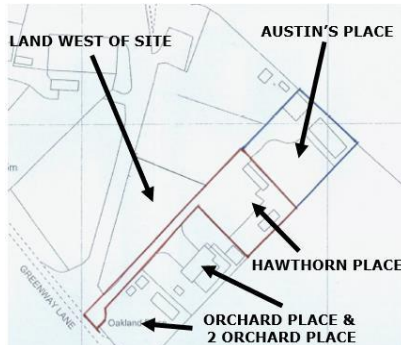


REPORT SUMMARY

REFERENCE NUMBER: 24/501549/FULL		
APPLICATION: Retrospective application for siting of 1(no) static caravan for gypsy/traveller use with associated touring caravan and parking (on existing lawful site with approval for 1(no) mobile under 16/505930/FULL and subsequently 20/502215/FULL).		
ADDRESS: Hawthorn Place Greenway Forstal Harrietsham Kent ME17 1QA		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
<p>SUMMARY OF REASONS FOR RECOMMENDATION: In Local Plan Review (LPR) policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, LPR policy LPRHOU8 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and LPR policies LPRSP9 and LPRQD4 allow for development provided it does not result in significant harm to the character and appearance of the area.</p> <p>In this instance, there is no reasonable justification to object to the development on Gypsy status and sustainability grounds in terms of location. Furthermore, the development is not considered to cause significant harm to the character and appearance of the countryside; and there are no other planning objections raised to the development. Significant material consideration has also been given to paragraph 27 of the PPTS given that the Council is unable to demonstrate an up to date 5 year supply of deliverable sites.</p> <p>With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.</p>		
REASON FOR REFERRAL TO COMMITTEE: Harrietsham Parish Council have requested for application to be considered by Planning Committee if officers are minded to recommend approval. This request is made for the reasons outlined in the consultation section below.		
WARD: Harrietsham, Lenham & North Downs	PARISH: Harrietsham	APPLICANT: Mr G. Nye AGENT: Mr M. Potts
CASE OFFICER: Kate Altieri	VALID DATE: 29/04/24	DECISION DATE: 26/08/24
ADVERTISED AS A DEPARTURE: NO		

RELEVANT PLANNING HISTORY



Hawthorn Place

- 23/500114/BOCACC – Enforcement case – Pending outcome of this application
- 16/505930 – Residential caravan site for 2 gypsy families, each with 2 caravans including no more than 1 static caravan, amenity building and hardstanding (retro) - Approved

Oaklands and 2 Oaklands

- 19/503176 – Construction of 2 day rooms/utility blocks - Refused
- 14/500696 – Remove conditions 1 and 2 of MA/07/2232 - Approved
- MA/07/2232 - Stationing of mobile home & tourer for gypsy family – Refused (allowed at appeal)

Austins Place

- 20/502215 – Relocation of mobile home (approved 16/505930) to rear of site, erection of utility building and stationing of 1 touring caravan for use by existing residents (retro) - Approved
- 19/502168 - Extension to site, including 3 additional caravans and 3 utility buildings - Refused

Land to west of site

- 23/504443 - Stationing of 2 static caravans and 2 tourers for Gypsy use (retro) – Approved
- 18/504491 - Erection of 2 day rooms/utility blocks - Refused

Other

- MA/00/1051 - Change of Use of barn to B8 storage & construction of Grasscrete track using existing gated access from Greenway Forstal Lane – Refused (dismissed at appeal)
- There are a number of enforcement applications across the sites.

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 Hawthorn Place is a lawful Gypsy site that has permanent permission for the stationing of 1 mobile home and one touring caravan, as approved under planning permission 16/505930 and subsequently 20/502215. Permission 20/502215 effectively saw the creation of Austin’s Place, and condition 2 of this permission restricted the total number of mobile homes to be stationed on the wider site (both Hawthorn Place and Austin’s Place) to two.
- 1.02 The site is located on the northern side of Greenway Forstal, set back some 60m from road and sandwiched between other existing lawful Gypsy sites. The land to the west of the site has also recently been granted permission for the stationing of 2 static caravans Gypsy use. To the east of the site is a vineyard with Garden of England Caravan Park beyond this; and there is other sporadic development within the surrounding area.
- 1.03 For the purposes of the Local Plan Review the application site is within the countryside and within the setting of the Kent Downs National Landscape. The site is also within a KCC minerals safeguarding area; a notification area of archaeological potential; Flood Zone 1 and a groundwater source protection zone.

