

<b>REFERENCE NO - 21/501982/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of land for the siting of 2no. additional static mobile homes for occupancy by Gypsy family, including access, parking, landscaping and associated works.		
<b>ADDRESS</b> Whiteacres, Marden Road, Staplehurst, Tonbridge, Kent, TN12 0JG		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is acceptable in relation to the potential impact on Marden Road in relation to visual harm. The development would not have a harmful impact upon the landscape residential amenity nor would it harmfully impact upon highway safety.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Staplehurst Parish Council considers that the site is not allocated for additional pitches in the MBC Local Plan and the development is not in accordance with policy DM15 with the site located in an unsustainable location where future residents will be entirely reliant on private vehicles.  The development would cause harm to the landscape and the character of the area, it is not in accordance with policy SP17 of the MBC Local Plan or PW2 of the Staplehurst Neighbourhood Plan. No details of how foul drainage will be managed have been submitted.		
<b>WARD</b> Staplehurst	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mr B Warren  <b>AGENT</b> Mr J Collins DHA Planning
<b>TARGET DECISION DATE</b> 09/09/2021 (Revised)		<b>PUBLICITY EXPIRY DATE</b> 10/06/2021

### **Relevant Planning History**

- 0.1 88/0799 - Siting of one residential caravan. Permitted
- 0.2 91/1183 - Stationing of an additional mobile home. Permitted
- 0.3 10/0226 - Change of use of land to allow the relocation of one existing mobile home for residential use with associated works including hardstanding and fencing. Permitted 29 June 2010.
- 0.4 11/1118 - Change of use of land for the stationing of an additional 4 mobile homes for a gypsy family. Permitted 21 September 2011.
- 0.5 13/0866 - Retrospective application for new access, driveway and gates Permitted 05 September 2013.

Planning Committee

26 August 2021

- 0.6 17/502732/FULL - The placement of one No. additional static mobile home and touring pitch alongside associated parking. Permitted 17 August 2017.
- 0.7 18/501811/FULL – Application for the confirmation of the location of four static mobile homes and touring caravans on a pitch for a gypsy family alongside associated parking (Resubmission of 17/502732/FULL). Permitted 06 August 2018.
- 0.8 19/501105/FULL - Siting of two additional mobile units, with associated access and landscaping works. Permitted at committee 16 September 2019. (Not implemented)
- 0.9 20/505296/FULL - Creation of new access and hardstanding. Refused 02 March 2021. Refused due to visual harm (loss of vegetation) and highway safety.

**Figure 1: Site layout approved under 19/501105/FULL (Left). Current layout right taken from 18/501811/FULL.**



## **1 DESCRIPTION OF SITE**

- 1.1 The application site is located in the countryside on the north eastern side of Marden Road. The site is screened from the roadside by a dense hedgerow with tree cover.
- 1.2 The site is 0.5 miles from the Staplehurst settlement boundary and 0.9 miles from Station Road in the centre of Staplehurst. The existing site is situated approximately 65m behind the hedgerow that fronts Marden Road.
- 1.3 The application site relates to an extension of an existing Gypsy and Traveller site that already accommodates 5 caravans. Whiteacres is bordered by other Gypsy and Traveller accommodation to the north west (Stable Paddock) and to the north east (Meadow View). Currently the application site is a grass field.
- 1.4 The current application site forms part of the land that was included within the application site boundary for the planning permission under reference 17/502732/FULL and 18/501811/FULL.

- 1.5 A private access road from Marden Road currently provides access to the five existing caravans at Whiteacres, with a post and rail timber fence along the road edge. The two proposed caravans would use the same access with the caravans located in a line, set back 7.5m to the south east of the private road.

## **2. Proposal**

- 2.1 As detailed above, the application site is currently a grassed area on part of the existing wider gypsy and traveller site adjacent to the existing static mobile homes. It is highlighted that the current site is proposed and is not retrospective. Whilst the land has permission for Gypsy and Traveller accommodation restrictive conditions imposed upon 18/501811/FULL prevent additional caravans being added without the benefit of permission.
- 2.2 As such, should the current planning permission for two caravans be forthcoming, there would be the existing 4 mobile homes confirmed under application 18/501811/FULL, then the possibility of an additional 2 mobile homes which have been permitted but not implemented under 19/501105/FULL as well as the original mobile home on site permitted under 91/1183.
- 2.3 In the event that the current application is approved, and implemented, and the 2019 permission also being implemented (2 mobile homes), there would be a total of 9 mobile homes on the Whiteacres plot using the existing access from Marden Road.
- 2.4 The proposed caravans would be occupied by siblings of the occupants of the existing site. The two caravans permitted under 19/501105/FULL are for occupation by the applicants' children.

