

PLATT PE

Steve Baughen

TM/12/00933/FL, Land North East of Askew Bridge, Maidstone Road, Platt

Steve

We strongly object to this application and urge that it be refused speedily with enforcement action taken.

This application is for twice the number of units that the temporary permission was granted for and is again retrospective.

To recap on the reasons why only **temporary** permission was granted on 12 April 2010 under TM/07/04156/FL were:

*"The occupation of the site hereby permitted shall be carried on **only by Mr M Doran and Mrs B Doran** who are gypsies as defined by paragraph 15 of ODPM Circular 01/2006 and by their resident dependants and shall be for a limited period being the period of 2 years from the date of this decision."*

and

*"The site is located in an area where **this development would not normally be allowed** and it is the particular circumstances of this case that justify granting a temporary and personal planning permission."*

The reasons T&M reported why development should not normally be allowed were:

*1 "London Green Belt Council: Objection (in summary). Whatever the scale of residential development and usage involved in the application, **such activity remains inappropriate in the Green Belt**"*

*2 "The case does not raise anything other than normal family etc circumstances, in **no way "special", let alone "very special."** Human Rights do not necessarily or automatically outweigh harm to principle objection. Government seeks to robustly defend the MGB."*

*3 "The relevant policies in the TMBCS are CP3, CP10, CP14 and CP20. Policies CP3 and CP14 relate to the restrictions in the Green Belt and in the countryside and identify the types of development that may be appropriate. The need to provide a case of very special circumstances is also outlined and states that all new development without this justification or listed as appropriate **will be refused.**"*

B

4 "The site is within the Green Belt where Government guidance contained within PPG 2 applies. Paragraph 1.5 of PPG 2 defines the purposes of including land within the Green Belt, one such being to assist in safeguarding the countryside from encroachment. **The development does harm the openness of the Green Belt, with the introduction of caravans and associated structures, the hard standing and use of land as residential garden. The mobile home is higher than the hedgerows on the southern and eastern boundaries and cream colour of the mobile home increase the visual prominence in the landscape.**"

5 "The development is clearly inappropriate development within the Green Belt. The development also represents an encroachment into the countryside which is contrary to one of the aims of the Green Belt."

6 "PPG 2 also states at paragraph 3.1 that there is a general presumption against allowing inappropriate development which should not be permitted, except in very special circumstances. Policy CP3 TMBCS states that proposals within the Green Belt will be considered against National Green Belt policy."

On the original application, another of your considerations was noise, as reported by DHH:

"My calculations, lead me to conclude that the mobile homes on the site are exposed to railway noise levels within Noise Exposure Category (NEC) C as set out in Saved Policy P3/17 both during the day and at night. They are exposed to road traffic noise levels within Noise Exposure Category (NEC) C as set out in Local P3/17 during the day. Therefore in accordance with the guidance in PPG24 my advice is that the application should be refused."

The report states further:

"Additional noise comments following the submission of the applicant's acoustic report: the acoustic report submitted by Bureau Veritas confirms that the site falls into NEC C for both day and night, **and as such the application should be refused on noise grounds.** I note the argument that the more stringent levels in P3/17 should not be applied here, however I disagree, for one given the precedent that would set and, but also that mobile homes are much harder to insulate against noise than regular domestic dwellings. The applicant gives an indication that rail noise affecting the site could be improved by the construction of a barrier between the site and the railway, however, no calculations are given as to how effective this would be, and I have my doubts given that the railway is slightly higher than the application site. (The comments then reassert the text set out in paragraph 5.2.5 above) I therefore object to the application."

Referring to the current application, we would record that, again, this is retrospective as the numbers of units on the site already exceed this application as well as its use as a business. We would refer you to your recent refusal of TM/11/01444/FL and cite their similarities:

5 Several factors have changed since the submission of the application.the introduction of the new Governmental policy on Traveller provision and also the fact that the County and Borough Councils have now procured an additional 18 pitches at the Coldharbour site that should be available around the turn of 2012.

6.3 Relevant national policy is now the National Planning Policy Framework 2012 (NPPF) and the Planning Policy for Traveller Sites 2012 (PPTS). The former supersedes PPG2 and PPS7 which dealt with Green Belt and countryside protection respectively and the latter supersedes ODPM circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".

