

- a) **DOV/21/00614 – Siting of 10 additional static caravans for Gypsies and Travellers; 2 touring caravan pitches; 1 day-room; creation of 24 parking spaces (including the touring caravan car parking); hardstanding and associated infrastructure - Meadows Caravan Site, Alkham Valley Road, Alkham**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

**Dover District Core Strategy (CS) & Land Allocations Local Plan (LALP) Policies**

- CP1 – Alkham is recognised as a village suitable for tertiary focus for development in the rural area
- DM1 - Development will be permitted within the settlement boundaries
- DM7 – States that the Council will allocate sites to meet the needs of gypsies, travellers and travelling showpeople using assessment criteria.
- DM11 – Development that would generate travel will not be permitted outside the rural settlement confines unless justified by development plan policies.
- DM15 – Seeks to safeguard the loss of, or protect the character and appearance of the countryside from the adverse affects of development.
- DM16 – seeks to safeguard landscape character
- DM17 – Seeks to protect the groundwater source
- LA1 – This policy in the LALP commits to providing a Gypsies, Travellers and Showpeople Land Allocations Local Plan - but this has been superseded by the emergence of the Draft Local Plan.

**National Planning Policy Framework 2021 (NPPF)**

- Section 5 – seeks to deliver a sufficient supply of homes. Paragraph 62 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including for travellers). Footnote 27 refers to Planning Policy for Traveller Sites, which sets out how travellers' housing needs should be assessed.
- Section 9 promotes sustainable transport. Paragraph 108 requires appropriate opportunities to promote sustainable transport modes to be taken up; safe and suitable access to the site to be achieved for all users; and any significant impacts from the development ...on highway safety, can be cost effectively mitigated to an acceptable degree.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high

standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- Section 15 is relevant as it seeks to conserve and enhance the natural environment. Paragraph 176 places great weight on conserving and enhancing the landscape and scenic beauty of AONBs – giving them the highest status of protection in relation to these issues.
- Paragraph 8 of the NPPF is relevant in determining whether the proposed development comprises sustainable development.
- Paragraph 11 of the NPPF requires decision makers to apply a presumption in favour of sustainable development.
- Footnote 7 of Paragraph 11 of the NPPF sets out that the harm to the AONB can provide a clear reason for refusing development, even if the policies which are considered most important for determining an application (or appeal) are out of date.

#### Planning Policy for Traveller Sites (2015) (PPTS):

The PPTS is a material consideration. It seeks to ensure that the needs of travellers (including gypsies) are identified and assessed to gather robust evidence to plan positively and manage development. Policy B states that LPAs should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. Policy H provides guidance on determining planning applications for traveller sites and considers the following issues to be assessed amongst other relevant matters when considering planning applications for traveller sites:

- The existing level of local provision and need for sites.
- The availability (or lack) of alternate accommodation for the applicants.
- Other personal circumstances of the applicant
- That the locally specific criteria used to guide the allocations 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.
- The decision-maker (sic) should determine applications for sites from any travellers and not just those with local connections.

#### Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019

- Explains that the special qualities of the AONB derive from its diverse characteristics, including the dramatic landform and views, woodland, biodiversity-rich habitats and the farmed landscape.

#### The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development that takes into account context.

#### National Design Guide 2019

- This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF.

### Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan has undergone its first public consultation exercise, which expired in March 2021. At this stage, only minimum weight can be afforded to the policies of the Draft Local Plan. However, under Site Allocation Policy 2 of the Draft Plan, the application site is proposed to be allocated for an additional 10 permanent and 2 transitional pitches - providing the total number of pitches on the site does not exceed 18 permanent and 2 transit pitches, that the AONB is suitably safeguarded, there are no highway safety objections, and that foul and surface water run-off and fuel storage are suitably controlled.

Whilst the policy is in its infancy, it provides support for the LPA's strategy (direction of travel) to seek to intensify existing caravan sites, under certain criteria.

### Gypsy and Traveller Accommodation Assessment (GTAA) 2018 (updated 2020)

The latest evidence of the local planning authority as set out in the GTAA is that for the plan period 2020 to 2040 there is a cultural need for 26 pitches and a PPTS need for 16 pitches.

#### d) Relevant Planning History

DOV/08/00830 – Allowed on Appeal, for 2 gypsy pitches, hardstanding and utility day room building.

DOV/17/00674 – Granted, for an additional 6 gypsy pitches, erection of a day room building and additional hardsurfacing.

