

- a) **DOV/23/01113 - Temporary (3 year) change of use of land to a mixed use of agriculture and siting of 2 caravans for residential use; construction of a hard surface and associated landscaping (Retrospective) - Dolittle Farm, Westcliffe Paddock, Dover Road, Westcliffe**

Reason for report – Number of contrary views (7)

- b) **Summary of Recommendation**

Planning permission be granted for a temporary period.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM7, DM11, DM15 and DM16

Draft Dover District Local Plan: The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: PM1, H4, NE1, NE2 and NE3.

National Planning Policy Framework (NPPF) (2023): Paragraphs 8, 11, and Sections 5, 9, 12 and 15.

Dover Landscape Character Assessment (2020)

5 Year Supply of Gypsy/Traveller Sites

The LPA's position is that there is a current 9-year supply of gypsy/traveller pitches. There are 9 vacant/available pitches. This follows a May 2023 survey of sites. Cultural need and Gypsy/traveller need have been included in the supply.

Planning Policy for Traveller Sites (2023) (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.

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/23/01430 – Prior Approval for the erection of a barn (on the field adjoining the current application site). Refused.

e) **Consultee and Third-Party Representations**

Kent Downs National Landscape (AONB) Unit: Objections are raised to the harm to the National Landscape.

St Margaret's Parish Council: Objections are raised against the harm to the AONB, the unsustainable location of the site, the lack of sustainability and the uncertainty over how the land would be restored at the end of the proposed 3-year period.

Kent Highways: The development does not meet the criteria to warrant involvement with the Highway Authority.

Third party responses:

There have been 7 responses raising objections and 9 responses supporting the application.

The responses which raise objections can be summarised as follows:

- Harm to the AONB, out of place;
- Unsustainable location, the site is not accessible other than by vehicle;
- There are alternative sites;
- Uncertainty to where the occupiers will move to after the 3-year period and uncertainty to how the site could be restored;
- Lack of suitable drainage provision;
- Contrary to the development plan.

The responses in support of the application can be summarised as follows:

- It is a more suitable use of the land than other potential development;
- The development is screened and has limited visibility from the countryside;
- The coinciding business is good for the area;
- The proposal forms part of the on-going development of the area.

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

1.1 The application site comprises a 0.1 hectare parcel of land, with an access onto Dover Road. The site forms part of a wider area of land, owned by the applicant, to the west and south west, which is an open field containing chickens, ponies, sheep and pigs. The topography of the land falls from north to south and has a gentle slope from west to east. The site is currently occupied by the applicant and his wife in 1No. static caravan and by their daughter and her two children in another static caravan. The site has been fenced on its northern, eastern and southern boundaries with 2m high close boarded fencing, along with a set of 2m high timber gates slightly behind the access onto Dover Road. There has been some planting undertaken behind the boundary fences. The site has been hardsurfaced, which has involved the 'scraping off' of the top level of the land and its replacement with hardcore/stone chippings. The scraping

of the land means that the static caravans are positioned on the land slightly below the level of the adjoining field to the west. There is a field gate to the remaining part of the applicant's holding along with some additional planting along sections of the western boundary of the site.

- 1.2 The site forms part of a small hamlet of residential and farm buildings, with St Peter's Church a short walk along Dover Road. To the east is Wallett's Court and its former curtilage and outbuildings – which are in residential use. Within the former grounds of Wallett's Court adjoining the application site a new house has been erected, which was first granted on appeal in 2017, but has been erected under a 2021 planning permission. This house is located to the south east of the application site.
- 1.3 The wider landscape includes dry valleys on the underlying chalk geology and the site and its neighbours sits on or near to a ridge and hence is visible from the south, where there is a PROW on the other side of the valley bottom.
- 1.4 From Dover Road, the gates across the access and the eastern and northern boundary fences are visible across the open front garden of the adjoining house and from Dover Road. In addition, the top sections of the caravan nearest to the northern boundary are also visible from Dover Road. There is some vegetation within and adjoining the northern section of the site and this helps to screen the visibility of the boundary fences and caravans, in particular from views from the west.
- 1.5 From the footpath to the south, the caravans are visible (from a distance). However, they do not project beyond the extent of the western boundary of the new house and are located in part behind the new house. This ensures that although visible from some public vantage points, the caravans do not encroach into the more open landscape and are visually contained within the overall built envelope of the hamlet. The new house screens the visibility of the caravans from some views from sections of the footpath, closer to the village.
- 1.6 The proposal seeks a 3-year temporary planning permission to use the land for the stationing of two residential caravans, with associated development, to accommodate a gypsy family. The use of the land is to enable the occupier's farming business on the adjoining land to become established.

