
SUMMARY REPORT

Application Ref:	20250110
Site Address:	Land South Of Pear Tree Lane Pear Tree Lane Shorne Gravesend
Application Description:	Change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy/Traveller occupation. Associated hard and soft landscaping.
Applicant:	Mr P Cash
Agent:	Mr Simon McKay
Ward:	Higham And Shorne
Parish:	Shorne
Decision due date:	18 April 2025
Publicity expiry date:	14 March 2025
Decision Level:	Committee Decision
Reason for referral:	Councillor Call-In
Recommendation:	Approval with Conditions

Summary of Reasons for Recommendations

It is recommended that the proposed change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy/Traveller occupation and the associated hard and soft landscaping is GRANTED planning permission, subject to the planning conditions set out in this report.

The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of Gravesham. Therefore, the proposal would comply with criterion (a) of paragraph 155 of the National Planning Policy Framework (NPPF).

As set out the Council's Five-Year Gypsy and Traveller Pitch Supply Statement 2024-2029 (March 2024), the council cannot demonstrate a 5 year supply of deliverable pitches. Therefore, there is a clear and significant shortfall in past delivery and future supply. Consequently, for the purposes of criterion (b) of paragraph 155 of the NPPF, there is a demonstrable unmet need for Gypsy and Traveller pitches within the Borough.

The application has sufficiently demonstrated the intended occupants of the proposed pitches meet the definition of gypsies and travellers as defined in Planning Policy for Travellers Sites, December 2024. A settled base will improve access to education and health services for those travellers residing at the site.

The proposal is not considered to have an adverse impact on the valued landscape. The resulting cumulative effect on the countryside and valued landscape would not conflict

with the objectives of Policy CS12 (Green Infrastructure), CS17 (Traveller Sites) and CS19 (Development and Design principles) of the Local Plan Core Strategy and paragraph 187 of the National Planning Policy Framework (NPPF) 2024, which together seeks to conserve and enhance the natural environment.

The proposed development is within a sustainable location and is considered to meet the requirements of paragraph 110 and 115 of the NPPF (2024) and Policies CS01, CS02 and CS17 (LPCS) 2014.

The proposal would not represent a discordant feature in the countryside, as it would not be highly visible from public vantage points and would not sprawl into the local valued landscape. As such, the proposal would not result in urban sprawl or impinge on the rural character of the area. It would be in accordance with the guidance within the Gravesham Landscape Character Assessment, Policy CS02 and CS19 of the Local Plan Core Strategy that seek to ensure that new development conserves the overall landscape character.

Through the imposition of planning conditions, the proposal would secure acceptable residential amenity for the occupants of the proposed mobile homes, and no harm is identified to the residential amenity of occupiers of residential dwellings on Pear Tree Lane. The proposal complies with policy CS19 of the Local Plan Core Strategy and paragraph 135 of the National Planning Policy Framework 2024, which seek protection of residential amenities for the occupiers of buildings and land.

The proposed scheme will safeguard future occupier amenity with the residential units complying with local and national standards, shared private amenity space, an improved access and sufficient natural light. Furthermore, the proposal would safeguard the amenity of neighbouring properties and is in accordance with Policy CS19 of the Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2024).

The proposal would comply with Policy T1 of the Gravesham Local Plan: First Review (1994), which seeks to mitigate the adverse impact of development on the highway network.

The proposal would not result in an unacceptable risk to ground water conditions and is in accordance with Policy CS19 (LPCS) and paragraph 187 (e) and 198 of the NPPF (2024) and the previous reason for refusal (1) has been addressed.

The proposed development would not result in any increased adverse impact on migrating birds using the Thames Estuary and Ramsar sites with the mitigation SAMMS payment being made. The development would therefore comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 192 and 193) of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014), and the previous reason for refusal (2) has been addressed.

Overall, the proposal has overcome the previous reasons for refusal and complies with all relevant national and local planning policies, and it is recommended that planning permission is granted.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site lies in the Green Belt immediately east of the car park serving the See Ho public house on Pear Tree Lane, Shorne, Kent. As shown on the adopted Gravesham Local Plan Core Strategy Policies Map (September 2014), the boundary between the application site and the public house car park also forms the boundary between the 'inset' rural settlement of Shorne Ridgeway and the 'washed over' Green Belt beyond.

Location of application site in relation to the village boundary



- 1.2. The site is a rectangular area measuring approximately 48m x 28m. Boundary fencing has been erected around the site and there is mature conifer planting along the northern boundary and vehicular access which is gated. A post and rail fence divides a smaller section to the east and more conifers have been planted along the eastern boundary. The majority of the site has been laid with unbonded surfacing which has been levelled and flattened.
- 1.3. A shipping container and wooden shed has been positioned on site adjoining the western boundary close to the existing vehicular access. This has been on site prior to 2020, as it was highlighted in the officer report on the previous application 20200339. There is no record of planning permission having been granted for the stationing of the shipping container on the land or the formation of the access.
- 1.4. At the time of the officer site visit, a mobile home has been located on the site and is inhabited by the family of the applicant.
- 1.5. Ridgeway Bungalows, which lie within the aforementioned inset rural settlement, to the north on the opposite side of Pear Tree Lane from the application site. These are a row of eight modest detached single storey dwellings dating from the inter-war period.
- 1.6. To the west of the See Ho public house and beyond the narrow entrance to Bowesden Lane, also within the inset area, built form varies between single storey bungalows to terraced and detached dwellings of differing ages, size and architectural styles. Development here is denser and characterised by narrower plot widths and less space between properties than found on Pear Tree Lane to the east of the public house. This gives the impression of a substantially built-up frontage even where properties benefit from generous well landscaped front garden areas.
- 1.7. Part of the Shorne Ridgeway inset rural settlement (commencing around 130 metres west of Bowesden Lane) is designated as the Chestnut Green Conservation Area. That part of the inset settlement and land lying to the south of Shorne Ridgeway and

west of Bowesden Lane falls within the Kent Downs National Landscape.

- 1.8. To the south of the application site and the public house lie four residential properties (Ewhurst, Cartref, Honeymellow Cottage and Chart House) accessed from Bowesden Lane. These all lie within the Green Belt, outside the inset rural settlement of Shorne Ridgeway.
- 1.9. Immediately to the east of the application site, also within the Green Belt, lies a substantial detached property called Fairwinds (Formally known as Shornebury). Whilst this dwelling has been extended and is prominent in the street scene, it is set within a substantial plot and lies approximately 27 metres back from the road.
- 1.10. Sporadic ribbon development continues down Pear Tree Lane to the east and comprises of a number of large detached dwellings set in substantial well landscaped plots. The character of this form of development differs significantly from the more closely grained and substantially built-up frontage lying to the west of the See Ho public house, within the inset area of the Shorne Ridgeway rural settlement.

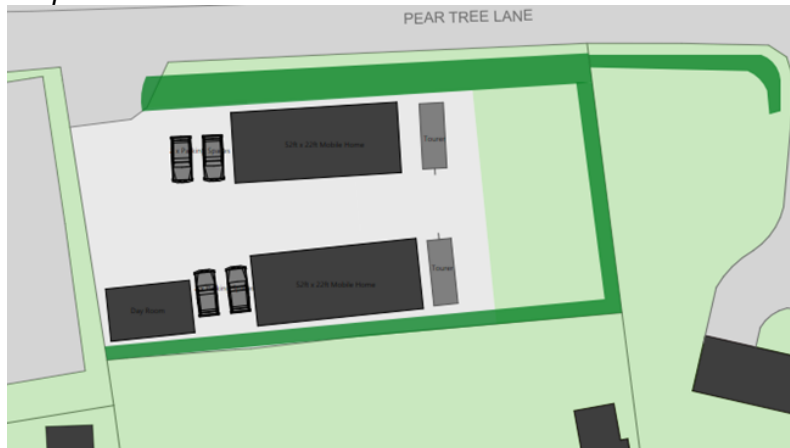
2. Relevant Planning History

Reference	Description	Decision	Decision Date
20240600	Change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy / Traveller occupation. Associated hard and soft landscaping.	Refused	17.01.2025
20200339	Outline application with some matters reserved for the erection of two dwellings	Refused Appeal Dismissed	29.05.2020 04.03.2021
20120693	Outline application for erection of a detached dwelling and garage.	Refused Appeal Dismissed	07.07.1976 11.09.2015
19900655	Outline application for the erection of 2 no. detached dwellings with garages and formation of associated vehicular access onto a classified road.	Refused Appeal Dismissed	30.10.1990 17.10.1991
19850208	Use of land as an extension to the adjoining Public House for use as a garden area and a bat and trap pitch	Permitted	17.06.1985
19780587	Use of land for a bat and trap pitch associated with the adjoining public house.	Temporary permission	Expired 31.8.80
19770771	Outline application for the erection of two dwellings	Refused	10.11.1977
19750434	Outline application for the erection of two dwellings	Refused	07.07.1976
19710406	The erection of three detached dwellings	Permission	29.02.1972

3. Proposal

- 3.1. This application seeks permission for the change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy / Traveller occupation. Associated hard and soft landscaping (part retrospective).

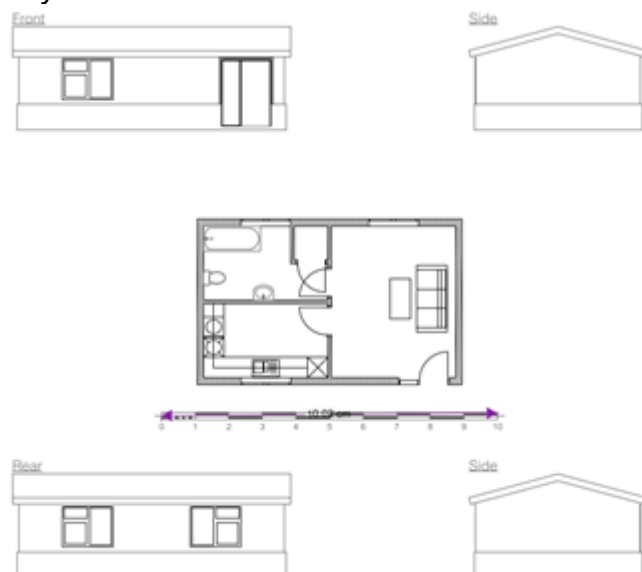
Proposed Block Plan:



Mobile Home Plans and Elevations



Day Room Plans and Elevations



- 3.2. Unit One will be occupied by the applicant, his partner and their two young daughters. The eldest daughter is due to start school in September 2025 and it is the intention that she attends a local school. Unit two will be occupied by the mother of the applicant's partner.
- 3.3. The applicant and his family are persons of nomadic habit of life, who have ceased to travel due to their medical and education needs.
- 3.4. The access to the site will remain unchanged. New gates have been erected to the front of the access, which will be addressed later on in the report.

4. Planning Policy, Development Plan and other Material Considerations

- 4.1. The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;
Saved policies in the Gravesham Local Plan First Review, November 1994;
The Kent Minerals and Waste Local Plan 2024 to 2039, March 2025).

- 4.2. The relevant policies for this proposal are as follows:

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS17 – Provision of Traveller Sites
- CS18 – Climate Change
- CS19 – Design and Development Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T4 – Development outside the Built-Up Area
- T5 – Access to the Identified Highway Network

- 4.3. Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.
- 4.4. The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these saved policies via the emerging Local Plan.

Other Material Considerations

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protection Green Belt Land
- Section 15 – Conserving and enhancing the natural environment

Planning Policy for Traveller Sites (PPTS), December 2024 Ministry of Housing, Communities and Local Government

The Planning Policy for Traveller Sites (PPTS) sets out the Government's planning policy for traveller sites. It applies to those Travellers who meet the planning definition set out in annex 1 of the PPTS, 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, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling show people or circus people travelling together as such.

On 12 December 2024, the government published its response to the proposed reforms to the National Planning Policy Framework and related planning system consultations. These reforms brought significant changes to the planning framework for Gypsies and Travellers, including a redefinition of key terms such as an updated planning definition for Travellers and the introduction of Grey Belt.

The key paragraphs from the Planning Policy for Traveller Sites (PPTS) relevant to this proposal are as follows:

- Policy B – Planning for Traveller sites
- Policy C - Sites in rural areas and the countryside
- Policy E – Traveller sites in the Green Belt
- Policy H – Determining planning applications for Traveller sites

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code SPD (2024)
- Gravesham Landscape Character Assessment (2009)
- Gravesham Landscape Capacity and Sensitivity Study (2016)
- Gypsy and Traveller Accommodation Assessment (GTAA) Final Report (2018)

5. Consultations and Publicity Responses

External Consultees

KCC Highways and Transportation

I note that in highway terms the proposals do not differ materially from the previous application for this site, GB/20240600, which was considered acceptable to us.

Consequently, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

KCC – Public Rights of Way

I can confirm that I do not have any objections to the above planning application at land south of Pear Tree Lane. Public Right of Way Footpath NS158 lays to the north west and NS161 lays to the south west, both of which are unaffected by the application. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or

the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

KCC Heritage Conservation

The site lies within an area of multi-period background archaeological potential. However, based on existing Historic Environment Record data for the area and the nature of the proposed development, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

KCC Biodiversity

No comments have been provided on this current application, however the previous comments against planning application 20240600 have been included below as they are relevant to this application:

14.01.25 - We advise that additional information is required prior to determination of the planning application regarding Biodiversity Net Gain.

We are satisfied that due to the long-term management of the site there is no requirement for details assessing the impact on protected/notable species to be provided.

Biodiversity Net Gain

Under the Environment Act 2021, all planning applications for major development (unless exempt^{1,2}) submitted on or after 12th February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications, unless exempt, submitted on or after the 2nd April 2024.

Having reviewed submitted information, we consider this application to fall under mandatory biodiversity net gain so that mandatory biodiversity net gain of 10% will apply.

No BNG assessment has been provided and any application which is required to achieve a 10% BNG must submit the following information as a minimum³:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
- a statement to the effect that these activities have been carried out;
- the date immediately before these activities were carried out;
- the pre-development biodiversity value of the onsite habitat on this date;
- the completed metric calculation tool showing the calculations, and
- any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and

- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

Photos of the site have demonstrated that the site has recently been cleared of the grassland at the rear of the site

The Town and Country Planning Act 1990, Schedule 7A (paragraphs 6 and 6B) seeks to discourage developers from engaging in site clearance prior to making a planning application. This legislation essentially states that if habitat degradation/loss has occurred on an application site on or after 30 January 2020, *“the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.”*

We advise that the BNG baseline must be based on the site prior to any vegetation clearance within the site.