2.0 DESCRIPTION OF DEVELOPMENT

- 2.01 The application is described as: *Siting of 1(no) static caravan for gypsy/traveller use with associated touring caravan and parking (retrospective).*
- 2.02 The aerial photograph below shows the application site:



3.0 RELEVANT POLICY & GUIDANCE

- Maidstone Borough Local Plan Review 2021-2038 (adopted March 2024)
- Landscape Character Assessment (2013) & Landscape Capacity Study (2015)
- National Planning Policy Framework (2023) & National Planning Practice Guidance
- Planning Policy for Traveller Sites (2023)
- Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (Sept 2023)

- Gypsy, Traveller and Travelling Showpeople Development Plan Document – Scoping, Issues & Options Public Consultation (Reg 18a)
- Kent Downs AONB Management Plan (2021-2026)
- Kent Minerals & Waste Local Plan (2013-30) amended by Early Partial Review (2020)
- Levelling up and Regeneration Act 2023
- Gypsy, Traveller and Travelling Showpeople DPD – Addendum Note (July 2024)

3.01 **Maidstone Borough Local Plan Review (LPR):** The LPR was adopted by the Council on 20th March 2024 and this document attracts full weight. The LPR effectively deletes the 2017 Local Plan from Maidstone's Development Plan and it has no weight as a result. Please note here that elements of the 2017 Local Plan that were still relevant have been absorbed into the LPR. Relevant policies within the LPR are considered to be: LPRSS1 (Spatial strategy); LPRSP9 (Development in countryside); LPRSP10(A) (Housing mix); LPRSP10(C) (Gypsy & Traveller site allocations); LPRSP14 (The environment); LPRSP14(A) (Natural environment); LPRSP15 (Design); LPRHOU8 (Gypsy & Traveller accommodation); LPRTRA2 (Assessing transport impacts); LPRTRA4 (Parking); LPRQD1 (Sustainable design); LPRQD2 (External lighting); and LPRQD4 (Design principles in countryside).

3.03 **NPPF:** 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, with section 12 of the NPPF referring to '*achieving well-designed and beautiful places*'.

3.04 **Council's Landscape Character Assessment:** LCA identifies the application site as falling within the Eyhorne Vale LCA (Area 15). The landscape guidelines for this area are to '*CONSERVE*'. Within the Council's Landscape Capacity Study, Eyhorne Vale is assessed as being of '*HIGH*' overall landscape sensitivity and is '*sensitive to change*'.

4.0 LOCAL REPRESENTATIONS

4.01 **Local residents:** No representations received.

5.0 CONSULTATION RESPONSES

(Please note that summaries of consultation responses are set out below; and comments are discussed in more detail in the appraisal section where considered necessary)

5.01 **Harrietsham Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. In summary they comment:

- *Development is in setting of Kent Downs National Landscape and intrusive development will harm landscape and views to/from it.*
- *This location is not an approved Gypsy/Traveller site in MBCs adopted Local Plan (2024).*
- *It will have detrimental impact on residents in neighbouring Garden of England.*
- *There is limit info submitted relating to transport and highway matters.*

6.0 APPRAISAL

6.01 The key issues for consideration relate to: Issues of need and supply; Gypsy status/personal circumstances; location; visual impact; Biodiversity implications; and then other matters.

Issues of need and supply

6.02 The Maidstone Borough Council Gypsy, Traveller, and Travelling Showperson Accommodation Assessment (GTAA) was published in September 2023 replacing the January 2012 assessment. The 2023 GTAA formed part of the Local Plan Review evidence base and informs the current preparation of the separate Development Plan Document covering the period 2023-2040. The 2023 GTAA was submitted to the LPR Inspector as part of this Council's evidence base for the LPR and the need has now increased very significantly to 529 pitches between 2023 and 2040. Whilst the most up to date assessment, the weight attached to the figures needs to be balanced against the following limitations.

