

REPORT SUMMARY

REFERENCE NUMBER: 23/504000/FULL		
APPLICATION PROPOSAL: Siting of 3no. additional static caravans for Gypsy and Traveller use, with replacement of original 4 bedroom caravan with 2, two bedroom caravans.		
ADDRESS: Chart View, Chart Hill Road, Chart Sutton, Kent, ME17 3EX		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: 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.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Chart Sutton Parish Council if officers are minded to grant permission for the reasons below in Section 4		
WARD: Boughton Monchelsea and Chart Sutton	PARISH COUNCIL: Chart Sutton	APPLICANT: Mr R Lee AGENT: Martin Potts Associates
CASE OFFICER: William Fletcher	VALIDATION DATE: 12/09/23	DECISION DUE DATE: 31/05/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

07/1403

Change of use of land to residential caravan site and stationing of two static caravans, one touring caravan and extension of existing hard standing. Refused 19.10.2007 for the following reasons:

"The caravans, together with the extensive hardstanding and the erection of close board fencing at the site entrance and along the southern boundary, result in an obtrusive and incongruous development that is detrimental to the character and appearance of the countryside, including the character of the Special Landscape Area and the setting of the nearby Grade II listed building and the general amenity of the area, contrary to policies ENV28 and ENV34 policies EN1, EN5, QL1, QL8, HP9 of the Kent & Medway Structure Plan 2006".*

APP/U2235/A/08/2063378/NWF

Appeal against the refusal of application 07/1403

Appeal allowed and planning permission granted for "Change of use of land to residential caravan site and stationing of two static caravans, one touring caravan and extension of existing hard standing".

13/1913

2No. day rooms.

Approved 17.01.2014

17/506526/FULL

Proposed 2no. static caravans on existing traveller site.

Approved 08.06.2018

18/505924/FULL

Removal of large stable block and replace with 2no single unit mobile homes on existing Gypsy & Traveller site for family members.

Refused 22.01.2019 for the following reasons:

- 1. The application site is identified in Policy GT1(3) of the adopted Maidstone Borough Local Plan (2017) as being suitable for a maximum 4 Gypsy and Traveller pitches and this capacity has already been reached. In the absence of detailed information to identify that the additional mobile homes would be occupied by family members falling under the Gypsy status definition,*

2. PROPOSAL

- 2.01 The application seeks to place 3 mobile homes on site for Gypsy and Traveller use.
- 2.02 The mobile homes would be sited on the eastern portion of the plot approximately 50m east of Chart Hill Road.
- 2.03 As annotated on the submitted plan the application involves the replacement of the original 4 bedroom caravan with 2, two bedroom caravans. The 2, two bedroom caravans are annotated as units 3 and 4.

3. POLICY AND OTHER CONSIDERATIONS

Local Plan Review

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) policies are as follows:

LPRSS1: Maidstone borough spatial strategy
LPRSP9: Development in the countryside
LPRSP10: Housing
LPRSP10(A): Housing mix
LPRSP12: Sustainable transport
LPRSP14: Environment
LPRSP14(A): Natural environment
LPRSP14(C): Climate change
LPRSP15: Principles of good design
LPRTRA2: Assessing transport impacts.
LPRTRA4: Parking
LPRQ&D 1: Sustainable design
LPRQ&D 2: External lighting
LPRQ&D 4: Design principles in the countryside
LPRHOU 8: Gypsy and traveller accommodation
LPRQ&D 6: Technical standards
LPRTRA2: Assessing the transport impacts of development.
PRTRA4: Parking

The National Planning Policy Framework (NPPF) (Dec. 2023):

Section 2 – Achieving sustainable development.
Section 12 – Achieving well designed places.

Supplementary Planning Documents:

Maidstone Landscape Character Assessment 2012 (Updated 2013)
Planning Policy for Traveller Sites' (PPTS) (December 2023)
Maidstone Landscape Character Assessment (amended 2013)
Gypsy & Traveller Appeals: Strategic Planning Briefing Note (April 2023)

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 Six representations received objecting for the following summarised reasons:
- Lack of parking space.
 - Visual harm.
 - Cramped layout.
 - Landscape harm.
 - Noise disturbance.
 - Light pollution.
 - Highways harm.
 - Impact upon trees and hedgerows.
 - Cumulative impact.
 - Heritage harm.
 - Nuisance during construction.
 - Building regulation issues.

- Issues about the site boundary.

