

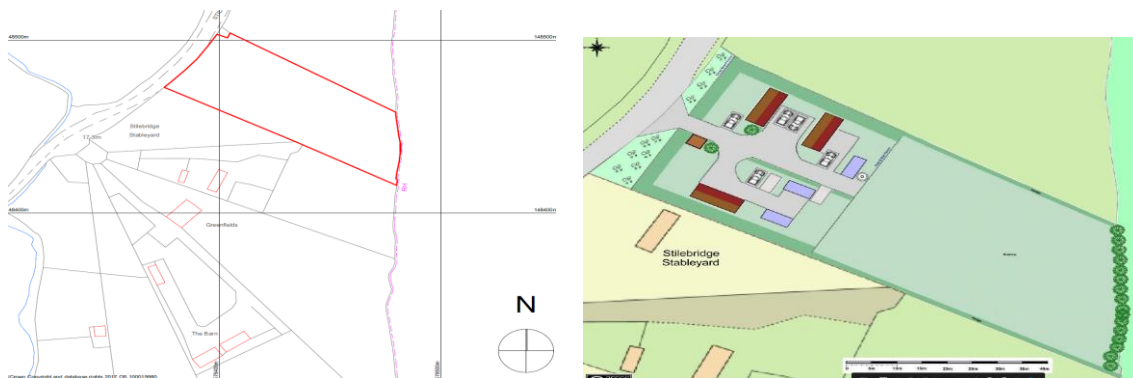
REPORT SUMMARY

REFERENCE NUMBER: 24/502990/FULL		
APPLICATION PROPOSAL: Creation of a single plot for the stationing of 1no. static mobile home for Gypsy and Traveller accommodation on an existing Gypsy and Traveller Site (granted planning ref: 18/502028/FULL).		
ADDRESS: Land At Little Paddocks Stilebridge Lane Linton Maidstone Kent ME17 4DE		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions and no further material planning consideration raised from a consultation response from KCC Ecology.		
SUMMARY OF REASONS FOR RECOMMENDATION: -Policy LPRHOU8 allows for gypsy and traveller accommodation in the countryside subject to meeting a list of criteria. -The development is not considered to cause significant harm to the character and appearance of the countryside. -The proposals are acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed mobile home. -There are no overriding parking and highway safety challenges that would indicate a refusal of planning permission. -Owing to the Council's current position on the supply of deliverable sites, significant weight must be afforded paragraph 27 of the PPTS. -On this basis, the development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Linton Parish Council requested the application is reported to the Planning Committee if officers are minded to recommend approval for the reasons outlined in the consultation section below.		
WARD: Loose And Linton	PARISH/TOWN COUNCIL: Linton	APPLICANT: Mr Billy Sparrowhawk AGENT: White Planning
CASE OFFICER: Francis Amekor	VALIDATION DATE: 30/07/24	DECISION DUE DATE: 23/01/25
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

17/505888/FULL Change of use of the land for 5 pitches for Gypsy/Traveller accommodation. The stationing of 6 static mobiles and 5-day rooms with associated hard and soft landscaping. Alterations to existing access (Part retrospective)
Refused 24.01.2018.

18/502028/FULL Change of use of land to residential to accommodate 3 Static Caravans, 3 Touring Caravans, and parking for six vehicles, with associated hard and soft landscaping, cesspit, and alterations to an existing access (part retrospective). Approved 11.06.2018



Approved site Location and Block Plan (Application ref: 18/502028/FULL)

