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# Appeal Decisions

Hearing held on 14 May 2013

**by Bridget M Campbell BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 June 2013**

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## **Notice 1: APP/U2235/C/12/2190048**

### **Parkwood Stables, Park Wood Lane, Staplehurst, Kent TN12 0DF**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr K Harrington against an enforcement notice issued by Maidstone Borough Council.
- The Council's reference is ENF/12194.
- The notice was issued on 6 December 2012.
- The breach of planning control as alleged in the notice, the requirements of the notice and the periods for compliance with the notice are set out in Annex 1 to this decision.
- The appeal is proceeding on the grounds set out in section 174(2) (d) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with correction and variation.**

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## **Notice 2: APP/U2235/C/12/2190049**

### **Three Sons, Park Wood Lane, Staplehurst, Kent TN12 0DF**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr S Peckham against an enforcement notice issued by Maidstone Borough Council.
- The Council's reference is ENF/12194.
- The notice was issued on 6 December 2012.
- The breach of planning control as alleged in the notice, the requirements of the notice and the periods for compliance with the notice are set out in Annex 2 to this decision.
- The appeal is proceeding on the grounds set out in section 174(2) (c) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with correction and variation.**

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## **S78 Appeal: APP/U2235/A/13/2191661**

### **Land between Park Wood Lane & Frittenden Road known as Three Sons and Parkwood Stables, Park Wood Lane, Staplehurst, Kent TN12 0DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs K Harrington and Mr S Peckham against the decision of Maidstone Borough Council.
- The application Ref MA/12/0557, dated 23 March 2012, was refused by notice dated 19 October 2012.
- The development proposed is a change of use from agricultural to the stationing of 2 mobile homes, 3 touring caravans and 2 utility rooms for residential purpose and associated parking.

**Summary of Decision: The appeal is allowed and conditional planning permission granted**

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## **Preliminary matters**

1. Despite the use of a number of postcodes on various documents, I was assured at the hearing that the one used in this decision is the correct one.

## **Background**

2. The appeal site for the s78 planning appeal encompasses both properties, that is Parkwood Stables and Three Sons, the subject of the two enforcement notices. As a whole, the land is roughly rectangular in shape and has a frontage on its eastern side to Park Wood Lane. The access is at the northern end of that frontage and an access track follows the northern boundary leading to the rear. At the front of the site is an area of hard standing behind which is a paddock. To the rear of the paddock are two enclosed, hard surfaced areas, one accommodating the residential area for Parkwood Stables and the other used for the keeping of horses. The Three Sons property adjoins the rear of the Parkwood Stables site and is much smaller in extent. It is divided into two hard surfaced, fenced areas, the larger, northern one accommodating the residential use.
3. The land was once part of Perfect Place to the west. A temporary and personal planning permission was granted in 2006 on appeal for that property for the keeping of horses and as a residential caravan site. That permission has subsequently been renewed. In the initial appeal decision, the Inspector upheld an enforcement notice requiring the closure of the access onto Park Wood Lane.

## **The s78 appeal**

4. The application as submitted sought permission only for the residential caravan site use. The Council determined the application as one for that use but also for the keeping of horses. The Appellant confirmed that the revised description used by the Council better described the proposed use and it was agreed that I should adopt it.
5. I was also invited to include the parking of a catering trailer as part of the proposal but have decided that it would not be appropriate to do so. The reason for not including it is that in the absence of any details about its size or where on the site it would be accommodated I cannot safely come to a conclusion as to whether any harm would arise.

## **The enforcement notices**

6. The nature of the grounds of appeal is such that the Appellants acknowledge that the enforcement notices will be upheld subject to any correction or variation that might be made resulting from the grounds brought. The breaches of planning control alleged in the notices do not exactly match the description of development in the s78 appeal. Thus if the s78 appeal succeeds and planning permission is granted, the notices would only cease to have effect insofar as they were inconsistent with that permission (s180 of the Act). So, for example, the notice would still require the parking and storage of motor vehicles to cease. That was understood by all at the hearing.
7. At the outset of the hearing a number of corrections to the notices were discussed and agreed. In essence these are concerned with deleting agricultural use from Notice 1 and making other minor adjustments to the allegation and requirements of the notices none of which result in any

fundamental change to their meaning. It was agreed that the corrections could be made without injustice to either party and the corrections are set out in Annex 3 (Notice 1) and Annex 4 (Notice 2).