Chart Sutton Parish Council

- 4.02 Objection and call in to committee for the following summarised reasons:
- Impact on character and appearance including Low Weald Landscape Character Area.
 - The existing site is not screened by landscaping.
 - Represents over development of the site.
 - Light pollution.
 - Increased noise disturbance and traffic to and from the site.
 - Location of farmhouse at Rabbits Cross (grade II* listed) incorrect.
 - No details provided of foul drainage.

5. APPRAISAL

- 5.01 The key issues for consideration relate to:
- Countryside, highways, flooding, landscape, ecology (Policies LPRSP9 and LPRHOU 8).
 - Heritage.
 - Residential amenity.
 - Need and supply of sites.
 - Gypsy status.

Countryside, highways, flooding, landscape, ecology (Policies LPRSP9, LPRHOU 8).

- 5.02 The starting point for assessment of all applications in the countryside is Local Plan policy LPRSP9. Policy LPRSP9 states that development proposals in the countryside will only be permitted where:
- a) there is no 'significant' harm to local character and appearance, and
 - b) they accord with other Local Plan policies
- 5.03 Where there is a locational need (equestrian, agricultural buildings etc), Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these Local Plan policies, this compliance is weighed against the harm caused to character and appearance with the potential that a proposal is found in accordance with policy LPRSP9 overall.
- 5.04 In this case policy LPRHOU 8 (gypsy and traveller accommodation) can allow for gypsy and traveller development in the countryside. Policy LPRHOU 8 states that gypsy and traveller accommodation will be granted in two situations. Firstly "*...where the site is allocated for that use and proposals comply with the site allocation criterion*", and secondly (with reference to consultation comments on allocation) subject to criteria listed in the policy being met. These criteria are considered below.
- a. Caravans to meet the definition of a caravan in the Caravan Sites and Control of Development Act (1960)¹³ and the Caravan Sites Act (1968)
- 5.05 The mobile homes are of a typical style and appearance and the submitted information indicates that the proposed caravans will meet this definition. A planning condition is recommended requiring compliance with the definition.
- b. Local services, in particular school, health, and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.
- 5.06 The supporting text to policy LPRHOU 8 states in relation to Gypsy and Traveller accommodation "*It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. Frequently, because of land availability, more rural sites are proposed. Where such sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside*".
- 5.07 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.

5.08 Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal.

5.09 In addition, it is highlighted that the application site is immediately adjacent to another Gypsy and Traveller site which was found acceptable by a government appointed planning appeal Inspector.

c. The development would not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to i. Local landscape character; ii. Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans; and iii. Existing landscape features - development is well screened by existing landscape features and there is a reasonable prospect of such features' long-term retention; iv Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development v Prominent boundary treatments should be screened/softened by existing and/or proposed landscaping.

5.10 The Maidstone Landscape Character Assessment advises that the site is in Linton Park Farmlands Landscape Character Area which is assessed as being of 'Very Good' condition and of 'High' sensitivity with guidelines to 'Conserve'. The application site is also situated within the Low Weald Landscape of Local Value.

5.11 Where Gypsy and Traveller developments are normally permitted, it is based on being screened by existing permanent features such as hedgerows, tree belts, buildings, or land contours, as required by policy LPRHOU 8. Consequently, unless well screened or hidden away in unobtrusive locations, mobile homes are normally considered unacceptable in their visual impact.

5.12 The site is situated immediately to the east of Chart Hill Road. The site benefits from a good level of natural screening in the form of hedgerows, trees, and an existing close boarded fence. Views into the site are mainly through the vehicle access. With the screening and close boarded access gates, the caravans are not visually prominent from Chart Hill Road with the only views of the existing site generally the tops of caravans.

5.13 The site is well screened from long-distance views. Public footpath KH562 is sited approximately 30m to the east of the site with a hedge on the site boundary. The proposal would not appear visually harmful from any other public viewpoints. Conditions are recommended to plant hedgerows along the northern boundary to the front of the close boarded fencing to soften the existing visual impact. It is concluded that with suitable conditions the proposal is acceptable in relation to landscape harm and would be in accordance with Local Plan policy LPRHOU 8.

5.14 The application site is in the Low Weald Landscape of Local Value. Policy LPRSP9 (7) states "*The distinctive landscape character of...the Low Weald...will be conserved and enhanced as [a] landscape...of local value*". The Low Weald covers a significant proportion of the countryside in the rural southern half of the borough. The Low Weald is recognised as having distinctive landscape features: the field patterns, many of medieval character, hedgerows, stands of trees, ponds and streams and buildings of character should be conserved and enhanced where appropriate.

