

Delegated Report

Planning Application

Planning Application No: 20230673

Location: The Robins, Heron Hill Lane, Meopham, Gravesend

Description: Change of use of land to create an extension to an Existing Gypsy/Traveller pitch.

Applicant: Mr H Jeeves

Site Visit Date: Various

Submitted Documents/Plans

Planning Statement

Landscape Design Statement

Drawing no. TDA.2872.03 (proposed site layout and outline landscape scheme)

Drawing no. TDA.2872.02 (existing site plan)

Drawing no. TDA.2872.01 (site location plan)

Procedural Issues

The application submission contains a number of errors and omissions. These include the inclusion of the site in the North Downs Special Landscape Area and constant reference to the 2019 National Planning Policy Framework which is out of date. The Planning Statement refers to a separate Statement of Personal Circumstances which has not been submitted with the application. Given that there are found to be many flaws with the application and its likelihood to be refused, it was not felt necessary to seek clarification on these points.

Relevant Planning History

The only previous planning application on this site (which is referred to as 'Summer Pond') is:

20140275 Outline application for the erection of a detached chalet dwelling and detached double garage.

Refused 4/6/2014

The planning history below (and that referred to in the submitted planning statement) refer to the site to the north known as 'The Robins'.

20160685	Demolition of existing timber day room and construction of a new brick built day room.	Permitted	30.09.2016
20151118	Demolition of existing timber day room and construction of a new brick built day room.	Permitted	09.12.2015

20150165	***REVISED DESCRIPTION*** Demolition of existing timber day room and construction of a new brick built day room.	Permitted	10.06.2015
20110822	Continued use of the land as a gypsy traveller site for one family, including the stationing of one mobile home, retention of two touring caravans, detached day room, outbuildings, septic tank and associated hardstanding.	Permitted	15.03.2013
20080813	Continued stationing of mobile home, one touring caravan; retention of two sheds, septic tanks, fencing and landscaping.	Permitted	07.01.2009
20060423	Continued stationing of a mobile home, one touring caravan; retention of two sheds and septic tank.	Permitted	05.09.2006
20030455	Application for the renewal of temporary planning permission ref. no. GR/1999/617 allowed on appeal for the continued use of land for the stationing of two touring caravans and toilet accommodation.	Refused, appeal dismissed	04.02.2004
19990617	Continued use of land for the stationing of two touring caravans and toilet accommodation.	Refused, appeal decision split	17.11.1999

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS17 – Provision of Traveller Sites
- CS18 – Climate Change
- CS19 - Development & Design 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 – New Accesses onto Highway Network

Review of Local Plan

Paragraph 33 of the NPPF (2023) 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.

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 (2023), the Council will also seek to replace these.

Gravesham Local Plan Core Strategy Partial Review, Site Allocations and Development Management Policies

The council is currently undertaking a partial review of the Gravesham Local Plan Core Strategy (2014) and producing Site Allocations and a Development Management Policies Document. Two Regulation 18 consultations have taken place with the 2nd stage consultation completed at the end of 2020. Progress on the Regulation 19 stage consultation is underway but has been delayed recently due to delays in relation to the completion of transport evidence needed to support the emerging Local Plan. The Local Development Scheme timetable is being updated as detailed in a report to the council's Cabinet in January 2023. It details that the Regulation 19 consultation will take place in September/October 2019 with final adoption of these documents in December 2024. Given the current stage in the plan preparation, little weight should be given to the emerging Plan policies.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and Enhancing the Historic Environment

Planning Policy for Traveller Sites (PPTS), August 2015 Department for 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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

The 2015 PPTS updated the 2012 planning definition by excluding those Travellers who have ceased to travel permanently. The government's intention is that their needs should now be addressed as part of general housing needs.

It should be noted that there has been a recent Court of Appeal judgement which examined a planning inspector's reliance on the new definition in the 2015 PPTS (Smith v Secretary of State for Levelling Up, Housing & Communities & Anor [2022] EWCA Civ 1391 (31 October 2022) (bailii.org)). The Secretary of State conceded that the new definition indirectly discriminated against elderly and disabled Travellers who had ceased to travel due to old age or illness but who lived or wanted to live in a caravan; but argued that

the discrimination was justified. This was rejected by the Court of Appeal, who subsequently quashed the planning inspector's decision and remitted the case back to the Secretary of State for redetermination. The implications of this decision for this appeal is a material consideration which will be taken into account in determining this application.

The government's aim through the PPTS is to ensure that local planning authorities make their own assessment of need for Traveller sites, and, working collaboratively, prepare fair and effective strategies for addressing that need through the identification and delivery of sites over a reasonable timescale. Through plan making and decision taking, the Green Belt should be protected from inappropriate development, and due regard should be given to the protection of local amenity and local environment.

The key paragraphs of the guidance 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 and other Documents

GBC has published Supplementary Planning Documents and Guidance in support of its development plan policies that are material considerations in determining the application.

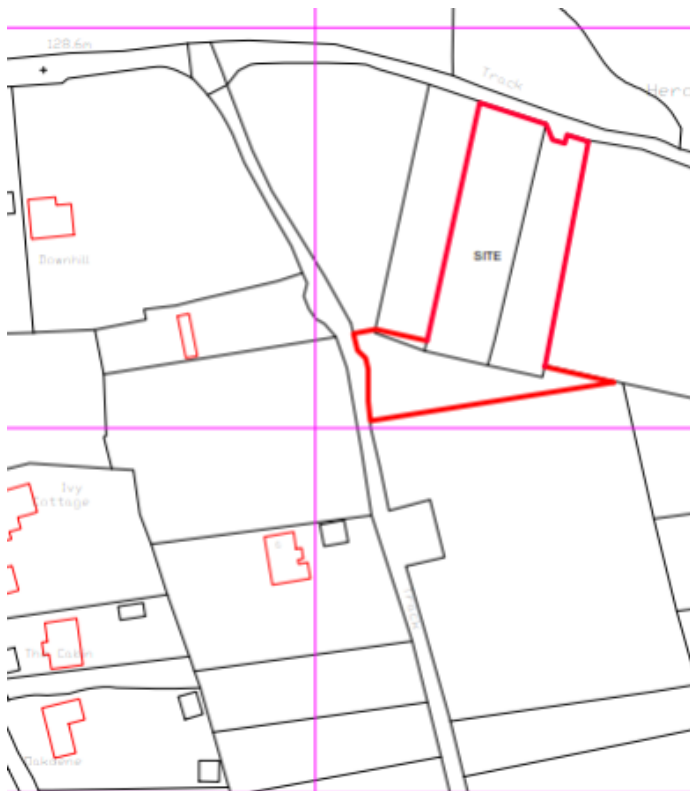
The following documents are relevant to the consideration of this development:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006)
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- Gravesham Landscape Character Assessment, May 2009.
- Gravesham Landscape Capacity and Sensitivity Study (2020) Gypsy and Traveller Accommodation Assessment (GTAA) Final Report, October 2018

Other Material considerations

Heron Hill Appeal (APP/K2230/W/19/3223958 – appendix 1)

It is noted and acknowledged that the application site is very near to a site of a similar development that was proposed in 2018 at Heron Hill Lane, about 120m to the north (see red line plan below):



That application (ref 20180163) was for change of use of land to a Gypsy Traveller site with 5 pitches each with space for stationing of a static caravan, touring caravan (subsequently amended to 2 touring caravans), and utility block, with associated hard standing, gabion retaining wall and shared package sewage treatment.

It had a site area of 0.2 hectares (0.5 acres) and was a heavily wooded site. There was some evidence it once contained a small chalet, but no signs remained.

Like the current application site, it too was within the metropolitan Green Belt and Happy Valley Local Wildlife Site.