### **Notice 2 – the appeal on ground (c)**

8. The ground of appeal is that the matters alleged do not constitute a breach of planning control. The Appellant's appeal on this ground is confined to the fencing and gates at the property which the Appellant claims are permitted development. The Council does not dispute that claim and, that being the case they can be deleted from the alleged breach of planning control. To that extent the appeal on ground (c) succeeds.
9. However, the Council says the fencing and gates facilitate the unauthorised use and their removal is required to remedy the breach. It has been well established that a notice attacking a use can require the land to be restored to its condition before the breach took place and that can require the removal of any incidental operations integral to the use whether or not they would in themselves have comprised development requiring planning permission.<sup>1</sup>
10. The Appellant claimed that the fencing and gates were not erected to facilitate the residential use. That would be an argument for ground (f) that the requirements of the notice are excessive. However even had the appeal been brought under that ground it would not have succeeded. The fences and gates have clearly been introduced to define and secure the property and would not have been erected but for the introduction of unauthorised use. The requirement of the notice to remove the fencing and gates is not excessive.

### **Notice 1 – the appeal on ground (d)**

11. The ground of appeal is that at the time the notice was issued it was too late to take action. The Appellant's appeal on this ground is confined to the access from Park Wood Lane and to the adjacent hard standing which, it is claimed, were substantially complete more than four years before the notice was issued.
12. In support of the claim reference is made to the ordnance survey base for the planning application which indicates a rectangular area at the front of the site, and to two aerial photographs and a streetview photograph.
13. The streetview photograph from March 2009 is illuminating in that it shows an area of rubble/hardcore in roughly the same position as the current hard standing. The surface today, however, is finished with road plantings. Thus the hard standing was not substantially complete by 6 December 2008, four years before the notice was issued.
14. A similar finding might be made about the access into the site but here there is also an existing enforcement notice in force requiring the access in its current position to be closed with post and wire fencing. Photographs submitted by a local resident and said to have been taken in March 2008 and January and February 2009 show that this was done and this corresponds with applications made in 2008 to reopen the access which were refused. A further photograph from the resident taken in October 2009 shows the access opened once again and provided with a pair of gates. I have no reason to doubt the date on those

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<sup>1</sup> Murfitt v SSE [1980] JPL 598 and Somak Travel Ltd v SSE [1987] JPL 630

photographs which suggest the access was reopened between February and October 2009 within the four year period.

15. The appeal on ground (d) fails.

### **The s78 appeal**

#### **Planning policy and identification of the main issue**

16. There is no dispute that national and local planning policies aim to protect the countryside and that isolated new homes in the countryside are to be avoided unless there are special circumstances (paragraph 55 of National Planning Policy Framework (NPPF)). The Appellants' case is put on the basis that they fall within the definition of gypsies and travellers for planning policy purposes and that the site is suitable as a gypsy caravan site. The Council is satisfied that both appellant families are gypsies and, having heard evidence at the hearing about their travelling patterns in connection with their horse dealings, I am satisfied that they meet the definition as set out in Annex 1 of CLG *Planning policy for traveller sites* (PPTS).
17. The Development Plan for the area comprises saved policies of the Maidstone Borough-Wide Local Plan 2000. Policy ENV28 resists development in the countryside which harms the character and appearance of the area or amenities of surrounding occupiers and limits development to certain categories, one of which is development provided for by other policies of the Plan. The policy addressing the provision of gypsy sites however has not been saved. Locally designated Special Landscape Areas, within which this site is situated, are afforded special protection by policy ENV34.
18. The current anticipated date for adoption of the emerging Local Plan is 2015. A gypsy and traveller accommodation assessment for the Borough was completed in January 2012 and it reveals a need for 157 pitches October 2011-March 2026 and a further 30 to March 2031, the end of the Plan period. A criteria based gypsy policy (CS12) is included within the draft plan and although it attracts little weight at this stage, the listed considerations of accessibility, effect on the landscape, highway safety, flooding and ecology are all relevant planning matters and are addressed in national policy in the NPPF and PPTS.
19. Against this background the main issue in this appeal is whether the site is suitable for a gypsy caravan site as part of a mixed residential and horse keeping use having regard to national and local policy and if not whether any harm identified is outweighed by other considerations.

