

**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/504443/FULL		
<b>APPLICATION PROPOSAL:</b> (Retrospective) Stationing of 2no. static caravans and 2no.touring caravans for Gypsy and Traveller use.		
<b>ADDRESS:</b> Land at Oakland Place Greenway Forstal Harrietsham Kent ME17 1QA		
<b>RECOMMENDATION:</b> <b>GRANT PLANNING PERMISSION subject to planning conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> 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.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in from Harrietsham Parish Council and Cllrs Tom and Janetta Sams if officers are minded to grant permission for the reasons below in Section 4		
<b>WARD:</b> Harrietsham and Lenham	<b>PARISH COUNCIL:</b> Harrietsham	<b>APPLICANT:</b> Ms K Chapman <b>AGENT:</b> Martin Potts Associates
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 11/10/23	<b>DECISION DUE DATE:</b> 28/06/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant Planning History**

Adjacent site (Oakland & 2 Oakland Place)

07/2232 Change of use from agricultural to residential for gypsy family and stationing of one mobile home and one touring caravan refused 07.08.2008 for the following reasons:

1. The proposals would be contrary to Kent and Medway Structure Plan 2006 Policies QL1, HP5,HP9, EN1 and EN5 and Maidstone Borough-Wide Local Plan 2000 Policies ENV28 and ENV34 in that the caravans, hardstandings and associated domestic paraphernalia would be a prominent and visually harmful addition to sporadic development in the North Downs Special Landscape Area.
2. The development proposed is considered to be contrary to Policy EP9 of the Kent and Medway Structure Plan 2006 in that, in the absence of evidence to the contrary, the development is likely to lead to the irreversible loss of a significant portion of agricultural land within the best and most versatile category.

Appeal ref APP/U2235/A/09/2094215/WF

Appeal against the refusal of application 07/2232 allowed and planning permission granted for "Change of use from agricultural to residential for gypsy family and stationing of one mobile home and one touring caravan".

Application site

Enforcement notice ENF/4239 Land at Mount Farm Greenway Forstal alleged breach "Without planning permission the construction of a trackway"

Date served 22.12.2000

Compliance date 09.04.2001.

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 In policy terms the application site is in the countryside. The site is in the Eyhorne Vale Landscape Character Area and is immediately north of the Leeds Castle Parklands Landscape Character Area. (NB: The North Downs Special Landscape Area designation referred to in the planning history was not carried forward to the 2017 Local Plan).
- 1.02 The application site is situated on the northern side of Greenway Lane. The site itself is a 'triangular' shaped plot, wedged between two access roads. The below satellite photo is included simply to demonstrate the application sites location in relation to surrounding development. To be clear, the application is retrospective and mobiles and associated hardstanding, access etc are in place.

Aerial photograph showing site context.



- 1.03 A service track to the southeast boundary separates the application site from 4 existing adjacent gypsy and traveller plots located immediately adjacent to the southeast. Approximately 60 metres further to the southeast is the Garden of England holiday caravan park.
- 1.04 Approximately 20m to the northwest of the application site is a breakers yard. A track provided from Greenway Lane along the western boundary of the application site provides access to this breakers yard. On the south side of Greenway Lane is an agricultural field.
- ### **2. PROPOSAL**
- 2.01 The application seeks retrospective permission to place 2 mobile homes and 2 touring caravans on site for Gypsy and Traveller use.
- 2.02 One unit would be 'centrally' located at the eastern portion of the site and the other at the northern end. Touring caravans would be situated alongside their associated static unit. The site would be accessed via the new existing access located at the southern end of the site. Plans indicate additional landscaping would be planted within the site.

