

REPORT SUMMARY

REFERENCE NUMBER: 24/501146/FULL		
APPLICATION PROPOSAL: Change of use of land to a mixed use for the keeping of horses and the stationing of 2no. additional mobile homes and 2no. touring caravans for residential use, including the erection of 2no. dayrooms, refuse store, and laying of hardstanding.		
ADDRESS: 'Thistlemere Stables', Love Lane, Headcorn, TN27 9HH		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Proposal is acceptable in relation to its visual and landscape impact, highways impact, sustainability, residential amenity, and flooding / drainage. • Proposal is acceptable with regards to the relevant provisions of the Development Plan, the NPPF and all other material considerations. • The GTAA published in 2023 demonstrate a 1.2 years' worth of deliverable pitches at 1st April 2023. This failure to provide a 5 year supply of deliverable pitches weighs in favour of granting planning permission. 		
REASON FOR REFERRAL TO COMMITTEE: Called in by Headcorn Parish Council for the reasons below in Section 4.		
WARD: Headcorn and Sutton Valence	PARISH COUNCIL: Headcorn	APPLICANT: Mr Henry Eastwood AGENT: Green Planning Studio Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 11/04/24	DECISION DUE DATE: 23/08/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

23/501095/FULL

Change of use of land for a mixed use of the stationing of 1no. mobile home and 1no. touring caravan for residential use and the keeping of horses, including erection of a utility/day room with associated bin storage, hardstanding, soakaway, and alterations to existing access.

Approved 11.07.2023.

23/503973/SUB

Submission of Details pursuant to conditions 3 (External Surfacing and Roofing Details), 9 (Soft Landscaping Scheme), 11 (Biodiversity Enhancement Scheme) and 14 (Foul Sewage Treatment Details) of application 23/501095/FULL.

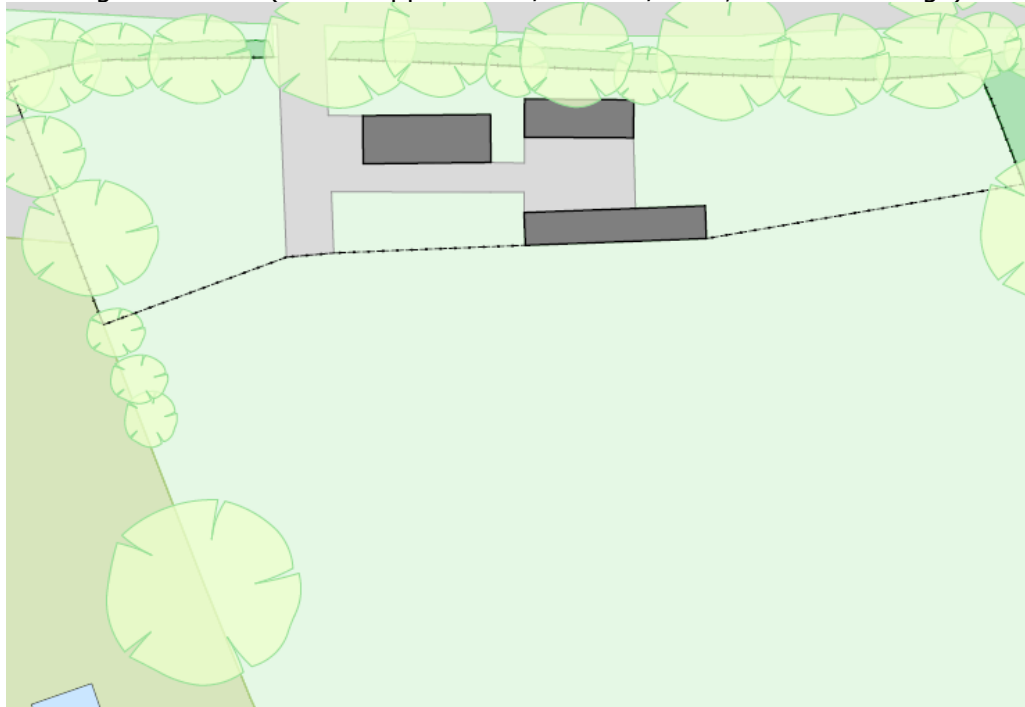
Approved 23.11.2023.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in the countryside between Love Lane in the north and Smarden Road to the south. The site is in the Low Weald Landscape of Local Value.
- 1.02 The site is 'maintained' paddock. Three stable/loose box buildings are currently sited at the northern end closest to Love Lane where the site is accessed from.
- 1.03 Views of the site from Love Lane are restricted by significant vegetative screening. Screening includes a Hawthorn hedge (Minimum 2m in height, approximately 1m in depth) to the west of the application site and a significant number of veteran trees along the northern boundary. The site is also screened by hedgerows along the southern boundary in Smarden Road although there are less veteran trees in this location.
- 1.04 There is extant Gypsy and Traveller development approved under 23/501095/FULL at the northern end of the application site. There is neighbouring Gypsy and Traveller development to the west of the application as well as agricultural buildings in the vicinity.