The BNG assessment must be submitted prior to determination of the planning application.

Kent Fire & Rescue Service

Upon reviewing the available plan drawings on the Gravesham planning portal, it is in my opinion that the emergency access requirements for the Fire and Rescue service under the above act appear to have been met.

Please be aware that should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Dickens' Country Protection Society

28.05.25 – The Society has written to the authority objecting to this application: the Society's letter of 1 March refers. 'The Society restates its objection and is disappointed that the issues raised in its letter do not appear to have been addressed.'

The site the subject of this application, was previously referred to as the Land Adjoining the See-Ho PH Pear Tree Lane Shorne and was the subject of five planning applications for residential development between 1975 and 202, all of which were refused. The site is indicated on the development plan as being in an area where Green Belt policies apply on the border between the village envelope and the Green Belt. The border was reviewed in the current plan and relocated from the centre of Bowesden Lane to the edge of the curtilage of the public house.

The appropriateness of the Green Belt designation and the appropriateness of the boundary of the village envelope have been tested at two public enquiries, one of which included a hearing.

Pear Tree Lane has been the subject of sporadic ribbon development generally pre-dating planning control and generally consists of large detached properties. The density is higher inside the village envelope which includes Ridgeway Bungalows. Against this background,

the Society considers the proposed development is out of character with the area.

Against this background the Society considers this application should be refused. It appears to the Society that little account has been taken of these issues in determining the application to date.

01.03.25 - In the Society's view the proposed development is out of character with the area. The Society notes it is proposed to pave some 75% of the site and there is no reference to the paving, which should be permeable.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED

SITES The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England's statutory advice on these potential impacts is set out below.

Further information required - recreational pressure impacts to European Sites (habitats sites)

This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an **appropriate assessment** in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the strategic approach, should also be subject to the requirements of the Conservation of Habitats &

Species Regulations 2017 (as amended) and our advice above applies.

Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to [Developers: get environmental advice on your planning proposals - GOV.UK \(www.gov.uk\)](#) for more information.

Impact Risk Zones for Sites of Special Scientific Interest

We publish Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs), a GIS-based tool designed for use during the planning application validation process to help local planning authorities to determine if a proposed development is likely to affect a terrestrial SSSI and when to consult Natural England. For more information and to access the SSSI IRZs and user guidance, please visit the [Natural England Open Data Geoportal](#).

Environment Agency

27.02.25 - The new application (20250110) confirms the intention for the site to connect to the existing sewer network along Pear Tree Lane. The connection to the sewer network addresses our previous comments relating to non mains foul drainage.

25.02.25 - Due to the scale, nature and setting of this proposal and the supporting information submitted, we have assessed this proposal as low risk. We therefore do not have any specific comments to add.

The Environment Agency's Approach to Groundwater Protection

We recommend the applicant/enquirer refers to our groundwater position statements in '[The Environment Agency's approach to groundwater protection](#)', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Cemetery developments
- Drainage

Land contamination: risk management and good practice We recommend that developers should:

- Follow the risk management framework provided in [Land Contamination: Risk Management](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

Drainage and infiltration

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater,

a controlled water.

Discharge of treated sewage effluent

If you are proposing a non-mains drainage solution the following form should be completed:
<https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

The discharge of domestic sewage associated with this development may be subject to General Binding Rules (GBRs) under the Environmental Permitting (England & Wales) Regulations 2016, which provide a statutory baseline of good practice. You can find more information online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact us on 03708 506506. If your proposal cannot meet the GBRs then a permit will likely be required.

Shorne Parish Council

Parish Council Summary:

While the decision itself on previous application ref 20240600 (to refuse permission) was correct, many aspects of the process that was followed, including the Officer report and the content of the Decision Notice, were significantly flawed.

However, the present application 20250110 stands alone for determination based on the full information and representations (including those previously submitted for 20240600, please see Appendix B) that are presently submitted.

To confirm the situation, we **OBJECT STRONGLY** to this application. In our opinion it is readily apparent that **this application should also be refused permission** and that **the correct, much broader reasons for refusal should be cited in the new Decision Notice**.

Should there remain any doubt in the minds of Officers that refusal of permission is the only option, and in order to obtain direction about the content of the Decision Notice (or otherwise Conditions), then it is essential in the interests of public transparency and democracy that the application should be **referred to the Regulatory Board** for wider discussion and a proper decision, as has already been requested.

Introduction:

This is a second application following refusal of application ref 20240600.

Although appreciative that the previous application was refused, the Parish Council has significant concerns about, and indeed objections to, the content of the Officer report, the manner in which the previous application was determined, and the situation where the reasons given for refusal that were included in the Decision Notice were, in our opinion, deficient.

We would prefer not to have to publicly criticise, when we know that there is a high departmental workload, but in the circumstances have no option but to do so.

Concerns about the 20240600 Officer report and Decision Notice:

- **Lack of referral to the Regulatory Board** - It is our reasonable expectation that an application of such importance to the Community, that has been opposed by the Parish Council and all three Ward Councillors and has attracted hundreds of letters of objection from residents would be referred to the Regulatory Board for discussion. This would have ensured that all aspects could be adequately reviewed and all valid

and sufficient reasons be included respectively in the Officer report and the Decision Notice.

- Lack of addressing of points raised in our detailed representations - When applications are complex, or contentious (and therefore the cause of significant Community concern, or considered more likely than some to go to Appeal), the Parish Council looks very carefully at all aspects of the application and submits detailed representations. We recognise that this comprehensive approach can make them long. The immediate aim is intended to assist primarily the case officers but that can only happen if our representations are read and considered carefully rather than apparently just being pasted across into the Officer report (we cannot find any reference or response to the points that we raised, please see Appendix B)). It is our reasonable expectation that these current representations will be treated appropriately and better.
- Review of the four previous Appeal decisions – The review appears to have been a selective, “pick and mix” approach to the text of previous Appeal decisions. We do not accept this as tenable, the point being that whatever minor variation there was in the detailed content from different Inspectors (as would be expected within limits with individual expert opinions), there was overall complete consistency as all the decisions reiterated the correctness of refusal of permission and supported the essential value of the plot to the open, Green Belt, local environment: “necessary to keep permanently open” in Green Belt review terms. Nothing that has been said actually detracts from that and we dispute that so many, fundamentally consistent Appeal decisions can be reconfigured by Officers (and the Applicant) attempting to set them aside. In addition, we do not accept that decisions/comments about locally compatible bungalows can be extrapolated across to similarly apply to a locally atypical Traveller Site.
- 2024 NPPF update and the timing of the 20240600 Application – The application was submitted on 4th July 2024, long before the NPPF update was published on 12th December 2024. As a result, both the Applicant’s submission, and the bulk of the over 200 letters of objection, including that from the Parish Council, were based on the previous NPPF version. We do not accept it as reasonable or valid for Officers to apply the new NPPF to an old application, especially without giving notice of that intention. The previous application should have either been assessed against the previous NPPF version wording or resubmitted with all respondents, and indeed the applicant, made aware of the changed circumstances so that all representations could be updated.
- Green Belt location etc and Local Plans – Whatever was discussed during the past review process, the fact is that the plot of land is identified in the currently valid GBC Green Belt Review documents as being outside the settlement boundary, in Green Belt, and it is not identified as an accepted/suitable plot for development/building of any kind. It is patently not a site that would have been proactively selected for the application purpose, being too small and located too close to settled residents. Whatever will be discussed in the next Green Belt review, that will also be subjected to public consultation and debate, and cannot be pre-empted (or indeed predicted). Therefore we do not accept variation to the content of the already published documents based on opinions of GBC staff/the Applicant.
- Contravention of the 2024 updated Traveller Site Planning Policy guidance, Clause 17: Further to the previous point made, this states that “**Green Belt boundaries should**

be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.” The wording of this clause confirms that the Officer discussion over ref 20240600 was completely wrong.

- “Grey Belt” classification – This new designation is in its infancy and still evolving, so it is not clear how, or with what authority, officers can unilaterally make an arbitrary and contentious decision that Green Belt land is instead “grey belt”, particularly when the parameters of the category have not yet been fully defined (they are still being explored in parliament, see <https://committees.parliament.uk/work/8503/the-grey-belt/>). As “grey belt” land classification is a downgrading from Green Belt, it follows that such can only be decided through a formal Green Belt Review including community consultation, so we disagree absolutely that there can be any attempt to label the application site or indeed any particular piece of land in Gravesham as “grey belt” at present, that being at best extremely premature – identification of “grey belt” land in Gravesham must await the next Green Belt Review.
- Applicant’s personal circumstances, also Human Rights Act – As noted in our previous representations, there is no guarantee that locally resident children will be offered places at Shorne School as this is 1Km away from the site. Also, vehicular transport will be required. We noted that the Appeal for Ref 20200554 was dismissed regardless of children living on a site, as Green Belt status of the land was considered of paramount importance. This is a contradiction with the discussion in the Officer Report and we consider that inappropriate weight has been given to these aspects. Local Residents consider that there is a lack of consideration of their own Human Rights as existing residents of the area who might have this unwanted development imposed upon them.
- Domination of the nearest settled community – we question whether this aspect applies when the site is inappropriately small and immediately adjacent to settled residents rather than a large plot with many pitches in a rural area. The site will be continually in resident’s awareness.
- Visibility of the development – There is a contradiction within the document (sometimes not visible, sometimes not highly visible) and in that GBC voice the opinion that the high hedges and fences are an advantage whereas the Planning Policy for Traveller Sites says (clause 27) that “When considering applications, local planning authorities should attach weight to the following matters: b) **sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.....** and..... d) **not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community**”. Clearly both of those latter clauses are not satisfied by this application.
- Adverse impact on the valued landscape – GBC make a value judgement that the Parish Council and residents do not agree with.
- Sustainability, and “...good access with local amenities within close proximity to the site...”

- It is unclear to us how GBC Officers have formed this opinion. As said below, and previously, the nearest amenities are 1Km away (Shorne), 2km (Higham) and 5Km (Strood Tesco) and their distance and sustainable accessibility were criticised by previous Inspectors. There is certainly no “close proximity”.
- Regarding bus services, GBC have quoted an Inspector who did not have sufficient information plus did not themselves attempt to seek the information, which is readily available on the internet. Doing so would show that bus services are in fact infrequent and highly constrained, being mostly focused on secondary school journeys and timings so leaving very limited services and access for other residents during the day and evening.
- Visual impact – There are further value judgements made about visual impact (the day room will be particularly visible from the roadway) and the “limited” nature of the proposal whereas 5 structures, two of them large, are proposed to be located on the small site. The point here is that the proposed structures are alien forms in this location, being not at all like bungalows of the local format, hence we disagree with other value judgements that they would not be discordant or would be relatively inconspicuous.
- Overall Planning balance – We do not accept that very special circumstances have been proved for the Applicant to make an essential move to this site in Shorne and Gravesham, which we do not accept as being a suitable size or location for the type of development proposed. We have shown (please see also Appendix B) that the matters cited (lack of overall pitch availability, “grey belt” designation and sustainable location) are not in fact true so the balance must be reconsidered. If properly assessed, the balance would be found to be strongly against the proposal.
- Conclusion – The Officer report does not stand up to close examination. It contains a considerable number of subjective value judgements, which should not have any place in what should be a largely objective assessment, plus incorrect application of planning policy, in some parts attempting to support the reverse of reality. Local residents quite justifiably feel that GBC are regarding the putative needs of people from outside the area as a greater priority than those of long-term local residents. There appears to be a significant element of pre-judgement with allowances and assumptions being made that would not have been afforded to local residents making an application.

The Current Application 20250110:

This present application also allows revisiting of the entire content of the previous application and decision, in order to correct the various errors, as well as the content of the present application. Due to the deficiencies identified in the Officer report, we consider that no reliance can be placed on it by the applicants, so their quotation of its content has no weight or bearing, and all references to it should be ignored.

We attach and resubmit our previous representation on application ref 20240600 as Appendix B. We consider that the points raised are still valid and request that they be reconsidered and reapplied to this present application along with the content of these current representations.

Current situation of the site:

- Previously delivered static caravan and touring caravans – It is unclear what caravans are presently on the site as photographic evidence varies and there is fresh damage to the grass verges. However, all have been/are located there without planning permission being in place.
- Shipping container – the container that was left behind by the previous owner is still on the site and needs to be removed, it is not part of the submitted plans.
- Hardstanding – Considerable extension of the hardstanding area has been undertaken/is in progress. This renders GBC's discussion about Biodiversity Net Gain both incorrect and at times incomprehensible. Looking at past aerial views we estimate that the area has been more than doubled during present ownership, from about 35% to about 80% of the whole site. It is not correct to suggest that previous development has been greater than it was or that the proposed caravans will only be located on the original area of hardstanding.
- Entrance area – Gates, exterior lighting and a post box have been installed.

Matters arising from the Applicant's present application:

Application Form:

- Site Area – this has been corrected to now say 0.2 hectares. The revised figure highlights that accommodating 5 structures and a large area of hardstanding would be overdevelopment of the site.
- Work already started – note date of 30/8/24 given for work being started, without benefit of planning permission.
- Existing Use – this still says "Former Paddock", which is untrue.
- Vehicle Access – proposed as permeable roadstone although KCC Highways advised that it should be a "bound" surface.
- Foul drainage – this section has not been altered and still proposes a Package treatment plant. There is concern as to what has been happening in this regard during the months that the applicant has been resident on the site without planning permission.
- Waste storage and collection – no areas are identified on the form or in the plans.
- Ownership – the applicant has again stated that they own the land however the Land Registry record still gives other names as the true owners. This needs to be clarified/confirmed.
- Number of pitches – this needs to be very clear, that despite the proposal to additionally "store" two touring caravans on the site, the total number of pitches proposed is only two.