The application was refused by the Borough Council on 07 December 2018 on grounds that:

1. The site lies in the Green Belt outside the built-up confines of the settlement of Culverstone Green. The proposal is inappropriate development and will introduce a significant level of built development, hard surfacing, retaining structures and mobile structures onto a previously undeveloped and visually prominent site. Given the scale and spread of the proposed development and its elevated location, will harm the openness of the Green Belt and will result in encroachment of built development into the countryside. In the absence of any very special circumstances to outweigh the degree of harm caused to the Green Belt and other identified harm the proposal is contrary to the requirements set out in Section 16 (paragraph 146 (e) of the National Planning Policy Framework 2018, the Planning Policy for Travellers Sites 2012 and policies CS01 (Sustainable Development) and CS02 (Scale and Spatial Distribution of Development) of the Gravesham Local Plan Core Strategy (2014).

2. The site lies in the Harvel Downs Landscape Character Area The proposal, by virtue of its location, nature, scale and spread, combined with the specific characteristics of the site and the immediate surroundings, in particular the woodland surroundings, the topography, its locally prominent location and proximity to a public byway, footpath and unmade track, will cause harm to the local rural landscape character and detract from the rural and visual amenities of the area, contrary to policies CS12 (Green Infrastructure) , CS17 (Traveller Sites) and CS19 (Development and Design principles) of the Gravesham Core Strategy (2014) which seek to ensure that new development conserves and enhances the natural environment and landscape character in line with the Gravesham Landscape character Assessment and

integrates well into the surrounding area.

3. The proposal lies within the Happy Valley Local Wildlife Site where woodland habitat has been removed and the site regraded in advance of the proposed development. The proposal fails to include any mitigation planting or landscaping details to offset the habitat loss and will introduce residential activity in close proximity to the adjoining ancient woodland. The proposal will therefore fail to conserve or enhance the biodiversity value of the Local Wildlife Site in line with Core Strategy policy CS12 (Green Infrastructure)

4. The proposal will introduce residential development into the rural area, outside the built-up confines of the settlement of Culverstone Green. In view of the distance to the facilities in Culverstone Green, the prevailing highway conditions and the lack of public transport, the future occupants of the site would rely heavily on a private car for most day-to-day journeys with the consequential impact of pollution on the local environment, limited benefits to local services, and reduced opportunities to encourage social cohesion. As such this is considered to be an inappropriate location for a Traveller site, and the proposal is contrary to CS01 (Sustainable Development), CS02 (Scale and Distribution of Development), CS17 (Provision of Traveller Sites) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014) which seeks to locate new development in sustainable locations, to provide access to local services and facilities, thus reducing car dependency and encouraging community cohesion.

5. Heron Hill Lane is a single width rural lane which lacks formal passing places, pedestrian footways and street lighting and has poor forward visibility in places. The section that provides access of plots 1 to 4, is particularly narrow and unmade, and insufficient information has been submitted to demonstrate a safe access can be formed. The proposal will introduce additional traffic onto a country lane and unmade track which is unsuitable for larger vehicles, which will adversely impacts on highway safety for existing vehicles and other user, contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and saved policy T1 and T5 of the Gravesham Local Plan First Review (1994), which seeks to ensure that all new development is adequately served by the highway network and new accesses do not cause a danger to highway safety.

6. The proposed site layout is considered to provide a cramped form of development which fails to provide a safe environment, adequate privacy or amenity space for future occupants, particularly of plots 1 to 4. Insufficient space is provided to accommodate larger vehicles, visitor parking or turning space onsite which will lead to informal parking on the nearby unmade road and pressure for the creation of informal parking areas, detracting from the rural and visual amenities of the area, contrary to policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that the residential amenity of existing and proposed residents is safeguarded and adequate onsite parking is available.

Following a subsequent appeal (the 'Heron Hill' appeal reference APP/K2230/W/19/3223958– appendix 1) against the refusal and a local hearing held on 11 and 12 February 2020 a Planning Inspector ALLOWED the appeal on 31 March 2020 subject to various planning conditions.

In the overall planning balance, the Inspector concluded:

The proposal would be inappropriate development in the Green Belt and as such would cause substantial harm. It would also cause considerable harm to openness and limited harm to the Green Belt purpose of safeguarding the countryside from encroachment. These factors attract substantial weight against the proposal. I have also found that there would be harm to the character and appearance of the area and biodiversity on the appeal site, to which I attach moderate and limited to moderate weight respectively.

Factors which weigh in favour of the proposal include the unmet need for traveller sites, the lack of alternative sites, the failure to plan for the needs of gypsies and travellers and the absence of five-year supply. All of these merit significant weight.

A settled base would bring health benefits to a child with a rare and life-threatening illness. In the context of the best needs of the child, which is a primary consideration, this is a factor to which I attribute very substantial weight.

The proposal would facilitate access to school and healthcare for the children. Given the significant number of children involved, and the importance of the best needs of the child, this is a matter of substantial weight...

...The case against the proposal involves harm to character and appearance and biodiversity, as well as loss of openness, effect on a Green Belt purpose and inappropriate development in the Green Belt. However, there are a range of other considerations which, when added together, strongly favour the granting of planning permission. Looking at the case as a whole, and balancing the factors for and against the proposal, overall I conclude that the identified harm is clearly outweighed by the other considerations – these being unmet need, the lack of alternative sites, policy failure to plan for traveller needs or to demonstrate five year supply, and the personal circumstances of the proposed occupants. As such I consider in this case the very special circumstances exist to justify the proposal, and it therefore accords with paragraph 144 of the NPPF.

The circumstances of this appeal decision have some similarities not least to the type of development, the proximity and character of the location and the planning policy implications and therefore is a material consideration. Nevertheless, the current planning application has to be assessed on its individual planning merits having regard to the development plan and all material planning considerations.

Consultations, Publicity and Representations

Consultees (please note that references to the 2021 NPPF are due to the responses being received prior to the 2023 NPPF being published)

GBC Environmental Protection

Having reviewed the application information, Environmental Protection has no objection to this application. The following informatives are recommended.

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

KCC Ecology

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

We have taken this view as the site is directly adjacent to the Happy Valley, Meopham Local Wildlife Site

which has been designated as a LWS as it has fragments of scrubby, open ancient semi-natural broad-leaved chalk woodland and calcareous grassland. The aerial photos indicate that the site is a mixture of scrub and grassland suggesting that similar habitat is present within the site. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines.

The EclA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken;
- Assessment of impacts of the proposal on the LWS.
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

¹ Suitably qualified ecologists can be found using either the: CIEEM Registered Practice Directory or the Environmental Data Services Directory.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of ODPM 06/2005 which states *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.

We highlight that under Policy CS12 of the Gravesham 2014 Local Plan the LPA must consider the following:

5.7.23 Sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity.

The EclA will also ensure alignment with the National Planning Policy Framework (NPPF) 2021 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraph 174 of the NPPF 2021, biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. We highlight that due to the current design of the proposal under the NPPF the proposal is unlikely to result in a measurable Net Gain for Biodiversity.

KCC Public Rights of Way Officer

I can confirm that I do not have any objections to the above planning application at The Robins. Byway Open to All Traffic, NS284 lays to the north of the proposed site and 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.

Kent Fire and Rescue Service

Thank you for your documentation dated 16 August 2023, your reference 20230673-SCON3, regarding means of access for the Fire and Rescue Service. I can confirm that on this occasion it is my opinion that the emergency access requirements for the Fire and Rescue Service under the above Act appear to have been met.

Fire Service access and facility provisions are also 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.

If you require any further advice please contact this office using the details above. Please be aware that the Building Safety office hours are 09:00-17:00 Monday to Friday.

Natural England

Thank you for your consultation on the above dated 01 August 2023 which was received by Natural England on 01 August 2023.

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

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Priority Habitats and Species

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk.

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed

from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Kent Wildlife Trust

Summary:

The application site, which consists of priority habitat deciduous woodland, is situated within the Happy Valley, Meopham Local Wildlife Site (LWS). Aerial photos of the application site indicate that trees have been felled and the site cleared¹. It is noted that a similar process has taken place to the north-east of the application site which also falls within the Happy Valley, Meopham LWS.

Kent Wildlife Trust (KWT) are seriously concerned about the apparent systematic felling of woodland in this location and the continued destruction of the LWS.