5.15 With the character of the existing site outlined in this report, and the recommended planning conditions (including new landscaping) the current application is found to be acceptable with regards to the Low Weald Landscape of Local Value.

5.16 Policy LPRHOU 8 advises that the cumulative effect on the landscape arising because of the development in combination with existing lawful caravans needs to be assessed and to ensure no significant harm arises to the landscape and rural character of the area.

5.17 The landscape impact of the proposal has been assessed above and it is concluded that the landscape harm is not grounds for refusal of permission. Were the adjacent caravans removed and the land returned to agricultural fields, the application site would also remain low key when viewed from Chart Hill Road. Additional landscaping is sought through a planning condition. The current submitted proposal for two mobile homes benefit from existing

landscaping and would be a 'low key' development. The proposal is found to be acceptable in relation to cumulative landscape harm.

d. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.

5.18 Policy LPRSP15 states that applications must accommodate vehicular movements generated by the proposal on the local highway network and through the site access. LPRQD4 states that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.

5.19 NPPF guidance states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*" (NPPF para 111).

5.20 There are no highway issues with the existing access and this access is suitable for the extra traffic generated from this application. The vehicle movements resulting from the application can easily be accommodated on the local road network. There is sufficient parking/turning provision on the site. The current application does not result in severe impact on the highway network and the application is in accordance with policy LPRSP15 and the NPPF.

d. The site is not located in an area at risk from flooding (zones 3a and 3b)

5.21 The site lies within Flood Zone 1, consequently flooding is not an issue. A planning condition will be imposed to that surface water runoff is dealt with within the site boundaries.

f. The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.

5.22 Policy LPRSP14 directs the planning system to contribute to and enhance the natural and local environment. The application site surface is currently road plantings and shrubland with little ecology value and in this context, it is concluded that there is no requirement for an ecological survey.

5.23 The applicant has stated that the site has been used and managed in association with the existing gypsy and traveller accommodation. The site and adjacent land is not designated land and do not contain important habitats or other biodiversity features. There is no reasonable likelihood of protected or priority species being present on the site or being adversely impacted by this application.

5.24 Planning conditions are recommended to seek on site biodiversity enhancement and for new landscaping especially around the site boundaries. On this basis, the proposal would accord with policies LPRSP14 and LPRHOU 8 of the Maidstone Local Plan Review (2024), and the NPPF (2023). These policies jointly direct the planning system to contribute to and enhance the natural and local environment.

Heritage

5.25 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.26 Policy LPRSP14(B) relates to the historic environment requiring that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy LPRENV 1 also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

5.27 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.28 Rabbits Cross Farmhouse is a grade II* listed building. The closest caravan considered as part of this current application is circa 85 metres to the east of Rabbits Cross Farmhouse. The official listing is as follows:
*"Farmhouse. C15 or early C16, with C17 alterations. Timber framed, with plaster infilling. Plain tile roof. Wealden with two roughly equal-length hall bays, and storeyed end bays. 2 storeys and attic.
Stone plinth to right end bay, brick plinth to rest. Close-studded. Broad, low window-cill to left hall bay. Right and left end bays jettied to front. Arch braces to flying wall-plate and solid-spandrel bracket to central tie-beam end. Steeply-pitched hipped roof. Multiple filleted red and grey brick stack in front slope of roof, to left end of right hall bay, and slender brick stack within right lean-to.
C17 2 1/2-storey close-studded rectangular bay window on chamfered painted stone base to left hall bay, rising through eaves, with flying wall-plate removed in front of it; gable jettied on shaped brackets, with moulded bressumer and with moulded bargeboards and pendant. Leaded 3-light mullioned window to gable. Irregular fenestration of 2 windows; one 8-light mullioned and transomed first-floor window with moulded head and cill to C17 bay, with 2-light mullioned frieze windows to flanking hall walls; and one 2-light paned casement to right end bay.
Blocked window to left end bay, and another to right hall bay. Small 4-light mullioned window to left end bay on ground floor, and 2-light paned casement to right end bay. Ground-floor window of C17 bay similar to first-floor, also with 2-light frieze windows. Boarded door in moulded 4-centred arched architrave with hollow spandrels and with brattished moulding to midrail over, to right end of right hall bay. Brick lean-to to right with applied studding to gable. Short rear lean-to to left. Interior not inspected".*
- 5.29 The caravans currently being considered are separated from Rabbits Cross Farmhouse by existing caravans, Chart Hill Road and boundary hedging on both sides of the road. With the separation distance and intervening site boundaries, it is concluded that the proposal will not have any negative impact on the setting or heritage value of Rabbits Cross Farmhouse.