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

#### Local Plan Review:

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) policies are as follows:

LPRSS1: Maidstone borough spatial strategy  
LPRSP9: Development in the countryside  
LPRSP10: Housing  
LPRSP10(A): Housing mix  
LPRSP12: Sustainable transport  
LPRSP14: Environment  
LPRSP14(A): Natural environment  
LPRSP14(C): Climate change  
LPRSP15: Principles of good design  
LPRTRA2: Assessing transport impacts.  
LPRTRA4: Parking  
LPRQ&D 1: Sustainable design  
LPRQ&D 2: External lighting  
LPRQ&D 4: Design principles in the countryside  
LPRHOU 8: Gypsy and traveller accommodation  
LPRQ&D 6: Technical standards  
LPRTRA2: Assessing the transport impacts of development.  
PRTRA4: Parking

#### The National Planning Policy Framework (NPPF) (Dec. 2023):

Section 2 – Achieving Sustainable Development

Section 12 – Achieving well Designed Places

#### Supplementary Planning Documents:

Maidstone Landscape Character Assessment 2012 (Updated 2013)

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

Maidstone Landscape Character Assessment (amended 2013)

Planning Policy for Traveller Sites (2023)

Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (Sept 2023)

Gypsy, Traveller and Travelling Showpeople Development Plan Document – Scoping, Issues & Options Public Consultation (Reg 18a)

### **4. LOCAL REPRESENTATIONS**

#### Local Residents

- 4.01 One representation was received objecting for the following summarised reasons:
- Impact on character and appearance of the area
  - Impact on trees on site
  - Impact on setting of the Kent Downs National Landscape (formally known as AONB).
  - Impacts on the highway network
  - Site is not an authorised Traveller site (Officer comment: The absence of allocation in the Local Plan does not prevent the submission of a planning application as a 'windfall' site).

#### Harrietsham Parish Council

- 4.02 In terms of the material planning considerations raised this is summarised as:
- Impact on character and appearance of the area
  - Impact on trees on site
  - Impact on setting of AONB
  - Impacts on the highway network

Cllr Tom and Janetta Sams

- 4.03 Objection and Call in to committee for the following summarised reasons:
- Detail provided is minimal
  - The application is retrospective
  - Presence of mobile on the adjacent site is not relevant
  - Harm to character of the setting of the Kent Downs National Landscape
  - Site is not an authorised Traveller site

**5. CONSULTATIONS**

KCC Highways

- 5.01 Having considered the development proposals and the effect on the highway network, no objections are raised on behalf of the local highway authority.

**6. APPRAISAL**

- 6.01 The key issues for consideration relate to:
- Countryside, highways, flooding, landscape & ecology (policies LPRASP9 and LPRHOU8).
  - Need and supply of sites
  - Gypsy status
  - Residential amenity

**Countryside, highways, flooding, landscape, ecology (Policies LPRASP9 LPRHOU8)**

- 6.02 The starting point for assessment of all applications in the countryside is Local Plan policy LPRSP9. Policy LPRSP9 states that development proposals in the countryside will only be permitted where:
- a) there is no 'significant' harm to local character and appearance, and
  - b) they accord with other Local Plan policies

- 6.03 Where there is a locational need (equestrian, agricultural buildings etc), Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these Local Plan policies, this compliance is weighed against the harm caused to character and appearance with the potential that a proposal is found in accordance with policy LPRASP9 overall.

- 6.04 In this case policy LPRHOU 8 (gypsy and traveller accommodation) can allow for gypsy and traveller development in the countryside. Policy LPRHOU 8 states that gypsy and traveller accommodation will be granted in two situations. Firstly "...where the site is allocated for that use and proposals comply with the site allocation criterion", and secondly (with reference to consultation comments on allocation) subject to criteria listed in the policy being met. These criteria are considered below.

a. Caravans to meet the definition of a caravan in the Caravan Sites and Control of Development Act (1960)<sup>13</sup> and the Caravan Sites Act (1968)

- 6.05 The submitted information indicates that the proposed caravans will meet this definition. A planning condition is recommended requiring compliance with the definition.

b. Local services, in particular school, health and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.

- 6.06 The supporting text to policy LPRHOU 8 states in relation to Gypsy and Traveller accommodation "It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services.

Frequently, because of land availability, more rural sites are proposed. Where such sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside”.

