

**REPORT SUMMARY**

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| <b>REFERENCE NUMBER:</b> 24/501907/FULL  |                             |   |
| <b>APPLICATION:</b> Change of use of land to retain 7(no) family mobile homes for gypsy/traveller accommodation with associated parking and cycle spaces (Retrospective).  |                             |   |
| <b>ADDRESS:</b> The Orchard Copper Lane Marden Kent TN12 9DW   |                             |   |
| <b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to conditions   |                             |   |
| <p><b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> In Local Plan Review (LPR) policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, LPR policy LPRHOU8 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and LPR policies LPRSP9 and LPRQD4 allow for development provided it does not result in significant harm to the character and appearance of the area.</p> <p>In this instance, there is no reasonable justification to object to the development on Gypsy status and sustainability grounds in terms of location. Furthermore, the development is not considered to cause significant harm to the character and appearance of the countryside; and there are no other planning objections raised to the development. Significant material consideration has also been given to paragraph 27 of the PPTS given that the Council is unable to demonstrate an up to date 5 year supply of deliverable sites.</p> <p>With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.</p> |                             |   |
| <b>REASON FOR REFERRAL TO COMMITTEE:</b> Councillor Russell has requested for application to be considered by Planning Committee if officers are minded to recommend approval. This request is made for the reasons outlined in the consultation section below.  |                             |   |
| <b>WARD:</b> Marden & Yalding  | <b>PARISH:</b> Marden       | <b>APPLICANT:</b> Mr Leonard Powell<br><b>AGENT:</b> Haskins Design Ltd |
| <b>CASE OFFICER:</b> Kate Altieri  | <b>VALID DATE:</b> 07/06/24 | <b>DECISION DATE:</b> 30/09/24  |
| <b>ADVERTISED AS A DEPARTURE:</b> NO   |                             |   |

**RELEVANT PLANNING HISTORY**

- 23/500521 – Enforcement investigation - Open pending current application. For background information please note the following:

*There are two matters investigated: (1) Number of caravans relating to 2018 permission; and (2) Development on land adjacent to application site. Regarding 2018 permission, when site was last visited it matched number of caravans of 2018 permission - whilst one mobile was slightly outside redline, this matter is not considered expedient to formally pursue. Also, condition 3 (that states no more than 5 mobiles and 1 touring caravan should be on site) is worded in such a way it conflicts with description of development and therefore unenforceable. Land adjacent to 2018 permission is subject of current application.*

- 18/504616 – Siting of 5 mobile homes and 5 touring caravans for Gypsy families – Approved

To be clear, 18/504616 gave permanent and unrestricted permission for the siting of 5 mobile homes, as the development was considered to be acceptable in planning policy terms. Little weight appears to have been given to the personal circumstances of the occupants and the conclusion of the delegated report states (in summary):

*The 5 mobile homes are to be well screened from wider surrounding open countryside by existing hedgerows and addition of extra hedging on southern, eastern and western boundaries. Given well screened nature of site, it is not considered that the intensification of use will have an unacceptable harmful impact on character and appearance of surrounding countryside landscape. Siting of mobile homes is not considered to raise any unneighbourly impact issues, increased traffic and highway safety issues. In light of above, it is not considered application raises any overriding issues of conflict with policies SP17, DM15 & DM30 of 2017 LP.*

## **MAIN REPORT**

### **1.0 SITE DESCRIPTION**

1.01 The Orchard is an existing Gypsy site granted permission under 18/504616. This 2018 permission granted 5 mobile homes and 5 touring caravans to be on the site at any one time; and the plan extract below shows the 2018 site (hatched) and the location of the approved mobiles:

