



PLANNING STATEMENT

Project: Land South of Pear Tree lane, Shorne, Gravesend, DA12 3JX

Proposal: Change of use of land for the stationing of two static caravans for Gypsy and Traveller occupation, stationing of two touring caravans and erection of day room.

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1. Introduction

- 1.1 This statement has been prepared in support of my clients' planning application. This is in relation to the change of use of land for the stationing of two static caravans for Gypsy and Traveller occupation, stationing of two touring caravans and erection of day room.
- 1.2 Firstly, this statement will set out the details of the site description to provide a context in which the proposal has been designed. Secondly, we review the sites planning history and set out the details of the proposal subject of this application. Next we provide a summary of the relevant planning national and local planning policies. Following this we set out a detailed assessment of the proposal and the relevant material considerations. Finally, we provide a summary of the benefits of the proposal and why we consider that it should be approved.
- 1.3 In addition to this statement the following documents have been provided;
 - Application forms
 - Existing site plan
 - Proposed block plan
 - Proposed floor plans, and elevations
 - Drainage Plan and Covering Letter

2. Site Description

- 2.1 The site comprises a rectangular parcel of land on the south side of Pear Tree Lane. The site frontage with Pear Tree Lane is bounded by a mature hedgerow. The site benefits from an existing vehicular site access.



Figure 1 – Existing site frontage

- 2.2 Neighbouring built form exists to the north of the site comprising a row of bungalows. To the west the site adjoins a car park which serves the Public House. Elsewhere along Pear Tree Lane, lies more sporadic development in the form of large detached dwellings set within generous plots. Approximately 1km to the north east of the site lies the settlement of Higham where limited amenities are available. More extensive services are available at neighbouring Strood which is located approximately 2km to the south east of the site.
- 2.3 In terms of planning policy constraints the site lies within the Green Belt with the village boundary of Shorne Ridgeway adjoining the site to the west and north.

3. Planning History and Proposal

Relevant Planning History

- 3.1 This site has a fairly extensive planning history. The most recent applications were submitted in August 2021 and May 2020 and related to the erection of new dwellings. Both applications were refused and subsequently dismissed on appeal.
- 3.2 Outline planning permission for the erection of two dwellings was refused in May 2020 and a subsequent appeal was dismissed in March 2021 under reference 2020/0339. The appeal was dismissed in relation to Green Belt and landscape harm, with the Inspector concluding that:
- 'I have found that the proposed development would be inappropriate development in the Green Belt, reducing its openness and compromising the objectives of the Framework in keeping Green Belt land permanently open. While the site would provide a suitable site for housing having regard to its proximity to services and facilities, the development would harm the landscape character of the area with particular regard to the Shorne Woodlands Landscape Area.'*
- 3.3 More recently in January 2025 planning permission was refused 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, under the following ref 20240600. This application was refused for the two 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.*
- 3.4 All other material considerations relating to application ref 20240600 were considered acceptable including Green Belt, visual amenities, residential amenities, and parking and highways. This resubmission seeks to overcome the previous reasons for refusal, specifically in relation to the provision of financial contributions and the submission of a foul drainage strategy.

Planning Proposal

- 3.5 Planning permission is sought for the change of use of land for the stationing of two static caravans for Gypsy and Traveller occupation, stationing of two touring caravans and erection of day room.



Figure 2: Proposed Block Plan

4. National Planning Policy Summary

- 4.1 The NPPF (2024) sets out the government's planning policies which Local Plans need to accord with. Relevant paragraphs include;

Achieving Sustainable Development

- 4.2 Para 7 of the NPPF states that 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.
- 4.3 Para 8 states that Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
 - **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Presumption in favour of sustainable development

- 4.4 Para 11 of the NPPF states that '*plans and decisions should apply a presumption in favour of sustainable development.*'
- 4.5 For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Achieving well-designed places

- 4.6 Para 131 relates to achieving good design and states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'
- 4.7 Para 135 states that; Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

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- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.8 Paragraph 155 of the NPPF relates to development in the Green Belt and states that:

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.*

Planning Policy for Traveller Sites – 2024

4.8 This brief document sets out the Government's planning policy for traveller sites and should be read in conjunction with the National Planning Policy Framework. This document has been recently updated.