Existing Block Plan (earlier approval 23/501095/FULL, stable buildings).



2. PROPOSAL

- 2.01 The proposal would add 2 additional mobile homes and 2no. touring caravans to the site. The application also includes the erection of 2no. dayrooms, refuse store, and the laying of associated hardstanding. This would be in addition to development approved under 23/501095/FULL.
- 2.02 The proposal also seeks to continue to use the southern half of the site for the keeping of horses, as established by the 2023 application which has been implemented (in terms of the keeping of horses).
- 2.03 Following discussions with the applicant the equestrian use is now separated from the residential use by a fence and gated access. This is for the safety and amenity

LPRQD 1: Sustainable design
LPRQD 2: External lighting
LPRQD 4: Design principles in the countryside
LPRQD 6: Technical standards
LPRQD 7: Private open space standards
LPRHOU 8: Gypsy and traveller accommodation
LPRCD 7: Equestrian development

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) b& Landscape Capacity Study (2015)

Planning Policy for Traveller Sites' (PPTS) (December 2023)

Maidstone Landscape Character Assessment (amended 2013)

Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (Sept 2023) (Addendum note with definition update July 2024)

Gypsy & Traveller Appeals: Strategic Planning Briefing Note (April 2023)

4. LOCAL REPRESENTATIONS

Local residents:

4.01 No representations received.

Headcorn Parish Council:

4.02 Objection and ask for refusal for the following (summarised) issues:

- Harm to the character and appearance of the countryside.
- Flood risk issues.
- Highway safety.
- Cumulative impact of gypsy and traveller sites
- Gypsy and traveller status of applicants.

5. CONSULTATIONS

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

Headcorn Aerodrome

5.01 No objections

6. APPRAISAL

6.01 The key issues are:

- Justification for residential accommodation in the countryside.
- Compliance with policy LPRHOU8 (including character and appearance).
- Residential amenity
- Gypsy status
- Need and supply of gypsy sites.

Justification for residential accommodation in the countryside.

6.02 The application site is in the countryside and new dwellings are not generally allowed in the countryside.

- 6.03 As an exception to this normal constraint, policy LPRHOU8 of the Local Plan Review allows gypsy and traveller accommodation in the countryside in certain circumstances.
- 6.04 Policy LPRHOU8 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 subject to criteria listed in the policy being met. These criteria are considered below.

Compliance with policy LPRHOU8

- 6.05 The criteria of policy LPRHOU8 is as follows:
- 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).
- 6.06 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.
- 6.07 The supporting text to policy LPRHOU8 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".
- 6.08 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.
- 6.09 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.
- c. The development would not result in significant harm to the landscape and rural character of the area.
- 6.10 The Maidstone Landscape Character Assessment advises that the site is in the Headcorn Pasturelands Landscape Character Area which is assessed as being of 'Good' condition and of 'High' sensitivity with guidelines to 'Conserve'. The application site is also situated within the Low Weald Landscape of Local Value.
- 6.11 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.