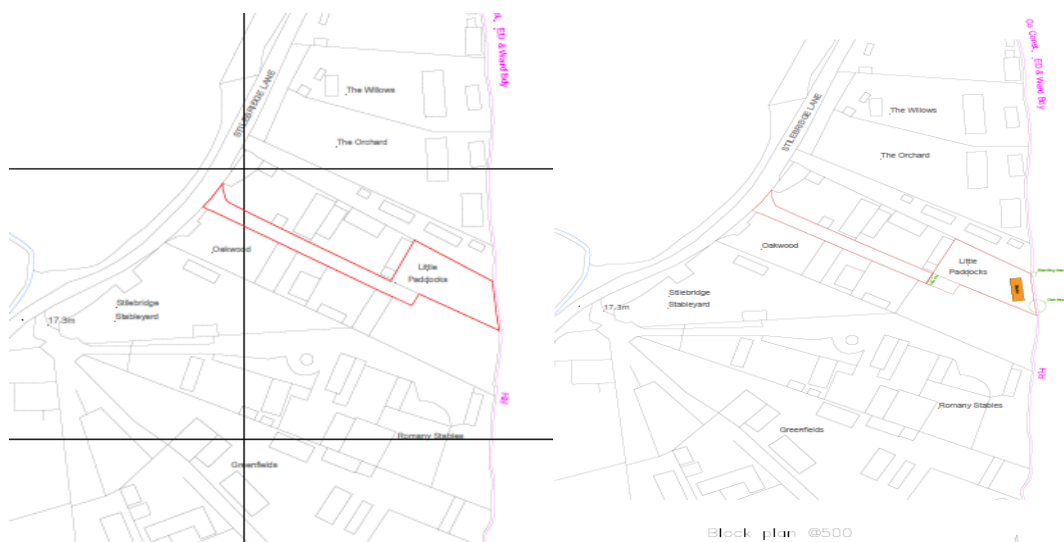
MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is found on the south-eastern side of Stilebridge Lane in the countryside. It consists of the western part of the existing lawful gypsy traveller site approved under application ref:18/502028/FULL. The eastern part of the previous approval has permission for the stationing of 3 Static Caravans, 3 Touring Caravans, and parking for six vehicles. The larger area forming part of the previous approval is located amongst existing gypsy and traveller sites of differing scale that benefit from permanent (unrestricted) permission.
- 1.02 The north part of the site abutts 'The Orchard and beyond this 'The Willows' whilst to the south there is 'Oakwood' and 'Stilebridge Stableyard' which has a permanent permission under application ref:16/502526/FULL; and Greenfields which has a personal permission under application ref:17/505044/FULL. 'Romany Stables' which located to the south also benefits from permanent permission under references 16/506241/FULL.
- 1.03 The Maidstone Landscape Character Assessment identifies the site as falling within area 14 'Valeside Parklands' Landscape Character Area which has a guidance to 'safeguard and manage'. The site is also identified on the Borough Wide Character Area Map as falling within area 15 'Beult Valley' which is in moderate condition with high sensitivity and guideline to Conserve and Restore.
- 1.04 Access to the site is gained via a drive that leads off Stilebridge Lane.

2. PROPOSAL

- 2.01 The application is described as: '*Creation of a single plot for the stationing of 1no. static mobile home for Gypsy and Traveller accommodation on an existing Gypsy and Traveller Site (granted planning ref: 18/502028/FULL)*'.



Site Location and Block Plan (current Application)



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review (2024):

- Policy LPRSS1- Maidstone Borough Spatial Strategy
- Policy LPRSP9- Development in the Countryside
- Policy LPRSP15- Principles of Good Design
- Policy LPRQ & D4- Design principles in the Countryside
- Policy LPRTRA4 – Parking
- Policy LPRSP10(C) - Gypsy & Traveller Site Allocations
- Policy LPRHOU 8 - Gypsy, Traveller and Travelling Show people Accommodation.

The National Planning Policy Framework -NPPF (December 2024)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 6 – Building a strong, competitive economy
- Section 12 – Achieving well Designed Places

Supplementary Planning Document

- Maidstone Landscape Character Assessment
- Landscape Character Assessment (2013) & Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- Planning Policy for Traveller Sites (2015)
- Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
- Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)

Para 99 of Govt Circular (ODPM 06/2005) & Natural England Standing Advice Kent Minerals & Waste LP (2013-30) (amended by Early Partial Review 2020)

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 No representations received from local residents.

4.02 Linton Parish Council

Raised objection to the application for the following summarised reasons;

- Sewage Disposal and Environmental Impact
- Previous Reports and Evidence
- Lack of Enforcement and Safeguards
- Fit for Purpose Concerns

The parish Council request that the application is refused, requested the application is reported to the Planning Committee for their determination if officers are minded to approve.

5. CONSULTATIONS

No consultation responses received.

6. APPRAISAL

6.01 The key issues are:

- Policy LPRSP9 and countryside location
- Policy LPRHOU8 Provision of Gypsy, Traveller Accommodation
- Need and supply of G&T Sites
- Gypsy status/personal circumstances
- Effects on living conditions
- Biodiversity

Policy LPRSP9 and countryside location

6.02 The starting point for assessing all applications in the countryside is Policy LPRSP9 of the Local Plan Review (2024). This Policy makes it clear that the countryside is defined as parts of the Plan area outside of the settlement boundaries.

6.03 The policy identifies that development proposals should not be permitted where they do not accord with other policies of the Local Plan or would result in significant harm to rural character or appearance of the area. The Policy also highlights the importance of development retaining the separation of individual settlements.

6.04 The objective of policy LPRSP9 is to preserve the character of the countryside and concentrate development in or adjoining existing built-up areas. Exceptions to these strict controls include dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry, replacement dwellings and Gypsy Traveller sites.