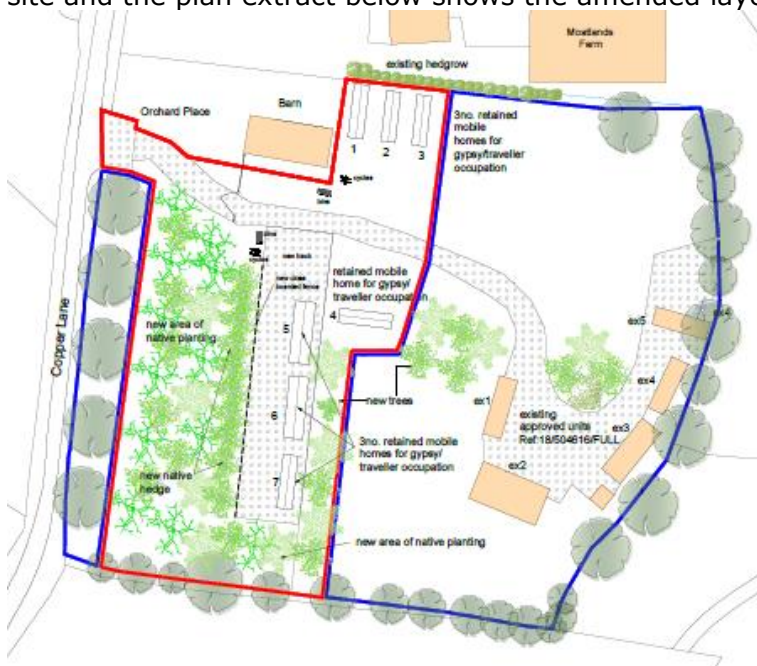


1.02 The current application site largely relates to land in front of The Orchard, using the same vehicle access from Copper Lane. The site is some 110m to the south of the junction with Howland Road; and a public footpath (KM275) runs along the southern boundary of the site, leading off in an eastwards direction. There is other sporadic development within the surrounding area; and for the purposes of the Local Plan Review the application site is within the countryside. The site is also in a notification area of archaeological potential and Flood Zone 1.

### **2.0 DESCRIPTION OF DEVELOPMENT**

2.01 The application is described as: *Change of use of land to retain 7(no) family mobile homes for gypsy/traveller accommodation with associated parking and cycle spaces (Retrospective).*

2.02 The submission confirms that under 18/504616 the Gypsy status of the occupants was accepted; and over the last 6yrs the family has expanded and so there is a need to provide additional accommodation. The submission confirms that the occupants of the mobile homes are the children of the applicant. There have been discussions with the agent regarding the layout of the site and the plan extract below shows the amended layout submitted for consideration:



### 3.0 RELEVANT POLICY & GUIDANCE

- Maidstone Borough Local Plan Review 2021-2038 (adopted March 2024)
- Marden Neighbourhood Plan (2017-2031)
- Landscape Character Assessment (2013) & Landscape Capacity Study (2015)
- National Planning Policy Framework (2023) & National Planning Practice Guidance
- Planning Policy for Traveller Sites (2023)
- Council's Gypsy, Traveller and Travelling Showperson Accommodation Assessment (2023)
- Council's Gypsy and Traveller addendum note (July 2024)
- Gypsy, Traveller and Travelling Showpeople Development Plan Document – Scoping, Issues & Options Public Consultation (Reg 18a)
- Kent Minerals & Waste Local Plan (2013-30) amended by Early Partial Review (2020)

3.01 **Maidstone Borough Local Plan Review (LPR):** The LPR was adopted by the Council on 20<sup>th</sup> March 2024. The LPR effectively deletes the 2017 Local Plan from Maidstone's Development Plan and it has no weight as a result. Please note here that elements of the 2017 Local Plan that were still relevant have been absorbed into the LPR. Relevant policies within the LPR are considered to be: LPRSS1 (Spatial strategy); LPRSP9 (Development in countryside); LPRSP10(A) (Housing mix); LPRSP10(C) (Gypsy & Traveller site allocations); LPRSP14 (The environment); LPRSP14(A) (Natural environment); LPRSP15 (Design); LPRHOU8 (Gypsy & Traveller accommodation); LPRTRA2 (Assessing transport impacts); LPRTRA4 (Parking); LPRQD1 (Sustainable design); LPRQD2 (External lighting); and LPRQD4 (Design principles in countryside).