Residential amenity

- 5.30 Policy LPRSP15 states that proposals will be permitted where they "...respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, or loss of light".
- 5.31 The caravans that from part of this application would maintain acceptable separation distances from existing mobile homes and neighbouring properties. The caravans will avoid any adverse effect in terms of overshadowing, loss of light, outlook, or privacy. This development does not have an adverse impact upon the living conditions of any neighbouring resident, including in terms of general noise and disturbance. In the interests of amenity, A planning condition is recommended in relation to external lighting.
- 5.32 The proposal is acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed dwelling. The proposal is in accordance with policy LPRQ&D7 of the Maidstone Local Plan Review (2024).
- 5.33 The Planning Policy for Traveller Sites 2023 (PPTS) advises "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community" (paragraph 14).
- 5.34 The application includes 3 Gypsy and Traveller pitches (3 static homes and 3 touring caravans). The impact of the current application individually or taken cumulatively with the adjacent site is not of a scale that would dominate the nearest settled community of Staplehurst located to the south.

Need and supply of gypsy sites.

- 5.35 The Maidstone Borough Council Gypsy, Traveller, and Travelling Showpeople Accommodation Assessment (GTAA) was published in September 2023. It provides the evidence of the current and future need for gypsy, traveller and travelling showpeople in the borough for the Local Plan Review until 2040.

- 5.36 The assessment drew on desk-based research, stakeholder interviews, and engagement with members of the Travelling Community living on all known sites, yards, and encampments. The interview response rate was 76%, considered to be sufficient as a sample of the total Traveller population across all the accommodation types.
- 5.37 The assessment found that there is a need for a total 340 additional permanent pitches for Gypsy and Traveller households in Maidstone that met the planning definition in the borough between 2023-40. This need is broken down in the phases shown in the following table:

Table 1: Permanent pitch need 2023-40 as outlined in the GTAA.

	2023-28	2028-32	2033-37	2038-40	2023-40
Gypsy and Traveller Pitches	205	48	53	34	340

- 5.38 Based on the initial findings of the GTAA (prior to publication of the final version) there was likely to be a significant need for pitches, the most appropriate course of action was to undertake a separate Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD) instead of addressing the need through the Local Plan Review.
- 5.39 In the interim the Local Plan Review includes policy LPRSP10(c) Gypsy & Traveller Site Allocations. Policy LPRSP10(c) includes extant allocations carried forward from the MBLP 2017 GT1 policy. The Local Plan Review also includes the development management policy LPRHOU8 for windfall applications.
- 5.40 The DPD will be informed by the outcome of a Pitch Deliverability Assessment (to assess what proportion of the need can be met on existing sites through intensification or expansion). The DPD will also be informed by a targeted Call for Sites exercise to identify potential new sites so the needs of the community can be adequately, and appropriately addressed and appropriate engagement can take place.
- 5.41 The Local Plan Review Call for Sites exercise invited the submission of Gypsy, Traveller and Travelling Showpeople sites, however, only a small number were put forward for inclusion in the plan. Two further, targeted Call for Sites exercises to identify potential new sites were carried out between February and March 2022 and February and March 2023, with the aim of comprehensively addressing the needs of the community appropriately.
- 5.42 Paragraph 10a of the Planning Policy for Traveller Sites' (PPTS) (December 2023) requires Local Plans to identify a supply of 5 years' worth of deliverable sites against the Plan's pitch target. The most recent figures available show that the Council can demonstrate a supply of 1.2 years.
- 5.43 Paragraph 27 of the PPTS states "If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission".

Gypsy Status

- 5.44 A judgement dated 31 October 2022, from the Court of Appeal in *Smith v. SoS for Levelling Up, Housing and Communities* (CA-2021-00171, 31st October 2022) concerned a planning inspector's reliance on the definition of Gypsies and Travellers in Planning Policy for Traveller Sites. This guidance was introduced by the government in August 2015.
- 5.45 The previous definition before August 2015 had been: "*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' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such*". The new definition post 2015 deleted "or permanently".
- 5.46 The Secretary of State accepted that this indirectly discriminated against elderly and disabled Gypsies and Travellers but argued that the discrimination was justified. The appeal court judgement sets out at paragraph 66... "*the nature of the discrimination before the*

judge was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. This discrimination was inextricably linked to their ethnic identity". at paragraph 139 "... the effect of the relevant exclusion was – as the Secretary of State has conceded – discriminatory, and that, on the evidence before the court in these proceedings, there was no proper justification for that discrimination..."