6.03 The need figures for Gypsy and Traveller households in the GTAA are divided into three categories: 'Meet planning definition'; 'Undetermined'; and 'Do not meet planning definition':

- Meet Planning Definition (Need found for 340 households) –
 - 2023 GTAA uses Gypsy & Traveller definition found in 2015 National Planning Policy for Traveller sites.
 - After Court of Appeal found it discriminatory, definition was changed (Dec 2023), after 2023 GTAA.
 - Revised definition now includes those who have permanently ceased to travel due to "...their own or their family's or dependents' educational or health needs or old age".
 - An assessment using this revised definition is likely to slightly increase the future need for Gypsy and Traveller accommodation for households who now meet the planning definition in the borough.
- Undetermined (Need found for 122 households) -
 - 2023 GTAA states (para 3.31): As well as calculating need for households that meet the planning definition, a GTAA has to consider the needs of any households where an interview was not able to be completed (either due to refusal to be interviewed or households that were not present during the fieldwork period).....Whilst there is no law or guidance that sets out how the needs of these households should be addressed; an approach would have been taken that sought an estimate of potential need from these households.....This would be an additional need which is over and above the need identified for households that meet the planning definition.
- Do not meet the Planning Definition. (Need found for 67 households) -
 - With definition change outlined above, size of group outside definition will decrease, with an increase in the group meeting the definition.
 - 2023 GTAA states (para 3.38) "...housing needs of any Gypsy & Traveller households who do not meet planning definition of a Traveller will need to be assessed as part of the wider housing needs of area and will form a subset of the wider need arising from households residing in caravans".

6.04 In conclusion, the key material consideration regarding need is that this Council should have a 5-year supply of Gypsy and Traveller accommodation. Based on the figure in the 2023 GTAA of those meeting the planning definition only, the current supply is 1.2 years; and this is made up of: Carried forward unimplemented 2017 Local Plan allocations; turnover on the two public sites in the borough; and windfall allowance for pitches which will be granted planning permission in the future. The need assessment in the 2023 GTAA was out of date 3 months after publication and this was due to the change in the central government definition of gypsy and travellers.

6.05 The Council's true supply will be lower than 1.2 years and further away from the required 5 year supply. This is after accounting for the potential increased need from the change in definition, and proportion of the 'undetermined' group that meet the definition. An addendum note (July 2024) is now published on the Council's website, which advises that the change in definition has resulted in an additional 2 pitches arising from households who now meet the definition and conversely, a reduction by 2 pitches from households who do not meet the need.

6.06 Please note that this formal acknowledgement of a lack of a 5yr supply for Gypsy and Traveller Pitches triggers paragraph 27 of the Government's Planning Policy for Traveller Sites (PPTS):

If a LPA 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 permission⁹. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space, an AONB, or within a National Park (or the Broads).

9 There is no presumption temporary grant of permission should be granted permanently.

6.07 Moving on from this, the Local Plan Review is now given full weight, but the Council has chosen to separate the matter of gypsy and traveller policy from the Local Plan Review and is pursuing a separate DPD on this matter. The first stage consultation (Regulation 18a) took place between February and April 2023; and additionally, two targeted call for sites exercises ran between 1st February and 31st March 2022, and 28th February and 17th April 2023. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and further public consultation is expected on this towards the end of 2024. In the interim, Local Plan Review policy LPRSP10(c) (Gypsy & Traveller Site Allocations), includes extant allocations carried forward from the 2017 Local Plan policy GT1; and development management policy LPRHOU8 for windfall applications.

- 6.08 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) and 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.
- 6.09 With regard to the Maidstone Gypsy, Traveller and Travelling Showpeople DPD, the Local Development Scheme (LDS) timetable indicates a Reg 18b consultation taking place from February to March 2024. Evidence gathering ahead of a Reg 18b consultation is currently ongoing and the Council is considering whether it is appropriate to formally amend the LDS in relation to the DPD.