3.02 **Marden Neighbourhood Plan:** This document is part of the Development Plan and policy In7 (Housing for Gypsies & Travellers) states: *Support will be given to development of small-scale Gypsy and Traveller sites within Plan area, which provide adequate amenities for occupants and which do not result in unacceptable harm to amenities of existing residents in the vicinity of site, the character of the countryside or the biodiversity of wider area.*

3.03 Other relevant policies include: policy NE3 (landscape integration); NE4 (Biodiversity & habitats); NE5 (Planting); BE2 (Residential amenity); In2 (Sustainable travel); and In3 (Traffic generation).

3.04 **NPPF:** The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed, with section 12 of the NPPF referring to '*achieving well-designed and beautiful places*'.

3.05 **Council's Landscape Character Assessment:** LCA identifies site as falling in the Staplehurst Low Weald LCA (Area 44). The landscape guidelines for this area are to '*CONSERVE*'; and in the Council's Landscape Capacity Study, Eyhorne Vale is assessed as being of '*HIGH*' overall landscape sensitivity and is '*sensitive to change*'.

### 4.0 LOCAL REPRESENTATIONS

4.01 **Local residents:** 2 representations received raising concerns over: Development being carried out on site without planning permission and existing development not in a accordance with permission 18/504616; impact on character and appearance of area; damage to road; residential amenity in terms of noise from vehicles; and cumulative impact of Gypsy sites in locality.

5.0 **CONSULTATION RESPONSES** (Please note summaries of consultation responses are set out below and comments are discussed in more detail in appraisal section where necessary)

5.01 **Councillor Russell:** Wishes for the application to be reported to Planning Committee if officers are minded to recommend approval; and in summary has commented as follows:

*I write on behalf of my residents that have contacted me as originally there was an exception made on personal health and educational grounds of some occupants to allow 2018 application to be granted. It was recognised by planners that under normal circumstances development would not have been allowed. It is extremely important numbers are clarified and stated in conditions for both static and mobile caravans. Can BNG policy be checked as this should be further enhanced and given site is in a traditional orchard it can be. Neighbours are being regularly intimidated by occupants of first site; landscape conditions have not been complied with; lane looks a state; there are no footpaths into village and no public transport; this is not a G&T allocated site; site it is in countryside; applications never have correct number of caravans on them.*

- 5.02 **Marden Parish Council:** Do not wish to object and have not requested for application to be reported to Planning Committee. In summary they have commented:

*In supporting statement Cllrs noted agent stated previous application (18/504616) was for 5 mobile homes and 5 touring caravans whilst condition (3) limits number to 5 mobile homes and 1 touring caravan at any one time. Conditions (5) and (6) of 18/504616 have not been discharged. Cllrs expect conditions to be rigorously enforced but felt application meets requirements of Marden NP policy IN7 provided conditions are attached - being duplication of conditions (2), (4), (5) & (6) of 18/504616 and previous conditions (5) & (6) are discharged. In line with MNP policy In7, Cllrs wish site to maintain conformity throughout occupancy so as not to be detrimental to amenity of neighbours, character of countryside or biodiversity of wider area. Total number of touring caravans should remain at 1 and not as in agent's statement and Cllrs raised no objection provided above conditions are applied.*

- 5.03 **KCC Minerals Safeguarding Team:** Confirms they have no land-won minerals or waste management capacity safeguarding objections or comments to make regarding application.
- 5.04 **KCC Public Rights of Way Team:** PROW KM275 lays to south of site and should be unaffected by the application, and KCC confirms they do not have any objections to application.
- 5.05 **KCC Archaeology:** No representations received and so it is therefore assumed that they have no objection to the application and also require no further details.

## 6.0 APPRAISAL

- 6.01 The key issues for consideration relate to: Issues of need and supply; Gypsy status/personal circumstances; location; visual impact; biodiversity implications; and then other matters.