Submitted Plans:

- Adequacy of proposed Caravan layout:
 - We commented previously that the proposed caravan layout is a poor and inadequate design as the bathroom is only accessed from/through a bedroom. The bathroom should open from the lobby or have a "jack and jill" door arrangement. Alternatively, additional facilities could be provided in the static caravans.
 - We note that such a deficient arrangement would not be allowed in a planning application for a house for a local resident.

- “Example” plan of static caravan layouts:
 - The actual plans must be submitted for consideration if full planning permission is sought. Otherwise it cannot be known what is actually proposed, the situation being comparable to an application for “outline” compared with full planning permission. The application should have been rejected on these grounds.
- Need for a day room:
 - As raised before, with full bathroom facilities in the static caravans, and the touring caravans only being “stored”, we question the need for the day room as the facilities are being duplicated. An explanation should be provided as no need has been demonstrated.

Planning Statement:

- Works prior to obtaining planning permission (Point 2.1)
 - As well as installing additional hard landscaping and occupying the site without planning permission in place, local residents particularly object to the premature creation of a “finished” appearance to the entrance of the site, with exterior lighting (too bright and on all the time) and a post box.
 - Note that KCC Highways have advised of the full requirements for a satisfactory site entrance.
- Distance to Amenities (Point 2.2) – the distances quoted are not factually correct, being significantly understated. The distance to the nearest shop/post office in Higham is over 2Km by road (not 1Km as stated) , and that to the small Tesco supermarket in Strood is over 5km (not 2Km as stated).
- Acceptability of previous application proposals (Point 3.4) – we disagree that the previous application was otherwise acceptable, especially if it had been properly assessed. In particular, as there was not a permission given, there were no Conditions attached. Careful examination of the Application suggests that it is so deficient that Conditions that are significant in number and extent would need to be attached to any permission that might be granted. Furthermore, whatever was the outcome of the previous application is, in our contention, irrelevant to this present new application which must be considered on its own merits or otherwise.
- Foul drainage (Point 3.4) – Submitted documents (excepting the application form which still refers to a Package plant) may indicate intention to put in proper sewerage drains but any decision must include that as a requirement, for drains to be installed before any static caravans are installed on the site and before the day room (if permitted) foundations are formed. The proposals have to be delivered in reality and not permitted merely as a “Strategy”.
- Applicant’s summary of National Planning Policy (Section 4) -
 - The review here is highly selective in choice and interpretation, as a result our disagreements with the content are too numerous to include in their entirety, it being obvious that reading the NPPF from the viewpoint of local residents gives a completely different and negative outcome. Examples include: we do not accept that the proposal for this site is land of the right type in the right place (Point 4.3, bullet 1); supports local social objectives; or protects and enhances the local environment.
 - Regarding decision taking (Points 4.4 and 4.5), examples are: the proposed site is not in a sustainable location as all activities off the site will require vehicular

- transport; permission would not protect areas or assets of particular importance; and adverse impacts (on local residents) would decidedly outweigh any benefits.
- Moving on to Points 4.6 and 4.7: the proposal is not for high quality, beautiful and sustainable buildings and places or will make development acceptable to local communities; and will not add to the overall quality of the area, etc for the rest of that section.
- For Point 4.8, “grey belt” please see above under section about disagreements with the previous Officer report.
- Applicant’s summary of the 2024 Planning Policy for Traveller sites –
 - Likewise to the previous section, this review is highly selective in choice and interpretation and misses out some important parts of the guidance.
 - Irrespective of local authority sites, regarding Point 4.1b, as we showed in our previous representations (please see Appendix B), there are a very high number of travellers resident in the wider local area, and this should also be taken into account.
 - Point 4.12 is obviously a very important one acting against this proposal.
 - We note that the Applicant has omitted the first, and therefore most important and overriding item of Clause 13 of the updated Traveller Site Planning Policy guidance, which says: “**Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally.** Local planning authorities should, therefore, ensure that their policies: a) **promote peaceful and integrated co-existence between the site and the local community** (already compromised due to the actions of the Applicant) and..... e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development (Note we had previously pointed out that the caravans will be located very close to a quite busy roadway).
 - Section 17, which has also been omitted says that “**Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application.** If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only. This clause would also seem to exclude so-called “windfall sites”.
 - Section 27, which has also been omitted by the Applicant has two relevant clauses: “When considering applications, local planning authorities should attach weight to the following matters: b) **sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.....** and..... d) **not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community**”. Clearly both of those latter clauses are not satisfied by this application.
- Applicant’s summary of Local Planning Policy: This refers to documents that are significantly old and have been superseded by the recent updates to the NPPF and the Traveller Site Planning Policy, however, none of these are valid arguments until local

policies have been updated and subjected to public consultation. In Point 5.7 the discussion about this site being a “windfall site” would seem to be contradicted by the various points that we have made above and the fact that it is located in the Green Belt. We also note that it only refers to temporary planning permission.

- Applicant’s “Gypsy” status (section 6):
 - Additional information is provided, some of which is different to that provided previously. However it is still the case that nothing that has been said creates a family connection to the area or proves a need to specifically be located in Gravesham and Shorne.
 - We note that the required 10 years total information has not in fact been provided. We do not accept that this requirement can be watered down to accept a lesser amount of evidence.
 - The full health information has not been made available to us but regardless the limited information available raises concerns about the severity of these health issues and the adequacy of personal support that will be available to an individual residing on an isolated Traveller site when their primary carer intends to be absent for long periods. Moving from East Kent into the West Kent NHS catchment area results in discontinuity of required specialist medical care.
 - As Mrs McCarthy no longer travels, and is not able to due to health reasons, arguably there is no need for a touring caravan to be accommodated in her name.
 - Reference is made to buying and selling of horses but the site is not suitable for equines, which must be excluded by condition. We are not aware that the applicant owns or leases any suitable land close nearby.
 - While sorry to hear of the historical incidents, dated up to late 2022, these do not amount to reasons for moving to Shorne and Gravesham, so far away from remaining family members and the valuable mutual support that would inherently be found within a larger Traveller site/community. It is also unclear where the applicant and immediate relatives have been living immediately prior to prematurely occupying the Shorne site.
 - In point 6.4 there is reference to availability of Local Authority pitches however as we discussed at length in our previous representations (please see Appendix B) and above, there are also considerable numbers of private and lawful Traveller sites in the wider area, many of which are expanding and could provide a much better location and environment. Reference is only made specifically to KCC (with only Maidstone and Gravesham cited in the previous Officer report) and not to Medway for example, or Swale. We do not accept that no other lawful sites would be found to exist and be available if a proper and thorough enquiry was undertaken.
 - Registration at the local surgery (Point 6.5) – This only shows that some people (detail is redacted) have been registered there, as any temporary residents would be entitled to do. In this case, this has only occurred because the persons have been occupying the site without benefit of planning permission. This information has no relevance in planning policy or influence on any decision.
 - Whatever the underlying causes, as for point 6.7 it seems that the family have effectively made themselves “pitchless” for personal reasons, in which case we do not accept that there is a requirement for LA pitches to be provided. As we have already explained, this site cannot be classed as “Grey Belt” as correct designation procedures have not been followed

- For point 6.8, we vehemently disagree that this application can be an exception to Green Belt policy.
- Drainage – As covered elsewhere, for point 6.10 the text does not provide certainty over the foul drainage connection as it only refers to a “Strategy” and that the drains “would connect”.
- Other material considerations (Point 6.13):
 - The Parish Council raised objections to some of these matters.
 - We assume that the second sentence is missing the word “no” (after As).
 - We have also reached the same conclusions as previously, that this application is not suitable to be permitted, and is in fact contraindicated.
- Applicant’s Conclusion (Section 7):
 - For Point 7.1 we disagree absolutely as the proposed development is inappropriate by definition.
 - Point 7.2 is noted but see Appendix A “Without Prejudice suggested Conditions”
 - Point 7.3, regarding drainage this is essential (but see also Appendix A “Without Prejudice suggested Conditions”) but due to the deficiencies of the previous Officer report and decision notice, we consider that regrettably the Applicant may have been given false hope regarding how this present application will be determined and the likely outcome.

Appendix A - “Without Prejudice” suggested Conditions:

In the first version of our representations for 20240600 that was submitted to GBC, we included on a “without prejudice” basis some Conditions that could be attached if permission was somehow granted.

Arguably, without there being a permission issued these points were at the time redundant, hence we were advised by a GBC Councillor (not Ward) that the section should be removed. That was done and revised representations were submitted, however we are now reinstating and expanding the section, in part to demonstrate the many deficiencies in the application.

Accordingly, “without prejudice” suggested Conditions are as follows:

- Materials - The design and materials should be similar to the bungalows opposite.
- External lighting – As is usually required, this should be minimal and only low level, controlled by time switches and sensors to only be on when actually needed and not all night at high level. Sensors and lights must be angled downward so as to only detect and shine respectively within the property boundary. There is already a significant problem with excessive lighting on the site as evidenced by the photographs included in one of the letters of objection to the present application. A lighting plan should be provided.
- Boundaries – Permanent screening boundary treatment and plantings should be required but kept to a reasonable height and physical condition.
- Number of touring caravans: Only two should be permitted on the site at any one time, which belong only to the on-site resident Cash/McCarthy family as set out in the application. They are not to be used regularly or for long-term/permanent residential use by others, and no guest caravans are to be permitted.
- Number of pitches: Only two pitches are to be permitted (the static caravans) as the touring caravans are only being stored. The meaning of “stationed” in this context

needs to be clarified as the varying words used (pitches, associated pitches, stationed and stored) do not appear to all mean the same thing and some imply regular/permanent use. What is actually permitted must be set out very clearly in order to exclude any doubt.

- Occupation of either the static or touring caravans, not both – The static and touring caravans should be occupied only on an either/or basis as the touring caravans are only being stored, they do not need to be and must not be occupied simultaneously except in very limited circumstances.
- Normally resident persons – Only the family members specified in the application should be in usual residence, with no changes/additions allowed.
- Temporary and personal permission - Permission could be only temporary and time limited (for the shortest allowable duration), and personal to the applicant.
- If the some/all caravans are no longer in use - Should the Cash family group/Mrs McCarthy no longer be occupying their respective static caravans then that and the relevant touring caravan should be removed from the site as they are both redundant. Similarly, should the site as a whole be vacant then it must be fully cleared and restored/remediated.
- Permitted Development Rights withdrawn – No extensions or additional buildings/structures are permitted on the site
- No Business use – Business use is not permitted and no trade vehicles are to be kept on the site. No materials for use elsewhere or associated with a business are to be kept/stored on the site.
- Removal of the shipping container – The shipping container left behind by the previous owner must be removed prior to any construction being commenced, and any gap should be filled with suitable fencing/hedging. We note that the shipping container is not shown on the current and proposed plans submitted for approval.
- Plans for the static caravans – Plans of the actual static caravan designs to be installed should be provided in advance and submitted for approval.
- Foul drainage connection – the submitted forms (excepting the application form which still proposes a Package plant) convey an intention to install foul drainage connected to the main sewerage system but guarantees are needed. The full and functioning system needs to be put in place before caravans are installed on the site and before day room (if permitted) foundations are laid.
- Driveway and gates – The KCC Highways advice needs to be a Condition (gates to be inset 5.5m from the highway, first 5.0m of driveway to be bound material, gates to open inwards)
- Noise limit conditions – as referenced by GBC, noise emission from the site including from any generators needs to be limited.
- Associated matters – As required with all Planning Applications for new dwellings, there need to be areas identified for Rubbish bins, bicycle storage and a location for an EV charger – these are not presently shown on plans.
- Keeping of animals on the site – No livestock (horses, cattle, pigs etc) to be kept on the site, or other animals that could cause a nuisance to neighbours.
- Landscaping plan – A detailed hard and soft landscaping plan is required, including requirement for moderate, permanent fencing and hedging.

Appendix B: Representations submitted for 20240600

20th December 2024 (Updated version)

Application ref 20240600

Introduction:

The Parish Council has to **OBJECT STRONGLY** to the entirety of this application which seeks to create new dwellings in the Green Belt, on a plot of land which has been subject to five previous Planning Applications and four Appeals (one with two instances of High Court involvement), all respectively Refused and Dismissed.

Planning policy exists to defend the Green Belt from the damage of inappropriate development, including through maintaining openness. The rules apply to everyone equally. No valid new information has been presented that would warrant overturning the many previous decisions that this is simply not a residential plot.

Among other reasons, the proposal is at excessive density for the size of the plot, constituting overdevelopment, and would impact adversely on the amenity of the area and on nearby and neighbouring dwellings. Within that we **OBJECT** particularly to the “Day Room” element which is a permanent structure, which would be visible from the roadway, and which would unnecessarily duplicate facilities anyway available in the static caravans.

History and Planning History:

It should be noted that the name of the plot has been changed for this application. The plot has always previously been known as “Land adjacent to the See Ho public house” reflecting its original ownership and historical use.

A list of previous applications over the past nearly 45 years is shown at Appendix A. In summary, there have been five Applications and four Appeals with one including two High Court hearings.

The planning history is therefore long and complex. We will not reproduce/duplicate the Appeal decisions here however the decisions made and the reasons cited for them have remained consistent throughout, are still valid to date, and should be carried forward as evidence against this present application.

We note that the Applicant has only mentioned the last two Applications (one with incorrect date) and Appeals in Section 3.1 of the Planning Statement. We hope that they were aware of the full history before purchasing the plot.

General Representations:

Outside the Village Envelope, in the Green Belt:

- The piece of land is outside the village envelope and in the Green Belt where new dwellings would not normally be permitted.
- No valid “very special circumstances” have been put forward to justify the present proposal overriding policy designed to protect the character of the Green Belt and rural area.

Area Character:

- The plot is located where the area character changes from settlement to a more open and rural appearance and it is considered important in underlining that distinction and transition.
- Buildings there would reduce the amenity of the overall area and negatively impact the visual appearance and the amenity of neighbouring properties.
- While some of the buildings might presently be hidden behind a tall hedge, there would still be awareness that they were there, and of all activity on and relating to the site.
- The proposal will result in light pollution on a plot that is presently completely dark at night.

Size of the site:

- The site measures only approximately 50m wide by 25m deep, which is very small for the proposed density of use.
- At 1,250 sqm this equals 0.125 hectares (0.31 of an acre). The area has been overstated by the Applicant in the Application form as instead being 0.2 hectares, which is incorrect.