## **3. POLICY AND OTHER CONSIDERATIONS**

### Maidstone Borough Local Plan (2017):

DM1 – Principles of good design

DM3 – Natural environment

DM15 – Gypsy, Traveller and Travelling Showpeople accommodation

DM30 – Design principles in the countryside

### Staplehurst Neighbourhood Plan (2016):

Policy PW2

### National Planning Policy Framework (NPPF) (2021):

Section 12 – Achieving well-designed places

### Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

## **4. LOCAL REPRESENTATIONS**

### **Local Residents:**

6 neighbouring properties were consulted regarding the proposed development. No representations were received.

## 5. CONSULTATIONS

### Staplehurst Parish Council (Summarised)

- 5.01 Objection: Councillors recommend that the application be refused and referred to MBC Planning Committee if the Planning Officer is minded to approve the application for the reasons listed below.
- The site is not an allocated Gypsy and Traveller Site within the Borough Local Plan.
  - The application site is located within an unsustainable location where future occupants would be reliant on private vehicles.
  - The development would have a harmful impact on the character and appearance of the wider landscape and the immediate area.
  - The development is not in keeping with similar development in the area in terms of its set back from the road.
  - It is not determined how foul water will be discharged.

## 6. APPRAISAL Main Issues

- 6.01 The key issues for consideration relate to:
- Need for Gypsy and Traveller Pitches
  - Supply of Gypsy Sites
  - Gypsy Status
  - Design and landscape impact
  - Cumulative impact
  - Amenity Impact
  - Highways
  - Sustainability

### **Need for Gypsy and Traveller Pitches**

- 6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans.
- 6.03 Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Show People Accommodation Assessment (GTAA) dated January 2012. The GTAA conclusions on the need for pitches over the remaining Local Plan period are shown in the table below.

**Figure 2: Need for Gypsy and Traveller Pitches Oct 2011 to March 2031**

<b>Period</b>	<b>No of pitches</b>
Oct 2011 – March 2016	105
April 2016 – March 2021	25
April 2021 – March 2026	27
April 2026 – March 2031	30
<b>Total Oct 2011 to March 2031</b>	<b>187</b>

- 6.04 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised Planning Policy for Traveller Sites' (PPTS) published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the Local Plan. It is considered to be a reasonable and

sound assessment of future pitch needs, albeit that actual need may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.

- 6.05 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

### **Supply of Gypsy sites**

- 6.06 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.

- 6.07 The following table sets out the overall number of pitches which have been granted consent from 1<sup>st</sup> October 2011, the base date of the assessment, up to 31<sup>st</sup> March 2021.

### **Supply of Gypsy and Traveller Pitches Oct 2011 to 31 March 2021**

<b>Type of consents</b>	<b>No. pitches</b>
Permanent consent	214
Permanent consent + personal condition	32
Consent with temporary condition	4
Consent with temporary + personal conditions	39

- 6.08 A total of 246 pitches have been granted permanent consent since October 2011 (214+32). These 246 pitches exceed the Local Plan's 187 pitch target. The Council's current position is that it can demonstrate a 6.1 year supply of Gypsy and Traveller sites at the base date of 1<sup>st</sup> April 2021.

- 6.09 Government guidance on Gypsy and Traveller development is contained in 'Planning Policy for Traveller Sites' (PPTS). The PPTS at paragraph 11 advises "*...Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community*".

- 6.10 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

### **Gypsy Status**

- 6.11 The planning definition of 'Gypsies and Travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is 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 dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such*".