#### e) Consultee and Third-Party Responses

During the progress of this application, the description of the application was amended, which resulted in a further round of consultation. The initial and any consequent responses received are set out as follows.

Environment Agency: The proposal has a low environmental risk – no comments are made. No further comments are made upon re consultation.

Kent Highways: No objection subject to resolving two issues – which can be achieved through the imposition of conditions. No further comments are made upon re consultation.

KCC: Seeks financial contributions towards school infrastructure. (Officer Response – not minded to seek this as the application site is under 0.5 hectares).

Parish Council: Objects on the grounds of flooding, the site is in the countryside and AONB, there is no local need and the proposal would harm the character, appearance and visual amenity of the local area.

Other Public Representations: There have been 18 other responses received from the public consultation exercise; 3 are neutral, 9 raise objections to the proposal and 6 are in support. The objections can be summarised as follows:

- Visual impact and impact upon the AONB
- Harm to highway safety
- Impact upon quality of life
- Impact upon drainage/water supply

- Lack of recreational space for the occupiers of the site.
- A Highway Condition imposed on the 2009 permission has not been complied with.
- Loss of hedgerow and landscaping of the site.
- The proposal lacks amenities.
- The proposal does not provide proper gypsy pitches.
- The location of the site is not sustainable.

The applicant's agent has responded in full to one of the letters that raises objections.

There are 6 responses in support of the application, which can be summarised as follows:

- The applicants are good neighbours and are part of the community
- The site is well-operated/controlled
- The proposal would help reduce the number of unauthorised sites

f) 1. **The Site and the Proposal**

- 1.1 The site is situated outside the village confines of Alkham, in open countryside to the south west of Alkham and in the Kent Downs Area of Outstanding Natural Beauty (AONB). The application site comprises an area of 1180 sqm according to the planning application form. The site is also in Groundwater Source Protection Zone 2.
- 1.2 The Kent Downs Area of Outstanding Natural Beauty Management Plan explains that the special qualities of the AONB derive from its diverse characteristics, including the dramatic landform and views, woodland, biodiversity-rich habitats and the farmed landscape.
- 1.3 The whole site comprising all the land in the control of the applicant extends to approximately 0.87ha and is situated on the valley floor adjacent to Alkham Valley Road. The land surrounding the site rises to the north and south and is characteristic of the valleys within the AONB.
- 1.4 The majority of the site has been hard surfaced with mainly granite stones or 'Type 1' chippings. The north eastern section of the site is an open, grassed area used for recreational purposes. There are mature hedges and vegetation along the western, southern and eastern boundaries of the site. The access into the site is from Alkham Valley Road where there is a set of high timber gates. Two driveways lead from the gated access towards the western half of the site.
- 1.5 To the west of the site is Alkham Valley Garden Centre, its access and associated grounds. To the east and south are horse paddocks and associated stable buildings. The land to the east shares the same point of access onto Alkham Valley Road. There are no residential properties directly adjoining the application site; however, there are 3 dwellings on the opposite side of Alkham Valley Road.
- 1.6 Views of the site are limited from surrounding land, due to the adjacent uses and lack of public footpaths in the immediate vicinity of the site. There is, nevertheless, a permissive path (not a PROW) from the vehicular access to the south leading towards Meggett Lane. From Alkham Valley Road it is possible to have glimpses of the site through the existing vegetation.
- 1.7 The proposal seeks, in effect, to increase the number of static caravans (gypsy pitches) on the site by 10. This would combine with the existing pitches so that there would be 18 gypsy pitches on the whole site, with two day rooms, touring caravans and hard surfacing.

- 1.8 At the time of the officer's site visit there were 10 static caravans on the land, two tourers and the day room within one of the static caravans. Some additional hard surfacing had been created. As such, the application should be treated as retrospective in part.
- 1.9 The proposed location of the 10 static caravans is to the centre/western half of the site, close to the existing static caravans and their immediate surroundings. The caravans would be located on areas of shingle/gravel. Four parking spaces are proposed for tourers along one of the driveways and car parking is proposed on existing hard and proposed surfacing around the site.
- 1.10 The site is served by a foul water drain and this will continue to be used for the new caravans and day room. The site already has electricity, foul water drainage and mains water. Gas bottles are used to serve the caravans and these are placed outside them. The applicant has an account with a local supplier of gas bottles.
- 1.11 Some works to create a better turning head at the access to the site have more recently been carried out - it is understood that these were carried out as a result of the comments expressed by Kent Highways. It is therefore easier to turn in and out the access onto Alkham Valley Road.