#### **Reasons – suitability of the site**

20. The Council fairly accepts that gypsy sites are commonly found in rural areas but draws attention to PPTS policy H (paragraph 23) which says they should be strictly limited where away from existing settlements or outside areas allocated in the development plan. In addition they should not dominate the nearest settled community. In this case, the countryside within which the appeal site is situated contains a scatter of isolated dwellings and farmsteads. There are also four other gypsy sites nearby including Perfect Place adjoining the appeal site. However, three of the four only have temporary planning permission and the fourth a personal permission. All are small sites of one or two pitches. Having driven round the area and looked at the spread of gypsy sites and conventional

- dwellings, I did not find the former to be over-dominant even with the addition of the appeal site.
21. The site lies about 2.5 kilometres from Staplehurst which has a good range of facilities and services necessary for day to day living. Whilst the journey is not long, it is accepted that there would be reliance on the car. The site is undoubtedly "away from existing settlements" but it provides a settled base for the two families with some room for horse keeping thus supporting, to a degree, their livelihood. In addition the distance to access education and health services is not great. The previous appeal Inspector found the overall sustainability of the site was not so poor as to warrant dismissing the appeal on that ground alone and I have no reason to disagree with that conclusion.
  22. The appeal site is situated within the Low Weald Special Landscape Area, a local designation which, I am told, will not be carried forward into the next Local Plan. Nonetheless the protection of the quality of the landscape is an important planning objective as is the protection of the countryside from unnecessary development. The previous appeal Inspector described the area as characterised by small pastures, strong hedgerows, mature trees, woodlands and winding country lanes. That, together with the scatter of dwellings and farmsteads is, in my view, typical of the area within which the appeal site is situated.
  23. Looking first at the horse keeping use, that would not, in itself, be out of keeping with the rural area. The paddock is shown to front Park Wood Lane and to extend back to the two residential pitches. No stable building is proposed as part of this application and Notice 1 requires the removal of the existing stable building and the hard standing to the road frontage. The Appellants have planted the perimeters of the paddock with native species such as hornbeam and hawthorn and in time the area will assimilate well with its surroundings appearing as a small field with native hedgerows.
  24. Turning next to the two residential pitches proposed, these have the advantage of being set back from the road and immediately to the north of a sizeable woodland area. They are thus seen at a distance and are screened from view from the south and seen against the backdrop of the wood from the north. The collection of structures on each site comprising the mobile home, touring caravan(s), utility room and domestic paraphernalia including parked vehicles cannot but be intrusive and the close boarded fencing that has been erected on the boundaries of the residential enclosures only emphasises the intrusion in the relatively unspoilt surroundings.
  25. Seen only at a distance from any public viewpoint, however, the appearance of the residential part of the site is in general softened by intervening field boundary hedgerows. The clearest view is from the Park Wood Lane frontage of the site where recent tree felling and removal of vegetation has exposed the full depth of the site to view. However, when the newly planted hedgerow around the paddock matures this would screen much of the residential development from view. At the hearing the Appellants indicated that they would be willing to replace the close boarded fencing with means of enclosure more appropriate to the rural location which could further assist in assimilating the residential part of the site into its surroundings.
  26. The clearance of vegetation along the frontage of the site is unfortunate in that it has opened up the site to view. However, from the large amount of

progressive decay visible in all but one of the stumps it is clear that the trees along this frontage would have had a limited useful life expectancy; indeed the decay is such that the trees might well have been in a dangerous condition prior to their removal. The tree without signs of decay in the stump was required to be removed because it was overhanging the highway.