KWT wish to also raise concerns that, due to the site having been cleared, it is now not possible to establish the pre-development biodiversity value of the site or whether any protected/notable species were present. As a result, this development has led to a net loss of biodiversity and impacts on the site's biodiversity cannot now be mitigated against.

KWT advises that due consideration is given to the biodiversity value of the site prior to it having been cleared rather than its current state. Ecological enhancement measures should be required which far exceed any mitigation measures proposed by the applicant to compensate for the loss that has occurred and to ensure that there is a net gain for biodiversity.

Site Designations and Protected Species

Happy Valley, Meopham Local Wildlife Site:

The application site falls within the Happy Valley, Meopham Local Wildlife Site (LWS). Happy Valley, Meopham includes fragments of scrubby, open ancient semi-natural broad-leaved chalk woodland and calcareous grassland along the steep sides of a dry chalk valley near Meopham. Several orchid species can be found within the LWS, including the Lady Orchid which only occurs in Kent, and 34 ancient woodland indicator plant species have been recorded. Several active badger setts are present, and rabbit and fox use the whole area. Bird species such as woodpeckers and common warblers, including lesser white-throat, have also been recorded.

Planning Framework

National and local policy require that development safeguards and enhances the environment.

National Planning Policy Framework

Happy Valley, Meopham LWS is protected under Section 15 of the National Planning Policy Framework (2021) (NPPF), which sets out the Government's current planning policy in relation to conserving and enhancing the natural environment. Paragraph 174 of the NPPF states:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:
a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [...]
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans’.

Paragraph 180 of the NPPF states that:

‘When determining planning applications, local planning authorities should apply the following principles: If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.’

In addition to the above, Part D of the paragraph sets out that ‘opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity’.

Relevant Development Plan Policies

It is considered that Policy CS12 of the Core Strategy is relevant in this instance. The policy states that:

‘Sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity.’

The policy goes on to set out that:

‘There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity Areas shown on the Strategic Green Infrastructure Network map and within new development.’

Key Considerations

The application has not been supported by any ecological information and does not mention that the application site is situated within an LWS. It is apparent from aerial photos of the site that trees, and well-established vegetation have been removed within the last year¹. It is also apparent that a similar clearance of trees has taken place to the north-east of the site on land that also falls within the LWS and is in close proximity to Cowcrofts / Copicar Woods, an ancient woodland. The areas cleared, including the application site, are designated as priority habitat deciduous woodland. Priority habitats and species are of principle importance for the conservation of biodiversity in England and require conservation action under the UK Biodiversity Action Plan (UK BAP).

Kent Wildlife Trust (KWT) strongly objects to the ongoing systematic felling of priority habitat deciduous woodland and the continued destruction of the LWS. The LWS citation states that there is a tree preservation order in place however it is unclear whether this is for specific trees or the whole LWS. It is recommended that this matter is investigated and that the Forestry Commission are contacted about the ongoing felling of trees.

The submission of an ecological appraisal at this stage will serve as an inaccurate representation of the biodiversity value of the site, as it should be considered through planning. Whilst it is not possible to retrospectively avoid or mitigate for impacts to legally protected species (such impacts should be dealt with under relevant wildlife legislation) and notable species and habitats, it is possible to retrospectively compensate for losses of biodiversity. The pre-development biodiversity value should be considered using a precautionary approach.

¹ Bing Maps – Directions, trip planning, traffic cameras & more

KWT object to the biodiversity losses that the current scheme will result in. If you are minded to grant this application then we advise that ecological enhancement measures should be required which far exceed standard mitigation measures typically put forward by applicants. These measures are essential to compensate for the loss that has occurred and to ensure there is a net gain for biodiversity in line with the Core Strategy and NPPF.

The applicant may wish to consider using a suitable biodiversity metric (i.e., the Defra Biodiversity Metric or the Defra Small Sites Metric) to evidence that their scheme will achieve a net gain. We would suggest that such a metric is used in line with best practice and the Environment Act (2021) to ensure that gains are properly evidenced. Where habitat degradation has taken place since 30th January 2020 Schedule 14 of the Environment Act (2021) enables planning authorities to take the earlier habitat state as the baseline when assessing biodiversity net gain.

It is also recommended that an ecological assessment of the development's impact on the adjoining areas of the LWS is carried out prior to determination of the application.

We hope that our comments and suggestions are useful. If you have any questions, please do not hesitate to contact me.

Environment Agency

Thank you for consulting us on the above application. We have no objection in principle, subject to the following informative being applied to any planning permission granted.

Informative

The applicant states foul drainage is to discharge to cesspit. Previous applications on this site have stated the site is served by a septic tank. If you have a cesspool then the 'general binding rules' do not apply.

You must maintain your cesspool and make sure it:

- is emptied regularly (for example once a month) by a registered waste carrier
- does not leak or overflow

You do not need a permit unless the Environment Agency tells you that you do. If your system releases sewage into the ground or surface water then it is not a cesspool. If you are not sure what your system is, ask a local installation or maintenance company.

The Environment Agency or your local council can make you repair or replace your cesspool if it's in poor condition.

You are breaking the law if your cesspool causes pollution.

The applicant is advised to check webpage Septic tanks and sewage treatment plants: what you need to do: Your property has a cesspool - GOV.UK (www.gov.uk)

Southern Water

The Environment Agency should be consulted directly by the applicant regarding the use of a cess pit.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West

Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

KCC Highways

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Gravesham Highway Officer

As is often the case with such applications, the issues are complex, and it is essential to determine that a viable layout can be achieved.

Parking spaces should be a minimum of 2.5 metres by 5 metres and this requirement is complied with,

however the access is restrictive, it is usual to serve a perpendicular parking space with a 6 metres wide aisle. The applicant needs to demonstrate that a large family saloon can readily access and egress each parking space with swept path/tracked drawings (BMW Series 5 or similar).

Suitable provision should be made for the secure parking of cycles, to achieve a balance with other residential dwellings, the equivalent for a house would be one cycle space per bedroom. Given the rural nature of the development this would seem appropriate.

Given the size of the plots and the fact that only two car parking spaces are being provided per plot, I would recommend, no commercial activity should take place or operate from the property.

To protect visibility at the access, there should be no hard/soft landscaping or boundary treatment over 850mm in height within 2.4 metres of the main carriageway.

Any gates should be inset by 6 metres from the carriageway to ensure a vehicle can be parked clear of the carriageway whilst gates are opened or closed, in the interests of road safety. This is particularly important on an unlit rural road.

Neighbouring properties

The application has been advertised by individual letters to three neighbouring properties. One letter of representation has been received stating that this is inappropriate use of the green belt and no extra special circumstances are present to justify the development.

Officer's Analysis

Proposal

This application seeks permission for the change of use of land to create an extension to an existing Gypsy/Traveller pitch. Works have already been undertaken to facilitate a material change of use of the land involving the levelling of the site and removal of trees/vegetation as shown below:



The site as it was in November 2015 (the site is between the fence and the dwelling beyond and can be seen to be covered in vegetation):



It will prove an additional pitch comprising a mobile home, touring caravan, dayroom and hardstanding and reconfiguration of the existing pitch in order to improve the layout. The submitted application form states that work has not started but upon visiting the site, the plot has been cleared of all vegetation. No details are provided regarding the occupants of the site, their number, relationships or ages however the application form just refers to a 'Mr Jeeves'.

The plot of land was previously undeveloped and extensively wooded in a relatively remote rural location and on a site which is within a Green Belt area, adjacent to ancient woodland, within a notified Local Wildlife Site and also within the Harvel Wooded Downs landscape character area.