## 2. **Main Issues**

2.1 The main issues are:

- Principle of Development
- The effect upon the character and appearance of the area
- Other Matters
- The Planning Balance

### **Assessment**

#### **Principle of Development**

- 2.2 The site is situated outside of the rural settlement confines and in the AONB. Policy DM7 does not specifically preclude development in the countryside and outside of settlement boundaries, but neither does it explicitly justify a departure from the approach adopted in Policy DM1. Policy DM11 of the Core Strategy indicates, amongst other things, that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. This policy does not set a threshold level of travel beyond which the policy is triggered: the supporting text to this policy indicates how this issue should be addressed according to the travel demand generated by development proposals. In this case, there is no dispute that the increase in use of the site would generate travel, both in terms of travelling for work and for day-to-day living. On a straightforward reading of Policy DM11, the use of the site as a caravan site for residential additional occupation is contrary to Policy DM11.
- 2.3 However, the existing site already accommodates 8 gypsy pitches, touring caravans, car parking and a dayroom and as such it is a site that has historically been recognised (taking into account other benefits/factors associated with the use) as being a suitable location, supported by Development Plan policies and national policy. Policy H of the PPTS indicates that new traveller site development in open countryside, away from existing settlements or outside areas allocated in the development plan, should be very strictly limited. In this case however, the existing

use of the site (use and appearance) is a material consideration. It's also relevant to note that the location is accessible to and from nearby facilities and adjoins an existing hamlet.

- 2.4 The intensification of existing caravan sites to accommodate additional pitches is a strategy being supported and promoted by the local planning authority through the GTAA and the Draft Local Plan. The application site is one of those sites that is proposed to be allocated in the new Local Plan for just this purpose. The application proposal would meet the figure provided in the Draft Local Plan of having no more than 18 gypsy pitches.
- 2.5 On this basis, the proposal would largely comply with the criteria identified in the PPTS for traveller sites and policy DM7, with the other existing pitches on the site agreed by the Inspector and the LPA in 2018 as appropriate to and in this location.
- 2.6 There is a requirement for the LPA to demonstrate that there is at least (or a minimum of) a 5 year supply of gypsy pitches (2017/18 to 2021/22) that are available, suitable, achievable and deliverable in the district. The minimum requirement is 15 cultural gypsy pitches and 12 PPTS-defined gypsy pitches respectively. At the time of writing this Report, the minimum requirement for pitches has not yet been exceeded - although this figure has a rolling count and turnover, and needs to be regularly updated.
- 2.7 In view of the existing site, the need to provide a minimum of a five year supply of gypsy pitches and the fact that the site is being promoted in the revised Local Plan - although it only carried limited policy weight due to the early stages of the Local Plan review, the proposal is considered to be largely in accordance with the Development Plan and policy guidance and acceptable in principle – subject to the consideration of the impact of the proposal.

#### The Effect upon Character and Appearance of the Area

- 2.8 The proposed development increases the site coverage of caravans and hard surfacing on the site. These would be mostly in the centre/western half of the site. On the eastern half the land remains and is proposed to remain as grassed.
- 2.9 The boundaries of the site have hedgerows and mostly dense vegetation that help screen the site from views from the highway and further afield. Glimpses remain available but these do not provide open or extensive views of the site.
- 2.10 Additional planting has taken place on the land and more can be provided through the imposition of a landscaping condition to help assimilate the development and use of the land with the surrounding, open countryside.
- 2.11 It is considered that overall the site is visually quite well contained and although further development has been carried out and is proposed, this is retained within the boundaries of the site and within its landscaped/vegetative setting.
- 2.12 Due to the limited visual impact, it is not considered that the proposal causes material, undue harm to the landscape or scenic beauty of the AONB.

#### Other Matters

- 2.13 The requirements of Kent Highways can be secured through a planning condition(s), although the works to improve the turning facility outside the gate to the site have already been carried out.

- 2.14 There are no objections from statutory undertakers. The development can be drained to the public sewer.