- 5.47 On the evidence available it can be reasonably concluded that the intended occupants of the proposed caravans are of gypsy heritage and are from the travelling community. A condition is recommended to ensure that the site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2023.
- 5.48 A previous award of costs against the Council on a separate unrelated site is also highlighted in relation to gypsy status. At the site known as Pear Paddock, in the decision letter the appeal Inspector set "The Council's second reason for refusal complains that the appellants have not demonstrated that the proposed site occupants are *Gypsies or Travellers*. Yet there is nothing in the relevant policy that requires a personal demonstration of need or ethnic identity. It is not as though any housebuilder is required to tell the LPA who exactly is intended to live in the houses s/he proposes to build; concomitantly, there is no such requirement here". With this background and the common use of planning conditions to restrict occupation of relevant sites to Gypsies or Travellers, the refusal of planning permission on the grounds that Gypsy status has not been proven would be unreasonable.

PUBLIC SECTOR EQUALITY DUTY

- 5.49 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.
- 5.50 Race is one of the protected characteristics under the Equality Act 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 the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the Public Sector Equality Duty have been met and it is considered that the application proposals would not undermine objectives of the Duty.
- 5.36 Due regard has been had to the Public Sector Equality Duty contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the Public Sector Equality Duty.

6. CONCLUSION

- 6.01 LPRHOU 8 of the Maidstone Local Plan Review (2024), allows for Gypsy and Traveller accommodation in the countryside provided certain criteria are met; and policy LPRSP9 allows for development provided it does not result in harm to the character and appearance of the area. The GTAA published in 2023 outlines a need for 340 pitches in Maidstone and the Council's current position is that it can demonstrate a 1.2 years' worth of deliverable pitches at 1st April 2023.
- 6.02 The proposal has been assessed in relation to its visual and landscape impact, highways impact, sustainability, residential amenity, and flooding / drainage and found to be acceptable. The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. For the reasons set out above, it is recommended that permission be granted.

7. RECOMMENDATION – GRANT PLANNING PERMISSION Subject to the following conditions - with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
- Inspectorate Letter

- Application for planning permission
- Site Location Plan
- P1026/1 Existing Site Plan
- P1026/2 Proposed Site Plan
- P1026/3 Proposed Floor Plan and Elevations
- Cover Letter
- Local Plan Review
- Heritage Statement

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

- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
- 3) No more than six caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than three shall be a static caravan/mobile home) shall be stationed on the land at any time. The mobile homes shall be positioned on the site as set out on the submitted drawings.
Reason: To safeguard the character and appearance of the countryside.
- 4) If the lawful use of the site ceases, all caravans, structures, equipment, and materials brought 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.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land and no commercial or business 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; and in the interests of residential amenity.
- 6) 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 re-enacting 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, and in the interests of residential amenity.
- 7) 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 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include:
 - a) A detailed site layout showing how hardstanding and parking areas are the minimum area necessary.
 - b) Details of the permeable construction of hardstanding areas and measures to deal with surface water run off within the site boundaries.
 - c) Details of existing landscaping.
 - d) Details of proposed landscaping (see condition 8).
 - e) Details of measures to enhance biodiversity at the site (see condition 10).
 - f) the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal (see condition 11).
 - g) existing external lighting on the boundary of and within the site (see condition 12); and,
 - h) a timetable for implementation of the scheme including a) to g) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
 - ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the

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.

- iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character, and appearance of the open countryside location.

- 8) The landscaping required by condition 7 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The detailed landscaping drawings shall include:

- a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
- b) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) *with new hedging at approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree*
- c) a timetable of implementation of the approved scheme and
- d) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 9) All approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, 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.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 10) The enhancement of biodiversity on the site, required by condition 7 shall include the installation of a minimum of one bat tube on the approved mobile homes and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details by the end of a two-month period following approval and all these features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 11) The details of foul and surface water drainage required by condition 7 shall include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

Reason: In the interests of amenity.

- 12) The details of existing lighting required by condition 7 shall:

- a) show that the existing lighting is in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
- b) include a layout plan with beam orientation.
- c) include a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) include an ISO lux plan showing light spill.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 13) Any future external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
 - b) include a layout plan with beam orientation.
 - c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
 - d) an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.