4.9 Within Policy H, states within paragraph 24 states that ;

'Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.'

4.10 Paragraph 25 states that *'Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

- a) *The existing level of local provision and need for sites*
- b) *The availability (or lack) of alternative accommodation for the applicants*
- c) *Other personal circumstances of the applicant*
- d) *That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.*
- e) *That they should determined applications for sites from any travellers and not just those with local connections.'*

4.11 Paragraph 28 states that *'if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.'*

4.12 With regards to sites within the Green Belt Paragraph 16 states that *'inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 of the NPPF apply.'*

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- 4.13 Paragraph 18 goes on to confirm that ‘*The Golden Rules, set out in chapter 13 of the NPPF do not apply to traveller sites.*’

5. Local Planning Policy Summary

Gravesham Local Plan Core Strategy – 2014

- 5.1 The Core Strategy was adopted in September 2014 and sets out the Councils long term spatial vision for the Borough. The Core Strategy covers the period from April 2011 to March 2028.

- Policy CS01 – Sustainable Development
- Policy CS02 – Scale and Distribution of Development
- Policy CS17 – Provision of Traveller Sites
- Policy CS19 – Development and Design Principles

- 5.2 Policy CS01 relates to sustainable development and states that;

Planning applications that accord with the policies in the development plan for Gravesham will be approved without delay, unless material considerations indicate otherwise.

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in this Core Strategy. It will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic social and environmental conditions in the area.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.*

- 5.3 Policy CS17 relates to the Provision of Traveller Sites and states that:

The Council will seek to meet the housing needs of Travellers in the Borough by:

- *Safeguarding traveller sites with permanent planning permission for their current use unless it can be demonstrated that they are no longer needed to meet identified need;*
- *Investigating opportunities to extend existing permanent sites within the urban area; and*
- *Supporting new sites within the urban area and rural settlements inset from the Green Belt which accord with policies in this plan, in particular those relating to Development and Design Principles, Climate Change, Green Infrastructure, and Heritage and the Historic Environment.*

- 5.4 The supporting text of Policy CS17 states that:

‘Site allocations and a criteria-based policy will be included within the Site Allocations and Development Management Policies Development Plan Document (DPD). In advance of producing the DPD, planning applications for windfall sites will be considered against the provisions of the National Planning Policy Framework and the Planning Policy for Traveller Sites.’

- 5.5 Whilst the supporting text states that a criteria based policy will be included within the SADMP Plan, this is yet to be adopted and is significantly overdue.

Gravesham Local Plan First Review Saved Policies – 2014

5.6 The Local Plan was originally adopted in November 1994. In September 2007 a number of policies were saved through direction from the Secretary of State. In September 2014 the Council adopted their Core Strategy and as a result a number of saved policies were deleted. The remaining saved policy is relevant to this proposal are as follows;

- Policy P3 – Vehicle parking standards

Site Allocations and Development Management Policies

5.6 A second regulation 18 consultation was carried out between October and December 2020. No further consultations have been carried out since this time. It is understood that there have been delays to the progression of the Emerging Plan due to highways modelling. The latest document available on the Council's website is a consultation document and does not contain draft policies which can be referred to. The publication of the Council's Regulation

Need for Gypsy and Traveller Sites

5.7 The latest Gypsy and Traveller Accommodation Assessment was prepared in 2017 and published in 2018 due to its age, This does indicate that there is a need for between 13.8 and 25.4 pitches between April 2023 and March 2028. We consider that it is now out of date and should not be relied upon as evidence. In a recent appeal decision (ref APP/K2230/W/24/3336250) relating to a change of use to allow the stationing of 3 pitches, the Inspector noted that *'it is common ground that the Council cannot demonstrate an up to date 5 year supply of deliverable sites'*. Within this appeal decision, the Inspector noted that the Council do not currently have a criteria based policy for determining planning applications relating to Gypsy and Traveller sites and whilst the SADMP will include one, this policy is some way off from being adopted. The Inspector noted that:

'The Council anticipates that both a review of the Local Plan Core Strategy and Site Allocation and Development Management Policies Document (SADMP) will be subject to Regulation 19 consultation in 2024, with adoption no sooner than 2025. This document would provide for future needs of Gypsies and Travellers and the emerging plan does contain a criteria based policy, but the parties agree this carries limited weight.'