- 6.12 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.13 The agent acting on behalf of the applicant has submitted a statement detailing the applicant's personal circumstances.
- 6.14 It has previously been established that the occupants of the current caravans on the Whiteacres site meet the Gypsy and Traveller definition. The family work with horses and travel for business attending and assisting with the horses at events as well as many gypsy fairs such as Appleby and Stow over the years and continue to do so. The Warren family have a long association with the local area.
- 6.15 As to the occupiers of the two proposed units; one caravan is for a brother and his wife (caravan 1) and the other (caravan 2) a sister of the occupiers of the existing site Mr and Mrs Warren.
- 6.16 In terms of caravan 1, Mr Warren's brother has travelled extensively in recent years related to his work as a building contractor. He has very much enjoyed a travelling lifestyle for a long period of time but the deteriorating health of his wife and the current Covid crisis has meant that practically all of the locations where he would historically "pull-on" are no longer available and so he is no longer able to travel.
- 6.17 The brother's wife has a severe health condition and this combined with the deteriorating health of Mr Warren (the Applicant) as well as Mr Warren's mother means that he has made the decision to have a base so that he can provide some assistance to the extended family, while also continuing to travel for work.
- 6.18 In terms of caravan 2, Mr Warren's sister is trained in catering and has historically travelled to provide catering services in various locations for various events. As with her brother, the current Covid19 situation and the deteriorating health of a number of members of the family means that she wants to have a base from which to work whilst also continuing to travel. The sister has also separated from her husband and now requires a new base.
- 6.19 As also stated "in previous applications, the status of the family on the site has never been doubted, and at the time of all of the historic applications, Members and Officers accepted the gypsy status of the family." The planning statement also notes "The intended occupiers intend to continue to travel for work but require a base from which to do so for the foreseeable future due to the current Covid Crisis and changed personal circumstances. In addition, they are likely to be required to increasingly assist other family members due to their deteriorating health. However they fully intend to continue travelling for work in building and catering, shows and events."
- 6.20 Based on the documents submitted in support of the application it is accepted that the applicants meet the planning definition of a Gypsy and Traveller as set out in the PPTS.

**Design, landscape and visual impact**

- 6.21 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.22 Policies DM1 and DM30 set out how development must respond positively to, and where possible enhance the character of the area and that any detrimental effects to the landscape must be appropriately mitigated.
- 6.23 Whilst accepting that such development can be located in the countryside, policy DM15 states that Gypsy and Traveller development must not result in harm to local landscape character and that development should be well screened by existing landscape features.
- 6.24 The application site is located within the Staplehurst Low Weald landscape character area. In terms of elements of this landscape that are relevant to this application the Landscape Character Assessment notes that "Winding roads with wide verges bounded by ditches and mixed native hedgerows." The Assessment concludes that this landscape is in good condition, is of high sensitivity and that it should be conserved.
- 6.25 The application site is located in the countryside and in an area with a mix of traveller sites and the settled community.
- 6.26 Policy DM15 (c) advises that Gypsy and Traveller development should be well screened by existing landscape features. When viewed from the roadside the mobile homes in the area surrounding the application site are visually contained behind the hedgerow located along Marden Road.
- 6.27 Potential views of the application site would be most likely from adjacent gypsy and traveller sites and at the existing Marden Road site entrance to the plot. This site is currently contained behind the existing front boundary landscaping, which could be further enhanced via conditions. It is recommended that a planning condition, in a similar fashion to the opposite side of the junction, seeks landscaping along the edge of the access road at the front of the site to screen views of the application site from the road. The current application involves an area of land immediately adjacent to the existing access road to nearby caravans. With the existing and recommended enhanced landscaping the proposal would not have a harmful landscape impact or a harmful impact upon the character of the area. The application site is not visible from any wider viewpoints and is part of a well-established site.
- 6.28 The mobile homes themselves are single storey buildings with shallow gable ended roof forms. The proposed buildings are each 19.8m in length, 6.7m in breadth and 3.9m in height and will be clad in 'painted rendered boarding' with roof 'steel profile in tile'. In the specific context of other surrounding Gypsy development, the appearance of the mobiles would not appear incongruous in terms of scale and design.
- 6.29 Policy PW2 of the Staplehurst Local Plan states "Proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported."

- 6.30 This is a well screened, contained application site that will have limited impact upon the immediate area and the wider countryside.

**Cumulative impact**

- 6.31 Policy DM15 advises that the cumulative effect on the landscape arising as a result 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.
- 6.32 The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent land. These plots are relatively self-contained, and have been granted permanent permissions.
- 6.33 The current proposal for two additional mobiles, using the same site access as the existing neighbouring plots, will not result in significant cumulative landscape harm sufficient to warrant a refusal on cumulative harm.

**Amenity**

- 6.34 Policy DM1 states that proposals must respect the amenity of neighbouring properties. Development must not result in overlooking, visual intrusion, loss of privacy or light that is enjoyed by nearby properties.
- 6.35 In terms of the impact upon the amenity of other Gypsy and Traveller accommodation, the closest caravan is located 8m to the north east of the most northern proposed mobile. As site photos show, views into the rest of the Whiteacres plot are restricted by the boundary fence. The proposed mobiles are single storey buildings and as such when taking the boundary fence into consideration, no harmful amenity impact would occur.
- 6.36 Due to the separation distance (25m) the plots located opposite the application site would not be impacted upon by the proposed development.
- 6.37 In terms of the impact upon the settled community, this can be assessed as low, there are no permanent dwellings in the immediate vicinity of the application site.