Out of Character Density and Appearance:

- The proposed buildings will be at a higher density, with a large number (five) of separated structural forms, plus associated residential paraphernalia, and potentially take up more of the available space on the plot than is usual for residential dwellings in Pear Tree Lane. Very little green/amenity space will be left.
- The type of dwellings proposed are out of character with both the adjacent settlement and the nearby rural areas.
- A large and excessive area of hardstanding is proposed, with some already in place for which retrospective approval is sought, however the application also refers to levelling and paving of a larger area.

Relationships of the site and proposed site layout:

- Due to the small size of the site, some of the proposed structures will be located very close to the roadway, which could lead to noise and other pollution being experienced, especially in bedrooms.
- The site is similarly immediately adjacent to a busy Public House and its car park, a pre-existing business use, which again is not a good location for residential development. Existing dwellings in the area are set back from the roadway, and have a pavement providing greater separation, whereas there is no pavement on the south side of Pear Tree Lane at the location of the plot.

Design of the proposed buildings:

- The proposal is for two identical large static homes (15m by 6.5m by 3.5m ridge height, each with 3 bedrooms (5 beds). However, one of the buildings is stated to only be for one occupant, so its size appears excessive for that use.
- Both have a full kitchen and living space, and one bathroom although this latter aspect of the layout is poorly designed to be en-suite which prevents other occupants accessing it e.g. during the night or if unwell. The bathrooms could be accessed only from the main area either instead or with “Jack and Jill” doors.

- There is potentially space for a second bathroom/shower room adjacent to the small bedroom.
- The “Day Room” element, which is proposed as a permanent structure, is located very close to the boundaries of the plot and where it will be visible from the street, thereby having negative impact on the street scene. It unnecessarily duplicates facilities anyway available in the static caravans, and is not needed to support the family’s touring caravans as they are only being stored while not in use, so it should be deleted from the plans.
- As can be seen in the photographs below, we also note that the static caravan that was delivered to the site on 17th December 2024 has a different design, and possibly layout, compared to that proposed in the submitted plans.

Omissions from the plans and application deficiencies:

- The plans lack areas for rubbish bin storage, a cycle store and an EV charging point.
- Section 2 (site description) of the Planning Statement is blank.
- We note that according to current information at Land Registry, the Applicant is not (yet anyway) recorded as the registered owner, and this aspect should be clarified. The current Land Registry record partially matches with the first application form that was submitted.
- We also note that on the current application form the applicant has named the plot itself as being his current personal residential address.
- The answers about biodiversity net gain require expert review.

In Front of the Residential Building Line:

- The residential building line here is the frontage of “Shornebury/Fairwinds” (Pear Tree Lane) to the east, the northern boundary fence of “Ewhurst” (Bowesden Lane), the northern side wall of “Cartref” (Bowesden Lane) and then takes a step north to the frontage wall of “Rose Cottage” to the west in Pear Tree Lane.
- The plot under discussion is in front of (north) of that line.
- The historic See Ho building, being commercial and pre-dating all the local residential dwellings, is not a relevant aspect in this residential building line consideration.
- We note that local residents have been refused permission to build structures in front of the residential building line.

Previous use of the site, and structures:

- The Application documents refer to the site as being a “former paddock” but local residents are not aware of horses/livestock ever being kept there and there has not been any previous change of use application made.
- Structures are visible on aerial views, some previous ones seem to have been removed but there appears to be a white structure visible that is a new feature of the site despite there being a current planning application but not permission.

Hedge on Road Frontage and boundaries:

- The existing hedges, which reduce openness, have become very thick and overgrown, reducing the usable space on the plot, and are starting to gap at the bottom. The hedges have swallowed up the ranch fencing seen on the August 2009 Google Streetview, which predates the hedge being planted.

- Consideration should be given to the hedges being replaced if they are still needed and considered appropriate for the site.
- The height and intense colour have a prominent and negative visual appearance and draw attention to the site, which should not be the case.
- We suggest that at most a medium height hedge of mixed native species behind a short fence would be more compatible with the area and more appropriate in this rural location.
- Traveller sites are not usually fully enclosed by high hedges, which would negatively affect the light levels and ambience for persons within the site.
- We note that the Applicant incorrectly answered “No” to the question as to whether there are trees and hedges on the proposed site.
- Whatever hedges and fences there are, local residents will always be aware of the site, and it can be seen on publicly available aerial views.

Driveway Arrangements and Parking, local Parking and Traffic issues:

- The documents suggest that there will still be the one present vehicular entrance to the site however KCC are requiring the surfacing to be bound resin and any gates to be set back by 5.5m from the roadway.
- The site will have 4 parking spaces (stated as being for cars, meaning not larger/commercial vehicles) for a total of 3 adult residents.
- On-site parking should be only for cars/personal private vehicles and not for trade vehicles.
- On-street parking in the area is competitive and a considerable problem, especially when events and functions are held at the See Ho. Any overspill parking from the site would make that aspect worse and cause friction with other local residents.
- Pear Tree Lane is increasingly busy with considerable through traffic that does not always respect the speed restrictions. Traffic levels are likely to increase further due to additional agreed developments in the wider area and future major highway plans.
- Due to the parking issues in combination with traffic issues, entering and exiting the site could be hazardous, particularly for caravans.
- We wrote originally that “It is not clear how large static caravans could be physically installed on the site”. This prediction was proved accurate when traffic chaos resulted from Pear Tree Lane being blocked for several hours on Tuesday 17th December by the applicant’s actions, and which led to the Police being called to attend. At the time, Pear Tree Lane was the signed diversion route in relation to work on other local highways, which compounded the problems.



Setting of precedents:

- We are concerned, as with the previous applications for this site, about any permission setting an indefensible, damaging precedent for development of front gardens and other plots fronting Pear Tree Lane as that would irrevocably change the nature and ambience of the area.
- Similarly, precedents would also be set for the Borough as a whole.

Utility connections:

- Although planning permission has not been determined, the applicant organised an electricity supply to be installed on 9th December, the required road closure for several days being another inconvenience to local residents.
- While it is permissible to connect electricity to land, the potential use of the supply on such a small plot of this type, and in a situation of there not being any planning permission in place, is a concern for local residents.
- The situation on a potable water supply is unknown.
- The situation on waste water and sewerage is uncertain, the application form refers to a package treatment plant, this would require engineering works for installation.

Other works required, being undertaken:

- Documentation refers to levelling the site and installing further hardstanding.
- We are informed that an 8ft high inner fence is being/has been constructed behind the hedges.

Non-Sustainable location:

- The site is in a non-sustainable location as there are no shops in The Ridgeway area and there are few buses per day.
- Realistically this means a trip by vehicle to the nearest shop in Shorne Village, or there are more shops and a Post Office in Higham, or further afield to supermarkets.
- Similarly, local Primary Schools and Secondary Schools are all either unsafe to walk to (along busy roads without a pavement) or too far away and again vehicle trips are needed.
- This means that residence in Shorne confers no advantages and considerable disadvantages for the stated occupants, being a housewife with a young family and a relatively housebound older person, both of whom would also be isolated from other members of the Travelling community.

Traveller status of the Applicant and family:

- Overall, it is considered that this claim does not stand up to examination. The arguments put forward are weak, and there is concern locally that the mentions of Traveller status may be a subterfuge with the aim to overcome protective planning rules in a way not open to existing residents.
- The Applicant does not mention himself having Traveller status.
- The Applicant states that he has had permanent employment in Chatham in the family firm for eight years, his mother-in-law no longer Travels and his partner is also settled although occasionally takes Traveller associated holidays.
- The family unit appears to be in reality not Travelling but settled. They must currently reside somewhere in the wider area but where they are living presently has not been stated.
- The desire expressed to live in static caravans appears to be aimed at circumventing planning restrictions.
- The family would do just as well in an existing conventional property with parking for the stored touring caravans. We would be pleased to otherwise welcome them to Shorne on that basis.

Traveller site characteristics:

- Just as shortfall of housing targets was disregarded for opportunistic dwelling unit applications being permitted on this plot, the same applies as regards opportunistic Traveller sites.
- Traveller sites are usually larger and in countryside areas having an open feel, with room for expansion and close to other Travellers in a close-knit community rather than in isolation on a physically constrained site adjacent to a standard settlement and close to other settled housing.

Traveller statistics, in Gravesham and the wider area:

- The 2021 Census reported that 71,440 people identified as Travellers (overall 0.12% of the usual resident population of England and Wales).
- However, nearly a quarter (24.2%) of people who so identified lived in the South East compared to 15.6% of the general population.
- Figures by lower tier local authority (LTLA) show that the percentage of all Travellers increases with distance from more built-up areas such as London Boroughs, which have less land available, however the same is true for Gravesham which has a high level of protected Green Belt land compared to LTLA's further out.
- The figure for Gravesham is 0.47% (68th out of 329). The highest in Kent and Medway is 1.44% for Maidstone (2nd/329) with 1.08% for Medway (8th/329) and 1.30% (5th/329) for Swale.
- In the face of such high figures locally we consider the suggestion that Gravesham needs to regardless accommodate a greater number of travellers/sites, as local provision is inadequate, to be demonstrably redundant. There could be an equal argument that Kent and Medway as a whole, and particularly the adjacent boroughs, already host more than the national share. Like housebuilding targets, Traveller numbers should also be shared between LTLA's.
- The figures also show that nearly 80% of Travellers actually live in ordinary housing stock, only 21.6% living in "a caravan or other mobile or temporary structure". Choosing to live in a static caravan is by no means the commonest choice.

Connection to Shorne (or Gravesham), School admission, health services:

- The Applicant and his family do not apparently have any existing links to Shorne or to Gravesham, or a business address within the Borough. The applicant's business operates in the Medway Towns rather than Gravesham.
- While local connection is not a requirement, it remains unclear to local residents as to why this particular plot in Shorne has been chosen, as in reality the family could live anywhere and there are much more suitable locations in the wider area for this kind of proposal.
- Although there may be hope for the children to attend Shorne School when they are old enough, the School is oversubscribed and places are not guaranteed for locally resident children as, among other considerations, distance criteria are applied. This site is 1km from the school as the crow flies.
- Regardless, even with a firm offer of a place (evidence of having applied might be requested), no weight can be given to this aspect of the application as the children will require vehicular transport to the school so could live anywhere and be taken to any school in any area.
- It should be noted that the Appeal for Ref 20200554 was dismissed regardless of children living on a site as Green Belt status of the land was considered of paramount importance.
- Shorne only has a part-time Doctor's Surgery nowadays, access to the full range of services is also non-sustainable as it requires a vehicular journey to Istead Rise.

Opinions of local residents:

- A considerable number of objections from local residents have been submitted to GBC that are against this application and which demonstrate very high levels of community concern.
- Local opposition has been greatly heightened by the Applicant's recent actions in undertaking engineering works and moving a static caravan onto the site without planning permission.

Summary:

Shorne Parish Council **OBJECTS STRONGLY** to this application as detailed above. We cannot envisage any circumstances whereby this application could be deemed acceptable/permissible, even if the strongest possible Conditions were to be attached.

We strongly urge Gravesham Borough Council to refuse permission. Should there be any element of doubt then the application must be called in to the Regulatory Board for further discussion and final decision.

Appendix A: Past planning applications and outcomes:

- 19750434 Application for 2 dwellings, Refused and Appeal Dismissed
- 19770771 Application for 2 dwellings, Refused
- 19780587 Use of land as a "Bat and Trap" pitch associated with the Public House, Permitted
- 19850208 Use of land as an extension to the adjoining public house for use as a garden area and a "Bat and Trap" pitch, Permitted
- 19900655 Application (outline) for 2 detached dwellings with garages and formation of associated vehicular access onto a classified road, Refused and Appeal Dismissed
- 20120693 Application (outline) for detached dwelling and garage, Refused, Appeal Dismissed, Appeal quashed in High Court, Appeal redetermined as Dismissed, further High Court case no change.
- 20200339 Application (outline) with some matters reserved for 2 dwellings, Refused and Appeal Dismissed.



Internal Consultees

GBC Environmental Protection

Previous Comments (20240600) 16.12.24 - There is no objection to this application. The application form advises that the foul sewage will be dealt with by connection to the main sewer – this is fine.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that any external lighting installed is done so carefully so and not to illuminate anything other than the ground within a reasonable distance from the building.

Neighbouring Properties

5.1. The application has been advertised by displaying of a site notice and individual neighbour letters sent to 78 properties with an overall consultation period expired of 14th March 2025.

5.2. 61 responses were received in total. Of these responses;

- 1 comment was a duplicate made by the same individual.
- 63 Objections to the proposal.