Thanet Coast/Sandwich Bay SPA

- 2.15 The decision of the CJEU in *People Over Wind and Sweetman v Coillte Teoranta* was issued in April 2018 and is required to be taken into account. The application site falls within an area of the District where development has the potential to have a significant effect on the Thanet Coast/Sandwich Bay Special Protection Area (SPA) – within the District. In this instance, The Conservation of Habitats and Species Regulations 2017 SI 2017/1012 and article 6(3) of Directive 92/43/EEC apply.
- 2.16 Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for all new housing development within the district to have an adverse effect on the integrity of the protected SPA and Ramsar sites. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, pre-dominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.17 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the SPA and Ramsar sites. For proposed housing developments in excess of 14 dwellings the agreement with Natural England is that those applications are required to contribute to the Strategy in accordance with a published schedule to mitigate against harmful effects. This mitigation comprises several elements, including monitoring and wardening.
- 2.18 The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, from all housing developments in the district, will be effectively managed. Having regard to the proposed mitigation measures and the level of contribution currently acquired from these larger developments, it is considered that the application proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites.

Planning Balance

- 2.19 In the planning balance, it is important to consider the need for the additional pitches, the strategy for intensification that the Council has adopted since the GTAA was published in 2018 (and updated in 2020 ahead of the Local Plan review) and how well the occupiers have engaged with and have been incorporated within the local community. The letters of support for the application set this out. The need for social inclusivity and interaction forms part of the requirements in the NPPF. Although not guaranteed, it is highly likely that the applicant and his wider family (who are intended for the additional pitches) will continue to form part of the local community.
- 2.20 The additional pitches ('housing') on this site would also help sustain and support the vitality of local services at the hamlet, nearby village and surrounding area, which is also promoted in the NPPF.
- 2.21 Although it is considered that the additional development would have an additional visual impact upon the character and appearance of the area, and in particular its landscape beauty, it is not considered that the harm is sufficient to warrant refusing this application in the planning balance.

### 3. **Conclusion**

- 3.1 In conclusion, it is considered that the site, by reason of its specific characteristics, including its authorised use and proximity to local services, including the need to meet a 5 year supply of gypsy and traveller pitches in the district, represents a suitably sustainable location and that the additional pitches and development proposed would be appropriately assimilated into the application site without unduly harming the landscape quality, character, appearance and beauty of the countryside.
- 3.2 The site is being promoted as forming part of the Council's strategy to intensify existing caravan sites, without causing harm to the public interest, and helping to meet the housing needs of gypsies and travellers.

### **g) Recommendation**

- I PERMISSION BE GRANTED subject to the imposition of the following Conditions:
- i) The development hereby permitted shall be carried out in accordance with the submitted Drawings
  - ii) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Department for Communities and Local Government publication "Planning policy for traveller sites (August 2015) or any subsequent Government policy or guidance re-enacting that definition with or without modification.
  - iii) The static caravans hereby permitted shall be stationed on the land in the location shown on the approved Drawing.
  - iv) No more than eighteen static caravans and no more than eighteen touring caravans, being caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time. Only the static caravans hereby approved on the site shall be occupied residentially. The touring caravans shall only be kept on the existing hardstanding area on the northern side of the driveway serving the site.
  - v) The form, size and appearance of the dayroom and static caravans hereby permitted shall be as shown on the Approved Drawing.
  - vi) No additional hardsurfacing nor boundary treatment shall be constructed, laid out or formed on the site without the details of the boundary treatment and/or hardsurfacing having first been submitted to and approved in writing by the local planning authority.
  - vii) Within 3 months of the date of this permission, details of soft landscaping to screen the proposed areas for the new development shown on the submitted drawing shall be submitted to the local planning authority for its written approval. Once approved, the approved landscaping scheme shall be implemented within the first planting season following the date of that approval. The approved planting shall be retained and maintained as such for at least a period of 5 years and should any plant die, become diseased, damaged or is otherwise removed, a like-for like replacement shall be planted in the same location.

- viii) No commercial vehicle of more than 3.5 tonnes shall be parked on the site at any one time.
- ix) No commercial activity or storage of materials or other commercial equipment shall take place or be stored on the site.
- x) The area of undeveloped land shown as grass on the approved Drawing shall be retained as a grassed amenity space for the site thereafter.
- xi) Within 3 months of the date of this planning permission, a visibility splay measuring 2.4m x 120m shall be provided to the south west of the access to the site.
- xii) Within 3 months of the date of this permission, details of improvements to the access to facilitate room for a car to turn right into the access to pass a car waiting to turn right out of the access, shall be submitted to the local planning authority for its written approval. The approved details shall be implemented within 3 months of the approval and retained as such thereafter.

II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester