

<b>REFERENCE NO:</b> 21/505160/FULL		
<b>APPLICATION:</b> Change of use of land for stationing of 2(no) static mobile homes, 2(no) touring caravans and 4(no) parking spaces for gypsy/traveller family, including hardstanding, stable building and the keeping of horses; barn; storage shed and poultry cages and kennels (retrospective).		
<b>ADDRESS:</b> Land at Highlands Farm Yalding Hill Yalding Maidstone Kent ME18 6AL		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Yalding Parish Council has requested application is considered by Planning Committee if officers are minded to approve application. This request is made for reasons outlined in the consultation section below.		
<b>WARD:</b> Marden & Yalding	<b>PARISH COUNCIL:</b> Yalding	<b>APPLICANT:</b> Mr Cooke <b>AGENT:</b> SJM Planning Limited
<b>TARGET DECISION DATE:</b> 20/12/21		<b>PUBLICITY EXPIRY DATE:</b> 21/10/21

## RELEVANT PLANNING HISTORY

### Application site

- 19/502962 – Stationing of 2 mobile homes, 2 tourers, dayroom & stable for use by Gypsy & Traveller family – Refused for following (summarised) reasons (delegated):
  - Proposal would result in significant visual harm to appearance of landscape and undeveloped rural character of site contrary to policies SP17, DM1, DM3, DM15 and DM30 of Local Plan, Maidstone Landscape Character Assessment, and NPPF.
  - Insufficient information has been submitted to confirm proposal would not have detrimental impact on biodiversity value of site contrary to policies DM1 and DM3 of local plan and NPPF.

### Land to immediate west of site

- There appears to be no relevant planning history. Land appears to be part of the certified Caravan Club site, known as Highlands Park.

### Land to west of Highlands Park

- 19/504447 – Erection of day room - Refused
- 16/504014 – Retrospective application for change of use of land for the stationing of 2 Static mobile homes for Gypsy/Traveller occupation with associated hard and soft landscaping works – Approved (permanent non-personal permission)

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

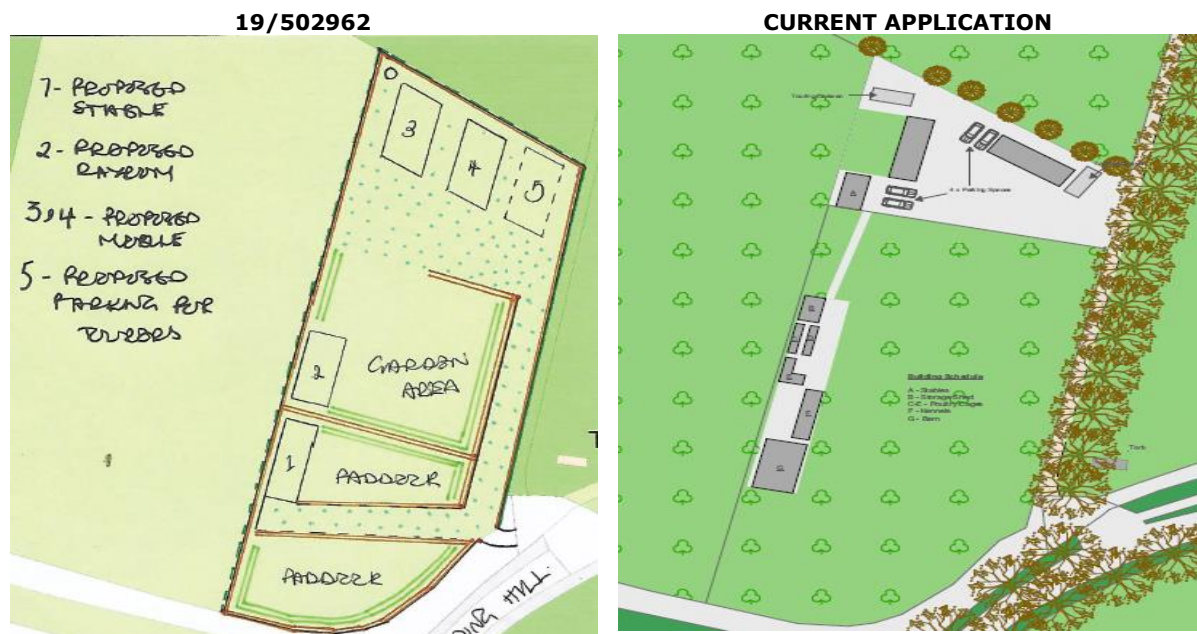
- 1.01 The application site is located on the northern side of Yalding Hill, some 600m to the south-west of the junction with Smiths Hill and Shingle Barn Lane. To the north of the site are polytunnels; to the east, what appears to be a wood yard; and to the west is a holiday park, with an authorised Gypsy site beyond this. The site is largely an orchard, with the northern end of the site already in residential use; and close boarded fencing is present. There is a public footpath (KM190) to the east of the site that runs in a general north/south direction.
- 1.02 For the purposes of the Local Plan the application site is within the designated countryside, with the Greensand Ridge Landscape of Local Value to the south of the site. The site is within an area of archaeological potential and a KCC Minerals Safeguarding Area.