The Main Issues

The principal issues in the consideration of this current planning application are:

- The traveller status of the proposed occupants of the site
- Whether the proposal would be inappropriate development in the Green Belt, including its effect on openness and the purposes of the Green Belt
- The effect of the proposal on the character and appearance of the area
- The effect of the proposal on biodiversity
- The sustainability of the site's location, in relation to local facilities and services
- Whether the proposed development would provide acceptable and safe living conditions for future occupants with regards to provision of private amenity space, privacy within the site, distance between caravans and parking and turning space
- Whether the proposal would harm the living conditions of nearby residents
- Highways, Access and Parking
- Any Other Material Planning Considerations
- Whether any harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

The Traveller Status of the proposed occupants of the site

It is not clear from the application who the site would be occupied by. The existing site appears to be occupied by Mr Jeeves and Ms Baker (as can be found from previous planning records). The application makes reference to family but does not detail who the people are and how they are related. No information has been provided about the way of life of the people on the site (save for referring to them as Irish Travellers) and no details of the number of children or their ages. The only mention of children is in paragraph 37 which states that part of the applicant's case is based on the best interests of the children. The planning statement from 20110822 which allowed permanent occupation of the northern part of the site does mention children:

Weighing strongly in support of the applicants is the fact

- a) They have lived here over 5 years. They have need for a settled site. One son still attends secondary school at Meopham and it would be very disruptive to his education if the family were forced to leave the land they own with no alternative provision available for them. Mum, Ms Rachel Baker, has managed to get work locally and has just been accepted on a year long hairdressing course. For her this is a great achievement as she has hitherto hardly had an education and this is her first opportunity to get any work related training. These are opportunities that would not be available to the family if they were still living on the roadside. These are precisely the reasons C 1/2006 supported the need for families to be more settled.

However this son would have now left school given this statement was written approx. 12 years ago.

Paragraph 2 of Annexe 1 of the PPTS states that in determining Gypsy and Traveller status, considerations should be given to the following

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'

Case law establishes that a nomadic habit of life must have an economic purpose.

The Planning Statement provides no information about the family. At paragraph 13 it says 'The applicant and his family fulfil the definition of Gypsies and Travellers in Annex one of Planning Policy for Traveller Sites (PPTS 2015)' but does not provide any details of who the applicant is, who his family are or how they meet this definition. No verifiable evidence has been provided to substantiate this claim.

Overall, the Planning Statement provides an unclear picture to determine whether the applicant and the wider family (whomever they may be) meet the planning definition set out in Annex1 of the PPTS. Proving Gypsy-Traveller status is only necessary if it becomes necessary to include personal circumstances as a material consideration.' The planning statement does say that personal circumstances are a material consideration although no details of these personal circumstances have been provided.

On 31 August 2015, the Department for Communities and Local Government published a planning policy statement on green belt protection and intentional unauthorised development. The policy came into force on that date and made intentional unauthorised development a material consideration to be weighed in the determination of planning applications and appeals. As the 31 August 2015 letter from the Chief Planner recorded, in cases where the development of land has been undertaken in advance of obtaining planning permission there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Although the application form and planning statement do not say work has started a site visit confirmed that the land has been cleared.

Whether the proposed development is appropriate in the Green Belt

As stated above, the application site lies in the Green Belt, as defined on the Local Plan Core Strategy Policies Map.

Core Strategy policy CS02 (Scale and Distribution of Development) focusses development within the urban area and rural settlements inset from the Green Belt as the most sustainable locations. Development in the rural area, outside these locations, as is the case with the current application, is supported where it is compatible with national Green Belt policy.

In line with CS02 (Scale and Distribution of Development), CS17 (Provision of Traveller sites), seeks to meet the accommodation needs of the Travelling community within the urban area and rural settlements inset from the Green Belt, either through the expansion of existing sites or provision of new sites, taking account of other policies in the Core Strategy.

The National Planning Policy Framework 2023 (NPPF) at paragraph 137, sets out that the essential characteristics of Green Belts are their openness and permanence, and paragraph 138 lists the five purposes that the Green Belt serves. In this case, the application site assists in safeguarding the countryside from encroachment.

Paragraph 147 of the NPPF (2023) states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances unless for certain exceptions.

Paragraph 149 of the NPPF (2023) states that the construction of new buildings should be regarded as inappropriate development in the Green Belt but lists certain exceptions.

Paragraph 150 of the NPPF (2023) sets out certain other forms of development which are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes in the use of land as is the case with this application proposal.

It is considered that the proposal would not fall into any of the exceptions listed in paragraphs 149 or 150, for reasons detailed below and as such, the proposal represents inappropriate development in the Green Belt. It is noted in the applicant's planning statement that there is no dispute over this.

Effect on the Openness of the Green Belt

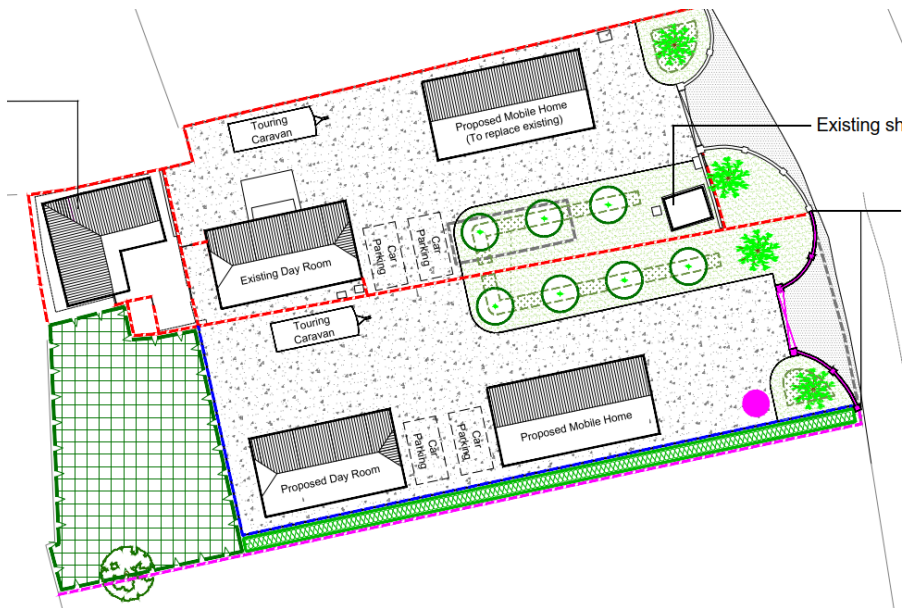
Openness is generally held to mean the absence of visible development or a manifestation of a use of the land. The Court of Appeal in *Turner v SSCLG and East Dorset Council* (2016) EWCA Civ 466 (appendix 2) has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. As such, in assessing the impact of the current proposal on openness, consideration has been given to a number of factors including the spread of development across the site and the visual impact of the proposal.

The application site is located on the eastern side of a gentle valley which was originally wooded, forming part of a larger area of woodland, some of which is ancient woodland. The applicant has cleared the site at some point although it is noted that the site was not covered in ancient woodland and is only partly within the 30m buffer of the ancient woodland.

The below shows the site in August 2022 before clearing work as shown above had been undertaken:



It is proposed to hard surface the majority of the site as can be seen below:



In combination with what is already built on the northern site, the proposal will introduce a significant amount of development, including hard surfacing, retaining structures and mobile structures across the whole site which was previously wooded/vegetated. The location of these mobile structures and features in the valley would make the proposed use and associated structures visually intrusive within the surrounding local area. The suggested planting would provide minimal mitigation of any visual and spatial impact. The use will intensify activity, domestic paraphernalia, and the potential for onsite storage of materials and equipment that the occupants may have/need, associated with their business activities. As such given the amount and spread of development and the open nature of the site, the proposal would cause permanent visual harm and localised spatial harm to the openness of the Green Belt and represent encroachment of development into a previously undeveloped part of the countryside.

Openness was considered in the 'Heron Hill' appeal (APP/K2230/W/19/3223958 – appendix 1) and the appeal proposal was judged to result in a loss of openness and it was concluded that the harm would be considerable. As the sites are in close proximity to one another, with this site being opposite, the harm would be greater and significant in cumulation with the approved site.

The proposal therefore fails to preserve openness and conflicts with the purposes of including land in the Green Belt, representing inappropriate development in the Green Belt contrary to paragraphs 137, 138, 147, 149 and 150 of the NPPF (2023) and Policy CS02 and CS17 of the Gravesham Local Plan Core Strategy September 2014. The NPPF (2023) states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Impact on landscape character and the character and appearance of the area.

The application site lies in a predominantly wooded part of Heron Hill Lane, which contains limited sporadic development set in large well treed plots. It also lies within the Harvel Wooded Downs Landscape Character Area, Local Wildlife Site and within the buffer of Ancient Woodland. The Planning Statement incorrectly refers to the site lying within the North Kent Special Landscape Area (SLA) however this no longer exists. As can be seen from the extract from Google Earth above, the site sits within a larger area of woodland. There are localised views of the site from Heron Hill Lane and Leafy Lane (to the west).

The NPPF (2023) in paragraph 174 seeks to ensure that development contributes to and enhances the natural and local environment by protecting and enhancing valued landscape and recognising the intrinsic character and beauty of the countryside. This approach is embodied in Policy CS12 of the Core Strategy which seeks to ensure new development conserves, restores and enhances landscape character in line with the guidance set out in the Gravesham Landscape Character Assessment. Policy CS19 goes further requiring new development to be visually attractive and locally distinctive. It should conserve and enhance the character of the built and natural environment, integrate well into the surrounding area and make a positive contribution to the street scene.

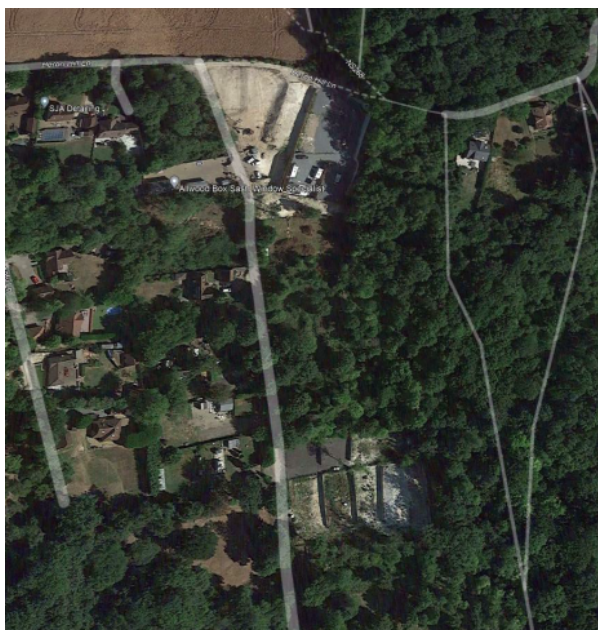
The site lies within the Havel Wooded Downs Landscape Character Area (LCA) defined in the Gravesham Landscape Character Assessment. The key characteristics of this LCA include:

- Varied topography with steep valley sides and plateaux
- Ancient woodland, chestnut coppice and small paddocks and pasture
- Traditional historic settlement of Harvel set around village Green
- Occasional traditional farmsteads
- Haphazard mosaic of residential plots and small holdings set within the woodland
- There is a comprehensive network of winding, often sunken, narrow lanes throughout the area. Footpaths and byways run throughout the area, particularly to the west.

In respect of this location, the LCA explains that the uncharacteristic and sporadic settlement of small plots within coppice woodland is a dominant element within the area, which creates an incoherent landscape. The combination of vegetation and topography create a very enclosed landscape with a high capacity to absorb inconsistencies within its woodland. The policy recommendations for this LCA include halting the erosion of the landscape character by resisting development of inappropriate design and materials; conserving the characteristic of narrow lanes; and softening new development using characteristic landscape elements.

The Council has undertaken a more focussed landscape sensitivity and capacity study to inform the Stage 1 Regulation 18 consultation on the Local Plan Core Strategy Partial Review. It focusses on the landscape around the existing urban area and rural settlements inset from the Green Belt, including that around Culverstone Green. The study assessed the landscape sensitivity of the Culverstone Valley Area as a whole and its ability to accommodate new development. It highlighted the importance of the woodland backdrop to the setting of Culverstone Green and wider views of the area and concluded that there was very limited capacity to accommodate further development without giving rise to significant landscape and visual impacts. It did consider, however, that there may be scope for some small-scale redevelopment of existing developed plots subject to retaining the existing extent of the woodland, resisting loss of trees and respecting the natural valley topography.

The current proposal has resulted in the loss of vegetation on the site and has caused harm to a key local landscape feature, thus failing to conserve or enhance the woodland character of the locality in line with national and local policy guidance. In combination with the loss of woodland cover that recently occurred following the approval on appeal of the change of use of land at the junction of Heron Hill for use as a 5 pitch Traveller site and the associated clearance of trees from adjoining land (see Google Earth extract below), this proposal will compound the harm caused to the woodland character of this part of the Culverstone Valley Area, and, if permitted, it will be difficult to halt further loss of woodland in this area.



The proposal will introduce a dense, urban form of development into a recently undeveloped part of Heron Hill Lane, largely out of keeping with the surrounding density and type of development. The introduction of further mobile and permanent structures, and associated parking, paraphernalia (including lighting) will appear as incongruous features given the current undeveloped character of the site.

The proposal will also be clearly visible from nearby public vantage points including the nearby public footpath (NS 270) to the northeast thus affecting the character of the area for walkers as well as residents. Whilst the applicant has provided a landscaping plan this only shows a token amount of landscaping to include four ornamental flowering trees to the front, some grass to the centre of the site and a native hedge to the south. This would be insufficient to negate the harm caused and to ensure that development would be assimilated into the wider woodland landscape over time.

The effect of the proposal on Ecology and Biodiversity

The application site lies in the Happy Valley Local Wildlife Site (LWS).

The whole LWS covers an area of 67.7 ha and extends southwards from Meopham Green in the north on both sides of the valley. The citation for this area states that the:

“...site (LWS) includes fragments of scrubby, open ancient semi-natural broad-leaved chalk woodland and calcareous grassland along the steep sides of a dry chalk valley near Meopham. Both types of habitat are rich in orchids”.

It is worth noting that there are 34 indicators of ancient woodland present within the Local Wildlife Site and a number of active badger setts, in addition to birds, foxes and rabbits. The map and citation for this LWS are appended for information.

Extracts from the DEFRA Magic Map show that there are areas of ancient woodland to the east of the application site, and the whole area is a priority habitat (deciduous woodland).

Happy Valley, Meopham LWS is protected under Section 15 of the National Planning Policy Framework (2023) (NPPF), which sets out the Government's current planning policy in relation to conserving and enhancing the natural environment. Paragraph 174 of the NPPF (2023) states:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:
a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [...]

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans’.

Paragraph 180 of the NPPF (2023) states that:

‘When determining planning applications, local planning authorities should apply the following principles: If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.’

In addition to the above, Part D of the paragraph sets out that *‘opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity’*.

Gravesham Local Plan Core Strategy policy CS12 is out of step with the NPPF (2023) in that it requires no net loss of biodiversity, however it does seek to ensure that new development protects sites designated for their biodiversity value, such as Local Wildlife Sites, and encourages opportunities to enhance, restore, recreate and maintain habitats particularly in Biodiversity Opportunity Areas and within new development. Where a negative impact on priority habitat cannot be avoided and where the importance of the development is considered to outweigh the biodiversity impact, compensatory provision will be required either elsewhere on site or off site.

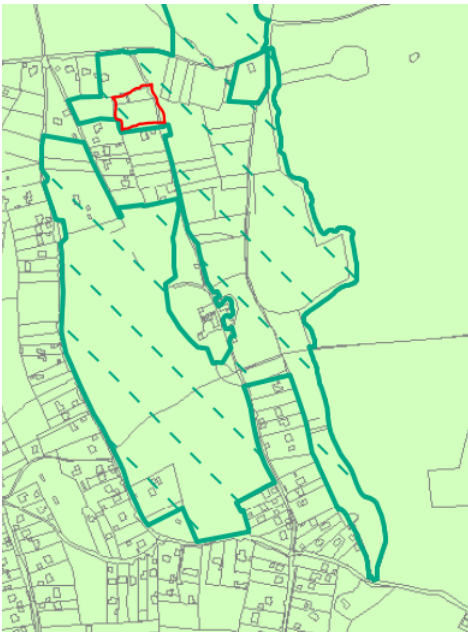
An ecological report has not been provided with the application and further information is required with regards to the potential for ecological impacts to arise. The site is within the Happy Valley, Meopham Local Wildlife Site which has been designated as a LWS as it has fragments of scrubby, open ancient semi-natural broad-leaved chalk woodland and calcareous grassland. The aerial photos indicate that the site is a mixture of scrub and grassland suggesting that similar habitat is present within the site. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines. In order to ensure that the planning determination is adequately informed in respect of all potential ecological impacts, the EclA should be sought prior to determination of the planning application in alignment with paragraph 99 of ODPM 06/2005 which states *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*.