**Highways**

- 6.38 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. Policy DM15 states that there must be safe site access from the highway. DM30 also continues this theme stating that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.39 With the small scale nature of the submitted proposal, the vehicle movements from the application site are easily accommodated on the local road network. The current proposal does not raise any highway safety issues in relation to the use of the existing access on to Marden Road including in terms of driver sightlines. A refusal would not be warranted in relation to the individual impact from the additional caravan currently proposed or in terms of the cumulative impact from other local development.
- 6.40 No objections to the development have been raised by the local highway authority.

**Ecology**



- 6.41 The National Planning Policy Framework encourages a net biodiversity gain to be achieved from all new development. . Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 6.42 Policy DM3 states that development proposals will be expected to appraise the value of the boroughs natural environment and take full account of biodiversity present including the retention and provision of native plant species.
- 6.43 The existing site is a grass covered area and as such its biodiversity value could be assessed as being low. Should permission be forthcoming conditions are recommended requiring the applicant to place biodiversity enhancements around the site, and to improve biodiversity habitats on the site.

#### **Domination and pressure on local infrastructure**

- 6.32 The Planning Policy for Traveller Sites, paragraph 25 states "Local Planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure".
- 6.33 The addition of two mobile homes will not dominate the nearest settled community or place undue pressure on local infrastructure. Children from the site currently attend the local primary school. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.

#### **Sustainability**

- 6.44 The supporting text to policy DM15 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*".
- 6.45 The site is approximately 0.7 miles west of Staplehurst where there is access to a comprehensive range of services, amenities and facilities.
- 6.46 To access services within Staplehurst it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

#### **Human Rights and Equality**

- 6.47 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.
- 6.48 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.

#### **Conclusion**

- 6.49 The proposal is acceptable in relation to the potential impact on Marden Road, (as well as the access road), the development would have no significant visual impact, or cause

any loss of amenity to neighbouring properties nor would any detrimental highways impact occur.

- 6.50 The development and its cumulative impact would not have a harmful impact upon the character and appearance of the wider countryside, nor would the additional mobile homes and occupants living on site 'overwhelm' the nearest established settlement.
- 6.51 Landscaping is proposed along the southern and northern boundaries of the wider site, should permission be forthcoming this will also be conditioned. Subject to conditions the development is in keeping with policies within the Staplehurst neighbourhood plan.
- 6.52 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations. A recommendation of approval of the application is therefore made on this basis.

## **7. RECOMMENDATION**

Grant Permission subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
- 2) The mobile home and tourer hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document); Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted, and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.
- 3) No more than two mobile homes and as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, and no further caravans shall be placed at any time anywhere within the site. The mobile home and tourer shall be stationed on the site only in the positions shown on the plan (DHA/150005 – Proposed Site Plan) hereby approved; Reason: To safeguard the visual amenity, character and appearance of this countryside location.
- 4) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time; Reason: To safeguard the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value and local amenity generally.
- 5) Prior to first occupation of the caravans hereby approved landscaping shall be in place on the site that is in accordance with a landscape scheme that has previously been submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and shall include a landscape

- buffer across the front boundary and include a planting specification, a programme of implementation and a [5] year management plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) Any trees or plants within the approved landscape scheme, which, within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The reason for the longer 10 year period is to balance the intensification of use of the site by strengthening landscaping particularly adjacent to the access track where visibility from the public highway is greatest.
  - 7) Any 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. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. 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.
  - 8) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision; Reason: To safeguard the visual amenity, character and appearance of the open countryside location.
  - 9) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site; Reason: To safeguard residential and local amenity generally.
  - 10) Sewage and foul water disposal facilities shall be in place prior to the first occupation of the caravans hereby approved, with the facilities in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the facilities maintained as such hereafter. Reason: To ensure adequate sewage disposal arrangements.
  - 11) The development hereby permitted shall be carried out in accordance with the following approved plans and information:  
Application for Planning Permission  
DHA/15005/01 Site Location Plan  
DHA/15005/02A Proposed Block Plan  
DHA/15005/04 Landscaping Plan  
DHA/15005/05 Existing Block Plan  
DHA/15005/05 Proposed Caravan Plans  
Planning Statement  
Reason: To clarify which plans have been approved.

**Informatives:**

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highwayboundary-enquiries> (<https://bit.ly/2kogNkI>)

- (2) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case officer: William Fletcher