- 6.07 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas.
- 6.08 Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal.
- 6.09 In addition, it is highlighted that the application site is immediately adjacent to a local plan allocated Gypsy and Traveller site. The location has been considered by the Council in the context of their Gypsy and Traveller site needs assessment and allocated in the Local Plan for Gypsy and Traveller development.

c. 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

v Prominent boundary treatments should be screened/softened by existing and/or proposed landscaping.

- 6.10 The Maidstone Landscape Character Assessment advises that the site lies within the Eyhorne Vale Landscape Character Area which is assessed as being of 'Good' condition and of 'High' sensitivity with guidelines to 'Conserve'. The application site is located immediately north of the Leeds Castle Parklands Landscape Character Area which is assessed as being of 'Moderate' condition and of 'High' sensitivity with guidelines to 'Conserve and Reinforce'.
- 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 LPRHOU 8 of the adopted Local Plan. Consequently, unless well screened or hidden away in unobtrusive locations, mobile homes are normally considered unacceptable in their visual impact.
- 6.12 The application site is located between existing gypsy and traveller accommodation located to the southeast and a track providing access to a breaker yard to the northwest. The proposal would not appear visually harmful from any public viewpoints.
- 6.13 The site is situated immediately to the north of Greenway Lane, with hedgerows and tree lines providing a good level of natural screening from the road. The most prominent views of the site are immediately to the front of the application site, where views 'right through' the site are possible. The application indicates that additional planting would take place within the site that would help restrict and break up views into the site and of the caravans themselves. Conditions will be

imposed requiring the applicant to demonstrate existing and proposed landscaping and to ensure that appropriate species are used.

- 6.14 It is concluded that the proposal is acceptable in relation to landscape harm and would be in accordance with Local Plan policy LPRHOU 8 as this harm to the landscape and rural character of the area is not significant. In visual amenity terms, the development is in accordance with the relevant policies of the Local Plan and the NPPF.
- 6.15 Policy LPRHOU 8 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.
- 6.16 The landscape impact of the proposal has been assessed above and it is concluded that the landscape harm is not grounds for refusal of permission. Were the adjacent site removed and returned to agricultural fields, the application site would also remain low key when viewed from Greenway Lane. Additional landscaping is sought through a planning condition.
- 6.17 The site layout along with the landscaping proposals are reflective of PPTS 2023 which states sites should be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. The current submitted proposal for two mobiles benefit from existing landscaping and would be a 'low key' development. The proposal is found to be acceptable in relation to cumulative landscape harm.
- 6.18 The Kent Downs National Landscape is located 250 metres to the northeast of the application site. The application site is in the setting to the Kent Downs National Landscape (formally AONB). The local plan review advises "Development within the setting will conserve and enhance the landscape and scenic beauty of the Kent Downs ...and should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas" (LPR Spatial Objectives).
- 6.19 The application site is seen in the context of a breakers yard and existing gypsy and traveller accommodation and is separated from the Kent Downs National Landscape by the Harrietsham to Bearsted railway line and boundary landscaping. In this context the current application is acceptable in relation to the relationship with the Kent Downs National Landscape.

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

- 6.20 Policy LPRSP15 states that applications must accommodate vehicular movements generated by the proposal on the local highway network and through the site access. LPRQD4 states that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.21 There are no highway issues with the access suitable for this application. It is concluded that the vehicle movements resulting from the application can easily be accommodated on the local road network.
- 6.22 NPPF guidance states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe" (NPPF para 111). The current application does not meet these tests with no highway safety impact found and no severe impact on the highway network.

- 6.23 The development would be acceptable in highway safety terms. There is sufficient parking/turning provision on the site; and the traffic generation as a result of the additional mobile homes would not have a severe impact upon the local road network.

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

- 6.24 The site lies within Flood Zone 1, consequently flooding is not an issue. A planning condition will be imposed to that surface water runoff is dealt with within the site boundaries.