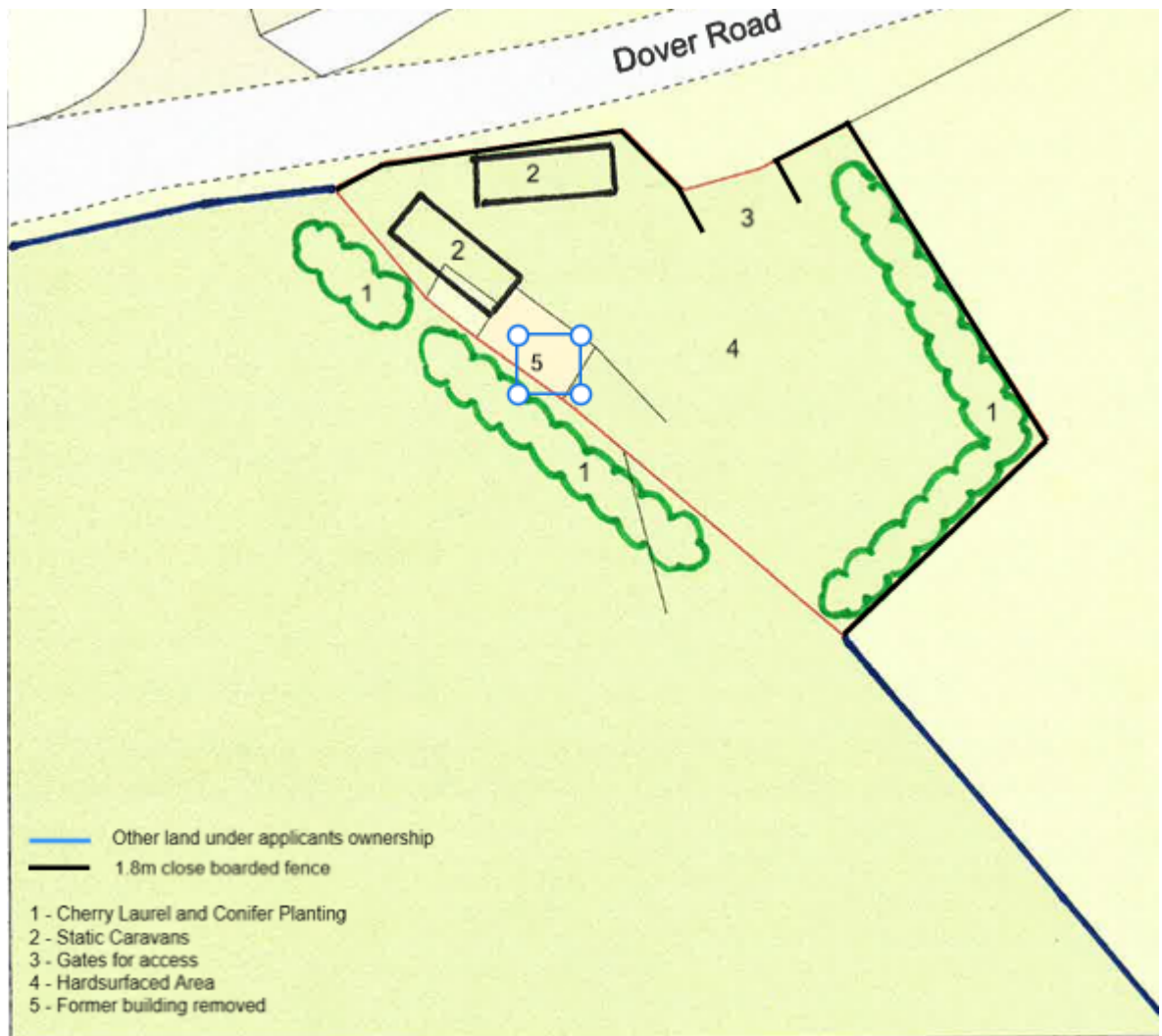


Fig 1: Site Layout Plan

In support of the proposed development the application says that a temporary period of 3 years is sought to allow time to be spent setting up the agricultural business on the land to the west, keep their children in the local schools and allow time to seek an alternative use.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the character and appearance of the countryside
- Impact on residential amenity
- PPTS and Other Material Considerations

Assessment

Principle of Development

2.2 Whilst Policy DM1 is out of date and DM11 is afforded reduced weight due to their level of inconsistency with the wording of the NPPF, restricting development principally to the settlement confines should still be considered relevant and carrying some weight

in the outcome of the decision, as achieving a sustainable pattern and form of development is one of the central aims of the policies which, in substance, would meet the requirements set out in the NPPF.

