

REPORT SUMMARY

REFERENCE NUMBER: 24/502104/FULL		
APPLICATION PROPOSAL: Change of use of the land for the stationing of two mobile homes and 2 touring caravans and erection of two dayrooms for Gypsy/Traveller use (Part Retrospective).		
ADDRESS: Land adjacent to Greengates, Lenham Road, Headcorn, Kent, TN27 9LG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Headcorn Parish Council for the following reasons: <ul style="list-style-type: none"> • Proper assessment needed of the evidence that supports the assertion that the applicants have Gypsy/Traveller status. • Cumulative effect of so many Gypsy/Traveller sites in such a small area. • The lack of suitable Gypsy/Traveller sites leading to overcrowding in unsuitable areas like this. • Gypsy and Traveler housing need verses supply. • Development in the open Countryside and paragraph 25 of the PPTS which states that Local Authorities should strictly limit Traveller site development in open countryside. • Lack of surface water drainage. • Lack of local plan policy support 		
WARD: Headcorn And Sutton Valence	PARISH COUNCIL: Headcorn	APPLICANT: Mr Doran AGENT: Perfect Pitch Planning Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 23/05/24	DECISION DUE DATE: 25/10/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

Land adjacent to Greengates (current application site)

21/500188/FULL - Change of use of land for creation of 2(no) Gypsy/Traveller pitches, comprising of siting of 2(no) mobile homes, 2(no) touring caravans, and erection of 2(no) dayrooms (part retrospective). Permitted 01.04.2021. (Temporary permission expiring on 01.04.2024).

Long Lane:

15/502956/FULL - Continued use of land for private gypsy family with 2 caravans and 1 utility block. Permission refused 20/11/2017.

Greengates

01/1320 - Change of use of land to residential and stationing of 1 no. mobile home, as shown on drawings received on 14.08.01. Refused. Appeal Allowed 17/09/2001

05/0518 - Retrospective application for the change of use of land from agriculture to the stationing of 1 no mobile home and 1 no touring caravan as shown on unnumbered plans received on 30/12/04 and 10/02/05. Refused. 05/05/2005

10/2177 - Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development (stationing of 3no touring caravans, extended hardstanding and cess pool) as shown on site location plan and A4 site layout plan received on 30th December 2010. Three year temporary, named, permission granted. Temporary permission. 04/04/2013

14/504021/FULL - Application to vary condition 1 of MA/10/2177 (Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development, stationing of 3no touring caravans, extended hardstanding and cess pool) to allow any gypsy family to live on site. Refused on the grounds of Planning permission 10/2177 expiring on 4 April 2016. Refused 01/07/2016

17/501852/FULL - Siting of four mobile homes and three touring caravans. (Retrospective). Refused on the grounds that the development would be visually harmful to the character and appearance of the countryside and any supplementary landscaping would not mitigate this harm. This would be contrary to policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF, and draft policies SP17 and DM15 of the draft Maidstone Borough Local Plan (2011-2031). Refused, Appeal Withdrawn. 17/08/2017.

21/506265/FULL - Retrospective application for a material change of use of land for stationing of caravans for residential occupation and keeping of horses with associated operational development including hard standing, package treatment plant, gas tank, shed, dog run and stables. Permission granted 25/08/2022

1 Greengates

22/500193/FULL - Retrospective application for material change of use of land to a mixed use of land for stationing of caravans for residential purposes and the keeping of horses. Permission granted 25/08/2022

Oak Tree Farm

18/503291/FULL - Change of use of land to use as a residential gypsy caravan site for two gypsy families including the stationing of 2 no. mobile homes and 1 no. touring caravan. Permission refused 05/10/2018. Appeal allowed 22/04/2022,

19/501788/FULL - Retrospective change of use of land to use as a residential caravan site for two gypsy families including the stationing of 2no. mobile homes and 1no. touring caravan (resubmission of 18/503291/FULL). Permission refused 11/06/2019. Appeal allowed 22/04/2022.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 In policy terms the application site is within the countryside and is located within the Low Weald Landscape of Local Value (LLV). The application site is located to the south east of Lenham Road, Headcorn. The application site is in open countryside and adjoins a number of other Gypsy and Traveller sites.
- 1.02 There is an established, dense native species hedgerow approximately 4 metres in height along Lenham Road and the application site is bounded by a 2m close boarded fence. Due to its siting "behind" the 'Greengates' and '1 Long Lane', site views from Lenham Road are very minimal. The close boarded fence only allows

for views of the tops of the application site and Traveller sites to the northeast of the application site. Views are only possible when travelling along Long Lane.