5.3. *Objections Summary*

- Unauthorised use – the land is already being used for the proposed purpose without necessary approvals constituting a breach of planning controls. The changes proposed will have a negative effect on the community including increased traffic congestion and noise disturbance
- Previous applications for more appropriate alternative uses of the land been refused in the past, so allowing a traveller site in this location would completely contradict previous planning decisions
- It would offer no environmental or ecological benefit to the area
- Significantly impact road safety and traffic congestion in the area
- Parking Restrictions
- High volume of vehicles along Pear Tree Lane
- Narrow road – not suitable for caravans
- Out of character
- Not in line with current properties and landscape
- Sets a precedent
- Noise
- Light pollution
- Waste disposal
- Other lane more appropriate
- Type of development is not appropriate for Pear Tree Lane
- Detrimental impact on the area
- Anti-social behaviour
- Not allowed a static caravan in my garden/on property – why is this even being considered
- Detrimental impact on community – won't be using the See Ho pub anymore
- Will destroy the beauty and serenity of the area
- Green Belt land
- Numerous applications of houses reject and appeals rejected. If housing can't be built on the site, why would anything think appropriate to permit static caravans
- Impact on environment
- Negative impact on local character and the rural landscape

- Extra traffic in a narrow rural lane
- Inappropriate development in the green belt
- Inappropriate stationing of a traveller's site in a rural housing area
- Would harm the landscape character of the area with particular regard to the Shorne Woodlands Landscape Area
- Does not comply with Policy E of the government's Planning Policy for Traveller Sites that states traveller sites are inappropriate in Greenbelt areas
- No approve provision in this area for traveller sites in the Gravesham Local Plan 2023-2028 nor in the Gravesham Gypsy and Traveller Five Year Land Supply Statement
- Previous owner had planning applications consistently rejected
- Overlooking neighbouring properties
- Harm to the character of the area
- Will cause friction with the settled community
- Local council not acting in the interests of residents
- No special circumstances
- Unimaginable consequences to the already idealic neighbourhood
- Increase in noise and complaints
- High crime rates
- Shorne does not need or want this
- Travellers require an open field
- Detrimental impact on immediate neighbours
- Not suitable for the proposed change of use
- Already a static caravan on site without permission which caused Pear Tree Lane to be come blocked for a considerable time
- Object for the same reasons as the first application
- More disruption and chaos
- More roadworks and inconsiderate movement of large vehicles with no notice to the police
- Already light pollution affecting local wildlife
- Grounds already destroyed
- Unsightly view to see caravans
- Lowers the tone of a beautiful village that will only be damaged further
- Carnage in what was once a peaceful place
- What about the resident's human rights
- Nothing changed from the original offensive and obstructive proposal
- Will blight the entire village
- Paragraph 89 of the NPPF states that any developments must be sensitive to its surroundings and do not have an unacceptable impact on local roads
- Touring caravans regularly coming in and out of the site will be dangerous for other road users given how narrow the road is and the poor visibility for oncoming traffic
- Increase of risk of accidents
- Contrary to paragraph 89 of the Framework
- Out of keeping with previous developments on Pear Tree Lane and the surrounding area
- Distinctive characteristic of Pear Tree Lane is the openness of the area and the spaciousness of the properties thereon.
- Would clearly diminish the characteristic spaciousness of surrounding properties on the road and such a density of structures should not be approved.
- Inappropriate development that is harmful to the Green Belt.
- None of the exceptions set out in paragraph 154 of the Framework would apply
- Overshadowing of existing properties
- Loss of privacy for the residents
- Hazardous to traffic on a small country lane
- Should not be in close proximity to existing dwellings

- Overdevelopment of a small site
- Applicant has history of doing this to other sites without permission and renting to other travellers
- Object to the application for the reasons that have been previously made
- Principle of development is unacceptable and comprises inappropriate development within this part of the Green Belt that will have a detrimental impact on openness
- The development will result in an adverse impact on Shorne Woodlands Landscape Area
- Will inflict severe harm on the residential amenity of neighbouring properties
- Detrimental impact on biodiversity interests
- Access off highway network and the nature of this insensitive development – adverse impact on highway and pedestrian safety
- Insufficient detail on foul and surface water strategy for the site
- Diminish the business of the pub next door
- Flouting of planning laws
- Would increase from 4 homes
- Attracts unwanted part of society
- Potential for bad behaviour
- Will affect natural beauty of the location
- Already caused a massive amount of disruption moving a mobile home onto the site without permission
- They will not be of benefit to the local area either socially or economically
- Access is dangerous
- How would the number of caravans be controlled
- How would the number of people in the day room be limited
- Site will quickly deteriorate into a muddy mess in bad weather
- Limitations put on the application will most likely not be followed and will see an increase in the number of units allocated to the pitch
- Damage to ancient woodland and hedgerows
- Anti-social behaviour and other criminal activity
- This is a village and should remain so
- Traveller communities do cause more noise and mess upon vacating areas
- Do not like waste messing up our beautiful historic village
- Object to the planning under the terms set by the new Government's 2024 rules for traveller site – not 1 mile away and within the green belt
- Council's lack of action
- How is this even being considered
- Strain on local infrastructure and services
- Will not be visiting the See Ho Pub until this site is shut down
- No street lighting
- Day centre for travellers is likely to attract a high level of traffic
- Danger to the public
- Disruption and social disturbance
- Encroachment into pub car park
- Will it all be concrete or some landscaping
- Loss of enjoyment of our home
- Loss of open land
- If they want to settle, why can't they rent a house
- Why special rules in place for said travellers
- The family have no connection to the area – why special treatment
- Council has consistently turned down applications for more desirable properties in this road
- This piece of land was very suitable for 2 houses for starter people in the village
- Should not be any need for a day room as the proposed static caravans are fully fitted

- Support the submissions from the Parish Council against this proposal
- Planning should be declined
- Running business from the site
- Additional tourer put on site without permission
- Loss and damage to trees and hedges.

5.4. Local Ward Councillors were also consulted, and all three councillors objected with the following summarised comments;

- Contravenes the Council's policy to protect the green belt
- Overdevelopment and inappropriate development of a site in land classified as green belt
- In appropriate use
- Highways concerns
- Encroachment on the green belt
- No test for very special circumstances
- Not in keeping with the area
- Not in keeping with the surrounding properties
- No indication of basic utilities for the site
- Support the objection letter from Shorne Parish Council
- Still no provision of mains drainage
- Ignored previous residents comments
- Did not assess material planning considerations made by Shorne Parish Council
- Previous application should have gone to Planning Committee
- Previous application should've been assessed against 2023 NPPF as that was current during submission
- Previous application was not assessed under all the relevant planning policies
- Previous weak reasons for refusal
- No biodiversity net gain
- Unsuitable location
- Disagree with officer's assessment of the site
- Floodlights unacceptable
- Applicants are not existing residents of Gravesham

6. Planning Analysis and Head of Planning Comments

Background

6.1. A previous application was submitted to the Local Authority for the Change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy / Traveller occupation and associated hard and soft landscaping, against planning application number 20240600 and was refused under delegated authority for the following reasons:

1. *The proposed development involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer, no justification has been provided for the use of a non-mains system. Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems. The proposal is contrary to paragraphs 187 (e) and 198 of the National Planning Policy Framework (2024) and Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*

2. *The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 193 and 194 of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.*
- 6.2. This current application is for the same change of use, but seeks to address the previous reasons for refusal.

The Main Issues

- 6.3. The main issues in this submission relates to:

- Green Belt (inc Grey Belt)
- Need for and supply of Gypsy sites
- Gypsy and Traveller Status
- Personal Circumstances
- Cumulative Impacts
- Character and Appearance
- Effects on Residential Amenity
- Parking and Highway Safety
- Drainage
- Biodiversity Net Gain
- Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS
- Tariff Grant of Temporary Permission
- Human Rights and Equality

Green Belt

- 6.4. The NPPF (2024) states at Paragraph 142, that Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At Paragraph 153, it is stated that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. At Paragraphs 154 and 155 the Government sets out the exceptions to development in the Green Belt not being inappropriate, and where the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate.

Whether the proposal is inappropriate development in the Green Belt

- 6.5. Paragraph 154 of the NPPF (2024) states that development in the Green Belt is inappropriate unless one of the following exceptions applies

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

6.6. Clearly (a), (b), (c), (d) (f) (g) and (h) do not apply in this instance as the proposal is not for agriculture or forestry, appropriate facilities for outdoor sport, outdoor recreation, cemeteries, burial grounds or allotments, extension or alteration of an existing building, is not a replacement building, it is not affordable housing. With regard to the development not being previously developed land this approach was accepted by the Inspector for a recent appeal decision on the site (20200339). whilst the site has been cleared of vegetation it is not considered to meet the NPPF definition of Previously Developed Land which states the following:

6.7. *Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.*

6.8. Consideration therefore needs to be given as to whether the development falls under (e).

6.9. Neither the NPPF (2024) or the development plan define the terms 'limited', 'infilling' or even what constitutes a 'village'. Because of this, the following points need to be addressed

to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

6.10. These points are:

- Whether Shorne Ridgeway is a village
- If Shorne Ridgeway is a village, where its boundary lies relative to the application site Whether the proposal subject to this application can be considered 'limited'; and
- Whether the proposal constitutes 'Infilling'

Whether Shorne Ridgeway is a 'village'

6.11. The adopted Gravesham Local Plan Core Strategy (2014) at 4.2.4, Table 2 and at 4.2.6 sets out a settlement hierarchy with 13 rural settlements inset from the Green Belt and two others (Harvel and Luddesdown) that are 'washed over'. None are specifically identified as 'villages'.

6.12. It is stated at 4.2.6 that where the rural settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt.

6.13. This settlement hierarchy is reproduced below:

First Tier Settlements	Gravesend/Northfleet/Ebbsfleet, i.e. the urban area
Second Tier Settlements	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements	Cobham, Shorne, Sole Street
Other Settlements	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

Source: Settlement Hierarchy Technical Paper December 2009

6.14. As noted above, there is no definition of a 'village' in either the NPPF (2024) or the development plan. Whilst the boundaries and status of individual rural settlements may be subject to review in the context of the emerging Site Allocations and Development Management Policies DPD, the boundaries shown on the policies map derive directly and are unchanged from those shown on the Gravesham Local Plan First Review proposals map (1994) as villages under now defunct policy V1.

6.15. This issue has been considered at appeal where the Planning Inspector (APP/K2230/W/16/3161653) (see appendix2) considered whether Culverstone Green is a village and the Inspector stated:

Culverstone Green is defined in the Council's Core Strategy (CS) 2014 as a 3rd tier settlement and it is inset from the Green Belt boundary. Paragraph 4.2.6 of the CS states that where settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built-up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt. From what I have seen and read, it seems to me that Culverstone Green may be regarded as a 'village' for the purposes of this aspect of this appeal.

6.16. As paragraph 150 of the NPPF (2024) only allows 'villages' to be excluded from the Green Belt by way of an inset designation and all of the above rural settlements are inset, it is

accepted that they must by definition be treated as villages for the purposes of the application of planning policy.

As Shorne Ridgeway is a village, where does its boundary lie relative to the application site?

- 6.17. As Shorne Ridgeway is considered for the purposes of this application to be a village, the question arises what its boundaries are on the ground and whether the application site lies within those boundaries. In this context it will be noted that the Court of Appeal case (Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)) (appendix 4) is relevant, as is the appeal decision for 20200339 (appendix 1) which both relate to this site.
- 6.18. 20200339 was an outline application for the erection of two dwellings adjacent to See-Ho Public House Shorne, located within the Green Belt.
- 6.19. In quashing the original decision, the Court did not make a planning judgement as to where the boundary of Shorne lay, instead concluding that the original appeal Planning Inspector had misdirected himself, in accepting the Green Belt/inset boundary as being the edge of the village (as defined within the development plan) after he had already noted the built development continuing to the east. As such the decision-maker must consider as a matter of fact on the ground if the site is within in the village, as the village boundary may be different from the boundary of the rural settlement inset from the Green Belt.
- 6.20. A site visit was undertaken in January 2025 and the conclusions are based on the facts on the ground.
- 6.21. Whilst the application site is outside the identified adopted inset rural settlement boundary, paragraph 4.2.6 of the Local Plan Core Strategy accepts that these boundaries do not necessarily represent their full extent. Rather, they are intended to relate to the coherent and established built up area where policy accepts infilling would not adversely affect local character or identity or impact on the openness of the Green Belt.
- 6.22. In this respect, it is considered that as per the 2020 appeal decision (APP/K2230/W/20/3258951) (appendix 1) there has been no material changes on the ground and there still remains a clear distinction between the more built up areas of Shorne Ridgeway and the looser development to the east which is quite rightly washed over by Green Belt policy and where the Council considers it important to maintain openness as a key characteristic of the Green Belt.
- 6.23. Whilst properties in Pear Tree Lane may have been replaced, altered and/or extended in the intervening period (such as Fairwinds) and this may have had a limited impact on openness, any permissions granted would have accorded with national Green Belt policy on preserving openness and ensuring that development did not conflict with the purposes of including land in the Green Belt. It is considered that the effect of any changes has not been so great as to constitute 'exceptional circumstances' sufficient to warrant a change to the Green Belt/inset boundary or to what may be considered to constitute the 'village' since the determine of appeal APP/K2230/W/20/3258951 (Appendix 1) in 2020.
- 6.24. It is worth taking into account the view of the Inspectorate in considering whether or not the application site should be excluded from the Green Belt at the time of the Public Local Inquiry into the Gravesham Local Plan First Review (1992) remains of relevance in this respect. The national policy context of this plan was PPG2 and Shorne Ridgeway (along with all the other inset settlements) were treated as 'villages'. The relevant inspectors comments were as follows:

Inspector's Comments

8.56 The objection site lies immediately east of See Ho public house and at one time was in the ownership of the brewery. It is now in separate ownership. In 19621 planning permission was granted for the erection of two dwellings on the land but this was never implemented. More recent applications for housing development have been refused.

8.57 Comments by Inspectors following section 78 appeals on the objection site and on land to the rear of Rose Cottage suggest that they regarded the public house as forming the terminal point of the built confines of the village and that existing housing in Bowesden Lane was more loose-knit and not within the built-up area of the village. I concur with this view although the three properties in Bowesden Lane, Cartrel, Honeymellow Cottage and Ranigani have a similar plot size to others within the built confines. However to include them within the village boundary would serve no useful purpose as it would give the impression that Bowesden Lane was part of the solidly built up area which it is not. Housing there is very low density with the dwellings merging into the landscape as part of the countryside similar to those to the east of the public house in Pear Tree Lane where they extend for a considerable distance towards the A226. To include this type of loose-knit development within a village boundary would make a mockery of the exercise and encourage ribbon development. If the objection site was to be included within the village boundary the dwelling Ewhurst in Bowesden Lane would also have to be included. This property has a large curtilage which would then come under pressure for development. As far as Ridgeway Bungalows are concerned I accept that their plot size and urban appearance justify their inclusion.

8.58 After studying the evidence submitted and viewing the objection site and its surroundings I reach the conclusion that the village boundary shown on the Proposals Map has been correctly drawn and that areas outside it are properly located in the Green Belt.

Inspector's Recommendation

8.59 I RECOMMEND no change to the village boundary for Shorne Ridgeway in respect of this objection.

Source: Report of Public Local Inquiry into Objections and Representations made to the Gravesham Local Plan First Review (1992).