27. With vegetation cut back/removed the possibility of repositioning the vehicular access so as to overcome any highway objection was discussed at the hearing and from a road safety aspect the officer from the highway authority was of the view that this could be satisfactorily achieved. Moving the access from the northern end of the frontage would enable improved sight lines to be provided and kept free from obstruction. Park Wood Lane is narrow but from the frontage of the site there is a view to the junction with Frittenden Road, a short distance to the north, so that emerging traffic would know if the road to the junction was clear.
28. The creation of a new access onto Park Wood Lane could be an intrusive feature but need not necessarily be so if sensitively designed and executed. The Appellants have already carried out some replacement planting of hornbeams along the frontage. A scheme could be devised to provide an access that was both safe and in keeping with the rural area. The Appellants expressed a willingness to undertake such work and this could be secured by way of condition.
29. I appreciate that the previous appeal Inspector found the access into the site to be hazardous but he did not explore whether it could be altered so as to be made acceptable since an alternative access onto Maplehurst Lane was available in that case. Moreover at that time the Park Wood Lane frontage was lined with mature trees with no indication, as far as am I am aware, that they were not perfectly healthy. I have noted the concerns that use of the lane by the Appellants has resulted in damage, but as a public highway it should be capable of accommodating traffic and the amount and type of vehicles kept on the appeal site can be controlled by way of condition. I was also shown a photograph at the hearing to demonstrate that the damage to the hedgerow opposite the access was not caused by the Appellants but by a car crashing through it following a police chase.
30. Turning then to matters of ecology, the Council was concerned that the development might have an adverse effect on protected species and on ecology and biodiversity generally. The adjoining woodland is designated ancient woodland and there are several ponds in the area including one on the appeal site at the southern end of the road frontage together with drainage ditches. Following the refusal of permission, the Appellants commissioned a biodiversity risk assessment. The subsequent report has been accepted by the Biodiversity Officer for Kent County Council who advises that permission could now be granted without harm arising provided suitable safeguarding conditions are imposed.
31. Residents have suggested that the site is not suitable for residential occupation as it floods. The Council, taking on board these concerns, consulted the Environment Agency. That body, however, does not object to the use since it considers it to pose a low environmental risk. The Council accepts this view and said the problem is a localised drainage issue with no threat to life. Whilst it is clear that the site is affected from time to time, the problem is insufficient in itself to warrant refusal of planning permission.

### **Other considerations - need**

32. There is an acknowledged need for more gypsy and traveller sites both nationally and regionally. Work undertaken in connection with the emerging Local Plan demonstrates a clear need for many more pitches in the Borough with 105 pitches between October 2011 and March 2016. Permanent permission has only been granted for 36 pitches since the beginning of that period and 6 of those have only been granted because of the personal circumstances of the applicant. The Council secured funding in January 2012 for a new 15 pitch public site but no suitable land has been identified despite a "call for sites" and the regular monitoring of land auctions. The funding is conditional on having a site developed by March 2015.
33. The two public sites in the Borough are full with no vacancies anticipated in the foreseeable future.
34. Paragraph 9(a) of the PPTS requires Councils to identify and to update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. The Council has not done this and even though the Local Plan is anticipated for adoption in 2015 there is considerable doubt as to whether, even by then, deliverable sites will have been identified.
35. In 2006 when the previous appeal Inspector granted a temporary permission for a period of three years for Perfect Place, it was anticipated that the Council would undertake a site identification process which might indicate whether other sites, better located in terms of access to public transport and which would cause less harm to the landscape, could be found. Some seven years later no sites have been identified and pitches continue to come forward on an ad hoc basis.
36. The need for more sites continues and no progress as yet has been made in planning to address that need.
37. There are two families on the appeal site with a total of four young children. A settled base is required to assist access to health facilities and education. Neither family moved on to the appeal site from an authorised settled base of its own and neither family has an alternative site to go to.

### **The balance of considerations**

38. It is highly unlikely that the Council will be able to meet the substantial identified need for more gypsy and traveller caravan sites without locating some, if not most, of them in the countryside. In this case, in assessing the suitability of the site against material planning considerations, which coincidentally coincide with the criteria of emerging Local Plan policy CS12, I have found the site to perform well.
39. The site lies within a reasonable distance of local services in Staplehurst albeit that there would be reliance on the car (criterion 1). It is highly unlikely that a gypsy site in the countryside would not have some effect on the character and appearance of the area but in this case the development has the advantage of a backdrop of woodland to the south and being seen at a distance from any public viewpoint. The screening effect of intervening hedgerows would be reinforced and built upon with the planting recently undertaken by the Appellants and, with further planting along the Park Wood Road frontage and the removal of the inappropriate close board fencing, the development could be

successfully assimilated into its surroundings (criterion 2). Safe access can be achieved by adjusting the vehicular access into the site (criterion 3), the site is not in an area identified as being at risk from flooding (criterion 4) and ecological concerns have been addressed (criterion 5). I am aware that saved policy ENV34 says that in Special Landscape Areas priority will be given to the landscape over other planning considerations but I do not take that to mean that there can be no development accommodated in such areas. In all the harm arising from the development of the site in the manner proposed, subject to the imposition of suitable safeguarding conditions would be not be substantial.