Gypsy status/personal circumstances

- 6.10 Following the judgment in the Court of Appeal in the case of *Smith v SSLUHC & Ors*, it should be noted that the land-use needs of potential future occupants of the site may only relate to their ethnicity and the government has reverted the definition of Gypsies and Travellers used in the PPTS to that adopted in 2012 for plan and decision making. The current definition is therefore as follows:

'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 dependents' 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.'

- 6.11 The submission confirms that the additional mobile home is occupied by the daughter (and grandchild) of the applicant and the development is necessary to maintain the wider close knit family unit as an entity. Whilst the submission does not provide specific details regarding how they would meet the above definition, it is considered unreasonable to request further information on this matter. The argument is that when granting planning permission for a farm worker's dwelling for example, the Council does not require the farmer to prove that the intended occupant is a bone fide farm worker. Instead, the Council would rely on an occupancy condition to ensure that the dwelling is used for its intended purpose.
- 6.12 Please note here that a previous award of costs against the Council, on a separate unrelated site, is highlighted in relation to gypsy status. At a site known as Pear Paddock, the planning Inspector stated: *'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 been proven to be unreasonable.
- 6.13 There is also a 2014 appeal decision (APP/Y3940/C/13/2206152: Sharkays, Whaddon Lane, Hilperton, Trowbridge, Wiltshire), where the Planning Inspector considered that the site was in an acceptable location for a gypsy site, in accordance with local and national policies, and granted planning permission subject to an occupancy condition, despite the fact that they found that the existing site occupiers did not comply with that condition. It is evident that the gypsy status of the appellants was not determinative of the appeal.
- 6.14 With everything considered no objection is raised to the application on the grounds of Gypsy status as the occupants will have to fall within the Government's PPTS definition, and this can be secured by way of condition.

Location

- 6.15 Gypsy site provision is 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 Review 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 a strong material planning consideration that the site is already an established Gypsy site; and this permission is to provide more accommodation for the family that lives on the site.

Visual impact

- 6.16 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside. No specific reference to landscape impact has been outlined however this is addressed in relevant Local Plan Review policies and the NPPF. Specifically, policy LPRHOU8 of the Local Plan Review allows for Gypsy accommodation in the countryside provided certain criteria are met.
- 6.17 This includes allowing development that does not result in significant harm to the landscape and rural character of the area, and impact on these aspects will be assessed with particular regard to:
- i. Local landscape character;*
 - ii. Landscape impact arising as result of development in combination with existing lawful caravans;*
 - iii. 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.*
- 6.18 Hawthorn Place is an established Gypsy site and whilst the additional mobile home adds built form onto the site, the site is set back some 60m from Greenway Lane and is a significant distance from any other public vantage point; and any public view of the mobile home is very much seen in the context of the existing lawful site that is enclosed by existing mature boundary planting and the surrounding Gypsy sites that enfold Hawthorn Place on three sides, with the Kent Downs National Landscape more than 200m away to the north-east of the site. It is also noted that given the existing landscaping around the site, public views from Greenway Lane are largely limited to glimpses of the mobile home's roof; the submission shows additional planting that can be secured by condition; and in this instance it is not necessary to require any further hard boundary treatment details. Moreover, the mobile home is of a typical style and appearance that is not thought to be over bright/noticeable; it appears to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960); and the two mobile homes on the site do not result in a cramped form of development.
- 6.19 With everything considered and subject to the recommended conditions, the view is taken that the development does not result in more built form encroaching into undeveloped countryside; it does not appear visually dominant or incongruous within the landscape; and it does not cause any further harm to the setting of the Kent Downs National Landscape, given the development's planning history and context. It is therefore considered that the development does not cause significant harm to the intrinsic character and appearance of the countryside hereabouts, in accordance with LPR policy LPRHOU8. On this basis, the development accords with the relevant policies of the Development Plan and the aims of the NPPF.

Biodiversity implications

- 6.20 Given the existing condition of the land, the development is unlikely to have had an adverse impact upon any protected species, and so no further details on this are required prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* On this basis a condition is recommended to seek biodiversity enhancements on the site, including through integrated methods into the fabric of the mobile home by means such as bat tubes.
- 6.21 Please also note that this application is retrospective and so is exempt from BNG legislation introduced by the Government. Further to this, given its retrospective nature, it was made valid without a BNG assessment and has therefore not been considered against policy LPRSP14(A) that refers to 20% BNG. On this basis, it is considered unreasonable to impose a condition requiring 20% BNG.