- 6.25. It is noted that in dismissing the previous appeals in relation to this site in 1976, 1991, 2015 and 2020 all four Inspectors concurred with the above view that the 'village' comprised what is effectively shown as the inset area on the adopted Policies Map and that the application site and properties to the east and south lay outside it.
- 6.26. It is therefore concluded that the designated rural settlement boundary shown on the adopted policies map remains justifiable on the ground and that the application site lies beyond it, and within the Green Belt. The proposal is therefore considered to be 'inappropriate' development in the Green Belt.
- 6.27. As such the designated rural settlement boundary shown on the adopted policies map clearly reflects the discernible village as evident on the ground and that the application site lies beyond it, within the Green Belt. The proposal is therefore considered to be 'inappropriate' development in the Green Belt and does not form part of the village known as Shorne Ridgeway.

Whether the proposal subject of the application can be considered 'limited'.

- 6.28. Whilst the development is considered to not lie within a village, because the proposal only comprises of use of the land for two pitches it can be considered to be 'limited'.

Whether the proposal constitutes 'infilling'.

- 6.29. Again, whilst the development is considered to not lie within a village, it is, in the interests of thoroughness, necessary to consider if the proposal constitutes infilling. Neither the NPPF (2024) nor the development plan currently defines the term 'infilling'. However, it is accepted the generally agreed definition of infilling is as follows:

The development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage.

- 6.30. The Inspector for the 2020 appeal decision (appendix 1) concluded that the development of two dwellings on this site would not meet the definition of limited infilling and concluded the following within the appeal decision.

I conclude on this issue that, in accordance with what I saw on the ground, the appeal site does not lie within the settlement of Shorne Ridgeway. The proposed development cannot therefore be considered an exception to the construction of new buildings to be regarded as inappropriate development as provided in paragraph 145(e) of the Framework, i.e. limited infilling in villages. Nor would the proposed development amount to infilling. It cannot therefore be considered the exception as described in paragraph 145(e).

- 6.31. In summary the proposal does not constitute infilling under the terms of paragraph 154 (e) of the NPPF (2024) and there have been no significant material changes on the ground to warrant the boundary of the village changing.
- 6.32. It is therefore considered that the proposal when solely considering paragraph 154 of the NPPF (2024) represents 'inappropriate' development in the Green Belt which is by definition harmful, however this then requires the consideration of paragraph 155 of the NPPF (2024), as set out below.

Grey Belt

- 6.33. Having concluded the development does not meet any of the exceptions of paragraph 154 of the NPPF, consideration of paragraph 155 needs to be considered which discusses grey belt land and states:

"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
b. There is a demonstrable unmet need for the type of development proposed;
c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."

- 6.34. It should be noted however, that the PPTS (2024) at Paragraph 18, clearly states that the Golden Rules, set out in Chapter 13 of the NPPF, do not apply to traveller sites. Therefore, point 155 d) of the NPPF is not considered further.
- 6.35. The definition of 'grey belt land' is set out in the Glossary of the NPPF 2024 and is defined as:

“Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

- 6.36. It is important to consider whether the site can be defined as constituting grey belt land by reviewing the various Green Belt purposes and the contribution that the site makes to each of these. However, before doing so it is important to clarify that the NPPF when considering if land falls within Grey Belt, only allows for the consideration of the following Green Belt purposes, set out in the NPPF at Paragraph 143:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns merging into one another; or
 - d. to preserve the setting and special character of historic towns
- 6.37. Gravesham’s Stage 2 Green Belt Study shows that in respect of (a), (b) or (d), the site which is within parcel (SR4) makes relatively limited contribution to purpose b (preventing towns from merging). The release of this parcel for development was assessed in the Study as having a moderate harm on the Green Belt. The parcel does not check the unrestricted sprawl of a large built area, nor does it preserve the setting and special character of a historic town.
- 6.38. Therefore, the site does not strongly contribute to Green Belt purposes (a), (b) or (d) in respect of paragraph 143 of the NPPF.
- 6.39. The proposed development would be contained within the existing boundaries of the site and is well screened from public vantage points by mature evergreen hedging and would not be visually prominent within wider views of the landscape. Views of the site would be extremely limited from outside of the site, and by persons passing by.
- 6.40. As such the proposed development does not strongly contribute to the purposes of (a), (b) and (d) of paragraph 143 of the NPPF. In addition, the proposed would not affect area of assets in footnote 7 of the NPPF (Other than Green Belt). The development is considered to be on grey belt land.
- 6.41. The proposed change of use, proposed hardstanding and associated domestic features and paraphernalia would intensify the use of the site. Whilst this would impact upon spatial openness, the perceived effect upon openness was less than might be expected because the development is well-screened and would have a limited effect upon people’s perception of openness from beyond the boundary of the site. As such the spatial harm to openness is not sufficient to harm green belt openness due to visual perception being a factor which reduced spatial harm.
- 6.42. The development would utilise grey belt land, not harm openness, and would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across Gravesham. Therefore, the proposal would comply with criterion (a) of Framework paragraph 155.

(B) There is a demonstrable unmet need for the type of development proposed

Need for and Supply of Gypsy Traveller sites

- 6.43. The identified need for new Gypsy and Traveller pitches in the borough is derived from the Gypsy and Traveller Accommodation Assessment (GTAA) 2022. This GTAA updates and assesses need for pitches in the Borough, over the period 1 April 2022 – 31 March 2040, taking account of the proposed occupants of new pitches permitted since 2017. This covers the remaining 6 years of the Local Plan Core Strategy plan period (2022 – 28) and will inform the evidence base for the emerging Local Plan period (2025 – 2040).
- 6.44. The Council is aware that the need identified in the 2022 GTAA does not take account of the updated planning definition of Gypsies and Travellers in the 2023 or 2024 PPTS as it pre-dates these changes. It is acknowledged that the need therefore within the Borough, will be greater than the need for pitches for Gypsies and Travellers that solely met the pre-2023 PPTS definition. The Council is currently in the process of understanding the implications of the revised 2024 PPTS definition, and is engaging with the consultants who undertook the 2022 GTAA on the matter.
- 6.45. A summary of pitch need over the plan period 2022 – 2040 is set out below in Table 1. This shows that there is a need to provide 20 pitches between the period 2022 to 2028 for those Traveller households who met the 205 planning definition.

Table 1 Gypsy and Traveller pitch need April 2022 – 2040.

Households that meet the planning definition (pre-Dec 2023 definition)	2022-2027	2027-2028	2028-2040	2022-2040
Total	19	1	20	40
Annual requirement	3.8	1	1.66	2.22

- 6.46. For completeness Table 2, below, details the need broken down into 5 year period, taking into consideration the needs of those Traveller families who did not meet the planning definition, or where it was undetermined whether or not they met the definition. From this it is clear that the need for new pitches is likely to increase.

Table 2 Gypsy and Traveller pitch needs April 2022 – 31 March 2040

Period 1 April – 31 March	Pitch Need Meet the Planning Definition (PPTS 2015)	Pitch Need Non-Planning Definition (PPTS 2015)	Pitch Need Undetermined whether they meet the Planning definition or not	Overall Pitch Requirement
2022 – 2027	19	12	0	31
2028	1	0	0	1
2028 – 2032	4	4	1	9
2032 – 2037	10	1	1	12
2037 – 2040	6	1	0	7
TOTAL	40	18	2	60

- 6.47. An extract from table 6 of the Five year Gypsy and Traveller Pitch Supply Statement 2024 - 2029 illustrates the overall 5 year housing land requirement for the period April 2024 – March 2029 for those traveller households who met the 2015 planning definition and the overall traveller household need (i.e. those that did not meet the pre-2023 definition).

Table 3 Pitch Needs April 2024 – March 2029

	Scenario 1: Pitch	Scenario 2: Overall
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	Need Meet the Planning Definition (PPTS 2015)	Pitch Requirement
Outstanding need (April 2022 – March 2024) + 5 year land requirement (April 2024 – March 2029)	20.8 pitches (7.6 + 13.2)	33.8 pitches (12.4 + 21.4)
5 Year Annual Pitch Requirement	4.16 pitches	6.76 pitches

6.48. Since April 2024, planning permission has been granted on appeal for 4 pitches and there are outstanding appeals for an additional 3 pitches, all within the Green Belt.

6.49. From this it is clear that in March 2024, the council could not demonstrate a 5 year supply of deliverable pitches. Therefore, there is a significant shortfall in past delivery and future supply. Consequently, for the purposes of criterion (b) of Framework paragraph 155, there is a demonstrable unmet need for Gypsy and Traveller pitches within the Borough.

Gypsy and Traveller Status

6.50. The planning definition of ‘gypsies & 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 or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such..”

6.51. As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organized group of traveling showpeople or circus people travelling together as such.

6.52. It should also be noted that the Planning Inspectorate’s guidance for what is usually required to validate appeals relating to Gypsy and Traveller sites, includes the provision of family background and travel for work purposes details over a period of 10 years before the date of the application. In the interests of ensuring compliance with the revised definition of a Gypsy or Traveller, it is necessary that a Gypsy/Traveller applicant can demonstrate they travel from place to place for economic reasons, as confirmed in the High Court decision *R v South Hams DC ex parte Gibb* (1995) Q.B. 158 (as subsequently defined in Planning Policy for Traveller Sites (PPTS) 2024).

6.53. The Planning Statement supporting the application states the applicant who would occupy mobile one with their two young children who are both of a young age. The eldest of the two children will be starting school from September 2025, and it is hoped she will attend a local school to the site. The family are registered with a GP surgery in the local area.

6.54. The applicant has worked for a business with their immediate family for an 8 year period. The company is based in and carries out work across the Medway Towns.

- 6.55. Mobile 2 will be occupied by the mother of the applicant's partner.
- 6.56. The application has sufficiently demonstrated the intended occupants of the proposed pitches and meet the definition of gypsies and travellers as defined in Planning Policy for Travellers Sites, December 2024.

Personal circumstances

- 6.57. For the purposes of Article 8 of the Human Rights Act 1998, the "private and family life" of a traveller encompasses living in accordance with their gypsy or traveller heritage. In addition, s149 of the Equality Act 2010 requires a public authority have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations. Living and travelling in extended family groups for mutual support and care is integral to gypsy and traveller culture, and the applicant's family members work together and share caring duties.
- 6.58. The application comprises two pitches with two associated pitches for touring caravans to facilitate the nomadic way of life for the applicant and his immediate family members on a permanent basis. Together with a day room. The application is accompanied by a Planning Statement and Statement of Need, setting out the case for the applicant. The Planning Statement explains that granting permission on the site would provide a secure base for the applicant and his immediate family members, whilst enabling the applicant's child to attend a local school and the mother of the applicant's partner to receive health care, with medical records provided to substantiate the mother's health care requirements.
- 6.59. The applicant's partner does not travel for work and is a full-time parent. The partner does travel for events such as Appelby and Stown on the Wold for cultural reasons, and continues to live culturally as a traveller.
- 6.60. There are two children, below 18 years of age, who will reside at the site, with one child seeking to attend a local school from September, when they become eligible. Article 3(1) of the United Nations Convention on the Rights of the Child requires the best interests of the child be a primary consideration in all actions by public authorities concerning children. The primary consideration means no other consideration can be inherently more important than the best interests of the child, that is the need to safeguard and promote their welfare.
- 6.61. Should the application be refused, the family including the two children, would be adversely affected by not having a settled base and the ability of one of the children to access education would be detrimentally impacted. In such a scenario, a refusal of this application would be counter to the best interests of the children.
- 6.62. The applicant wishes for his family to have a more settled base to receive medical and educational support, these matters are not disputed.
- 6.63. In light of the above, the proposal would provide a settled base which would enable access to education, healthcare and generally support the children's and family's welfare, thereby meeting their needs.

Cumulative Impacts

- 6.64. The PPTS states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. In addition, policy CS17 of the Local Plan Core Strategy outlines the criteria to be met in Gypsy and Traveller development.

- 6.65. Dealing first with the whether the proposal is likely to dominate the nearest settled community, it is considered given the minimal number of pitches involved in this proposal, this would not be the case.
- 6.66. The proposals involves the creation of two pitches for static caravans, and two associated pitches for touring caravans, together with erection of one day room and hardstanding. It would inevitably extend built development to the site. The proposed mobile homes would, however, have the appearance of bungalows and would be relatively inconspicuous in this valued rural landscape.
- 6.67. The collective presence of the mobile homes, touring caravans, day rooms and associated domestic paraphernalia would result in additional cumulative effect in terms of their impact on the countryside and surrounding valued landscape. Much of the impact would be mitigated by the established boundary vegetation, and the access gates would obscure views directly to the front. Therefore, the site would only be visible from the surrounding properties adjacent to the site, but would not dominate the nearest settled community.
- 6.68. Due to the limited nature of the proposal, the proposal and future occupants would not place undue pressure on local infrastructure. With for example, local utilities and highway infrastructure having suitable capacity to meet the demand generated by this proposal.
- 6.69. The resulting cumulative effect on the countryside and valued landscape would not conflict with the objectives of Policy CS12 (Green Infrastructure), CS17 (Traveller Sites) and CS19 (Development and Design principles) of the Local Plan Core Strategy and paragraph 187 of the National Planning Policy Framework (NPPF) 2024, which together seeks to conserve and enhance the natural environment.

(C)The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

- 6.70. The site is located in Shorne Ridgeway with residential properties located to the north of the site, with the See-Ho Public House to the east. The site is served by good access with local amenities within close proximity to the site and sustainability of residential use of this site was considered in the 2020 appeal where the Inspector concluded the following:

For this site sustainability has been recently considered by the Inspectorate (appeal: APP/K2230/W/20/3258951 which was for outline permission for two dwellings and is a material consideration for this appeal. Within the appeal the Inspector concluded:

Shorne Ridgeway falls within the lowest tier, as an other settlement. Its services and facilities are limited and appear to be centered around the public house. However, there are 2 settlements close to the appeal site, Higham and Shorne, which are classified as second tier and fourth tier settlements, respectively. I saw that these provide a range of facilities and services including post office, convenience shops, public houses, churches, surgeries, pharmacy, greengrocer, take-aways, and hairdressers.

The inspector went on to note that the distance to Higham may be more than many consider walkable. More significantly, the lanes leading to both these better serviced settlements are largely unlit, are hilly, relatively narrow and without footways. As such future occupiers are more likely to rely on cars.