40. To be balanced against that harm and any apparent conflict with planning policies is the substantial and on-going need for many more gypsy pitches. This is a problem identified by my colleague in 2006 and, some seven years later, seems no nearer being addressed. Whilst the assessment of need has been updated, there is no five year supply of deliverable sites and no realistic timetable of when such a supply might be identified. In the meantime sites continue to come forward on an ad-hoc basis only. This is far from satisfactory. The acute need for allocated sites to meet the ongoing shortfall of pitches is a matter to which I attribute substantial weight. In this case it outweighs the limited harm I have identified and indicates that, where limited conflict does arise, the application should be determined otherwise than in accordance with the Development Plan.
41. The appeal succeeds and planning permission will be granted.

#### **Conditions**

42. Since I have found the development to be justified having regard to the need for more gypsy and traveller pitches generally rather than having regard to the particular circumstances of the Appellants, there is no need to limit the permission to specific occupiers other than to gypsies and travellers. My reasoning makes clear that I consider a permanent permission is justified rather than a temporary one as suggested by the Council. To ensure that the development successfully assimilates into its surroundings, and in the interests of ecology and highway safety it is necessary to limit the number of residential pitches and caravans, commercial activities, size of vehicles, and external lighting and to require a detailed layout of the site to include such measures as the incorporation a repositioned access, removal of the close board fencing, and the introduction of a landscape scheme and ecological management plan.

#### **Notice 1 and Notice 2 – the appeals on ground (g)**

43. The ground of appeal is that the time given to comply with the requirements of the notices is too short. The time periods given for compliance range from three to five months depending upon the specified requirement.
44. Much of the Appellants' arguments for an increased period of time relate to the residential use and the notice will cease to have effect insofar as that use is concerned once planning permission is granted for the s78 appeal. In addition, it would appear that in some respects the notices have already been largely complied with, for example I saw no metal containers on the site and few motor vehicles other than those connected to the residential and horse keeping uses. Insofar as the notices would still have effect it seems to me that the time periods given would be sufficient to enable the necessary work to be

done. Moreover, if any aspect of the requirements was to be the subject of further constructive negotiation between the parties, the Council has the discretion to extend the period specified under s173A(1) of the Act.

45. The appeals on ground (g) fail.

### **Formal Decisions**

#### **Notice 1: APP/U2235/C/12/2190048**

46. The enforcement notice is corrected and varied by the deletions and additions to the allegation and requirements as set out at Annex 3. Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

#### **Notice 2: APP/U2235/C/12/2190049**

47. The enforcement notice is corrected and varied by the deletions and additions to the allegation and requirements as set out at Annex 4. Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

#### **S78 Appeal: APP/U2235/A/13/2191661**

48. The appeal is allowed and planning permission is granted for use of the land for residential purposes involving the stationing of 2 mobile homes, 3 touring caravans and 2 utility blocks with associated parking for two gypsy families and for the keeping of horses at Land between Park Wood Lane & Frittenden Road known as Three Sons and Parkwood Stables, Park Wood Lane, Staplehurst, Kent TN12 0DF in accordance with the terms of the application, Ref:MA/12/0557, dated 23 March 2012, and the plans submitted with it, subject to the following conditions:

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning policy for traveller sites*.
- 2) There shall be no more than 2 pitches on the site. On the western pitch no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed at any time, of which only 1 caravan shall be a static caravan. On the eastern pitch no more than 3 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 3) Save for activities in connection with the keeping of horses, no commercial activities shall take place on the site, including the storage of materials.
- 4) Other than one vehicle of 7.5 tonnes, no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 5) There shall be no external lighting on the site other than in accordance with a scheme submitted to and previously agreed in writing with the local planning authority.
- 6) The residential 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 the requirements set out in (i) to (iv) below:

- i) within 3 months of the date of this decision a scheme (hereinafter referred to as the site development scheme) showing details of:
  - a) the internal layout of the site including the extent of the two residential pitches, the siting of caravans, vehicle parking (including a designated area for the parking of the 7.5 tonne lorry) and turning areas, buildings and hard standing;
  - b) all boundary treatments and all other means of enclosure (including internal sub-division) and incorporating the replacement of the existing close board fencing;
  - c) a repositioned access to Park Wood Road including sight lines, landscape works, surfacing materials and details of any gate proposed; and
  - d) a Landscape Scheme and Ecological Management Plan for the site to include
    - the creation of and retention of an ancient woodland buffer strip;
    - the creation and retention of a habitat buffer strip between the road and ditch;
    - the creation and retention of a habitat buffer around the pond; and
    - the creation of a log pile within the pond habitat buffer

shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.