6.7 As with previous Green Belt policy in the superseded PPG2, 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Use of land as a caravan site is 'inappropriate development'. When considering any planning application in the Green Belt, 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.

6.8 The use of land to station residential caravans is a material change in use of land and this form of development is not listed in the NPPF as appropriate development in the Green Belt and indeed, the PPTS explicitly states in paragraph 14 and in Policy E that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

"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.

6.17 The development harms the openness of the Green Belt, with the introduction of caravans and associated structures, the hard standing and use of land as residential garden.

We feel that the above statements apply to this application and should be enforced.

On the Applicants' concern over moving to the Coldharbour Site, we would again use your report:

6.31 On the point of whether weight would be given to any future assertion by the applicants that the Coldharbour site was unsuitable because of the "ethnicity" of other occupants, Counsel's advice is that it is unlikely that this matter can be considered within the ambit of planning and development control. Indeed the EqIA carried-out by Government mentions that for planning policy purposes the 'ethnic' characteristics of various traveller groups is not normally a consideration.

7.2 Provision of additional pitches for Travellers at Coldharbour will be in place by early 2013..... Therefore, there is no justification for the continuation of this inappropriate and harmful use of land in the Green Belt.

*Under the Race Relations Act and Equalities legislation, the provision at Coldharbour will provide for suitable accommodation for the occupants, **even if they may express a wish not to re-locate there.***

We therefore feel that no objections can be raised to the re-location of the family to the Coldharbour Site.

Coldharbour is already in use, so any schooling concerns have been addressed by the fact that there are families already in residence.

As regards medical reasons to prevent re-locating, we would note that Maidstone Hospital is nearer to the Coldharbour Site than Platt.

We would not, therefore, consider these reasons as "very special circumstances" in allowing development in the Green Belt.

We note from the list of occupants that *"James runs the business with help from Thomas who is too ill to work"* We were under the impression that any business use required Planning Permission (as per your informative 3 on Decision Notice dated 12 April 2010). So has this been granted?

Several people have seen Mr. Doran getting in and out of their van apparently un-assisted.

We also note that your requests for dates of birth and copies of utility bills have been refused. The casual observer will wonder why.

Prior to and subsequent to your granting Temporary permission, hard standings have been laid, gates and walls built, business refuse dumped, fences collapsing onto public paths, noise from generators, smoke from fires, etc have all been a nuisance to adjoining residents.

This application was validated 1 June 2012, two months after the permission expired. More units are now on site and a business is obviously being run from the premises.

All this apparently, is and has, happened with a total disregard to any planning constraints or action from Tonbridge and Malling.

In fact the Applicant states on the current Application form that, as item 14, the EXISTING use is a "Site with two mobile homes, two touring caravans, one utility /day room and one store room" This is contrary to the original temporary permission.

To summarise:

1. Temporary permission was granted due to no alternative sites available. Coldharbour is now available.
2. There are no grounds to justify a caravan site on Green Belt under the latest planning criteria.
3. There is no excuse not to re-locate the Family to Coldharbour.
4. This application exceeds the level of occupation that the temporary permission permitted.
5. This site has not, nor never has had, permission to be used commercially.

Finally, we would urge you to refer to the grounds for refusal on TM/11/01444/FL, namely:

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraphs 89-91 of the National Planning Policy Framework 2012 and paragraph 14 of the Planning Policy for Traveller Sites 2012 and Policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007. An inadequate case of very special circumstances has been submitted in justification of the harm caused by inappropriateness and the harm to the openness of the Green Belt.

2. The development, by virtue of its nature and scale, detracts from the openness of the Green Belt and the character of the rural locality and is therefore contrary to paragraphs 17 and 79 of the National Planning Policy Framework 2012, paragraph 23 of the Planning Policy for Traveller Sites 2012 and Policies CP14 and CP20 of the Tonbridge and Malling Borough Local Development Framework Core Strategy.

3. The development is contrary to paragraph 22 of the Planning Policy for Traveller Sites 2012 and Policy CP20 of the Tonbridge and Malling Borough Core Strategy 2007 for the reason that the likely need for additional gypsy pitches within the Borough will be met by the proposed expansion of an existing gypsy site in the Borough.

All these grounds apply here and we urge you to refuse this application.