### Issues of need and supply

- 6.02 The Council's Gypsy, Traveller, and Travelling Showperson Accommodation Assessment (GTAA) was published in September 2023 and informs the current preparation of the separate Development Plan Document covering the period 2023-2040. This most up to date assessment demonstrates need has increased very significantly to 529 pitches for this period.
- 6.03 In short, the key material consideration regarding need is that this Council should have a 5-year supply of Gypsy and Traveller accommodation. Based on the figure in the 2023 GTAA of those meeting the planning definition only, the current supply is 1.2 years. The need assessment in the 2023 GTAA was out of date 3 months after publication and this was due to the change in the central government definition of gypsy and travellers.
- 6.04 The Council's true supply will be lower than 1.2 years, after accounting for the potential increased need from the change in definition, and proportion of the 'undetermined' group that meet the definition. An addendum note (July 2024) is also now published, which advises that the change in definition has resulted in an additional 2 pitches arising from households who now meet the definition and conversely, a reduction by 2 pitches from households who do not meet the need.
- 6.05 Please note that this formal acknowledgement of a lack of a 5yr supply for Gypsy and Traveller Pitches triggers paragraph 27 of the Government's Planning Policy for Traveller Sites (PPTS):

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

*9 There is no presumption temporary grant of permission should be granted permanently.*

- 6.06 Moving on from this, the Council has chosen to separate the matter of gypsy and traveller policy from the Local Plan Review and is pursuing a separate DPD on this matter. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and further public consultation is expected on this towards the end of 2024.

### **Gypsy status/personal circumstances**

6.07 Following the judgment in the Court of Appeal in the case of *Smith v SSLUHC & Ors*, it should be noted that the land-use needs of potential future occupants of the site may only relate to their ethnicity and the government has reverted the definition of Gypsies and Travellers used in the PPTS to that adopted in 2012 for plan and decision making. The current definition is therefore as follows:

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or 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.'*

6.08 The submission confirms that under 18/504616, the Gypsy status of the occupants was accepted; and over the last 6yrs the family has expanded and so there is a need to provide additional accommodation. The submission confirms that the occupants of the mobile homes are the children of the applicant; and it is evident that the development is necessary to maintain the wider close knit family unit as an entity. Whilst the submission does not provide specific details regarding how they would meet the above definition, it is considered unreasonable to request further information on this matter. The argument is, that when granting planning permission for a farm worker's dwelling for example, the Council does not require the farmer to prove that the intended occupant is a bone fide farm worker. Instead, the Council would rely on an occupancy condition to ensure that the dwelling is used for its intended purpose.

6.09 There is also a 2014 appeal decision (APP/Y3940/C/13/2206152: Sharkays, Whaddon Lane, Hilperton, Trowbridge, Wiltshire), where the Planning Inspector considered that the site was in an acceptable location for a gypsy site, in accordance with local and national policies, and granted planning permission subject to an occupancy condition, despite the fact that they found that the existing site occupiers did not comply with that condition. It is evident that the gypsy status of the appellants was not determinative of the appeal.

6.10 With everything considered no objection is raised to the application on the grounds of Gypsy status as the occupants will have to fall within the Government's PPTS definition, and this can be secured by way of condition.

### **Location**

6.11 Gypsy site provision is likely to be found in rural areas. This is an exception to the principle of restraint in the countryside. In terms of broad principles, Local Plan Review policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.

### **Visual impact**

6.12 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside. No specific reference to landscape impact has been outlined however this is addressed in relevant Local Plan Review policies and the NPPF. Specifically, policy LPRHOU8 of the Local Plan Review allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area, and impact on these aspects will be assessed with particular regard to:

- i. Local landscape character;*
- ii. Landscape impact arising as result of development in combination with existing lawful caravans;*
- iii. 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.*