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

- 6.25 Policy LPRSP14 directs the planning system to contribute to and enhance the natural and local environment. The application site surface is currently road plantings and shrubland with little ecology value and in this context, it is concluded that there is no requirement for an ecological survey.
- 6.26 The applicant has stated that the site has been used and managed in association with the existing gypsy and traveller accommodation located to the southeast. The site or adjacent land is not designated land and do not contain important habitats or other biodiversity features. No reasonable likelihood of protected or priority species being present on the site or being adversely impacted by this application.
- 6.27 Planning conditions are recommended to seek on site biodiversity enhancement and for new landscaping especially around the site boundaries. On this basis, the proposal would accord with policies LPRSP14 and LPRHOU 8 of the Maidstone Local Plan Review (2024), and the NPPF (2023). These policies jointly direct the planning system to contribute to and enhance the natural and local environment.

**Need and Supply of Gypsy Sites**

- 6.28 The Local Plan Review included 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. Further to this, the 2012 GTAA has been superseded by the 2023 Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (GTAA).
- 6.29 The 2023 GTAA has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough. Indeed, as of 1<sup>st</sup> April 2023, the Council has published the 5yr supply for Gypsy and Traveller Pitches, that being a 1.2yr supply. 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.
- 6.30 This formal acknowledgement of a lack of a 5yr supply for Gypsy and Traveller Pitches triggers paragraph 27 of the Government's Planning Policy for Traveller Sites (PPTS):

*If a LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission<sup>9</sup>. 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).*

<sup>9</sup> There is no presumption temporary grant of permission should be granted permanently.

- 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. This DPD is yet to go out to first stage consultation. As part of this work, two call for sites exercises ran between 1<sup>st</sup> February and 31<sup>st</sup> March 2022, and 28<sup>th</sup> February and 17<sup>th</sup> April 2023. 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.
- 6.32 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**

- 6.35 A judgement dated 31 October 2022, from the Court of Appeal in *Smith v. SoS for Levelling Up, Housing and Communities* (CA-2021-00171, 31st October 2022) concerned a planning inspector's reliance on the definition of Gypsies and Travellers in Planning Policy for Traveller Sites. This guidance was introduced by the government in August 2015.
- 6.36 The previous definition before August 2015 had been: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such". The new definition post 2015 deleted "or permanently".
- 6.37 The Secretary of State accepted that this indirectly discriminated against elderly and disabled Gypsies and Travellers but argued that the discrimination was justified. The appeal court judgement sets out at paragraph 66... "the nature of the discrimination before the judge was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan.
- 6.38 This discrimination was inextricably linked to their ethnic identity". at paragraph 139 "... the effect of the relevant exclusion was – as the Secretary of State has conceded – discriminatory, and that, on the evidence before the court in these proceedings, there was no proper justification for that discrimination...".
- 6.39 On the evidence available it can be reasonably concluded that the intended occupants of the proposed caravans are of gypsy heritage and are from the travelling community. A condition is recommended to ensure that the site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2023.



- 6.40 A previous award of costs against the Council on a separate unrelated site is also highlighted in relation to gypsy status. At the site known as Pear Paddock, in the decision letter the appeal Inspector set "The Council's second reason for refusal complains that the appellants have not demonstrated that the proposed site occupants are Gypsies or Travellers. Yet there is nothing in the relevant policy that requires a personal demonstration of need or ethnic identity. It is not as though any housebuilder is required to tell the LPA who exactly is intended to live in the houses s/he proposes to build; concomitantly, there is no such requirement here". With this background and the common use of planning conditions to restrict occupation of relevant sites to Gypsies or Travellers, the refusal of planning permission on the grounds that Gypsy status has not been proven would be unreasonable.