Other matters

- 6.22 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. Furthermore, after assessing the potential impact on the existing residential community, the submission is found to be acceptable, when considered on its own merits and then cumulatively with other lawful gypsy sites in the vicinity.
- 6.23 The development makes use of the existing access onto Greenway Lane, where there has been no reported traffic incident reported within the last 10yrs (www.crashmap.co.uk); the addition of one mobile is not considered to result in a harmful intensification of the use of this access in terms of vehicle movements; it is evident that vehicles associated to the development can turn within the site and leave in a forward gear; and there is sufficient parking on the site. On this basis, it is considered that this submission would not have an unacceptable impact upon highway safety, and nor would the residual cumulative impacts on the road network be severe.
- 6.24 Given the existing use/condition of the site, its location, and the nature of this application with little in the way of ground works, no objection is raised to the development in terms of mineral safeguarding, archaeology, land contamination, flood risk and groundwater source protection, air quality, and the existing use of a soakaway and septic tank; and no further details are required in these respects. The applicant would be reminded by way of informative of the need to require a caravan licence.
- 6.25 The representations made by Harrietsham Parish Council have been considered in the assessment of this application. The submission is not EIA development.

7.0 CONCLUSION

- 7.01 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, 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.
- 7.02 In Local Plan policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, LPR policy LPRHOU8 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and LPR policies LPRSP9 and LPRQD4 allow for development provided it does not result in significant harm to the character and appearance of the area.
- 7.03 In this instance, there is no reasonable justification to object to the development on Gypsy status and sustainability grounds in terms of location. Furthermore, the development is not considered to cause significant harm to the character and appearance of the countryside; and there are no other planning objections raised to the development. Significant material consideration has also been given to paragraph 27 of the PPTS given that the Council is unable to demonstrate an up to date 5 year supply of deliverable sites.
- 7.04 With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. In consequence of this finding, a permanent permission is recommended and to be restricted only by a Gypsy and Traveller occupation condition.

8.0 RECOMMENDATION - GRANT PLANNING PERMISSION subject to following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the following approved plans/documents: P1046/1A; 2; 3; and 4; and 1035/150.

Reason: To clarify which plans have been approved 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 residential caravans/mobile homes is not normally permitted.

3. There shall be no more than 2 pitches on the site and on each of the pitches approved there shall be no more than one static caravan and one touring caravan stationed at any time.

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 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.

5. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.

Reason: To safeguard the character and appearance of the countryside.

6. No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use.

Reason: To prevent inappropriate development; and to safeguard the character and appearance of the countryside.

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 28 days of the date of failure to meet any one of the requirements set out in (a) to (d) 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:

- (i) a scheme for the enhancement of biodiversity on the site that shall include integrated methods into the fabric of the mobile home by way of a bat tube, and the enhancements detailed in submitted drawing references P1046/4 and 1035/150;
- (ii) details of a native landscaping scheme (designed in accordance with the submitted details and the principles of Council's landscape character guidance and Landscape Character Assessment Supplement 2012), together with a programme for the scheme's implementation and details of all existing trees and hedgerows on the land to be retained. The scheme shall also provide details of the number, size, species, maturity, spacing and position of proposed native hedgerows, trees and plants to be planted within the site; the retention of the existing boundary hedgerows; and a ten year landscaping management plan. 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;

- (iii) details of any existing external lighting on the site; and
- (iv) 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 above, that appeal shall have been finally determined and 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: In the interests of biodiversity enhancements.

- 8. No 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 development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity and to safeguard the character and appearance of countryside.

- 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 to safeguard character and appearance of the countryside.

- 10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and reenacting that order with or without modification), and except for what is approved under condition 9 of this permission, no development within Schedule 2, Part 2, Class A, shall be carried out on the site hereby approved.

Reason: To safeguard the character and appearance of the countryside.

Informative(s):

- 1. The applicant is reminded that it will be necessary to make an application for a Caravan Site Licence 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 Community Protection Team in respect of a licence.

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