- 6.71. The Inspector went on to make the following observation:

However, both Higham and Shorne are served by buses that stop in Shorne Ridgeway, with the 416 and 417 continuing to Gravesend, which is connected to national rail, and by a new

service 311 running since the last appeal which runs from Meopham to Lower Higham. While I suspect that the frequency of these services may be limited, neither party has provided me with timetables for them. There is no evidence to suggest that the bus services through Shorne Ridgeway do not provide a suitable alternative to private transport for future occupiers of the development to reach services and facilities.

- 6.72. The inspector concluded at paragraph 41 that the site is sustainable and also recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

I find no conflict from the proposal with CS policies CS01 and CS02, nor with paragraph 103 of the Framework which seeks to actively manage patterns of growth in support of promoting sustainable transport, but which also recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. While the suitability of the site for housing and the accordance of the proposal in this regard with the development plan is acknowledged, this is a neutral factor that does not weigh in support of the proposal.

- 6.73. Taking into account that the Inspector has concluded that the site is sustainable for housing, and that in the intervening period there have been no significant changes in relation the sustainability of a site, it would then logically follow that the site is sustainable for a traveller site. Paragraph 8 of the PPTS states that planning applications for traveller sites should be assessed and determined in accordance with presumption in favour of sustainable development. In this instance, the site lies a short drive from local settlements that offer a variety of local services, including retail.
- 6.74. Whilst there is limited amenity within walking distance of the site, the Inspectorate has already considered this and concluded that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- 6.75. Within the context of the sites rural location and taking into account the relevant appeal decisions the proposed development is considered to meet the requirements of paragraph 110 and 115 of the NPPF (2024) and Policies CS01, CS02 and CS17 (LPCS) 2014.

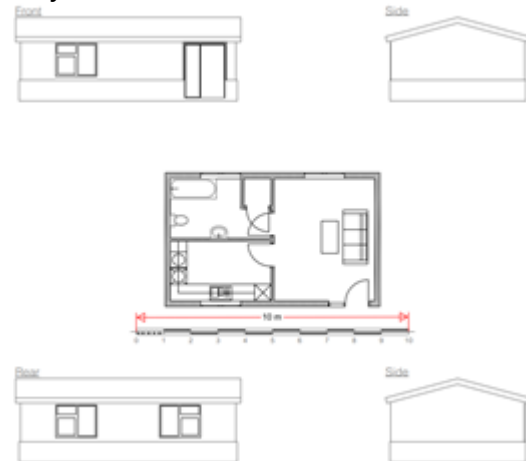
Character and Appearance

- 6.76. Policy CS19 of the Core Strategy seeks to ensure that new development is visually attractive and locally distinctive. The policy requires development to conserve and enhance the character of the local and built natural environment and integrate well into the surrounding area. The site is within the Shorne Woodland Landscape Character Area where the pertinent key characteristics are undulating topography with Chestnut coppice woodland, strong sense of enclosure, traditional village greens and varied building style and age. The Gravesham Landscape Character Assessment states that these key landscape characteristics should be conserved and reinforced.

Mobile



Day Room



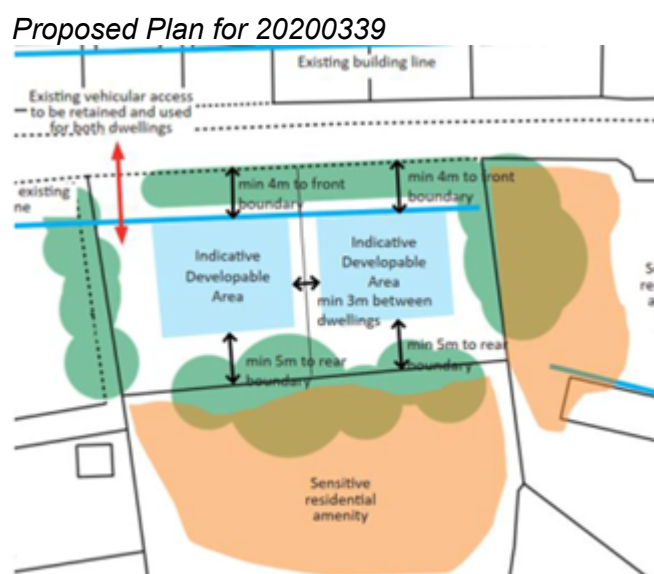
- 6.77. The visual impact of the proposed development would be largely experienced in its local context, and the development would be clearly identifiable as a caravan site and which would represent a major change to the character and appearance of the application site. A greater part of the site than was previously devoid of built structures would be occupied by the static and mobile caravans and a day room, and would take on the appearance of a permanent residential development.
- 6.78. Due to the extensive and tall boundary hedging and access gates, the development would not be highly visible from Pear Tree Lane.
- 6.79. Rather than reinforce and conserve the key landscape characteristics of the valued landscape, the development would impinge on the visual amenity of the locality, by extending built development to parts of the site where none currently exists. However, the visual impact would not be viewed from Pear Tree Lane owing to the screening provided by the tree belt along the site boundaries. In addition, there is built development surrounding the site as shown in the following image:



The previous refused application for *outline application with some matters reserved for the erection of two dwellings, under planning reference 20200339 was dismissed at appeal (Appeal Decision Notice APP/K2230/W/20/3258951)* with the Inspector stating in paragraph 29 that *the combination of undulating landform and tree cover bringing an enclosed character to the landscape*. The Inspector went on to say in paragraph 30 that *Given that the site is surrounded by plots containing buildings and it does not contain woodland, its*

development for housing, including the paraphernalia of residential occupation, would not undermine the contribution of woodland to the distinctiveness of the area as described by the LCA.

- 6.80. However, the Inspector did state in paragraph 31 *that two dwellings of modest footprints would place development which is more typical of the tight-grained, built-up sections within the settlement of Shorne Ridgeway on a site clearly belonging to the looser-grained, more rural character of development beyond the settlement.*
- 6.81. Whilst the Inspector's comments are accepted, this proposal was for two detached bungalows of larger footprint and of more permanence than the current proposal, as can be seen from the following proposed block plan from the previous application;



- 6.82. The two mobiles and tourer caravans are not permanent structures, with only the day room being permanent on site, which has a considerably smaller footprint than the previously proposed dwellings.
- 6.83. Taking all the above into account, including the previous reasons for refusal and Inspector comments, it is considered that the permanent structure of the day room would not result in a form of development that would undermine the more 'looser-grained more rural character of development' as mentioned within the Inspector's comments. As such, it is not considered that the development would be at odds with the prevailing layout of the area and would not impinge on rural character.
- 6.84. Overall, in terms of visual impact, the proposal would not represent a discordant feature in the countryside, as it would not be highly visible from public vantage points and would not sprawl into the local valued landscape. As such, the proposal would not result in urban sprawl or impinge on the rural character of the area. It would be in accordance with the guidance within the Gravesham Landscape Character Assessment, Policy CS02 and CS19 of the Local Plan Core Strategy that seek to ensure that new development conserves the overall landscape character.

Effect on Residential amenity

- 6.85. Government guidance in paragraph 135 of the NPPF (2024) state that planning should 'always seek to secure high quality design and a good standard of amenity for all existing

and future occupants of buildings and land. These core principles are in line with provisions of Policy CS19 of the Local Plan Core Strategy, which requires proposals to safeguard residential amenity, including privacy, daylight and sunlight.

- 6.86. The proposed mobile homes are large and would provide a decent standard of accommodation for future occupiers. The layout within the site is spacious, and future occupants of the proposed mobile homes would be provided with a decent outdoor amenity space. The relationship between the existing and proposed mobile homes would be such that there would be no unacceptable overlooking or overbearing issues from the proposed layout, therefore residential amenity of the existing occupiers would comply with requirements in policy CS19 of the Local Plan Core Strategy.
- 6.87. The application site is in a predominantly residential area with private residential dwellings to the north, east, south and south west. The See-Ho Public House and car park is directly to the west of the site. Given the nature of the area and the separation distances between the proposed gypsy and traveller development and residential properties, it is not considered the creation of additional pitches here would result in any unacceptable unneighbourly impacts on the occupiers of the properties on Pear Tree Lane and Bowesden Lane.
- 6.88. The proposal does not include details for lighting, whilst it is noted that the existing site has had lights erected on site, to which neighbours have objected, this proposal is to be considered against the information submitted by the applicant. As such, should Members be minded to approve the proposal, a planning condition would be imposed requiring the applicant, submit further details of a lighting scheme.
- 6.89. Given the above considerations, it is concluded the proposal would secure acceptable residential amenity for the occupants of the proposed mobile homes, and no harm is identified to the residential amenity of occupiers of residential dwellings on Pear Tree Lane. The proposal complies with policy CS19 of the Local Plan Core Strategy and paragraph 135 of the National Planning Policy Framework 2024, which seek protection of residential amenities for the occupiers of buildings and land.

Parking and highway safety

- 6.90. The site and pitches would make use of the existing access from Pear Tree Lane, in the north western corner of the site and there is adequate hard surface space available within the plot for parking of vehicles associated with the two pitches proposed, and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.
- 6.91. Government guidance in the revised NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impact of the development is severe and cannot be mitigated by off-site improvement to the transport network. The level of additional vehicle movements to and from the site resulting from this proposal does not lead to a significant increase in traffic generation, unacceptable intensification of use of the local road network or raise any overriding highway safety issues.
- 6.92. Within the previous application (Appendix 1)), the Local Authority found no issue with highways and parking against the provision of two dwellings on the site, and the Inspector for the appeal did not make reference to any highways or parking issues within the appeal decision. Therefore, this position would not alter.
- 6.93. Overall, on this basis, it is considered that the impact upon highway capacity would be acceptable. The proposal would comply with policy T1 of the Gravesham Local Plan: First

Review (1994), which seeks to mitigate the adverse impact of development on the highway network.

Drainage

- 6.94. Policy CS19 (LPCS) requires development to not pose an unacceptable risk or harm to the environment, including the quality of ground waters. This is reflected within the NPPF at paragraph 187 (e) which requires new development to not have an adverse impact ground water conditions. Further guidance is provided by Planning Practice Guidance at Paragraph: 020 Reference ID: 34-020-20140306 which is clear that non mains drainage (Septic tanks) are only acceptable if demonstrated by the applicant that discharging into a public sewer is not feasible and states the following:
- 6.95. *Septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010. Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.*
- 6.96. For this proposal to be acceptable in relation to ground water it will need to comply with the above requirements.
- 6.97. The previous application was refused for the use of non-mains drainage system, with this reason for refusal supported by The Environment Agency.
- 6.98. This current application has been submitted with a foul drainage strategy which has been designed to connect into the Southern Water foul sewer which runs along Pear Tree Lane.
- 6.99. It has been confirmed that the relevant application for the foul sewer connection has been made to Southern Water.
- 6.100. The Environment Agency have been consulted on this current application and have confirmed that the submitted details are acceptable and the connection to the sewer network addresses their previous comments relating to non mains foul drainage.
- 6.101. As such, the submitted details are considered acceptable and addresses the previous reason for refusal (1) and the proposal would not result in an unacceptable risk to ground water conditions and is in accordance with Policy CS19 (LPCS) and paragraph 187 (e) and 198 of the NPPF (2024).

Biodiversity Net Gain

- 6.102. Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.
- 6.103. In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
- 6.104. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for

development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

- 6.105. KCC Biodiversity's comments state that they were not of the opinion that the removal of biodiversity from the site was retrospective. However, the condition of the site has been monitored through previous applications, and the area of development has been devoid of biodiversity prior to the submission of the application.
- 6.106. The application is located on a site where there is no biodiversity, and the removal is retrospective to this application. Therefore, in this circumstance, the application is exempt from biodiversity net gain requirement.

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff

- 6.107. The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out.
- 6.108. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on Gypsy and Traveller accommodation. Developers/applicants will need to pay £328.27 per pitch provided within 6km of the Ramsar site and SPA. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. Having undertaken an appropriate assessment it has been concluded that the payment of this tariff, would offset any recreational impacts to the SPA. The applicants have submitted a contribution agreement and paid the relevant fee, being £656.54 for two pitches.
- 6.109. As such, the previous reason for refusal (2) has been addressed and the development accords with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Overall planning balance:

- 6.110. It is acknowledged the under supply of traveller pitches and lack of suitable sites in the Borough to meet the needs of those meeting the planning definition of 'gypsies & travellers' in the district, and whilst the Council has a duty to provide for all housing needs, the burden of demonstrating very special circumstances exist to warrant a positive decision rest on applicant. In this instance, verifiable information has been put forward to sufficiently demonstrate the intended occupants of the proposed pitches meet the planning definition of 'gypsies & travellers' as set out in the PPTS.

- 6.111. The application site is considered to be a suitable location for the type of development proposed, in view of it being on Grey Belt land and within a sustainable location. The supporting information has also sufficiently demonstrated there are special personal circumstances to warrant the grant of planning permission. These matters must be significant weight.
- 6.112. The previous reasons for refusal relating to the use of non-mains drainage and not providing the SAMMS payment have both been addressed and the development is therefore considered acceptable.

7. Equalities Considerations

- 7.1. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.3. Gypsies and Travellers have a protected status under the Equalities Act 2010. By virtue of having a relevant protected characteristics. The Council is therefore duty bound to consider decisions that have a disproportionate adverse impact on a protected characteristics, even if this impacts may be unintentional. This may involve an understanding of the practical impact on individuals affected by the decision. Regards should be had to the effect of mitigation taken to reduce any adverse impact. PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors.
- 7.4. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.5. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 7.6. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 7.7. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 7.8. The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8. Human Rights Implications

- 8.1. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 8.2. Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.
- 8.3. In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9. Conclusion

- 9.1. It is recommended that the proposed change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy/Traveller occupation and associated hard and soft landscaping is GRANTED planning permission, subject to conditions.