### **Residential amenity**

- 6.41 Policy LPRSP15 states that proposals will be permitted where they "...respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, or loss of light".
- 6.42 The caravans that from part of this application would maintain acceptable separation distances from existing mobile homes and neighbouring properties. The caravans will avoid any adverse effect in terms of overshadowing, loss of light, outlook, or privacy.
- 6.43 The closest 'immediate neighbours' (house) as highlighted by the Parish Council are separated from the application site by a distance of circa 140 metres to the southeast. This distance includes the adjacent allocated Gypsy and Traveller site which is closer to these neighbours.
- 6.44 The proposal would retain the existing access point and would provide areas of soft landscaping, areas of grassland, new hedging and biodiversity areas including several native fruit trees, as such, there would be sufficient amenity space for the future occupiers.
- 6.45 The proposals are acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed dwelling. The proposal is in accordance with policy LPRQ&D7 of the Maidstone Local Plan Review (2024).
- 6.46 The Planning Policy for Traveller Sites 2023 (PPTS) advises "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community" (paragraph 14).
- 6.47 The application includes 2 Gypsy and Traveller pitches (2 static homes and 2 touring caravans). The impact of the current application individually or taken cumulatively with the adjacent site is not of a scale that would dominate the nearest settled community of Harrietsham.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.48 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.
- 6.49 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 Public Sector Equality Duty have been met and it is considered that the application proposals would not undermine objectives of the Duty.

- 6.50 Due regard has been had to the Public Sector Equality Duty 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 Public Sector Equality Duty.

## **7. CONCLUSION**

- 7.01 LPRHOU 8 of the Maidstone Local Plan Review (2024), allows for Gypsy and Traveller accommodation in the countryside provided certain criteria are met; and policy LPRSP9 allows for development provided it does not result in harm to the character and appearance of the area. The GTAA published in 2023 outlines a need and the Council's current position is that it can demonstrate a 1.2 years' worth of deliverable pitches at 1st April 2023.

- 7.02 The proposal has been assessed in relation to its visual and landscape impact, highways impact, sustainability, residential amenity, and flooding / drainage and found to be acceptable.

- 7.03 The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. For the reasons set out above, it is recommended that permission be granted.

## **8. RECOMMENDATION – GRANT PLANNING PERMISSION Subject to the following conditions - with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Application for planning permission  
Site Location Plan  
P1029-1 Existing Site Plan  
P1029-2A Proposed Site Plan  
P1029-3 Plans and Elevations  
Cover Letter  
Inspectorate Letter  
Design and Access Statement  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.  
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
- 3) No more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than two shall be astatic caravan/mobile home) shall be stationed on the land

at any time. The mobile homes shall be positioned on the site as set out on the submitted drawings.

Reason: To safeguard the character and appearance of the countryside.

- 4) If the lawful use of the site ceases, all caravans, structures, equipment and materials 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.

- 5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.

Reason: To safeguard the character and appearance of the countryside.

- 6) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character, and appearance of the countryside, and in the interests of residential amenity.

- 7) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed within 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include:

a) A detailed site layout showing how hardstanding and parking areas are the minimum area necessary.

b) Details of the permeable construction of hardstanding areas and measures to deal with surface water run off within the site boundaries.

c) Details of existing landscaping.

d) Details of proposed landscaping (see condition 8).

e) Details of measures to enhance biodiversity at the site (see condition 10).

f) the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal (see condition 11).

g) existing external lighting on the boundary of and within the site (see condition 12); and,

h) a timetable for implementation of the scheme including a) to g) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.

ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.

iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character, and appearance of the open countryside location.

- 8) The landscaping required by condition 7 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape

Character Assessment Supplement 2012). The detailed landscaping drawings shall include:

a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.

b) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) with new hedging at approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.

c) a timetable of implementation of the approved scheme and

d) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 9) All approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 10) The enhancement of biodiversity on the site, required by condition 7 shall include the installation of a minimum of one bat tube on the approved mobile homes and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details by the end of a two-month period following approval and all these features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 11) The details of foul and surface water drainage required by condition 7 shall include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

Reason: In the interests of amenity.

- 12) The details of existing lighting required by condition 7 shall:

a) show that the existing lighting is in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.

b) include a layout plan with beam orientation.

c) include a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

d) include an ISO lux plan showing light spill.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 13) Any future external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
- b) include a layout plan with beam orientation.
- c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

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