- 1.03 The application site in this instance is immediately to the southeast of the 'wider' Greengates site, which is depicted in the below image. Over time the original site has been subdivided, the planning history of which is detailed above. The site in this instance is known as 'Land Adjacent To Greengates' and is situated to the south east of 'Greengates', '1 Greengates' and '1 Long Lane'.

Application site (24/502104/FULL)



- 1.04 The application site is accessed at the start of Long Lane, as depicted above which provides access to other sites to the west of the application site (Greengates and Long Lane sites).

2. PROPOSAL

- 2.01 The application is described as follows "Change of use of the land for the stationing of two mobile homes and 2 touring caravans and erection of two dayrooms for Gypsy/Traveller use (Part Retrospective)".
- 2.02 The layout proposed is almost identical to the previously approved (temporary) permission granted under 21/500188/FULL.
- 2.03 The two mobiles meet the definition of a mobile home and are of a design typically found on this type of development.
- 2.04 The application also seeks the siting of 2 day-rooms/outbuildings. These has a length of 5m, a width of 3m and a maximum height of 2.8m with their gabled roof form. They contain a bathroom and a 'utility' room (not specified).

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review 2024

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
LPRQD 1: Sustainable design
LPRQD 2: External lighting
LPRQD 4: Design principles in the countryside
LPRQD 6: Technical standards
LPRHOU 8: Gypsy and traveller accommodation
LPRTRA2: Assessing the transport impacts of development.
LPRTRA4: Parking

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):

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 and Traveller Appeals: Strategic Planning Briefing Note (April 2023)
Kent Waste and Minerals Plan (amended 2020):

4. LOCAL REPRESENTATIONS

Local residents

4.01 No representations received.

Headcorn Parish Council

4.02 Object for the following summarised reasons:

- Proper assessment of the evidence that supports the assertion that the applicants are of Gypsy or Traveler status.
- Cumulative effect of so many G&T sites in such a small area.
- The lack of suitable G&T sites leading to overcrowding in unsuitable areas like this.
- Gypsy and Traveler housing need verses supply.
- Development in the Open Countryside and paragraph 25 of the PPTS which states that Local Authorities should strictly limit Traveler site development in open countryside.
- Lack of surface water drainage.
- Lack of local plan policy support
- Request application be brought to planning committee if the LPA is minded to approve.

Ulcombe Parish Council

4.03 Object for the following summarised reasons:

- Cumulative impact, domination, and local cohesion

- Impact on Low Weald Land of Local Value and Headcorn Pastureland
- Impact on ecology
- Distance from amenities and sustainability
- Impact on local enjoyment of the countryside and tourism

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 objection.

6. APPRAISAL

6.01 The key issues are:

- Justification for residential accommodation in the countryside
- Character and appearance
- Issues of need and supply
- Gypsy status
- Residential amenity
- Biodiversity Net Gain

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.

Character and appearance

6.05 LPRHOU8 states that Gypsy and Traveller development must comply with the following criteria.

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 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”.

- 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 application site is located in countryside identified as a Landscape of Local Value, The Headcorn Pasturelands within the Low Weald. The Low Weald Landscape of Local Value (LLV), for the purposes of the Local Plan, is a landscape that is highly sensitive to significant change. The Low Weald has distinctive landscape features including field patterns (many of medieval character), hedgerows, stands of trees, ponds and streams, and buildings of character.
- 6.11 The landscape has a gently undulating form with only scattered housing, farmsteads or hamlets and a few narrow lanes like Lenham Road. The landscape is generally attractive with an agricultural and rural quality. The site also falls within the Headcorn Pasturelands Landscape Character Area as a low lying landscape which forms part of the wider Low Weald and shares many of the same characteristic.
- 6.12 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’.
- 6.13 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.
- 6.14 Whilst there are views into the site from the entrance, there are no public rights of way in the immediate vicinity and no significant public views into the site. When considering the site is situated to the rear of other Gypsy and Traveller sites along Long Lane and situated some 100m to the southeast of Lenham Road The only views onto the site are from Long Lane and are ‘glimpses’ of the tops of the mobiles.
- 6.15 The site is bordered by fencing as well as the neighbouring sites to the north west, views into the site are not possible unless travelling along Long Lane.
- 6.16 Local Plan Review policy HOU8 states that in assessing impact on the landscape weight will be attached to screening by existing landscape features. The application site is screened from Lenham Road by a mature hedgerow and the adjacent Gypsy and Traveller sites to the northwest. Even in winter the mobiles would be screened due to the density of the planting and existing sites, any views would be glimpses filtered by existing vegetation. Hardstanding on the site would only be visible at the access to the plot at the eastern end of Long Lane.

