or weigh very much, in the appeals' favour they do not weigh against it." (Paragraph 75)

"Personal circumstances are also material. The appellant's aversion to bricks and mortar means that temporary housing or hostel accommodation would not be suitable alternative accommodation, even in the short term, and there is a very real likelihood that a refusal of planning permission would result in her resorting to a roadside existence. This would be harmful to the family's quality of life and would adversely impact on their health and education. It would also result in the loss of the family's home, in serious interference with their Article 8 rights [of the Human Rights Act 1998] and would clearly not be in the best interests of the children. As most of the borough is either urban or GB a roadside existence would also be likely



to be just as harmful to the GB and, potentially, more harmful to the countryside than the appeal development." (Paragraph 78)

"In these circumstances, I conclude that the harm by reason of inappropriateness and the limited loss of openness that has occurred is clearly outweighed by other considerations such that very special circumstances exist to justify the grant of a permanent planning permission for the appeal development, personal to the appellant and her resident dependents, subject to other conditions discussed below. Consequently, there is no need for me to consider the appeals under ground (g)" (Paragraph 81)

"I have considered the Council's list of suggested conditions in the light of the discussion which took place during the inquiry. There is a need for a condition restricting occupation of the land to gypsies and travellers, in the interests of protecting the GB. A further occupancy condition is necessary to make any permission personal to the appellant and her resident dependents, in the interests of protecting the GB and because the appellant's personal circumstances are a significant factor in my decision to grant planning permission." (Paragraph 82)

"There is a need for conditions restricting the number and types of caravans on the land, preventing any commercial activities taking place on the land, restricting the weight of vehicles kept on the land and requiring details of any external lighting to be approved in advance, all in the interests of appearance. There is also need for a condition requiring the permitted use to cease unless details of the layout of the site and alternative landscaping, including boundary treatment, are approved and implemented within a given period, again, in the interests of appearance." (Paragraph 83)

## **Conclusions**

The main issues relating to the application are: (1) the appropriateness of the proposed development in the context of the Green Belt and the purpose of including land in it; (2) whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances and (3) its impact on the openness and visual amenity of the Green Belt. Further considerations relate to the impact of the development on the rural character of the area.

In this case, the applicant and her family's traveller status (including their stated aversion to bricks and mortar accommodation) also constitutes a material planning consideration against which the other considerations must be balanced. The applicant has also put forward personal health reasons for the proposal primarily relating to mobility, which have influenced the design of the proposed accommodation. Whilst personal circumstances such as health would normally have limited weight as a material planning consideration, these must be considered in the context of the need identified by the previous Inspector for the applicant to remain on this site.

The application site comprises a mixed use for the keeping of horses and for use as a single pitch Gypsy and Traveller site accommodating one residential mobile home and one touring caravan used for ancillary residential purposes. At present, the existing mobile home is occupied by the applicant and her son, whilst the touring caravan is said by the applicant to be occupied by her two daughters. This application is justified by the applicant on the basis of her personal health condition, in particular, her mobility requirements. The site falls within the Green Belt and the surrounding area is generally open and rural in character with little built development within close proximity of it.

This application amounts to the revision of planning application ref: 10/02059/FULL2 and involves the replacement of the existing mobile home with a twin mobile home unit in a re-sited position within the site, without compliance with Condition 5 of that permission granted at appeal which restricted the size of caravan that could be stationed at the site. The replacement unit will be substantially larger and will measure approximately 14.0m(w) x 6.6m(d), this amounting to a floor area of 92.4sq m (as based on those external measurements). In comparison, the existing unit measures 9.75m x 3.65m which amounts to a floor area of 35.6sq m. The proposed unit will measure approximately 4.1m in height, approximately 0.5m taller than the existing structure. The proposed unit will also occupy a more central position within the site which will front Cudham Lane North and would be situated approximately 35m away from the site frontage, as opposed to the existing unit which maintains a close proximity to the northern boundary.