Under section 40 of the Natural Environment Rural Communities Act 2006 and paragraph 174 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2023, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. Due to the current design of the proposal under the NPPF (2023) the proposal and the fact that the site has been cleared it is now not possible to establish the pre-development biodiversity value of the site or whether any protected/notable species were present. As a result, this development has led to a net loss of biodiversity and impacts on the site’s biodiversity cannot now be mitigated against.



The applicants have not submitted an ecology survey report, just a proposed landscaping scheme.

The following extract shows the site (roughly outlined in red) in relation to the Borough's Local Plan Policies Map. It shows that the site is within the Green Belt and falls within a local wildlife site known as Happy Valley, Meopham. The local wildlife site was last approved in 2001.



Sites of Special Scientific Interest (SSSIs) protect the very best wildlife areas in the UK, and Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) protect areas which are important on a European scale. However, these designations do not protect wildlife at a local level and cannot ensure that the countryside as a whole is rich in wildlife. So Local Wildlife Sites fill an important gap not covered by other designations and are vital in building a Living Landscape. The importance of international, national and locally designated sites is recognised in the adopted Development Plan and material considerations such as the National Planning Policy Framework.

By undertaking development prior to obtaining planning permission, the applicant has clearly prevented the proper application of the Development Plan and other material considerations in relation to this site. As such, despite the site forming part of a wildlife site it has not been possible to consider the harm to these assets adequately and to ensure that if the Council were minded to grant planning permission, ecological matters and biodiversity net gain could be addressed adequately via planning conditions. The unauthorised development has caused friction with the local community, in such circumstances therefore on balance it has to be considered that the development that has taken place prior to the submission of this planning application, justifies significant adverse weight.

In the light of the above, it is considered that the site clearance works undertaken to date have caused significant harm to the natural environment which, if permitted would set a precedence for the removal of woodland from neighbouring sites to the detriment of the ecological value of the wider natural environment.

No measurable mitigation proposals have been put forward to directly address or offset the harm to the natural environment, including the adjacent ancient woodland, resulting from the site works to date or the future use. Furthermore, no evidence has been submitted to demonstrate how, and the extent of measurable biodiversity net gains are achievable on site. As such the proposal runs contrary policy CS12 of the Gravesham Local Plan Core Strategy and paragraph 175 of the NPPF (2023).

The sustainability of the site's location, in relation to local facilities and services

Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy sets out the spatial strategy for the Borough, making it clear that new development should be focussed in the urban area or rural settlements inset from the Green Belt, as the most sustainable locations, and that development outside these areas should accord with national policy on Green Belt.

This approach also applies to Traveller sites, as set out in Core Strategy policy CS17 (Travellers). Locating development in such locations helps to reduce car dependency, enhance and maintain the vitality of settlements and encourage greater community cohesion in line with the social and environmental objectives of achieving sustainable development set out in the NPPF (2023).

While the PPTS does not require Traveller sites to be located on bus routes or within walking/cycling distance of day-to-day services, it does state that local planning authorities should very strictly limit new traveller site development in the open countryside, which are away from existing settlements or outside areas allocated for development in the development plan. The NPPF (2023) (paragraph 79) states that to promote sustainable development, housing in rural areas should be located where it will enhance or maintain the vitality of rural communities.

The application site lies outside the village of Culverstone Green and within the rural area. As such the proposal will clearly introduce new development into the rural area, as defined on the Policies Map.

The nearest settlement to the appeal site is Culverstone Green which has a primary school, community centre, local shop and petrol station. The convenience store (which includes a post office) is 1.6km away via Heron Hill Lane and the A227 Wrotham Road. Medical facilities and a secondary school are available in Meopham Green, 2.5km away to the north of Culverstone Green via the A227. The nearest available public transport is at the junction of Heron Hill Lane with the A227, Wrotham Road, some 700m from the application site. There are hourly services between Gravesend and Sevenoaks.

Heron Hill Lane which is the nearest metalled road that provided access to Heron Lane (and which is a single lean track) is a single width, undulating, rural lane which lacks footways, street lighting and formal passing places. The narrowness of the road and lack of formal passing places, results in vehicles having to reverse along sections of the lane, causing conflict with other road users. As such, this is not a safe walking or cycling route and it is likely that the future occupants of the site will be reliant on the car for all journeys with the consequential impact on the local environment, including air quality. Such reliance runs contrary to the environmental objectives set out in the NPPF (2023).

The PPTS recognises that Traveller sites are likely to be located in the rural area, but as with all residential development in the rural area, it should be located where it will enhance or maintain the vitality of rural communities (paragraph 79 of the NPPF 2023). The heavy reliance on the car for most journeys means that opportunities to contribute to the vitality of Culverstone Green are diluted as services further afield can be accessed as part of linked trips.

There have been a number of appeals that have considered the sustainability of nearby locations. The

most relevant being the traveller site at Heron Hill (APP/K2230/W/19/3223958 – appendix 1). In the Inspector's report the Inspector said the 'site is not far from Culverstone Green and is within the sporadically developed Culverstone Valley Area. As such the site is not physically isolated or away from the nearest existing settlement'. She concludes by saying 'Paragraph 13d in PPTS also recognises that a settled base can reduce the need for long-distance travelling. The families currently have no permanent base and frequently need to move on, therefore it is reasonable to assume that this would apply. The joint site could facilitate the sharing of lifts and the appellants have signalled an intention to access local services. This could help to support the vitality of the local community to a limited extent in line with paragraph 78 in the NPPF, as well as aiding social cohesion.' The Inspector mentions other appeal decisions in the CVA which determined that sites were not in a sustainable location for the proposed development but concluded that those cases related to proposals for housing rather than traveller sites.

Whilst it is acknowledged that this was the Inspectors opinion, the Council do not necessarily share this view particularly in light of a recent decision for a new dwelling at a site a similar distance from local services at Meadow Lane (appendix 3 – APP/K2230/W/22/3311813) which gave considerable weight to the fact that, in order to access the nearest facilities, occupants would need to walk on unlit roads with no pavements that are predominantly unlit. The lack of footpaths or streetlighting would make it less attractive for people to walk or cycle, especially for young children going to school and therefore there would be more reliance on the car.

On this basis it is considered that the proposal results in accommodation in an unsustainable location and conflicts within local and national planning policy for the location of gypsy and traveller sites. The local policies are CS01, CS02 and CS19 in the Core Strategy, insofar as they seek to ensure development is sustainably located. There is therefore conflict with paragraph 25 of the PPTS and paragraph 79 in the NPPF (2023)..

The Amenity of Future Occupiers - Whether the proposed development would provide acceptable and safe living conditions for future occupants

Core Strategy policy CS19 (Development and Design Principles) sets out that new development should be fit for purpose and located, designed and constructed to safeguard the residential amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land, as well as providing the appropriate levels of private and public amenity space for future residents.

The PPTS does not specify minimum pitch sizes or caravan sizes however the plans show at least 15m between each mobile home and landscaping between each plot. It is not clear who the plots are to be provided for however the amenity space shown as available is sufficient. The Inspector in the Heron Hill appeal (APP/K2230/W/19/3223958 – appendix 1) was clear that, whilst the Council has residential standards, these are devised for dwellinghouses and therefore have limited relevance in the case of travellers sites.

The Impact on the Amenity of Neighbouring Properties

There are no dwellings within 21m of the application site and therefore there will be no detrimental impact in terms of loss of outlook, privacy, sunlight or daylight from the development.

The proposal therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2023.