Policy LPRHOU8 Provision of Gypsy, Traveller Accommodation

- 6.05 Policy LPRHOU8 of the Local Plan Review (2024) relates to the provision of new Gypsy and Traveller accommodation. The policy accepts that new Gypsy and Traveller accommodation will be in the countryside, setting out a list of 5 criteria that proposals will be assessed against. These criteria are considered below:

LPRHOU8 (a) Caravans to meet the definition of a caravan in the Caravan Sites and Control of Development Act (1960) and the Caravan Sites Act (1968);

- 6.06 The submitted details indicate the proposed mobile homes would meet the definition of a caravan in the Caravan Sites and Control of Development Act (1960) and the Caravan Sites Act (1968).

LPRHOU8 (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 Policy LPRSS1 of the Maidstone Borough Local Plan Review sets out the spatial strategy and the settlement hierarchy for the borough. This approach directs development to areas of the borough that have been found to be the most sustainable locations for new development. This assessment included considering access by non-motorised transport such as presence of pavements, prospect of linked trips etc.

- 6.08 The hierarchy directs development firstly to the urban area, then the designated rural service centres followed lastly to the larger villages. The supporting text to Policy LPRSS1 explains that development should be delivered where employment, key services, and facilities together with a range of transport choices are available.

- 6.09 The application site is in the open countryside some 2.4km from the Coxheath a designated Rural Service Centre. Sections of the roads linking the site to Coaxheath are largely unlit and without pavements making access on foot or by bicycle largely impractical.

- 6.10 The rural nature of the site means occupiers of the mobile homes are likely to rely on private motor vehicles for travel to the site. However, the proposals being only for one mobile home and proximity of the site to Coxheath means vehicle trips would be relatively short. Accordingly, there would be no conflict with the locational strategy of the development plan as far as provision of G&T accommodation is concerned.

LPRHOU8 (c) i-v. The development would not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to: i. Local landscape character; ii. Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans; and iii. Existing landscape features - development is well screened by existing landscape features and there is a reasonable prospect of such features' long-term retention; iv. Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development.

- 6.11 Where Gypsy and Traveller developments are normally permitted, it is based on being screened by existing permanent features such as hedgerows, tree belts, buildings, or land contours, as required by policy LPRSP15 of the adopted Local Plan Review. Consequently, unless well screened or hidden away in unobtrusive locations, mobile homes are normally considered unacceptable in their visual impact.

- 6.12 The development is proposed within the undeveloped part of an established Gypsy site. This area consists of mown lawn and is enclosed on three sides by existing

caravan sites. Consideration is given to the surrounding permitted sites, and the small nature of the current proposal. The development would sit within this existing cluster of sites and as such would appear as a small infill site. Owing to this, it would have a very limited effect of the local landscape.

- 6.13 Additionally, whilst the additional mobile home adds built form onto the site, this part of the site is set back from Stalbridge Lane and is not directly visible from any public vantage point. The location of the additional mobile home do not result in a cramped form of development. The development does not result in more built form encroaching into undeveloped countryside beyond the previously approved G&T Site. It does not appear visually dominant or incongruous within the landscape.
- 6.14 The mobile home would be viewed in the context of the existing lawful site that is in part enclosed by existing close board fencing, and the existing boundary treatment around the site can be supplemented by additional planting. 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).
- 6.15 On this basis, it is considered that the development does not cause significant harm to the intrinsic character and appearance of the countryside and accords with policy LPR policy LPRHOU8 of the Local Plan Review and the aims of the NPPF.

LPRHOU8 (d). The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.

- 6.16 Policy LPRSP15 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.17 The submitted site plan indicate the site would be accessed via the existing drive that leads from Stalbridge Lane which appears to have adequate visibility splays. Whilst the submission does not include any parking provision for occupiers of the mobile home in the submitted layout, there is sufficient space within the site to provide parking/turning space within the site. Moreover, vehicle movements resulting from the application can easily be accommodated on the rural road network.
- 6.18 Overall, the proposal complies with the standards set out in Maidstone Borough Council Review and the guidance issued by Kent County Council, as well as the National Planning Policy Framework and the Kent County Council's Designing for Movement document which jointly seeks to ensure development is served by adequate car parking, whilst the adverse effects of development on the wider road network is mitigated.

LPRHOU8 (e). The site is not located in an area at risk from flooding (zones 3a and 3b)

- 6.19 The site lies within Flood Zone 1, consequently flooding is not an issue. A planning condition can be imposed to secure permeability of site hardstanding and assist in surface water drainage.
- 6.20 Linton Parish Council have raised objection to the proposals on the basis that there have been longstanding concerns within the parish regarding the improper disposal of raw sewage from multiple sites along Stilebridge Lane. Further details of the provision of potable water and how foul sewage can be secured by way of site development condition (including the size of any septic tank or cesspool and where it will overflow to).