- ii) Within 11 months of the date of this decision the site development 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 site development 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.
- 7) Following implementation of the details approved in condition 6, there shall be no change to any of the approved details. The parking and turning areas shall be kept available for their designated use at all times.
  - 8) If within a period of 5 years from the date of the implementation of the site development scheme required by condition 6 any tree or plant comprised in that scheme, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size (as is reasonably practicable) shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

*Bridget M Campbell*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Mr B Woods	WS Planning and Architecture
Mr K Harrington	Appellant
Mr S Peckham	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Miss A Marks	Principal Planning Officer
Miss G Alexander	Planning Officer (Enforcement)
Miss S Buell	Biodiversity Officer, Kent County Council
Mrs L Rowlands	Development Planner, Kent County Council, Highways and Transportation

### INTERESTED PERSONS:

Ms S Timmins	Local resident
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## **DOCUMENTS submitted at the hearing**

- 1 Letter of notification of hearing date
- 2 Letter from P Roestenburg dated 16 April 2013
- 3 Letter dated 24 January 2013 from Customer services, Maidstone BC
- 4 Extract from Interim Approval of Maidstone Borough Local Plan Policies  
13 March 2013
- 5 Statement from Miss Buell dated 13 May 2013
- 6 Photographs of tree stumps

## **Annex 1**

### **Notice 1 – Parkwood Stables**

#### **The breach of planning control alleged**

Without planning permission, the change of use of the land from agriculture to a mixed use comprising agriculture, the stationing of caravans (including mobile homes) for residential occupation, the keeping of horses, the parking and storage of motor vehicles unconnected with agriculture, the parking and storage of a catering trailer, the stationing of metal storage containers and the placing of domestic and other paraphernalia all ancillary to the residential use and the keeping of horses on the land; and the carrying out of operational development being the laying of hardsurfacing and installation of a drainage pipe in a ditch and infilling around that pipe; laying of areas of hardsurfacing, including an internal trackway; the erection of a timber utility building; the erection of a timber stable building; the erection of fencing and gates; and the installation of a satellite dish.

#### **The requirements of the notice and the time for compliance**

- (i) Stop using the land outlined in red on the attached Plan A for the stationing of caravans (including mobile homes) for residential occupation.  
Time for compliance: Three months.
- (ii) Stop using the land outlined in red on the attached Plan A for the keeping of horses.  
Time for compliance: Three months.
- (iii) Stop using the land outlined in red on the attached Plan A for the parking and storage of motor vehicles unconnected with agriculture.  
Time for compliance: Three months.
- (iv) Permanently remove from the land shown outlined in red on the attached Plan A all caravans (including mobile homes).  
Time for compliance: Three months.
- (v) Permanently remove from the land shown outlined in red on the attached Plan A all parked and stored motor vehicles unconnected with agriculture.  
Time for compliance: Three months.
- (vi) Permanently remove from the land shown outlined in red on the attached Plan A the stationed catering trailer.  
Time for compliance: Three months.
- (vii) Permanently remove from the land shown outlined in red on the attached Plan A all stationed metal storage containers.  
Time for compliance: Three months.

- (viii) Permanently remove from the land shown outlined in red on the attached Plan A all domestic and other paraphernalia ancillary to the residential use and the keeping of horses on the land.

Time for compliance: Three months
- (ix) Permanently excavate the hardsurfacing, ditch infill and drainage pipes constructed at the access to the land from Park Wood Lane and shown coloured yellow in the approximate position on the attached Plan B.

Time for compliance: Five months.
- (x) Take up and permanently remove from the land shown outlined in red on the attached Plan A all the hardsurfacing, including the internal trackway, shown coloured grey in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.