## 2.0 DESCRIPTION OF DEVELOPMENT

2.01 The application is described as: *Change of use of land for stationing of 2 static mobile homes, 2 touring caravans and 4 parking spaces for gypsy/traveller family, including hardstanding, stable building and keeping of horses; barn; storage shed and poultry cages and kennels. The application is retrospective.*

2.02 As set out above, the mobile homes are sited at the northern end of the site; the hardstanding is of permeable road planings and tarmac; and the submission shows the retention of most of the existing orchard to the front of the site. Vehicle access is from Yalding Hill, with the site's driveway running along the eastern boundary of the site. There are a number of outbuildings on the site, those being: stables; a storage barn; poultry cages/personal kennels; and a barn. The barn (the southern-most building) stands some 3.3m in height and the other buildings stand less than 2.5m in height. In terms of keeping horses, the agent has confirmed that horses are not kept on site full-time, and the stables are often empty when the applicant's horses are turned out elsewhere. The static caravans on site are of composite panels (white/cream in colour); the roofs are of composite slate or felt shingles; the static caravans measure some 12.5m by 4.5m; and they stand some 3.7m in height with pitched roofs.

2.03 For comparison, the drawings below show the layout of the scheme refused under 19/502962 and this current application.



## 3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP17, DM1, DM3, DM8, DM15, DM30, DM41
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Landscape Character Assessment (2013) & Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- Planning Policy for Traveller Sites (2015)
- Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
- Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)
- Para 99 of Govt Circular (ODPM 06/2005) & Natural England Standing Advice
- Kent Minerals & Waste LP (2013-30) (amended by Early Partial Review 2020)
- Regulation 19 Local Plan

- 3.01 Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow development provided it does not result in harm to the character and appearance of the area.
- 3.02 The Maidstone Landscape Character Assessment identifies the application site as falling within the Coxheath Plateau Landscape Character Area (Area 28). The landscape guidelines for this area are to '*CONSERVE & REINFORCE*'. Within the Council's Landscape Capacity Study, the Coxheath Plateau Landscape Character Area is assessed as being of '*MODERATE*'.
- 3.03 The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed; and section 12 of the NPPF refers to achieving well-designed places. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 3.04 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside. In terms of broad principles, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development. It is also noted that officer assessments for the previous application on the site (19/502962) and on the established site to the west (16/504014) did not consider this area to be so far removed from basic services and public transport opportunities as to justify refusal in terms of being unsustainable.
- 3.05 Following recent approval by members, the Council's Regulation 19 Local Plan is out to public consultation, and within this Plan it states that there is a potentially significant emerging need for Gypsy & Traveller accommodation. Whilst this document is a material planning consideration, at this time it is not apportioned much weight. At the end of the consultation period, the weight to be attached to individual policies will be adjusted upwards or downwards depending on whether objections have been received. The current programme involves submission to the Planning Inspectorate in Spring 2022.

#### **4.0 LOCAL REPRESENTATIONS**

**Local Residents:** No representations received.

#### **5.0 CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 **Yalding Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval for the following reason:

*Proposal would result in significant visual harm to appearance of the landscape and the undeveloped rural character of the site.*

- 5.02 **KCC Biodiversity Officer:** Raises no objection to application.
- 5.03 **KCC Highways:** Development does not meet criteria to warrant their involvement.
- 5.04 **KCC Public Rights of Way Officer:** Confirms that PROW KM190 footpath runs past boundary of the site and should not affect the application.

## 6.0 APPRAISAL

### Main Issues

6.01 The key issues for consideration relate to:

- Need for Gypsy sites
- Supply of Gypsy sites
- Gypsy Status/personal circumstances
- Visual impact
- Biodiversity implications
- Other matters

#### Need

6.02 The Maidstone Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans.

6.03 The Gypsy & Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (January 2012) provides the evidence of the need for Gypsy & Traveller pitches in the borough for the Local Plan period (October 2011 to March 2031).

6.04 The Assessment drew on existing information about sites in the borough (including caravan count data, information from stakeholders and council information about the planning status of sites) and used the results of face to face interviews with Gypsies & Travellers (and Travelling Showpeople) residing in the borough. To help encourage participation, the interview team included two members of the Gypsy & Traveller community. Interviews were undertaken with 37% of the estimated resident population in the borough, considered to be sufficient as a sample of the total Traveller population across all the accommodation types.

6.05 The GTAA Assessment found that there is a need for a total 187 additional permanent pitches in the borough 2011-31, broken down in phases as follows:

*Oct 2011 – March 2016 - 105 pitches*

*Apr 2016 – March 2021 - 25 pitches*

*Apr 2021 – March 2026 - 27 pitches*

*Apr 2026 – March 2031 - 30 pitches*

*Total: Oct 2011 – March 2031 = 187 pitches*

6.06 The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan. The Assessment was undertaken prior to the change to the definition of Gypsy & Travellers in the Planning Policy for Traveller sites (PPTS) in August 2015 to exclude those who have permanently ceased travelling. At the Local Plan Examination some representors (parish councils; residents) argued that this meant it was outdated. The Inspector specifically considered this and concluded that the changed definition would result in relatively little change to the needs figure. He confirmed that the assessment provides an adequate evidential basis for the Local Plan.

6.07 A new GTAA is being prepared to support the Local Plan Review. Survey work on the new GTAA commenced in 2020 but has been delayed due to Covid 19. The new GTAA will outline the current and future need for gypsy, traveller and travelling showpeople provision for Maidstone Borough until 2037 and will form the evidence base for a dedicated Gypsy, Traveller and Travelling Showpeople DPD.

6.08 The adopted Local Plan (MLBP) provides for the 187 pitch requirement through:

- *The permanent planning consents which have already granted*
- *Specific site allocations in policy GT1(1)-(16) for 41 pitches (some been granted permission)*
- *Application of Policy DM15 for applications on windfall sites*

6.09 The Local Plan Inspector was satisfied with the Plan's policy approach to meeting needs (Inspector's Report paragraphs 245-246). He drew on information in the Gypsy & Traveller Topic Paper which the Council had prepared as a background document for the Examination to explain its approach. In particular, the Topic Paper explains why the Council's partial reliance on the delivery of windfall sites to meet needs is sound (see pages 12-15 and Appendix B of the Topic Paper). The Inspector noted that the Local Plan Review will be the time to make further site allocations should windfall sites not come forward as expected.

#### Supply

6.10 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside. Since 1<sup>st</sup> October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 30<sup>th</sup> November 2021):

*Permanent non-personal – 222*

*Permanent personal – 30*

*Temporary non-personal – 4*

*Temporary personal – 41*

6.11 A total of 252 pitches have been granted permanent consent since October 2011. These 252 pitches exceed the Local Plan's 187 pitch target. This illustrates that the rate at which permanent permissions have been granted in the first 10 years of the plan period is ahead of the rate of need by the GTAA. Furthermore, the sites allocated through Policy GT1 in the Local Plan, sites granted permanent permissions on suitable windfall sites (in accordance with policy DM15), and pitch turnover on the two public Gypsy & Traveller sites in the borough, will continue to increase the number of pitches in the borough.

6.12 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate 6.2yrs worth year supply of Gypsy and Traveller sites at the base date of 1<sup>st</sup> April 2021. As the Council considers itself to be in a position to demonstrate more than a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

#### Gypsy status/personal circumstances

6.13 The Government's PPTS (August 2015) sets the planning definition of 'gypsies & travellers', and this excludes those who have ceased to travel permanently. The current definition is as follows (Annex 1):

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus people travelling together as such.'*

6.14 The definition still includes those who are of a nomadic habit of life, and those who have ceased to travel temporarily because of their own, or their dependants, health or education needs, or old age.

6.15 This current submission confirms one mobile home is occupied by Mr Own Penfold and Britannia Penfold, who is Joanne Penfold's mother. The second mobile home is occupied by Mr William Cook and Joanne Penfold and their three children. Evidence has been submitted to demonstrate that the children are registered to local primary schools; that the adults are registered to a local doctors surgery; and that Joanne Penfold is a registered carer for her mother.

6.16 Under 19/502962 the status of the families was considered as follows:

*"A supporting statement has been submitted with the application. This states that the family have an established gypsy status. The men still travel for work and have a nomadic lifestyle and the family regularly travel to horse fayres for trading activities and therefore still travel for economic purposes. It goes on to state that the women on the site have ceased travelling for a temporary period to assist with the members of the family that have medical issues, but this is not permanent and so that the children can attend school. Regardless they still all go away as a family to the horse fayres and to specific traveller events but are limited by the medical issues of the mother in law.*

*It continues that the applicants are part of a long-established English Romany traveller family and are a well-known family, related to most of the larger traveller families across Kent and the UK and that there has never been a challenge to the Gypsy status of the family and there is no reason to believe that this will ever change as the intended occupants and their family have only ever lived on Gypsy sites and maintained and upheld a Gypsy lifestyle. The family head grew up on a Gypsy site and the parents live on the Gypsy site and have a cultural bias to live on a Gypsy site. The different family members often travel together as a unit with extended family members and close friends.*

*The family are principally involved in small building works, landscaping and horse trading. Wherever possible every effort is made to stay on existing sites with friends and family and often when the family are away from Kent, they have worked in London, Coventry, Warwickshire and Cardiff. The statement advises that the applicants attend several horse fayres around the UK including: Peterborough, Nottingham, Leicester, Dartford, Kenilworth, Barnsley, Stow-on-the-Wold, Wickham, Appleby, Cambridge, Slough, Staplehurst, New Forest and Somerset; and that this also provides an ideal opportunity to trade horses and exchange work. It is considered that the gypsy status of the current occupiers of the site is demonstrated in the application".*

6.17 The agent has confirmed that this application is for the same families as before and that the above information remains relevant. With everything considered, it is reasonable to say that the occupants of the site continue to travel for work purposes to make a living; and it is accepted that the Gypsy status has been met in accordance with the provisions of the Government's PPTS. The occupation of the site can be controlled by way of condition.

#### Visual impact

6.18 Guidance in the Planning Policy for Traveller Sites (PPTS) states that local planning authorities should very strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact has been outlined however this is addressed in the relevant Local Plan policies and the NPPF. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area.

6.19 Historic aerial photographs show the application site to have been undeveloped orchard and it is accepted that the development has in part altered the character of the site. However, the mobile homes and associated parking areas are well contained to the northern end of the site, set back more than 55m from Yalding Hill; the other outbuildings are modest in scale and design, sited along the western

boundary of the site and largely screened from public view; and the access is discretely sited along the eastern boundary of the site; and the majority of the site is retained orchard. The mobile homes themselves are of a typical style and appearance; they appear to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960); and the palette of external materials is not objectionable. In addition, the erected close boarded fencing is possible under permitted development rights and the site boundary closest to Yalding Hill is of appropriate timber post and rail fencing. The layout allows the site to retain an open and rural feel with the development not appearing entirely incongruous, given the context of existing development in the locality of the site including the polytunnels immediately to the north of the site; the lawful Gypsy site to the west; and Spindlebush Farm shop to the east.

- 6.20 Furthermore, there are existing landscape features providing some screening of the site that are expected to be retained in the long term. Such features include the on-site orchard; existing planting along the northern boundary of the site; and the row of mature trees that run along the eastern boundary of the site. Non-native hedging runs around the south-eastern/southern boundary of the site. As this is in close proximity of Yalding Hill, it is considered that this should be replaced with more appropriate native hedgerow planting, to help supplement existing landscaping in and around the site.
- 6.21 When coming up Yalding Hill, public views of the site are limited given the road is set down from surrounding land level and there is existing roadside planting and fencing. Furthermore, the site's access is set back from the road and the site itself is angled away from the direction of the road; and the onsite landscaping also provides screening. When approaching the site from the east along Yalding Hill, the short range views are limited to glimpses of the tops of the mobile homes and the southern-most barn, given the well-established boundary trees and the set back of the development; and again there would only be short range views of the development from the public footpath immediately to the east of the site. The application site is also set back more than 100m from Small Profits to the north of the site, with polytunnels and existing trees interrupting any public views of the development from this road. With this considered, public views of the development are limited and the site does not appear visually dominant or incongruous from any public vantage point. To further safeguard the amenity of the surrounding landscape, external lighting can be restricted by way of an appropriate condition.
- 6.22 It is considered that the development is markedly different to the previously refused submission, as it no longer includes the erection of a dayroom nor the removal of the existing orchard and the laying of extensive hardstanding; and nor does it include the creation of a large 'garden' area and paddock to the south of the site. Furthermore, the stable building on site is noticeably smaller and better located to the north of the site.
- 6.23 With everything taken into account, including the retention of existing landscaping and the potential for mitigation/further planting, it is considered that the development would not harmfully consolidate sporadic and urbanising development in the countryside, and it would not cause unacceptable harm to the character and appearance of the area hereabouts. In visual amenity terms, the development is therefore considered to be in accordance with the relevant policies of the Local Plan and the aims of the NPPF.