LPRHOU8 (f). The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.

- 6.21 LPRSP14A of the Maidstone Borough Local Plan Review and the NPPF (2024) directs the planning system to contribute to and enhance the natural and local environment.
- 6.22 In terms of biodiversity net gain (BNG), LPR policy LPRSP14(A) requires a 20% net gain on 'new residential development'. The application is supported by a Biodiversity Net Gain Metric and Biodiversity Report. KCC Ecology has been consulted and it is recommended that permission is granted subject to no further material planning consideration raised from a consultation response from KCC Ecology.
- 6.23 In terms of ecology, a planning condition is recommended seeking biodiversity enhancements on the site, including through integrated methods into the fabric of the mobile home by means such as bat tubes.
- 6.24 On this basis, the proposal would accord with Policy LPRSP14(A) of the Maidstone Local Plan Review (2024), and the NPPF (2024). These policies jointly direct the planning system to contribute to and enhance the natural and local environment.

Need and supply of G&T Sites

- 6.25 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.
- 6.26 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. If in the countryside - assessment is needed in this section against the Landscape Character Assessment, the visibility of the site, and assessment of any LVIA.
- 6.27 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".

- 6.28 In this regard, 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.
- 6.29 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.
- 6.30 The 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).*
- 6.31 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.

- 6.32 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.
- 6.33 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.
- 6.34 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

- 6.35 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.'

- 6.36 The submission confirms that the mobile home would be occupied by the applicant and his two children. 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.
- 6.37 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.
- 6.38 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.

- 6.39 For these reasons, 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.

Effects on living conditions

- 6.40 LPRSP15 of the Maidstone Borough Local Plan Review (2024) requires that development should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.41 In addition, Policy LPRQ&D7 of the Local Plan Review (2024) sets out the amenity space standards that new houses must comply with. The policy requires that outdoor amenity space for a house this size must be sufficient to provide the following: outdoor seating area, small shed, clothes drying area, area of play, planting space (for trees and shrubs). This can be accommodated in a garden with a 10-metre depth and the width of the dwelling.
- 6.42 The indicated site layout would provide adequate levels of privacy for existing and future occupiers of the mobile homes. The scheme would also provide suitable space for normal outdoor amenity activities for the occupiers of the mobile home such as sitting out, drying washing or children playing. The proposal is acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed mobile homes. The proposal is in accordance with policy LPRQ&D7 of the Maidstone Local Plan Review (2024).
- 6.43 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 in terms of general noise and disturbance.
- 6.44 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). The application includes 1 additional pitch and the impact of the current application site individually or taken cumulatively is not of a scale that would dominate the nearest settled community.
- 6.45 On this basis, the proposals would not be harmful to the living conditions of occupiers of existing mobile homes. The proposal would comply with the requirements of Policy LPRSP15 and LPRQ&D7 of the Maidstone Borough Local Plan Review (2024) which jointly seek protection of residential amenity for all existing and future occupiers of buildings.

PUBLIC SECTOR EQUALITY DUTY

- 6.46 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.
- 6.47 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.

- 6.48 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

7. CONCLUSION

- 7.01 The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- 7.02 The proposal will comply with provisions of policy LPRHOU8 of the Local Plan Review (2024) (Gypsy, Traveller and Travelling Show People Accommodation) which permits new Gypsy and Traveller and Travelling Showpeople Accommodation in the countryside where it would not result in significant harm to the landscape and rural character of the area. The development will comply with policy LPRSS1, LPRSP9 and LPRSP15 of the Local Plan Review (2024).
- 7.03 The proposals are acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed mobile home. There are no overriding highway safety challenges that would indicate a refusal of planning permission.
- 7.04 Overall, the proposals would have the benefit of providing an additional pitch on an approved gypsy traveller site at a time when the borough council cannot demonstrate 5-year supply of deliverable traveller sites.

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:

CONDITIONS:

- 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 strict accordance with the following approved plans/drawings;

Site Location Plan

Block Plan

Proposed Block Plan

GP/01/24 Proposed Floor Plan and Elevations

Planning Statement

Biodiversity Report

Personal Statement

Biodiversity Net Gain Metric

Reason: To ensure the quality of the development is maintained and to prevent harm to the amenity of surrounding area.

- 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 residential caravans/mobile homes is not normally permitted.

- 4) There shall be no more than 1 pitch 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.
- 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) 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.

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 foul sewage (including the size of any septic tank or cesspool and where it will overflow to)

(iv) details of any existing external lighting on the site; and

(v) 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.

INFORMATIVES

- 1) The applicant is reminded that it will be necessary to make an application for a Caravan Site License 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 license. The applicant is advised to contact the Maidstone Community Protection Team in respect of a license.

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