Time for compliance: Four months.
- (xi) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A the timber utility building and the timber stable building coloured green in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.

Time for compliance: Four months.
- (xii) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A all fencing and gates coloured blue in the approximate positions on the attached Plan B.

Time for compliance: Four months.
- (xiii) Permanently remove from the land shown outlined in red on the attached Plan A the satellite dish coloured orange in the approximate position on the attached Plan B.

Time for compliance: Four months.
- (xiv) Following compliance with steps (ix), (x) and (xi) above, restore the land previously covered by the hardsurfacing, timber utility building, and timber stable building to its previous condition and levels by ripping the ground in two directions to 300mm depth, re-spreading topsoil over that land to a depth of 150mm or more where necessary to fill in any depression, and grading and spreading topsoil over any depressions left to leave a level surface.

Time for compliance: Five months
- (xv) Permanently close off the access to Park Wood Lane by erecting a one metre high post and wire fence across the full width of the access.

Time for compliance: Five months.

## **Annex 2**

### **Notice 2 – Three Sons**

#### **The breach of planning control alleged**

Without planning permission, the change of use of the land from agriculture to the stationing of caravans (including mobile homes) for residential occupation and the parking and storage of motor vehicles unconnected with agriculture and the placing of domestic and other paraphernalia ancillary to the residential use on the land; and the carrying out of operational development being the laying of hardsurfacing; and the erection of fencing and gates.

#### **The requirements of the notice and the time for compliance**

- (i) Stop using the land outlined in red on the attached Plan A for the stationing of caravans (including mobile homes) for residential occupation.  
Time for compliance: Three months.
- (ii) Stop using the land outlined in red on the attached Plan A for the parking and storage of motor vehicles unconnected with agriculture.  
Time for compliance: Three months.
- (iii) Permanently remove from the land shown outlined in red on the attached Plan A all caravans.  
Time for compliance: Three months.
- (iv) Permanently remove from the land shown outlined in red on the attached Plan A all parked and stored motor vehicles unconnected with agriculture.  
Time for compliance: Three months.
- (v) Permanently remove from the land shown outlined in red on the attached Plan A all domestic and other paraphernalia ancillary to the residential use of the land.  
Time for compliance: Three months
- (vi) Take up and permanently remove from the land shown outlined in red on the attached Plan A all the hardsurfacing shown coloured grey in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.  
Time for compliance: Four months.
- (vii) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A all fencing and gates coloured blue in the approximate positions on the attached Plan B.  
Time for compliance: Four months.
- (viii) Following compliance with steps (vi) above, restore the land previously covered by the hardsurfacing to its previous condition and levels by ripping the ground in two directions to 300mm depth, re-spreading topsoil over that

land to a depth of 150mm or more where necessary to fill in any depression, and grading and spreading topsoil over any depressions left to leave a level surface.

Time for compliance: Five months

## **Annex 3**

### **Notice 1 – Parkwood Stables**

#### **The breach of planning control alleged**

Without planning permission, the change of use of the land from agriculture to a mixed use comprising ~~agriculture~~, the stationing of caravans (including mobile homes) for residential occupation, the keeping of horses, the parking and storage of motor vehicles unconnected with agriculture, the parking and storage of a catering trailer; ~~and the stationing of metal storage containers for storage use and the placing of domestic and other paraphernalia all ancillary to the residential use and the keeping of horses on the land~~; and the carrying out of operational development being the laying of hardsurfacing and installation of a drainage pipe in a ditch and infilling around that pipe; laying of areas of hardsurfacing, including an internal trackway; the erection of a timber utility building; the erection of a timber stable building; the erection of fencing and gates; and the installation of a satellite dish.

#### **The requirements of the notice and the time for compliance**

- (i) Stop using the land outlined in red on the attached Plan A for the stationing of caravans (including mobile homes) for residential occupation.  
Time for compliance: Three months.
- (ii) Stop using the land outlined in red on the attached Plan A for the keeping of horses.  
Time for compliance: Three months.
- (iii) Stop using the land outlined in red on the attached Plan A for the parking and storage of motor vehicles unconnected with agriculture, ~~for the parking and storage of a catering trailer and for the stationing of metal containers for storage use~~.  
Time for compliance: Three months.
- (iv) Permanently remove from the land shown outlined in red on the attached Plan A all caravans (including mobile homes).  
Time for compliance: Three months.
- (v) Permanently remove from the land shown outlined in red on the attached Plan A all parked and stored motor vehicles unconnected with agriculture.  
Time for compliance: Three months.
- (vi) Permanently remove from the land shown outlined in red on the attached Plan A the ~~stationed~~ catering trailer.  
Time for compliance: Three months.
- (vii) Permanently remove from the land shown outlined in red on the attached Plan A all ~~stationed~~ metal ~~storage~~ containers.  
Time for compliance: Three months.