- 6.13 The development will be sited to the front of an existing Gypsy site known as The Orchard; it would be bordered to the north by existing commercial buildings and a residential property; and Copper Lane runs along the site's western boundary. In this context and even with open land to the south of the site, it is difficult to argue that the application site appears isolated or that the development would harmfully encroach urbanising development into open countryside. It is also considered that most of the public views of the development would be limited at short range from Copper Lane and the public footpath to the south of the site, with any medium/long range views being left to glimpses of the development given the topography of the area and the surrounding established buildings and landscaping.
- 6.14 Further to this, whilst it is acknowledged that the development adds more built form on a site that was once orchard, the amended layout will see a new landscaped buffer some 35m in depth planted along the road; there will be a landscaping buffer newly planted along the southern boundary that measures more than 10m in depth, providing more screening of the development from the open countryside and public footpath to the south of the site; the level of hardsurfacing on the site is shown to be kept to a minimum; three mobile homes are sited behind an existing building; and the remaining four mobile homes would be set back more than 40m from Copper Lane and enclosed by new landscaping. Once the new native planting areas have established, this would further help mitigate the visual impact of the development. Details around landscaping, hard boundary treatments and hardsurfacing can be controlled by way of condition.
- 6.15 Moreover, the mobile homes are of a typical style and appearance that is not thought to be over bright/noticeable in terms of external finishing; they appear to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960); and development does not appear cramped.
- 6.16 With everything considered and subject to the recommended conditions, the view is taken that the development would not appear visually dominant or incongruous within the landscape and would not cause significant harm to the intrinsic character and appearance of the countryside hereabouts, in accordance with LPR policies LPRHOU8 and LPRSP9; and policy In7 of the Marden Neighbourhood Plan. On this basis, the development accords with the relevant policies of the Development Plan and the aims of the NPPF.

### **Biodiversity implications**

- 6.17 Given the existing condition of the land, the development is unlikely to have had an adverse impact upon any protected species, and so no further details on this are required prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* On this basis a condition is recommended to seek biodiversity enhancements on the site, including through integrated methods into the fabric of the mobile home by means such as bat tubes.
- 6.18 Please also note that this application is retrospective and so is exempt from BNG legislation introduced by the Government. Further to this, given its retrospective nature, it was made valid without a BNG assessment and has therefore not been considered against policy LPRSP14(A) that refers to the 20% BNG. On this basis, it is considered unreasonable to impose a condition requiring 20% BNG.

### **Other matters**

- 6.19 Given that a residential use is not generally a noise generating use, this development would not have an adverse impact upon the living conditions of any neighbouring resident, including in terms of general noise and disturbance of comings and goings. Furthermore, after assessing the potential impact on the existing residential community, the submission is found to be acceptable, when considered on its own merits and then cumulatively with other lawful gypsy sites in the vicinity.

- 6.20 The development makes use of the existing access onto Copper Lane, where there has been no reported traffic incidents reported within the last 24yrs ([www.crashmap.co.uk](http://www.crashmap.co.uk)); there have also been no reported traffic incidents on the junction with Copper Lane and Howland Road within the last 24yrs; the addition of seven mobile homes is not considered to result in a harmful intensification of the use of this access in terms of vehicle movements; it is evident that vehicles associated to the development can turn within the site and leave in a forward gear; and there is sufficient parking on the site. On this basis, it is considered that this submission would not have an unacceptable impact upon highway safety, and nor would the residual cumulative impacts on the road network be severe.
- 6.21 Given the existing condition of the site, its location, and the nature of this application with little in the way of ground works, no objection is raised to the development in terms of mineral safeguarding; archaeology; land contamination; flood risk; and air quality, and no further details are required in these respects. The submission also confirms that surface water drainage is via an existing water course and foul sewage is disposed of by way of cess pit (as accepted under 18/504616), and no further objections are raised here. Details will also be sought for the use of renewable energies within the scheme to ensure a sustainable form of development. The applicant would be reminded by way of informative of the need to require a caravan licence.
- 6.22 All representations received have been considered in the assessment of this application. Please note here that any accusations of intimidation should be reported to the police for investigation; potential planning breaches on the neighbouring Gypsy site is a matter for the Planning Enforcement Team and not for consideration under this current planning application; and road damage is also not a material planning consideration. The submission is not EIA development.