- 2.3 However, the most important policy in the Core Strategy, with regard to the principle of development for accommodation for gypsy/travellers, is Policy DM7. This Policy does not require such accommodation to be provided within settlements.
- 2.4 Paragraphs 14 and 25 of the PPTS implicitly accept that sites may be located in rural areas but that their scale should not dominate the nearest settled community and should avoid placing undue pressure on infrastructure. Development in open countryside away from existing settlements or outside areas allocated in the development plan should be very strictly limited.
- 2.5 It is considered that the total number of pitches (2) would not amount to a scale of development that would dominate the hamlet or the nearest settled community of St Margaret's at Cliffe. Furthermore, whilst the site is outside the nearest settlement, the distance to St Margarets is not significant and access to the village by road does not require the use of rural lanes – Dover Road is used as a bus route and serves a number of other residential and farming developments. In addition, the site is not located too far from Dover, such that there are likely to be short trips to access public amenities and facilities and shops. Therefore, the distance to nearby facilities and amenities and their accessibility do not make the site unsustainable when factoring in that a countryside location for gypsies and travellers is not considered unacceptable in principle.
- 2.6 Having less weight in the consideration of this application are the policy provisions in the Submission Draft Local Plan. Proposed Policy H4 seeks to provide the LPA's policy provision in respect of applications for gypsy and traveller windfall sites, such as this. Amongst other matters, the Policy seeks to conserve and enhance landscape character and biodiversity.
- 2.7 In conclusion, whilst there is some conflict with DM1 and DM11 of the Core Strategy, the proposal is not in conflict, in principle, with policy criterion i) of DM7 and PPTS and should be supported as being in a suitably sustainable location.

Effect on Character and Appearance of the Area

- 2.8 The caravans are visible from public vantage points along Dover Road and the PROW to the south. The fences and gates are visible from Dover Road.
- 2.9 Although there is some road-side and on-site vegetation that helps to screen the caravans, the visibility of the caravans in combination with the wooden fences and gates comprise a form of development that appears alien within the context of the pre-existing street scene and the overall rural character of the area. In his appeal decision letter for the house on the adjoining land, the Inspector made reference to the importance of the setting and garden areas serving the house. The 'informal' and open front garden area serving the house and forming part of its setting is harmed by the boundary fence that has been erected along the eastern boundary of the application site – as it extends for the depth of the site and is clearly visible from Dover Road across the front garden of the adjoining property.
- 2.10 The caravans and boundary enclosures are also unsympathetic with the design and appearance of buildings close by, and the external finishes of these buildings.

- 2.11 The application site formerly had a building on the land, but this did not stand out as conspicuously as the current layout and associated development on the site.
- 2.12 With regard to Policy DM7, the proposal is partly screened, with the potential for improved screening, by vegetation and hedgerow planting, but there are elements of the proposal that cannot be suitably screened.
- 2.13 The application site forms part of the wider landscape and is located on one of the localised ridges that make up the overall character of the AONB. However, the site is considered part of the edge of the hamlet and is located within the context of the buildings and building envelope and not the open and more rural landscape to the west and south.
- 2.14 On balance therefore, the proposal as a whole is considered to be unduly incongruous within the rural landscape and the visual context of the street scape, contrary to Policies DM7, DM15 and DM16 and Paragraph 180 and 184 of the NPPF. In addition, the proposal would fail to meet the requirements of Policy H4 and NE2 of the Draft Local Plan.