- 6.12 Where Gypsy and Traveller developments are normally permitted, it is based on being screened by existing features such as hedgerows, tree belts, buildings, or land contours, as required by policy LPRHOU8. Consequently, unless well screened or hidden away in unobtrusive locations, mobile homes are normally considered unacceptable in their visual impact.
- 6.13 The proposed mobile homes would be located to the south of an extant site permitted under 23/501095/FULL. Views from the site from Love Lane are restricted due to the mature vegetation along the northern boundary. Plans indicate additional landscaping would be established immediately to the north of the proposed mobile homes. This additional landscaping would provide further screening during winter months when vegetation would be reduced. Following discussions with the applicant additional landscaping is also proposed to the south of the site which would also provide some screening.
- 6.14 The proposed day rooms are clearly subservient in scale to the mobile homes each having a footprint of 22m² and a maximum height of 3.6m with a gabled roof form. The mobile homes have a footprint of 83m² and a maximum height of 4.2m. The day room sizes are the minimum necessary to provide the required facilities which in this case is a kitchen and bathroom. There will be no significant visual harm from the day rooms or the refuse store which is a timber clad 'structure', 1.2m in height with a footprint of 2.5m².
- 6.15 The site is well screened from long-distance views. There are no public footpaths within the vicinity of the site. The proposal would not appear visually harmful from any other public viewpoints. Even if surrounding landscaping were to die off or be removed the application site would still be a 'low key' development when viewed from Love Lane and Smarden Road immediately to the south of the plot. There is Gypsy and Traveller development in the locality and the site is situated close to the roadside rather than sprawling into the paddock to the south.
- 6.16 Conditions are recommended to plant landscaping around the southern and northern site boundaries. It is concluded that with suitable conditions the proposal is acceptable in relation to landscape harm including on the Low Weald Landscape of Local Value and would be in accordance with Local Plan policy LPRHOU 8.
- d. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.
- 6.17 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.
- 6.18 NPPF guidance states "Development should only be prevented or refused on highway 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 115).
- 6.19 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.

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

- 6.20 The site is in Flood Zone 1 and so meets this criterion.
- 6.21 Surface water flooding has been raised by the parish council. A planning condition is recommended to ensure management of surface water run off in the application 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.
- 6.22 Policy LPRSP14 directs the planning system to contribute to and enhance the natural and local environment.
- 6.23 The site and adjacent land 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. The paddock is a grass covered field with some scrubby vegetation.
- 6.24 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).

Residential amenity

- 6.25 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".
- 6.26 The closest 'immediate neighbours' (caravans) are separated from the application site by a distance of circa 30 metres to the west.
- 6.27 The proposed caravans would maintain acceptable separation distances from existing mobile homes and neighbouring properties. The separation distance will avoid any adverse effect in terms of overshadowing, loss of light, outlook, or privacy.
- 6.28 Whilst policy LPRQD7 better relates to residential dwellings it does detail the importance of private amenity space and states that a "private outdoor space is one which is not overlooked from the street or other public place."
- 6.29 As detailed earlier in this report, the application site is well screened and as such occupants of the site would not be subject to any loss of privacy. Considering the paddock and the space around the caravans there would be sufficient amenity space for future occupants.
- 6.30 The proposals are 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 LPRQD7 the Maidstone Local Plan Review (2024).
- 6.31 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).

- 6.32 The application includes 2 Gypsy and Traveller pitches (2 static homes and 2 touring caravans) and 2 day rooms. 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 Harrietsham.

Need and supply of gypsy sites.

- 6.33 The Maidstone Borough Council Gypsy, Traveller, and Travelling Showperson Accommodation Assessment (GTAA) was published in September 2023 replacing the January 2012 assessment.

- 6.34 The GTAA 2023 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 need has increased significantly to 529 pitches between 2023 and 2040.

- 6.35 The GTAA 2023 provides the most up to date assessment of the need for Gypsy and Traveller households in the borough. Whilst the most up to date assessment, the weight attached to the figures needs to be balanced against the following limitations:

- 6.36 The need figures for Gypsy and Traveller households in the GTAA are divided into three categories 'Meet Planning Definition', 'Undetermined' and 'Do not meet the Planning Definition' and the following comments are provided.

6.37 Meet Planning Definition (Need found for 340 + 2 households).

- The GTAA 2023 uses the Gypsy and Traveller definition found in the 2015 National Planning Policy for Traveller sites.
- After the Court of Appeal found it discriminatory, this definition was changed in December 2023. This change in definition followed the assessment and publication of the latest GTAA (Sept 2023).
- The revised definition now includes those who have permanently ceased to travel due to "...their own or their family's or dependants' educational or health needs or old age".
- An addendum has been published on the council's website to update the GTAA following the revised definition published in December 2023. The addendum advises that the change in definition results in an additional need of 2 pitches from households who now meet the definition (342) and conversely, a reduction in need of 2 pitches from households who do not meet the need.

6.38 Undetermined (Need found for 122 households)

- The GTAA 2023 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".