- 9.2. The development would utilise grey belt land and would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across Gravesham. Therefore, the proposal would comply with criterion (a) of Framework paragraph 155.
- 9.3. In March 2024, the council could not demonstrate a 5 year supply of deliverable pitches, this remains the case. Therefore, there is a significant shortfall in past delivery and future supply. Consequently, for the purposes of criterion (b) of Framework paragraph 155, there is a demonstrable unmet need for Gypsy and Traveller pitches within the Borough.
- 9.4. The application has sufficiently demonstrated the intended occupants of the proposed pitches and meet the definition of gypsies and travellers as defined in Planning Policy for Travellers Sites, December 2024.
- 9.5. A settled base will improve access to education and health services and sufficient supporting evidence has been provided with the application, as such the need of the applicant and his family has been met.
- 9.6. The proposal is not considered to have an adverse impact on the valued landscape. The resulting cumulative effect on the countryside and valued landscape would not conflict with the objectives of Policy CS12 (Green Infrastructure), CS17 (Traveller Sites) and CS19 (Development and Design principles) of the Local Plan Core Strategy and paragraph 187 of the National Planning Policy Framework (NPPF) 2024, which together seeks to conserve and enhance the natural environment.
- 9.7. The proposed development is within a sustainable location and is considered to meet the requirements of paragraph 110 and 115 of the NPPF (2024) and Policies CS01, CS02 and CS17 (LPCS) 2014.
- 9.8. The proposal would not represent a discordant feature in the countryside, as it would not be highly visible from public vantage points and would not sprawl into the local valued landscape. As such, the proposal would not result in urban sprawl or impinge on the rural character of the area. It would be in accordance with the guidance within the Gravesham Landscape Character Assessment, Policy CS02 and CS19 of the Local Plan Core Strategy that seek to ensure that new development conserves the overall landscape character.
- 9.9. The proposal would secure acceptable residential amenity for the occupants of the proposed mobile homes, and no harm is identified to the residential amenity of occupiers of residential dwellings on Pear Tree Lane. The proposal complies with policy CS19 of the Local Plan Core Strategy and paragraph 135 of the National Planning Policy Framework 2024, which seek protection of residential amenities for the occupiers of buildings and land.
- 9.10. The proposed scheme will safeguard future occupier amenity with the residential units complying with local and national standards, shared private amenity space, an improved access and sufficient natural light. Furthermore, the proposal would safeguard the amenity of neighbouring properties and is in accordance with Policy CS19 of the Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2024).
- 9.11. The proposal would comply with Policy T1 of the Gravesham Local Plan: First Review (1994), which seeks to mitigate the adverse impact of development on the highway network.
- 9.12. The proposal would not result in an unacceptable risk to ground water conditions and is in accordance with Policy CS19 (LPCS) and paragraph 187 (e) and 198 of the NPPF (2024) and the previous reason for refusal (1) has been addressed.

- 9.13. The proposed development would not result in any increased adverse impact on migrating birds using the Thames Estuary and Ramsar sites with the mitigation SAMMS payment being made. The development would therefore comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 192 and 193) of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014), and the previous reason for refusal (2) has been addressed.
- 9.14. Overall, the proposal has overcome the previous reasons for refusal and complies with all relevant national and local planning policies, and it is recommended that planning permission is granted.

10. Appendices

1. 20200339 – Appeal Decision APP/K2230/W/20/3258951
2. 20160136 – Appeal Decision APP/K2230/W/16/3161653
3. 20/P/00052 Appeal Decision APP/Y3615/W/20/3260351
4. Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin))

11. Recommendation

Planning Permission, subject to conditions as set out within this report.

12. Conditions and Informatives

Suggested Conditions

Standard

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

Planning Application Form

Planning Statement

Drawing No. 2024-PPP028v1-LocBlock – Location and Block Plans

Drawing No. 2024-PPP028v1-Mobile – Example Mobile Home

Drawing No. 2024-PPP028v1-DayRoom – Proposed Day Room

Drawing No. 25021-HOD-XX-ZZ-DR-C-5100 P01 – Engineering Layout

Foul Drainage Design Covering Letter

Reason: For the avoidance of doubt and in the interests of proper planning.

Within 2 Months of Determination

Hard and Soft landscaping

2. Within 2 months from the date of this decision notice, a hard and soft landscaping scheme, including a timetable for implementation and completion, shall be submitted to

and approved in writing by the Local Planning Authority. The scheme shall include the following:

- The retention of existing boundary planting.
- Details of additional native tree, hedgerow and shrub planting around the site boundaries and to fill any gaps, to include their quantity, size and arrangements for aftercare.
- Details of biodiversity enhancements such as hedgehog, bird and bat boxes, and log piles.
- Details of hardstanding/surfacing.

Any identified trees or plants that die, are damaged, removed or become diseased within five years from the first occupation of the caravans hereby permitted shall be replaced with a species of a similar size and species during the next available planting season. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with an agreed implementation programme. The completed scheme shall be managed and/or maintained thereafter.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of appearance upon the completion of the development and to ensure no net loss of biodiversity in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Parking/Access

3. The approved access/parking/turning arrangements shall be laid out within 2 months of the date of this decision and thereafter shall be retained at all times when the caravans are in occupation until such time as they are required to be removed by virtue of condition no. 9.

Reason: In the interests of residential amenity and highway safety and in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Refuse Storage Details

4. Within 2 months from the date of this decision notice, full details of the refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the flats hereby permitted are first occupied and hereafter maintained.

Reason: In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Ongoing Conditions

No Generator

5. No generators shall be used within the site unless details are submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Lighting

6. 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 Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (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). Any details to be submitted shall also follow the recommendations within the Bat Conservation Trust and Institution of Lighting Professionals 'Guidance Note 08/18: Bats and Artificial Lighting in the UK' (or subsequent updates). The development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter.

Reason: In order to limit the impact of the lighting on wildlife with regard to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Caravan Numbers

7. No more than 2 static mobile homes and 2 touring caravans shall be stationed on the site at any one time.

Reason: To reflect the permitted use and its location in the Green Belt in accordance with paragraphs 81 and 153 of the National Planning Policy Framework 2024, Policy CS07 of the Gravesham Local Plan Core Strategy 2014 and Saved Policy C10 of the Gravesham Local Plan First Review 1994.

Removal of PD Rights

8. Notwithstanding the provisions of Article 3, Part 5, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to that Class in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, no additional caravans shall be stationed on the site.

Reason: To ensure that any future increase in the number of caravans at the application site can be assessed in relation to the impact on the Green Belt and in accordance with paragraphs 81 and 150 of the National Planning Policy Framework 2024, Policies CS02, CS07, CS11, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and Saved Policy C10 of the Gravesham Local Plan First Review 1994.

Discontinuation of Use

9. When there is no longer a need for the site for the stationing of the static caravans, the use hereby permitted (including all associated Day Room, container, bin storage, parking/turning areas, amenity space, drainage, etc) shall be discontinued and all caravans and operational development shall be removed from the site and the land restored to its former condition no later than 6 months following the cessation of the use.

Reason: In the interests of the protection of this rural site in the Green Belt in accordance with paragraph 139 of the National Planning Policy Framework 2024 and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.

Informatives

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked proactively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority as proceeding without the necessary permissions could nullify this permission.

3 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

4 NAMING & NUMBERING

As a result of the proposal, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered. The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

5 CODE OF PRACTICE FOR CONSTRUCTION/DEMOLITION SITES WITHIN THE BOROUGH OF GRAVESHAM

This Code of Practice relates to all building sites in Gravesham and is given to ensure best practice is achieved equally throughout the borough. All aspects of the code apply to every building site and will only be altered on an individual basis if there are found to be special circumstances on that particular site. Any amendment made will be in writing by an authorised officer of the Environmental Health Department. The following circumstances are given where consideration will be given to a variation in the Code of Practice:-

- a) Where occupiers of noise sensitive properties are unlikely to be affected by the works.
- b) Where the work cannot be carried out during the hours specified because of the requirements of another authority such as the emergency services, utilities, traffic management authorities etc.
- c) Where the site location is isolated or where the works are in a mainly commercial/industrial area with few residential properties.

In all the above cases the onus will be on the applicants to provide written justification as to why the code should be varied. When making such a statement the applicant must include the following information where appropriate:-

- i) Location, nature and duration of works.
- ii) Measured/predicted noise levels and background levels.
- iii) Measured/predicted vibration levels.
- iv) Proximity and numbers of residential properties.
- v) Evidence of public consultation/information to persons likely to be affected.
- vi) Written evidence from the appropriate authority (in instances where b) above applies).

In order for adequate consideration to be given by this Council to a request for deviation from the Code of Practice, any proposal must be provided in writing to the Environmental Health Services Manager at least fifteen working days prior to the works starting.

On developments where construction/demolition is undertaken on contaminated land, work will be required to be carried out in a way which will be specified within conditions of the site's planning approval.

The requirements of this Code of Practice should prevent unnecessary disturbance to nearby residents. In the event of a nuisance being caused due to work not being carried out in an appropriate way, the council may take enforcement action to resolve the situation.

Please note compliance with Health and Safety requirements arising from construction/ demolition work shall be given priority over this Code of Practice.

BURNING OF MATERIAL

It is expected that no burning of materials shall take place on a construction or demolition site. Where the contractor is of the opinion that this is unavoidable he shall make representations to the council for consideration. No burning will be allowed to take place without written authority from a suitably authorised officer of the council. Any burning so authorised will be subject to strict controls which will include, amongst other matters, the following:-

- A strict control on the amount of material burnt at any one time.
- Burning is carried out under the direct and continuous supervision of the person responsible for the site or a person authorised to act on his behalf.
- All material shall be kept dry prior to being burnt.
- The wind shall be positively blowing away from nearby residential or other sensitive buildings. Where this is not possible burning shall take place in still weather.

NOISE AND VIBRATION

Where sensitive premises are likely to be affected by noise and/or vibration, all works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the council, shall be carried out only between the following hours (these to be known as normal working hours) : -

Monday - Friday

08:00 - 18:00

Saturdays

08:00 - 13:00

Sunday and Bank Holidays. No works audible at the site boundary or any other place agreed by the council.

In addition to the above times the contractor may use up to one hour before and up to one hour after normal working hours for start up and close down of activities. Examples of these activities would be:

- a) Day to day maintenance, checking, lubrication and cleaning/washing down of plant and machinery.
- b) Refuelling of plant and machinery (from on-site storage facilities only).
- c) Deliveries and unloading.
- d) Site inspections and safety checks, but excluding any works necessary to make the working zone and/or construction site safe (which are to be undertaken within normal working hours).
- e) Arrival and departure of workforce and staff at the construction site, but only in so far as the arrival and departure times provide for the minimum time necessary to undertake the tasks allowed by these start up/close down activities.
- f) Site meetings.
- g) Site clean up.

NB The start up and close down periods are not to be regarded as an extension to the normal working day.

Where the site boundary/entrance is located adjacent to noise sensitive areas it must be ensured as far as possible that vehicles do not arrive on site outside the times laid out above. Where this is found not to be possible, drivers of vehicles arriving at the site before it is open must not leave the vehicle's engine running or cause other excessive noise/pollution whilst they are waiting.

On the site itself, best practicable means as defined in section 72 of the Control of Pollution Act 1974 to reduce noise to a minimum shall be employed at all times.

Compliance with BS5228 Part 1:1997 'Noise control on Construction & Open sites' is expected as a minimum standard. This requires amongst other things that all plant and machinery in use shall be properly silenced, maintained and used in accordance with the manufacturer's instructions.

Criteria and procedures for vibration control are assessed using different parameters as follows:

- * Vibration Dose Values (VDVs) are used to protect the occupants and users of buildings from disturbance. (VDVs are defined in BS 6841 and their application is discussed in BS 6472).
- * Peak Component Particle Velocity is used to protect buildings from risk of physical damage. These are assessed in accordance with BS 7385.

Best Practicable means shall be used to control vibration levels so that the following Vibration Dose Values measured on a normally loaded floor in accordance with BS 6472:1994 are not routinely exceeded as a result of works.

Building Type	Period	VDV (ms-1.75)
Residential Buildings, Educational Establishments, Offices and similar	Normal working hours	0.4
Commercial	Normal working hours	0.8

Best Practicable Means shall be used to control Peak Component Particle Velocity measured at the base of any building in accordance with BS 7385 does not routinely exceed a level of 10 mm/s.

In instances where complaints of vibration are received within any adjacent property then the contractor shall immediately take all measures necessary to demonstrate that the vibration levels are below the limits shown in the paragraphs above.

Where the results of any monitoring indicate non-compliance with the limits stated above, the contractor shall immediately change the method of working, and/or the plant being used. Prior to the work

recommencing, the contractor shall satisfactorily demonstrate that the new arrangements satisfy the vibration limits.

DUST

Dust suppression techniques shall be used on site where significant quantities of spoil or fine aggregates are stored and/or where the site location is such that it is likely persons living in residential properties are going to be affected by wind blown dust.

Spoil temporarily placed on site shall be located as far away from sensitive properties as possible. The height of stored material shall be kept as low as is practical and water sprayed onto the surface of the piles shall be used as appropriate to keep the surface damp.

Where longer term storage of fine aggregates and other potentially dusty material is necessary, suitable storage facilities shall be used where practicable in order to screen these materials from the wind. This stored material shall be located so that it is as far away from sensitive properties as possible and measures to prevent wind blown dust shall be adopted. These shall include:-

- * keeping the height of stock piles as low as possible,
- * using water sprays as appropriate whilst minimising the production of excessive runoff,
- * minimising the re handling of dry construction materials and spoil,
- * keeping the loading drop heights to as low as possible,
- * where appropriate applying the surfaces of roads on site with water sprays as necessary and/or using wheel-washing facilities.
- * all materials transported to and from the site shall be conveyed by suitable vehicles in enclosed containers or using other adequate wind shielding measures such as sheeting.

The person responsible for the site shall keep on site a daily log book which will be available to visiting authorised officers and shall list the following:-

- * the conditions on site,
- * whether any wind blown dust was visibly coming off the site,
- * what control measures were carried out, and
- * what the results of these were.

COMMUNICATION

It shall be a matter of priority for a contact name and telephone number to be set up in order to enable ready two-way communication and contact with the council and local residents. In cases where work likely to cause a disturbance is to be carried on out of normal working hours, the phone line would be manned whilst the work is ongoing.

LIGHTING

Where security and/or site lighting is used, this shall be located and directed or screened so that it does not cause undue intrusion to adjacent occupied residential properties, or sensitive areas, or constitute a road hazard, and shall be chosen to limit light pollution effects such as "glow in the sky".