- (viii) Permanently remove from the land shown outlined in red on the attached Plan A all domestic and other paraphernalia ~~ancillary to~~ introduced to facilitate the residential use and the keeping of horses on the land.

Time for compliance: Three months

- (ix) Permanently excavate the hardsurfacing, ditch infill and drainage pipes constructed at the access to the land from Park Wood Lane and shown coloured yellow in the approximate position on the attached Plan B.

Time for compliance: Five months.

- (x) Take up and permanently remove from the land shown outlined in red on the attached Plan A all the hardsurfacing, including the internal trackway, shown coloured grey in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.

Time for compliance: Four months.

- (xi) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A the timber utility building and the timber stable building coloured green in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.

Time for compliance: Four months.

- (xii) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A all fencing and gates introduced to facilitate the unauthorised uses and coloured blue in the approximate positions on the attached Plan B.

Time for compliance: Four months.

- (xiii) Permanently remove from the land shown outlined in red on the attached Plan A the satellite dish coloured orange in the approximate position on the attached Plan B.

Time for compliance: Four months.

- (xiv) Following compliance with steps (ix), (x) and (xi) above, restore the land previously covered by the hardsurfacing, timber utility building, and timber stable building to its previous condition and levels by ripping the ground in two directions to 300mm depth, re-spreading topsoil over that land to a depth of 150mm or more where necessary to fill in any depression, and grading and spreading topsoil over any depressions left to leave a level surface.

Time for compliance: Five months

- (xv) Permanently close off the access to Park Wood Lane by erecting a one metre high post and wire fence across the full width of the access.

Time for compliance: Five months.

## **Annex 4**

### **Notice 2 – Three Sons**

#### **The breach of planning control alleged**

Without planning permission, the change of use of the land from agriculture to the stationing of caravans (including mobile homes) for residential occupation and the parking and storage of motor vehicles unconnected with agriculture ~~and the placing of domestic and other paraphernalia ancillary to the residential use on the land;~~ and the carrying out of operational development being the laying of hardsurfacing; ~~and the erection of fencing and gates.~~

#### **The requirements of the notice and the time for compliance**

- (i) Stop using the land outlined in red on the attached Plan A for the stationing of caravans (including mobile homes) for residential occupation.  
Time for compliance: Three months.
- (ii) Stop using the land outlined in red on the attached Plan A for the parking and storage of motor vehicles unconnected with agriculture.  
Time for compliance: Three months.
- (iii) Permanently remove from the land shown outlined in red on the attached Plan A all caravans.  
Time for compliance: Three months.
- (iv) Permanently remove from the land shown outlined in red on the attached Plan A all parked and stored motor vehicles unconnected with agriculture.  
Time for compliance: Three months.
- (v) Permanently remove from the land shown outlined in red on the attached Plan A all domestic and other paraphernalia ~~ancillary to~~ introduced to facilitate the residential use of the land.  
Time for compliance: Three months
- (vi) Take up and permanently remove from the land shown outlined in red on the attached Plan A all the hardsurfacing shown coloured grey in the approximate positions on the attached Plan B and remove all resultant rubble, waste, material and debris from the land.  
Time for compliance: Four months.
- (vii) Dismantle and permanently remove from the land shown outlined in red on the attached Plan A all fencing and gates ~~introduced to facilitate the unauthorised uses and~~ coloured blue in the approximate positions on the attached Plan B.  
Time for compliance: Four months.
- (viii) Following compliance with steps (vi) above, restore the land previously covered by the hardsurfacing to its previous condition and levels by ripping

the ground in two directions to 300mm depth, re-spreading topsoil over that land to a depth of 150mm or more where necessary to fill in any depression, and grading and spreading topsoil over any depressions left to leave a level surface.

Time for compliance: Five months