*Biodiversity implications*

- 6.24 Unlike the previous application (19/502962), this submission is accompanied by a Preliminary Ecological Survey (PEA). The KCC Biodiversity Officer has reviewed the submission and acknowledges that the submitted PEA is almost 2yrs old and that the habitats on site have changed since the report was produced; and that the site is

largely retrospective. Notwithstanding this, the Biodiversity Officer raises no objection and advises that sufficient ecological information has now been provided to determine the application, subject to recommended conditions relating to external lighting and ecological enhancements. It should also be noted that whilst the PEA assessed this orchard as being a Traditional Orchard Priority Habitat under Section 41 of the 2006 Natural Environment and Rural Communities Act (NERC), the Biodiversity Officer advises that the orchard is unlikely to be a Traditional Orchard Priority Habitat. Section 40 of the NERC and paragraph 180 of the NPPF, refer to biodiversity being maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF, the implementation of enhancements for biodiversity should be encouraged (to demonstrate a net biodiversity gain). On this basis, no objection is raised to the application in ecological terms, and the recommended conditions are considered reasonable and shall be duly imposed.

#### Equestrian implications

- 6.25 Whilst the conversion of an existing building is preferable, that is not possible here and it is noted that the modest stable building is located close to the mobile homes at the northern end of the site and well screened from public view. Furthermore, the stable building is considered to be appropriate in terms of its scale and appearance and it would not have a harmful impact upon the rural landscape. Suitable conditions are also recommended to restrict the keeping of only two horses on the site at any one time (for non-commercial purposes), to ensure the safety and comfort of the horses; to request details of a scheme for the disposal of run-off from the stables (inc. washings); and to restrict the burning of manure and waste materials on the site. A suitable informative will remind the applicant of how manure should be stored; and the site is in the countryside with reasonable access to bridleways. It is therefore considered that the development would be in accordance with Local Plan policy DM41.

#### Other matters

- 6.26 Given the separation distances of the development from any dwelling, and given that a residential use is not generally a noise generating use, this development would not have an adverse impact upon the living conditions of any neighbouring resident, including in terms of general noise and disturbance. It is also considered that the development would not have an unacceptable impact upon the existing residential community, when considered cumulatively with other lawful gypsy sites in the vicinity. The site falls within Flood Zone 1 and no objection is raised in terms of flood risk; and surface water is disposed of by way of soakaway and foul sewage disposal via a septic tank, and no further details are required in this respect. The site's access is not considered to raise a highway safety objection and there is ample parking/turning provision on the site; and the traffic generation as a result of two mobile homes here is not thought to have a severe impact upon the local road network. No objection is raised in arboricultural terms.
- 6.27 The site is within a KCC Minerals Safeguarding Area an area of archaeological potential, however, given the nature of the development, it is considered that there are no objections raised in this respect and no further details are required. The representations made by Yalding Parish Council have been considered in the assessment of this application.
- 6.28 In accordance with national planning policy, the issue of intentional unauthorised development has been a material consideration in the determination of this application, however in this instance there is not considered enough justification to refuse this application on this basis. The development is not EIA Screening and not within an AONB.



- 6.29 The applicant will be reminded that it would be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted.
- 6.30 Regard should be given to the Human Rights Act 1998 and rights under Articles 3 and 8, and the Public Sector Equality Duty under the Equality Act 2010. This protects the right of an individual to, amongst other things, a private family life and home; there is a duty to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it; and the courts have held that the best interest of the children shall be a primary consideration in planning decisions concerning children, including requiring a settled base. In addition to this, race is one of the protected characteristics under the Equality Act 2010 and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and his family who occupy the caravans, and it is considered that the requirements of the PSED have been met and approving this development would not undermine the objectives of the Duty.