#### Appropriateness in the Green Belt; Openness of the Green Belt

The proposal will result in the replacement of the existing mobile home with a substantially larger structure which will occupy a more central and prominent position within the site; the proposed mobile home will incorporate a floor area approximately 160% greater in size and 0.5m taller in height. In comparison to the current use considered by the Planning Inspector in the July 2015 Appeal Decision, in which he suggested that "loss of openness may be relatively limited but it is not minimal", the loss of openness would be greater with the site frontage dominated by the proposed twin mobile home and the existing area of hardstanding in front of the gated entrance. The siting of the proposed mobile home on what is currently a grassed area would further diminish the open character of the site and lead to the loss of much of the existing prospect to the rear of the site. The proposal would lead to a urbanising effect on the countryside and would be detrimental to the openness and visual amenities of the Green Belt. It is not considered that such harm could be mitigated by landscaping.

In regard to paragraph 80 of the NPPF, the proposal would clearly fail to safeguard the countryside from encroachment. Paragraph 88 of the NPPF is clear that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, the proposal does not fall within any one of the "appropriate development" categories listed in paragraphs 89 or 90 of the NPPF. The proposal would also conflict with Policy G1 of the UDP. The proposal therefore comprises inappropriate development in the Green Belt.

Paragraph 88 of the NPPF advises that very special circumstances to justify inappropriate development in the Green Belt 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. These matters are considered below.

The Bromley Draft Local Plan seeks to ensure the continued provision of sites for Travellers (including Gypsies and Travellers and Travelling Showpeople) at the sites allocated as traveller sites only. The identified sites fall within the Green Belt, and these may be defined as Traveller Sites only inset within the Green Belt. In other words, the Draft Local Plan would enable additional pitches to be provided within existing Traveller sites without these being regarded as inappropriate development in the Green Belt (other existing non-compliant development which would continue to be regarded as unacceptable in such locations). However, the Draft Local Plan is clear that proposals for new development within allocated traveller sites would need to be sensitively located and landscaped to minimise adverse impacts on the visual amenity of the site and adjoining land.

Furthermore, Draft Policy 53 of the Draft Local Plan would require that proposals for development on land abutting the Green Belt should ensure that they have no detrimental effect on the visual amenity, character or nature conservation value of the adjacent designated area.

Taking account of the Bromley Draft Local Plan - to which limited weight should be afforded - it is not considered that the proposed mobile home would be sensitively located so as to minimise adverse impacts on the visual amenity of the site and adjoining land. This would also have an adverse impact on the visual amenity of the adjoining Green Belt.

### Character and appearance

In the case of the July 2015 Appeal Decision, the Inspector found that the appeal development "resulted in some harm to the character and appearance of the countryside, contrary to UDP Policy BE1". However, he was satisfied that the harm identified "could be mitigated over time and by more sensitive landscaping than that carried out". He considered that such matters could form part of a landscaping scheme which could be a condition of any planning permission granted.

In this case, the proposal would lead to an urbanising effect on the countryside and would be detrimental to the openness and visual amenities of the Green Belt. There would be a loss in the open character of the site, with the proposed twin mobile home and the existing area of hardstanding in front of the gated entrance being evident in views from the street. It is considered that this proposal will lead to harm to the open character and setting of the site within the streetscape and its contribution to the character of the surrounding countryside. Accordingly, it is considered that this proposal will adversely affect local character and appearance.

### Personal circumstances

The applicant seeks to justify the need for the proposal (including its siting - further away from the northern boundary) on the basis of personal and medical

circumstances. Whilst such circumstances are rarely a strong material planning consideration, in this case as it has been accepted that this applicant needs to remain at this site due to her traveller status, these matters are pertinent to the planning decision in this case, since refusing this application would evidently make it difficult or impossible for the applicant to remain at the site.

### Balancing exercise and overall conclusions

The proposal constitutes inappropriate development in the Green Belt and would also serve to undermine the open and rural character of the area, leading to an urbanising effect within this countryside setting. These considerations must be balanced against the applicant's Traveller status and state of health, as well as the Draft Local Plan which seeks to re-designate the site as a 'Traveller Site Only Inset within the Green Belt'.