Drainage

It is noted that the applicant intends to deal with foul water drainage by the use of a cess pit and therefore require occasional emptying. These matters would normally be addressed by Building Control and the Building Regulations, but as no dwellings will be built it is unclear if the matter will ever be considered.

Southern Water has been consulted and request that the Environment Agency are also consulted. They

(the EA) have written to say they have no comments to make.

Highways, Access and Parking

Access to the application site is via Heron Hill Lane, a single width byway open to all traffic, with no footway or street lighting and informal passing places and an unmade private track. As such an important consideration is ensuring that a safe and suitable access to the site can be achieved for all users and that any impacts on highway safety as a result of the development can be adequately mitigated to an acceptable degree (NPPF 2023 paragraph 110 (b) and (d)). The PPTS seeks to ensure that new Traveller sites do not place undue pressure on local authority infrastructure, which would include the highway network.

Saved policy T1 of the Gravesham Local Plan First Review seeks to ensure that all new development is adequately served by the highway network and saved policy T5 seeks to ensure that any new accesses do not cause harm to highway safety and can be properly formed in a location and to a standard acceptable to the local planning and highway authorities.

In terms of car parking provision, Local Plan Core Strategy Policy CS11 (Transport) states that sufficient car parking in new developments should be provided in accordance with adopted standards, which will reflect the availability of alternative means of transport accessibility to services and facilities. This approach is supported in saved policies in the Gravesham Local Plan First Review Policy P3 (Policy for Vehicle Parking Standards) and in supplementary guidance in the adopted KCC vehicle parking standards (SPG4).

Heron Hill Lane is a single track road that is unlit and without footpaths or formal passing places. The element of the road leading to the site is unmade. The road is lightly trafficked. The proposal would result in a small but not unacceptable increase in traffic on the local road network.

Parking spaces should be a minimum of 2.5 metres by 5 metres and this requirement is complied with, however the access is restrictive, it is usual to serve a perpendicular parking space with a 6 metres wide aisle. The applicant needs to demonstrate that a large family saloon can readily access and egress each parking space with swept path/tracked drawings (BMW Series 5 or similar).

Suitable provision should be made for the secure parking of cycles, to achieve a balance with other residential dwellings, the equivalent for a house would be one cycle space per bedroom. Given the rural nature of the development this would seem appropriate.

Given the size of the plots and the fact that only two car parking spaces are being provided per plot no commercial activity should take place or operate from the property.

To protect visibility at the access, there should be no hard/soft landscaping or boundary treatment over 850mm in height within 2.4 metres of the main carriageway.

Any gates should be inset by 6 metres from the carriageway to ensure a vehicle can be parked clear of the carriageway whilst gates are opened or closed, in the interests of road safety. This is particularly important on an unlit rural road.

On balance and subject to condition no objection is raised on highways grounds.

Other Material Planning Considerations

In determining planning applications for traveller sites, policy H of the PPTS a number of issues that should be considered amongst other relevant matters:

- The existing level of local provision and need for sites
- The availability (or lack) of alternative accommodation for the applicants

- Other personal circumstances of the applicant
- 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
- That they should determine applications for sites from any travellers and not just those with local connections

Each of these matters are dealt with in turn.

The general need for and supply of Traveller sites

Need

In line with paragraph 9 of the PPTS, the Council commissioned consultants ORS to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) in 2017 to identify the need for pitch accommodation in the Borough over the Local Plan Core Strategy period (i.e. up to 2028) and the plan period of the emerging Local Plan Core Strategy Partial Review, Site Allocations and Development Management Policies (up to 2037). The Council is aware of the PPTS guidance and that the GTAA is only required to assess the accommodation need of those Gypsies and Travellers (referred to as Travellers going forward) who meet the planning definition set out in Annex 1 of the PPTS. The needs of those households who do not meet the planning definition should be addressed as part of the wider general housing needs. However, in view of the Council's obligations under the Housing and Planning Act 2016 and the Equalities Act 2010, the 2017 GTAA assesses the accommodation needs of all Travellers, whether they meet the planning definition or not.

The outputs from the 2017 GTAA in terms of the accommodation needs of Travellers who met and those who did not meet the planning definition, as well as those where it could not be established whether they met the planning definition or not as they were either away at the time of the survey or refused to be interviewed, are set out below:

Table 1: Need for those meeting the PPTS definition by year

Years	0-5	5-10	11	11-15	15-20	Total
	2017-22	2022-27	2028	2028-32	2032-37	
	22	4	1	3	4	34

Table 2: Need for pitches where it is unknown whether they meet the PPTS definition by year

Years	0-5	5-10	11	11-15	15-20	Total
	2017-22	2022-27	2028	2028-32	2032-37	
	4	1	0	2	2	9

Table 3: Need for those not meeting the PPTS definition by year

Years	0-5	5-10	11	11-15	15-20	Total
	2017-22	2022-27	2028	2028-32	2032-37	
	5	2	0	2	2	11

Table 4: Total need for gypsy and traveller household plots over plan period

Status	Total
Meet Planning Definition	34
Unknown	0-9 (10%=1)
Do not meet Planning Definition	11

The accommodation need of the three groups of Travellers is broken down into 5-year periods up to 2028 to reflect the Local Plan Core Strategy Plan period and then projected forward to 2037 to reflect the plan period of the emerging partial review of the Local Plan Core Strategy. This is to reflect the guidance in the PPTS (paragraph 10) which requires local authorities to set targets and identify and update annually a supply of specific deliverable sites to provide 5 years' worth of sites against their locally set pitch target and identify specific developable sites or broad locations growth, for years 6 to 10 and, where possible, for years 11-15.

Based on the 2017 GTAA figures, the Council needed to identify sufficient land to accommodate 22 additional pitches up to 2022 rising to 26 pitches up to 2027 to meet the current and 5 years needs of those Traveller households who meet the planning definition. If provision is being made to meet the accommodation need of all Travellers, these figures would rise to 31 pitches up to 2022 increasing to 38 pitches up to 2027.

Supply

Progress has been made in delivering against need by granting planning permission for 10 additional pitches since 2017, 5 pitches on 3 existing Traveller pitches and 5 pitches on a new site at Heron Hill Lane to the north of the application site. There therefore remains an outstanding need to identify land to accommodate 16 pitches up to 2027 to meet the needs of those Travellers who meet the planning definition. This proposal would therefore make a contribution to meeting this outstanding need.

In respect of meeting this outstanding need for pitches, the Local Plan Core Strategy does not allocate site for Travellers. The examination Inspector said that Site Allocations and Development Management Policies would be addressed through a Part 2 Document. The Council is currently progressing a partial Review of the Local Plan Core Strategy which will update the need for pitches to meet identified accommodation needs for both those who meet the planning definition and those who do not. It is also preparing Site Allocations and Development Management Policies. Regulation 18 stage 1 and Stage 2 consultations have been undertaken with a Regulation 19 consultation proposed in September/October 2023.

The Regulation 18 Stage 2 Local Plan Core Strategy Partial Review and Site Allocations Document makes reference to Traveller site provision (page 31) and seeks comment on how and where such need should be met. It did not set out a strategic approach or identify potential site allocations to meet identified need. While general comments were raised against releasing land designated as Green Belt for development, no specific comments were raised as to how and where such need should be met. As such this document can be given limited weight in the consideration of this application.

The Development Management Policies Document contains a proposed policy RES 8 entitled "Proposals for stationing caravans for Gypsies and Travellers on unallocated sites". The policy provides some general criteria that apply to all proposals for Traveller accommodation and specific criteria for applications on unallocated sites in the Green Belt. Three objections have been received to the policy wording which is currently being updated prior to the Regulation 19 stage consultation. As such limited weight can be afforded to this policy.

Given the current policy position the council accepts that it does not have a 5 year supply of deliverable pitches to provide an alternative option for the applicant and his family members. The Council is however actively addressing this through the Local Plan process in line with national guidance as well as providing a criteria based policy to address applications on windfall sites.

Alternative accommodation

No evidence has been provided that the applicant has made attempts to find alternative accommodation within the Borough or elsewhere. There is however a vacant pitch on the Council's site but no evidence that the applicant has made any attempts to register with the Council or explore the availability of public site provision.