- 6.17 The site is well screened from long-distance views. The closest public footpath is 160m to the east of the application site, the distance is such that the impact would be minimal, and there is vegetation reducing views of the site from the location of the PROW.
- 6.18 The proposal would not appear visually harmful from any other public viewpoints. Conditions to require the applicant to submit full species details of proposed landscaping which is proposed to be placed around the north, west and southern boundaries of the application site. 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. The site is already 'developed' following the temporary planning permission detailed in the above planning history section.
- 6.19 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.
- 6.20 With the character of the existing site outlined in this report, and the recommended planning conditions the current application is found to be acceptable with regards to the Low Weald Landscape of Local Value.
- 6.21 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.
- 6.22 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. The application site is a 'low key' development when viewed from Lenham Road, there is Gypsy and Traveller development in the locality and Gypsy and Traveller development cannot sprawl any further to the east. The proposal is found to be acceptable in relation to cumulative landscape harm.
- 6.23 The application also seeks the siting of 2 day-rooms/outbuildings. The dimensions of which are detailed in the above proposal section. When considering these buildings are clearly subservient in scale to the mobile homes and benefits from the screening detailed above, it is not assessed that the building causes significant harm to the character and appearance of the countryside.
- d. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.
- 6.24 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.
- 6.25 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).

- 6.26 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)
- 6.27 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.
- 6.28 Policy LPRSP14 directs the planning system to contribute to and enhance the natural and local environment.
- 6.29 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. The surrounding paddock is a grass covered field with some scrubby vegetation. It is unlikely that the area is of any significant ecological significance or provides a habitat for any protected species.
- 6.30 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.

Issues of need and supply

- 6.31 The Council's Gypsy, Traveller, and Travelling Showperson Accommodation Assessment (GTAA) was published in September 2023 and informs the current preparation of the separate Development Plan Document covering the period 2023-2040. This most up to date assessment demonstrates need has increased very significantly to 529 pitches for this period.
- 6.32 In short, 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. 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.
- 6.33 The Council's true supply will be lower than 1.2 years, 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 also now published, 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.
- 6.34 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.

- 6.35 Moving on from this, 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 Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and further public consultation is expected on this towards the end of 2024.

Gypsy status

- 6.36 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.
- 6.37 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".
- 6.38 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.
- 6.39 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...".
- 6.40 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.
- 6.41 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.
- 6.42 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.

Residential amenity

- 6.43 Policy LPRSP15 states that proposals will be permitted where they "Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that proposals do not result in, or its occupants are exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking, or visual intrusion, or loss of light to occupiers".
- 6.44 The application site is at the end of a row of Gypsy and Traveller sites, with the existing landscaping screening the caravans from 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.
- 6.45 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 LPRQD7 of the Maidstone Local Plan Review (2024).
- 6.46 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).
- 6.47 The application includes 2 Gypsy and Traveller pitches (2 static homes). The impact of the current application individually or taken cumulatively with other sites in the locality is not of a scale that would dominate the nearest settled community of Headcorn located to the south west.

Biodiversity net gain

- 6.48 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).
- 6.49 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. The application is retrospective and as such is exempt from the requirement to demonstrate BNG.

PUBLIC SECTOR EQUALITY DUTY

- 6.50 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.
- 6.51 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 Duty.

Community Infrastructure Levy

- 6.52 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 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 and the Council's current position is that it can demonstrate a 1.2 years' worth of deliverable pitches at 1st April 2023.
- 7.02 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.
- 7.03 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.

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
2024-PPP019v1-Amenity Proposed Amenity Building
2024-PPP019v1-ExistBlock Existing Block Plan
2024-PPP019v1-Mobile Example Mobile Home
2024-PPP019v1-PropBlock Proposed Block Plan
Biodiversity Report/BNG exemption
Planning Statement
Reason: For the avoidance of doubt and in the interests of proper planning.

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 four 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 two 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.
- 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 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) 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 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.

- 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 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)
- 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.
- Case Officer: William Fletcher

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