'It is clear that there has been a failure of policy with the timescale for the adoption of the SADMP having slipped several times, having been first anticipated in 2020. Furthermore, Inspector Child anticipated it would be adopted in 2022 when considering an earlier appeal and it is now suggested to be on course for adoption in 2025. The CS does not include a criteria-based policy for assessing windfall traveller sites, contrary to paragraph 11 of the PPTS. Policy CS17 of the CS sets out that this would be included within the now overdue SADMP and the evidence before me, from a previous appeal decision, indicates that the Council have not had a criteria based policy since at least 1994.'

5.8 Whilst there are no up to date policies relating to the provision of Gypsy and Traveller sites, current unmet need must be met through windfall sites until the SADMP is adopted. As 77% of the Borough lies within the Green Belt it is likely that future sites will be affected by this designation. The Inspector concluded in relation to need and supply stating that: *'In accordance with the PPTS, in these circumstances, lack of supply should be a significant material consideration in relation to a planning decision when considering the grant of a temporary planning permission. However, the PPTS makes it clear that this does not apply to sites within, amongst other things, the Green Belt. It also does not say that the lack of supply is a significant material consideration when considering permanent schemes.'*

6. Planning Assessment

Applicants Gypsy status

- 6.1 National Planning Guidance for Gypsy and Traveller developments are contained within Planning Policy for Traveller Sites' (PTS). This guidance recently came into force in December 2024 and amended the planning definition of 'gypsies and travellers' to exclude those who have ceased to travel permanently. This revised definition 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 traveling together as such."

- 6.2 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependant's health or education needs or old age. The personal circumstances of the applicant remain the same as set out within the previous application these can be reconfirmed as follows:

- Patrick Cash and Courtney Smith would occupy mobile 1 with their two daughters Mary Cash (4) and Charmaine Cash (18 months). Mary Cash will be starting primary school in September 2025. It is hoped that she can attend school locally.
- The family are registered at Instead Rise Surgery in Gravesend. The children have no specific health needs. The branch surgery is based in Crown Lane, Shorne, just a short distance away from the site.
- Charmaine Mary McCarthy is the mother of Courtney Smith and she occupies mobile 2.
- Charmaine Mary McCarthy has cirrhosis of the liver and hepatic encephalopathy. She relies upon daily medication to manage her conditions. A continuity in medical care is very beneficial to ongoing health needs of Charmaine. A summary of her medical history is provided as Appendix 1.

- 6.3 Patrick Cash has worked for Acorn Paving with his Dad and Uncle for the past 8 years. The company are based in Chatham and they carry out work across the Medway Towns. They also travel further afield, often with groups of other landscapers and will often travel on their own leaving family to remain at the site. Most work is by word of mouth/recommendation and door knocking. Patrick occasionally buys and sells horses at events such as Appleby, although not enough to provide a sole income. They also travel to Stow on the Wold, Five Legged Cross, and a number of other fairs generally between Spring and Autumn each year. Some trips are for a number of days, whilst some are for several weeks. Often, the longer trips are taken by Patrick without the family, unless it is during Easter and Summer holidays for example.