Personal Circumstances

Policy E of the PPTS states:

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. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

This is reiterated in Policy H of the PPTS:

'However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'

As discussed above, the proposed development is inappropriate in the Green Belt. The applicant has provided a Planning Statement in support of the application however no information or evidence has been provided about the potential occupiers of the extended plot. The best interests of the child are mentioned and proximity to schools is also mentioned however, there are no details of the children on site. The application reads that the family has grown however any children would not be occupying a static caravan on their own. A new caravan would indicate a new family or adult members of the same family. Either way, no clarification is made on this point.

There are no details of the applicant's' type of work or locations. All that is stated is that the applicant is an Irish Traveller. In the previous Heron Hill (APP/K2230/W/19/3223958 – appendix 1) appeal the appellant produced mobile phone records and invoices that indicated work had been undertaken across the country. In this application no such evidence has been supplied. Proving the Gypsy-Traveller status is only necessary if it becomes necessary to include personal circumstance as a material consideration which is the case here according to the submitted planning statement. The Statement agrees that the development is inappropriate and therefore the personal circumstances of the intended occupiers are an important material consideration.

Paragraph 24 of the PPTS is relevant. This states:

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 determine applications for sites from any travellers and not just those with local connections

However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Again, the exceptions do not apply in the Green Belt unless it is found to be in the best interests of the child. This was the case with the Heron Hill appeal (APP/K2230/W/19/3223958 – appendix 1).

The Council cannot demonstrate a five year supply but this does not weigh in favour of the application as it is located within the Green Belt.

The following is an extract from the Planning Statement:

35. The first point to note is that the revised policy does not place an outright restriction on personal circumstances and unmet need outweighing the harm to the Green Belt. It is therefore still entirely correct for personal circumstances and unmet need to be taken into consideration, and whilst admittedly a higher hurdle to jump, the VSC test is still able to be met on this basis.

36. Second, it should also be noted from the approach in AZ v SSCLG & South Gloucestershire DC⁶ that the Article 8 rights of the applicant and his family are able to constitute VSC.

37. Third, as will be noted from the confidential submissions, part of the applicant's case is based on the best interests of the children. There has been no change in the weight to be given to the best interests of the children and clearly this is a primary consideration.

No confidential submissions have been included with the application and therefore it is unclear of the number and ages of the children to which this refers.

65. As there are children involved in this case, it is in their best interests to have a settled base from which to access education services. This is a consideration that as a matter of law should be afforded significant weight.

Whilst it may be the case that access to education could be afforded significant weight, as mentioned above, no details of the children have been provided.

At no point in the application are any children mentioned other than in the above extracts. The Heron Hill appeal (APP/K2230/W/19/3223958 – appendix 1) found in favour of the appellants because there were children on the site, and a settled base would bring health benefits to a child with a rare and life threatening illness. Weight was also given to the access to school and healthcare for the children. There is no evidence of the same situation within this application.

The unmet need for Traveller sites by the Council is not an exception on its own and this is clear within the PPTS and the NPPF (2023). It is accepted unmet need is a material consideration and weight must be given to it.

In the Heron Hill appeal (appendix 1) the factors that weighed in favour were unmet need, lack of alternative sites, failure to plan for Gypsy and Travellers and absence of 5-year supply. These merited significant weight. The best needs of the child were attributed very substantial weight in favour and access to school and healthcare was given substantial weight. Considerable harm to openness and limited harm to the Green Belt attracted substantial weight against the proposal. Character and appearance of the area and biodiversity attached moderate and limited moderate weight respectively. It is the Council's view that the best interests of the child pushed the balance to an approval of which there is no evidence that this is a consideration for this application as there is no evidence.

The Council accepts that there is an unmet need, a lack of alternative sites, there is a failure to plan for the needs of gypsy and travellers and an absence of five-year supply and that these attribute very substantial weight, however this does not outweigh the significant impact on the openness of the Green Belt, detrimental impact on the surrounding landscape character and loss of biodiversity.

Policy E of the PPTS states that the consideration of a temporary permission does not apply to Green Belt locations.

Without evidence to the contrary the proposal is inappropriate development within the Green Belt and very special circumstances do not exist, as the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, are not clearly outweighed by other considerations.

Human Rights Act 1998

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

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.

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.

In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

Equalities Considerations

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.

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.

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. 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 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

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.

The proposed change of use of land to Gypsy Traveller site with one pitch would not outweigh the harm to the openness of the Green Belt, Landscape, Local Wildlife sites and ancient woodland. Full weight from all comments received in reaching a decision have been taken into account.

Conclusions and Overall Balancing Exercise

Factors that weigh against the proposal:

It is clear that the proposal represents inappropriate development and as such would cause substantial harm. The NPPF (2023) requires that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this case it has been demonstrated that proposal will cause significant harm to openness as well as resulting in encroachment into the countryside, causing harm to one of the purposes of the Green Belt. The proposal will cause significant harm to rural character and woodland appearance of the locality and in the absence of appropriate mitigation proposals the development will also result in the loss of biodiversity from the site.

It also important to consider that the intentional unauthorised development, would cause unacceptable harm to the Green Belt and the local wildlife site, this must be attributed significant weight.

Against this, factors that weigh in favour of the proposal:

As discussed above there is an unmet need for Traveller sites, lack of alternative sites, the failure to plan for the needs of gypsies and travellers and the absence of five-year supply.

On balance the harm identified is not outweighed by any of these factors, including the need for more gypsy or traveller sites in the area, or the prospective occupiers’ personal circumstances, on either a temporary or permanent basis.

Recommendation:

Refuse for the following reasons;

1. The site lies in the Green Belt outside the built up confines of the settlement of Culverstone Green. The proposal is inappropriate development and will introduce a significant level of built development, hard surfacing, retaining structures and mobile structures onto a previously undeveloped site. Given the scale and spread of the proposed development will harm the openness of the Green Belt and will result in encroachment of built development into the countryside. In the absence of any very special circumstances to outweigh the degree of harm caused to the Green Belt and other identified harm the proposal is contrary to the requirements set out in Section 16 (paragraph 149 (e) of the National Planning Policy Framework 2023, the Planning Policy for Travellers Sites 2015 and policies CS01 (Sustainable Development) and CS02 (Scale and Spatial Distribution of Development) of the Gravesham Local Plan Core Strategy (2014).
2. The site lies in the Harvel Wooded Downs Landscape Character Area. The proposal, by virtue of its location, nature, scale and spread, combined with the specific characteristics of the site and the immediate surroundings, in particular the woodland surroundings, the topography, its locally prominent location and proximity to footpaths and unmade tracks, will cause harm to the local rural landscape character and detract from the rural and visual amenities of the area, contrary to policies CS12 (Green Infrastructure), CS17 (Traveller Sites) and CS19 (Development and Design principles) of the Gravesham Core Strategy (2014) which seek to ensure that new development conserves and enhances the natural environment and landscape character in line with the Gravesham Landscape character Assessment and integrates well into the surrounding area.
3. The proposal lies within the Happy Valley Local Wildlife Site where woodland habitat has been removed in advance of the proposed development. The proposal fails to include sufficient compensatory measures in terms of mitigation planting or landscaping to offset the habitat loss and will introduce residential activity in close proximity to ancient woodland. The proposal will therefore fail to conserve or enhance the biodiversity value of the Local Wildlife Site in line with Core Strategy policy CS12 (Green Infrastructure).
4. The proposed development by virtue of the loss of trees and vegetation on the site would result in significant adverse biodiversity impacts that would be contrary to the provisions of Core Strategy Policy CS12 and National Planning Policy Framework 2023 paragraphs 174 and 180.
5. The site, due to its location away from community services and its access via an unlit road with no pavements results in accommodation in an unsustainable location which conflicts with local and national planning policy for the location of gypsy and traveller sites, in particular policies CS01, CS02 and CS19 in the Core Strategy, paragraph 25 of the PPTS and paragraph 79 of the National Planning Policy Framework 2023.

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	26 September 2023	Dated:	27th September 2023