6.39 Do not meet the Planning Definition. (Need found for 67 households)

- The GTAA 2023 states (para 3.38) " ...the housing needs of any Gypsy and Traveller households who do not meet the planning definition of a Traveller will need to be assessed as part of the wider housing needs of the area and will form a subset of the wider need arising from households residing in caravans".
- With the definition change outlined above the size of the group outside the definition will decrease, with an increase in the group meeting the definition. The new figure for those not meeting the definition is 65.

Conclusion

- 6.40 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 GTAA 2023 of those meeting the planning definition only, the current supply is 1.2 years.
- 6.41 The need assessment in the GTAA 2023 was out of date 3 months after publication. This was due to the change in the central government definition of gypsy and travellers.
- 6.42 An addendum has been published on the council's website to update the GTAA following the revised definition published in December 2023. The addendum advises that the change in definition results in an additional need of 2 pitches from households who now meet the definition (342) and conversely, a reduction in need of 2 pitches from households who do not meet the need.

Gypsy status

- 6.43 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.
- 6.44 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".
- 6.45 The Secretary of State accepted that this indirectly discriminated against elderly and disabled Gypsies and Travellers but argued that the discrimination was justified.
- 6.46 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...".

- 6.47 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.
- 6.48 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.

Biodiversity net gain

- 6.49 Unless in the list of specified exemptions, biodiversity net gain (BNG) is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).
- 6.50 Where exemptions don't apply, there is a 'statutory' requirement for 10% BNG and where residential use is proposed a 'policy' requirement for an additional 10% (total of 20%). The method of calculating BNG for small sites (small sites metric) was first published by DEFRA in February 2024 and updated in July 2024 and therefore would have been difficult to apply before these times.
- 6.51 In seeking to apply a consistent approach to BNG, officers have been seeking BNG to meet both 'statutory'(10%) and where relevant 'policy'(20%) requirements from the commencement dates listed above. This is in terms of non major applications made/received after 2 April 2024 and for major applications made/received after 12 February 2024.
- 6.52 The current application was submitted before the commencement date and therefore it would be unreasonable to request BNG as part of this application.

PUBLIC SECTOR EQUALITY DUTY

- 6.53 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.
- 6.54 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 PSED have been met and it is considered that the application proposals would not undermine objectives of the Public Sector Equality Duty

7. CONCLUSION

- 7.01 Policy LPRHOU 8 of the Maidstone Local Plan Review (2024), allows Gypsy and Traveller accommodation in the countryside provided certain criteria are met. Policy LPRSP9 allows for development provided it does not result in significant harm to the character and appearance of the countryside.
- 7.02 The GTAA published in 2023 outlines a need and the Council's current position is that it can demonstrate a 1.2 years' worth of deliverable pitches at 1st April 2023. This failure to provide a 5 year supply of deliverable pitches weighs in favour of granting planning permission.
- 7.03 The proposal has been assessed in relation to its visual and landscape impact, highways impact, sustainability, residential amenity, and flooding / drainage and has been found to be acceptable.
- 7.04 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. For the reasons set out above, it is recommended that permission be granted.

8. 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 and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Application for planning permission
22_1251A_001 Rev P03 Site Location Plan
22_1251A_002 Rev P03 Existing Site and Block Plan
22_1251A_003 Rev P04 Proposed Site Plan
22_1251A_004 Rev 01 Proposed Site Plan (Additional Details)
22_1251A_006 Rev P01 Proposed Standard Dayroom - Plans and Elevations
22_1251A_007 - P01 Proposed Refuse Store - Plans and Elevations
Proposed Mobile Home Elevations
Proposed Mobile Home Floor Plan
Planning Statement
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) 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.
- 4) 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 astatic 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.

- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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 9).
 - e) Details of measures to enhance biodiversity at the site (see condition 11).
 - 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 12).
 - g) existing external lighting on the boundary of and within the site (see condition 13); 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.
- 9) 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 in a double staggered row, with 30cm between rows and consisting of 70% Hazel, 15% Hawthorn, 10% Spindle, 5% Holly.

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.

- 10) 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.

- 11) 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.

- 12) 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.

- 13) 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) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

c) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and include an ISO lux plan showing light spill.

d) provide evidence that external lighting has been designed to be the minimum necessary.

e) show that external lighting is on timers and on motion sensors.

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.

- 14) 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) 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) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
 - c) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and include an ISO lux plan showing light spill.
 - d) provide evidence that external lighting has been designed to be the minimum necessary.
 - e) show that external lighting is on timers and on motion sensors.

The lighting shall be 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.