## **7.0 CONCLUSION**

- 7.01 Regard should be given to the Human Rights Act 1998 and rights under Articles 3 and 8, and the Public Sector Equality Duty under the Equality Act 2010. This protects the right of an individual to, amongst other things, a private family life and home; there is a duty to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it; and the courts have held that the best interest of the children shall be a primary consideration in planning decisions concerning children, including requiring a settled base. In addition to this, race is one of the protected characteristics under the Equality Act 2010 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 his family, and it is considered that the requirements of the PSED have been met and approving this development would not undermine the objectives of the Duty.
- 7.02 In Local Plan policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, LPR policy LPRHOU8 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and LPR policies LPRSP9 and LPRQD4 allow for development provided it does not result in significant harm to the character and appearance of the area.
- 7.03 In this instance, there is no reasonable justification to object to the development on Gypsy status and sustainability grounds in terms of location. Furthermore, the development is not considered to cause significant harm to the character and appearance of the countryside; and there are no other planning objections raised to the development. Significant material consideration has also been given to paragraph 27 of the PPTS given that the Council is unable to demonstrate an up-to-date 5 year supply of deliverable sites.
- 7.04 With everything considered, the development is therefore acceptable with regard to the relevant provisions of the Development Plan (including the Marden Neighbourhood Plan), the NPPF and all other material considerations such as are relevant. In consequence of this finding, a permanent permission is recommended and to be restricted only by a Gypsy and Traveller occupation condition.

**8.0 RECOMMENDATION - GRANT PLANNING PERMISSION subject to following conditions** with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

**CONDITIONS:**

1. The development hereby approved, including the location of the mobile homes, shall be carried out in accordance with the following approved plans: 286-PD02 (received 07/06/24); and 286-PD01 Rev C (received 14/08/24).

Reason: To clarify which plans have been approved 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 residential caravans/mobile homes is not normally permitted.

3. There shall be no more than 2 pitches on the site and on each of the pitches approved there shall be no more than one static caravan and one touring caravan stationed at any time.

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

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. No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use.

Reason: To prevent inappropriate development; and to safeguard the character and appearance of the countryside.

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 28 days of the date of failure to meet any one of the requirements set out in (a) to (d) below:

(a) Within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme, shall have been submitted for the written approval of the local planning authority. The Site Development Scheme shall include:

- (i) a scheme for the enhancement of biodiversity on the site that shall include the installation of a minimum of 1(no) bat tube on each mobile home;
- (ii) details of a 100% native landscaping scheme (designed in accordance with submitted drawing ref: 286-PD01 Rev C and the principles of Council's landscape character guidance and Landscape Character Assessment Supplement 2012) that shall include:
  - a programme for the scheme's implementation and details of all existing trees and hedgerows on the land to be retained;
  - details of the number, size, species, maturity, spacing and position of proposed native hedgerows, trees and plants to be planted within the site;
  - a landscape buffer, no less than 35m in depth, running along the western boundary of the site;
  - a landscape buffer, no less than 12m in depth, running along the southern boundary of



- the site;
  - tree planting along western boundary of site; and
  - a ten year landscaping management plan;
  - (iii) details of hard boundary treatments;
  - (iv) details of hardsurfacing treatments, including location and type of surfacing;
  - (v) details of existing external lighting on the site;
  - (vi) details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development; and
  - (vii) a timetable for implementation of the Site Development Scheme.
- (b) If within 11 months of the date of this decision the local planning authority refuse to approve the Site Development Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (c) If an appeal is made in pursuance of above, that appeal shall have been finally determined and submitted Site Development Scheme shall have been approved by the Secretary of State.
- (d) The approved Site Development Scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Site Development Scheme specified in this condition, that Scheme shall thereafter be maintained/retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: To safeguard the character and appearance of the countryside; in the interests of biodiversity enhancement and residential amenity; and to ensure a sustainable form of development.

8. Pursuant to condition 7 of this permission, all landscaping specified in the approved landscape details shall be carried out in the first planting season (1<sup>st</sup> October to end of February) following the first occupation of the mobile homes hereby approved. The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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; and in the interests of biodiversity enhancement.

9. Notwithstanding the details pursuant to condition 7 of this permission, no external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the 2005 Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity and to safeguard the character and appearance of countryside.

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

Reason: To prevent inappropriate development and to safeguard the character and appearance of the countryside.

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and reenacting that order with or without modification), and except for what is approved under condition 7 of this permission, no development within Schedule 2, Part 2, Class A, shall be carried out on the site hereby approved.

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

Informative(s):

1. The applicant is reminded that it will be necessary to make an application for a Caravan Site Licence within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Maidstone Community Protection Team in respect of a licence.

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