- 6.4 Patrick unfortunately encountered tragedy in late 2021 when several close members of his family passed away in a car accident about 200 metres from where he temporarily resided in Headcorn on a partly unauthorised pitch in Maidstone. When his cousin lost her life almost 12 months later on the same pitch, he felt he could no longer live there and has sought other land to move onto. He is not able to go back to the Headcorn site for both personal and planning reasons. Gypsy and Traveller pitches very rarely come up for sale and so windfall sites, such as in this instance where he has been able to procure it from another landowner, is the most common way for new applications to be submitted. He has no other lawful site to move onto, which is why the application has been submitted in this case. KCC have no available pitches, and we do not believe there to be any availability on remaining Local Authority Pitches either.

- 6.5 Charmaine Smith does not travel for work as she is a full time mother and remains on site to look after her children. She does however travel to events such as Appleby and Stow on the Wold for cultural reasons. She continues to live culturally as a traveller. Mary has ceased travelling due to health reasons (identified above). We have appended letters confirming the registration of the family at the Shorne Surgery, as well as the eldest Child being registered and attending the local nursery. Medical information has been submitted under a confidential annexe.

- 6.6 When discussing the status of the applicant the Case Officer's report for the previous application sets out the following conclusion: *'in light of the above, 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 for the applicant and his family has been met.'*

Need and Green Belt

- 6.7 When concluding on the previous application the Case Officer's report states that:

'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 and 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 the 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 and travellers' as set out in the PPTS.'

'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 that there are special personal circumstances to warrant the grant of planning permission. These matters must carry significant weight.'

- 6.8 On this basis, we consider that the proposal meets with the requirements of paragraph 155 of the NPPF and paragraph 16 of the PPTS and therefore comprises an exception to inappropriate development within the Green Belt.

Drainage

- 6.9 The first reason for refusal on the recent decision relates to foul drainage and states:

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.

- 6.10 In order to overcome this reason for refusal we have submitted a foul drainage strategy which sets out how the proposal would connect into the main sewer. This confirms that a foul drainage strategy has been designed to connect into the Southern Water foul sewer which runs along Pear Tree Lane. A proposed layout is shown on drawing ref 25021-HOD-XX-ZZ-DR-C-5100-P01.

- 6.11 A S106 application for the foul sewer connection has been made to Southern Water. Payment has been made for this application and it is expected that it will be processed in due course. We have been advised that a formal application can take 4 weeks to be processed and therefore we would expect a decision around mid March.

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

- 6.11 The second reason for refusal on the recent decision relates to the SAMMS tariff and states:

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.

- 6.12 The applicants acknowledge that payment is required at a rate of £328.27 per pitch. Payment will be made by the applicant once the application is validated.

Other material considerations

- 6.13 No objections were raised with regards to other material considerations relating to residential amenities, visual amenities and highways and parking on the previous application. As alterations have been made to the design of the proposal we consider that the same conclusions should apply in relation to this revised scheme.

7. Conclusion

- 7.1 We believe that the proposal would fall within the requirements of Paragraph 155 such that the development can be considered appropriate development in the Green Belt.
- 7.2 The applicants have indicated that they would accept a personal permission if forthcoming, however, for the reasons above, we do not consider it unreasonable for the site to be considered for an open license, thus contributing to the Council's 5-year rolling requirement for sites.
- 7.3 We consider that the following the submission of the foul drainage strategy, and forthcoming SAMMs payment, that the revised application overcomes the previous reasons for refusal.

Screenshot from Southern Water – confirming submission of S106 application for connection to a public sewer.



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Southern
Water.

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Application details



Site name

25021 - Land South of Pear Tree Lane

Application reference number

19218

Application status

Under Review

Application type

S106 Connect to a Public Sewer

Comments

No comments to show

Raise a query

All documents

Below are all the documents associated to this application.

 VAT RECEIPT_DE2048498.PDF

 2024-PPP028v1-LocBlock Location and Block Plans_2025-02-12-10-31-53.pdf

 25021-HOD-XX-ZZ-DR-C-5100-P01_2025-02-12-10-31-53.pdf

 25021-HOD-XX-ZZ-DR-C-5100-P01.pdf

 1673466_A3_Wastewater.pdf

 2024-PPP028v1-LocBlock Location and Block Plans.pdf