## **7.0 CONCLUSION**

- 7.01 In Local Plan policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area.
- 7.02 In this instance, Gypsy status has been established in accordance with the Government's planning definition and there is no reasonable justification to object to the development on sustainability grounds in terms of location. Furthermore, the development is not considered to cause unacceptable harm to the character and appearance of the countryside; and there are no other planning objections raised to the development.
- 7.03 With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan, the Loose Neighbourhood Plan, the NPPF and all other material considerations such as are relevant. In consequence of this finding, a permanent permission is recommended and restricted only by a gypsy and traveller occupation condition.

## **8.0 RECOMMENDATION**

8.01 GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (1:1250); 2021-116v1-Block; and 2021-116v1-Mobile.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (2) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or any subsequent definition that supersedes that document).

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

- (3) No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than two shall be static caravans or mobile homes. The caravans shall be positioned on the site as set out on the submitted drawings.

Reason: To safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value.

- (4) If the lawful use of the site ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.

Reason: To safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value.

- (5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site, and not more than 6 vehicles shall be stationed, stored or parked on the site at any one time.

Reason: To safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value.

- (6) No commercial activities shall take place on the land, including the storage of materials.

Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; and in the interests of residential amenity.

- (7) The application site shall only provide for the private stabling of two horses at any one time and shall at no time be used for any equestrian business or commercial purposes whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

Reason: To safeguard the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; to prevent the introduction of commercial uses onto the site; and to ensure the safety and comfort of the horses.

- (8) No manure or waste materials shall be burned on the land within the application site.

Reason: In the interests of residential amenity.

- (9) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; and in the interests of residential amenity.

- (10) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:

(a) Within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme, shall have been submitted for the written approval of the local planning authority. The Site Development Scheme shall include details of:

- (i) all existing external lighting (whether temporary or permanent);
- (ii) details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution. These measures shall be based on those outlined in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals);
- (iii) In accordance with the submitted Preliminary Ecological Appraisal, a scheme for the enhancement of biodiversity on the site;
- (iv) landscaping scheme (in accordance with the principles established in the Council's adopted Landscape Character Assessment) that shall include details of species, plant sizes, proposed numbers and densities, planting plans and arrangements for maintenance; the retention of the orchard (as shown on the submitted plans); and a new 100% mixed native hedgerow along the south-eastern/southern boundary of the site. Any planting which fails to establish or any trees or plants which, within five years from the date of this permission hereby approved, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme;
- (v) a scheme for the disposal of run-off from the stables (inc. washings); and
- (vi) a timetable for implementation of the Site Development Scheme.

(b) If within 11 months of the date of this decision the local planning authority refuse to approve the Site Development Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(c) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.

(d) The approved Site Development Scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Site Development Scheme specified in this condition, that Scheme shall thereafter be maintained/retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; and in the interests of residential amenity and ecological enhancement/biodiversity gain.

- (11) Notwithstanding the existing external lighting details required in condition 10 of this permission, no future and additional external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the 2005 Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The submission shall also include details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution (in accordance with Guidance Note 08/18 Bats and Artificial Lighting in the UK: Bat Conservation Trust and the Institute of Lighting Professionals). The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity.

Informatives:

- (1) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Maidstone Housing & Communities Support Team in respect of a licence or apply online at:  
<https://www.gov.uk/apply-for-alicence/caravanand-camping-site-licence/maidstone/apply-1>

- (2) Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:  
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highwayland/highwayboundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (3) The granting of planning permission confers no other permission or consent on applicant. It is therefore important to advise that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
  - The duration of the closure is kept to a minimum
  - Alternative routes will be provided for the duration of the closure.
  - A minimum of 6wks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

- (4) Manure should be stored at least 10m away from any watercourse and sited in accordance with the Code of Good Agricultural Practice for the protection of Waters in order that there is no risk of polluting run-off entering either ground or surface waters and causing pollution. It should be noted that any containers for the storage of animal waste should be sheeted to prevent nuisance from odour and/or flies. In addition, waste should be accumulated for a minimal time only before disposal and should be stored at a location on site which will minimise the likelihood of nuisance being caused to neighbours.