Effect on Residential Amenity

- 2.15 The application site is suitably separate from the nearest residential properties to avoid having any material impact upon them.
- 2.16 The proposal would not lead to the reduction of the residential amenities of the occupants of any nearby dwellings and satisfies the requirements of criterion iv) of Policy DM7

Biodiversity Net Gain

- 2.17 The proposal does not seek to provide any ecological assessment of the site nor is there any assessment of impact upon the natural environment or biodiversity net gain. The layout of the site does not appear to require the loss of any hedgerows and only the loss of pasture. The site already accommodates some landscaping along boundaries and on part of the site where the pitches are not proposed. There would appear to be opportunities for improving the vegetation along boundaries, through new hedgerow planting. As such, the proposal could help meet the objectives of Policy NE1 of the Draft Local Plan.

Planning Policy for Traveller Sites and Other Material Considerations

- 2.18 The PPTS advises that relevant matters to take into account when considering planning applications include the existing level of local provision and need for sites, the availability of alternative accommodation for the applicants and the personal circumstances of the applicant.
- 2.19 The Council can currently identify a 5-year supply of gypsy pitches within the district and provision for meeting the identified need up to 2040 is set out in the Draft Local Plan. Although the achievement of the 5-year supply of gypsy pitches is met, this figure is not a 'ceiling' that means other sites should not come forward. The 5-year supply is the 'expected' level of supply to meet needs. However, the achievement of the 5-year supply means that full weight can be attributed to Policy DM7 of the Core Strategy and other policies that are important for the determination of the application. The PPTS is important for the determination of this application and post-dates the Core Strategy.

- 2.20 With regard to the availability of alternative accommodation, officers are aware that there are vacant pitches within the district that could be considered to represent alternative locations. However, it is not known at this stage whether a family group, such as this, could be accommodated on one site.
- 2.21 The Examination Hearings for the Draft Local Plan ceased in December 2023. The Examination Inspectors have issued their “initial findings letter” although this does not make reference to the proposed gypsy and traveller policies. In view of the case put forward at the Examination that there is more need for gypsy and traveller accommodation than has been calculated in the GTAA 2018 and identified by the Council, it has raised the question of whether firstly should there be a higher figure to be met and secondly, what level of need for the duration of the Local Plan might the Inspectors identify.
- 2.22 Little information has been provided to support the proposal in the “best interests of the child”. There are children on the site. Officers consider that there is a case for retaining the children on site and providing them with a settled base at least for the time being.
- 2.23 Finally, in terms of personal circumstances, the applicant is seeking a 3 year personal permission to enable the ‘farming’ business he has just commenced, to become established. The PPTS and development plan policy DM7 are only applicable to the residential use of land for gypsies/travellers. The proposed ‘farming’ use is not covered by the PPTS or policy. It is not considered appropriate (as a personal circumstance) to justify a temporary planning permission on the basis that the occupation of the site by a gypsy family is necessary to enable the farming business on the adjoining land to become established. However, the connection is capable of being a material consideration, to be considered in the round and in the planning balance. The main consideration, as set out above, is the current transition to the new Local Plan and the settled position on need and supply. As such, the applicant’s approach to a ‘personal’ permission in this case is not a definition officers would normally accept and would not be a PPTS or a development plan policy approach.

3. Conclusion

- 3.1 The proposal seeks to accommodate 2 gypsy pitches on the site.
- 3.2 There is harm to the landscape and natural beauty of the Kent Downs National Landscape and equally to the visual quality of the street scape – in particular from the associated development – fences and gates.
- 3.3 The application is for a limited period of 3 years. From the date of the application, this would be until September 2026. Ordinarily, with these types of applications, if permanent planning permissions cause harm to the public interest – such as landscape beauty and visual amenity, as set out above, then a planning permission for a temporary period should also be assessed as part of the application. By September 2026, it is expected that the Local Plan would have been adopted, and the most relevant and up to date information on gypsy need and supply would have been established.
- 3.4 In view of the above considerations, and the length of time that the applicant is seeking for a permission (3 years), it is considered that the application should be granted for a 3 year period, starting with the date of the application.

g) **Recommendation**

I PERMISSION BE GRANTED

- 1) Limit occupation to Gypsies and Travellers
- 2) Approved plans
- 3) No more than two gypsy pitches on the site, and no more than two static caravans on site. Only the static caravan on each pitch shall be occupied for a primary residential use.
- 4) Use to cease by end September 2026 with all caravans and development removed from the land and the land restored to open grass.
- 5) Landscaping condition, to require details to be submitted within 3 months
- 6) No commercial activity, including storage
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site
- 8) No external lighting, other than that which is approved

II Powers to be delegated to the Head of Planning and Development to settle any necessary conditions and legal agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Vic Hester