As Members will appreciate, the site comprises a lawful Gypsy and Traveller site which can accommodate one pitch and one touring caravan. The basis of this application is on the basis of the 2015 Appeal Decision in which the Inspector saw a need for restrictions in relation to the number and types of caravans on the land, preventing any commercial activities taking place on the land, restricting the weight of vehicles kept on the land and requiring details of any external lighting to be approved in advance, all in the interests of appearance. Since this application will not alter the status of the site or enable further mobile homes or touring caravans to be added, the proposal will not lead to a more intensive use of the site in this regard. The site will continue to be occupied by the applicant and her family.

The Council has also undertaken a long and extensive Local Plan consultation and the full Council has agreed, subject to the Examination in Public, that this site should be allocated as a Traveller Site inset within the Green Belt. As such, under the terms of the Draft Policy, the siting of the proposed mobile home would not be "inappropriate". Although this draft policy still has limited weight, it is a material consideration in the determination of the application.

Whilst the proposal conflicts with the current Unitary Development Plan in terms of the proposal constituting inappropriate development and undermining Green Belt openness and the rural character of the area, Members may consider that the circumstances set out in the application, specifically the applicant's Traveller status and health and the best interests of her children coupled with the Council's intention to allocate the site as a Traveller Site through its Local Plan constitute very special circumstances which on balance outweigh the harm identified to the Green Belt, On balance, the application is considered acceptable subject to suitable conditions.

**as amended by documents received on 27.06.2017**

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

**1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

**Reason:** Section 91, Town and Country Planning Act 1990.

**2** The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the Planning policy for traveller sites.

**REASON:** In order to comply with the requirements of UDP Policies G1 and H6, Planning Policy for Traveller Sites, Section 9 of the National Planning Policy Framework, and in the interests of the Green Belt.

**3** Before the replacement mobile home hereby permitted is first occupied, the existing mobile home and adjacent wooden shed - as denoted on Drawing No G.7.B. R105 - shall be removed in their entirety from the site.

**REASON:** In order to comply with the requirements of UDP Policy G1, Section 9 of the National Planning Policy Framework, and in the interests of the visual amenity and openness of the Green Belt.

**4** The occupation of the site hereby permitted shall be carried on only by the following and her resident dependants: Ms Charmaine Moore.

**REASON:** In order to comply with the requirements of UDP Policies G1 and H6, Planning Policy for Traveller Sites, Section 9 of the National Planning Policy Framework, and in the interests of the Green Belt.

**5** When the land ceases to be occupied by those named in condition 4 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

**REASON:** In order to comply with the requirements of UDP Policy G1, Section 9 of the National Planning Policy Framework, and in the interests of the visual amenity and openness of the Green Belt.

**6** There shall be no more than 1 pitch on the site and on the pitch hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan.

**REASON:** In order to comply with the requirements of UDP Policies G1 and H6, Planning Policy for Traveller Sites, Section 9 of the National Planning Policy Framework, and in the interests of the Green Belt.

**7** Notwithstanding this planning permission, caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.

**REASON:** In order to comply with the requirements of UDP Policies G1 and H6, Planning Policy for Traveller Sites, Section 9 of the National Planning Policy Framework, and in the interests of the Green Belt.

**8** No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

**REASON:** In order to comply with the requirements of UDP Policy G1, Section 9 of the National Planning Policy Framework, and in the interests of the visual amenity and openness of the Green Belt.

**9** Details of any external lighting to be installed shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed as approved.

**REASON:** In order to comply with the requirements of UDP Policy G1, Section 9 of the National Planning Policy Framework, and in the interests of the visual amenity and openness of the Green Belt.

**10** If any trees are felled in order to implement the development hereby permitted, trees of a size and species to be agreed in writing by the Local Planning Authority shall be planted as replacements in such positions as shall be agreed by the Authority in the first planting season following completion of the development. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

**REASON:** In order to comply with Policy NE8 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

**11** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**REASON:** In order to comply with the requirements of UDP Policies G1 and H6, Planning Policy for Traveller Sites, Section 9 of the National Planning Policy Framework, and in the interests of the Green Belt.