

Delegated Report

Planning Application

Planning Application No: 20241164

Location: Land South of White Post Lane, Cobham, Gravesend, Kent

Description: Change of Use of Land to form a Gypsy/Traveller site comprising the siting of 1 Mobile Home, 1 Touring Caravan, and 1 Dayroom.

Applicant: Mr M Shilling

Site Visit Date: 29 January 2025

Submitted Documents/Plans

Application form
Supporting Statement
Drawing no. J005012-DD-03 (proposed site plan)
Drawing no. J005012-DD-02 (site plan as pre-existing)
Drawing no. J005012-DD-01 (site location plan)
Drawing no. J005012-DD-04 (proposed day room plans)

Site Description and Surroundings

The application site lies on the southern side of White Post Lane and to the northern side of the railway track. Further to the eastern side of the site lies the settlement of Sole Street, with the boundary of this village extending to the rear of the properties at Sallows Shaw. To the west of the site is a Traveller site, both the application site and the Traveller site to the west are currently the subject of an enforcement notice that has been upheld at appeal, see Appendix 2. The enforcement notice requires a number of steps to be actioned by 11 February 2026, including the removal of all buildings, structures, mobile homes, caravans and associated works undertaken with the unauthorised use. Both sites are also subject to an injunction. Both the enforcement notice and the injunction are discussed further below.

The surroundings of the application site feature open fields surrounded by dense vegetation as can be seen in the aerial photo below:



The application site lies within the Green Belt, the Thames Estuary and Marshes Ramsar buffer zone, Meopham Downs Landscape Character Area and a groundwater source protection zone 2.

As can be seen from the site photos below, the site is located in the open countryside where there are some horses grazing and horse shelters:



Since visiting the site on 29 January 2025 approx. 2m high boundary fencing and gates have been erected around the neighbouring traveller site and are currently the subject of planning enforcement investigations.

Relevant Planning History

20081046	Continued use of land as a private gypsy caravan site on a permanent basis.	Refused	19.02.2009
20070228	Erection of detached stable block to provide four stables and a tack room.	Permitted	04.05.2007
20040952	Continued use of the land as a private gypsy caravan site.	Refused	21.01.2005
20000393	Erection of 1m high boundary fencing.	Permitted	07.12.2000
19561035	Development of land for residential purposes	Refused	06.06.1956
19540297	Outline application for the erection of dwellings	Refused	07.10.1954

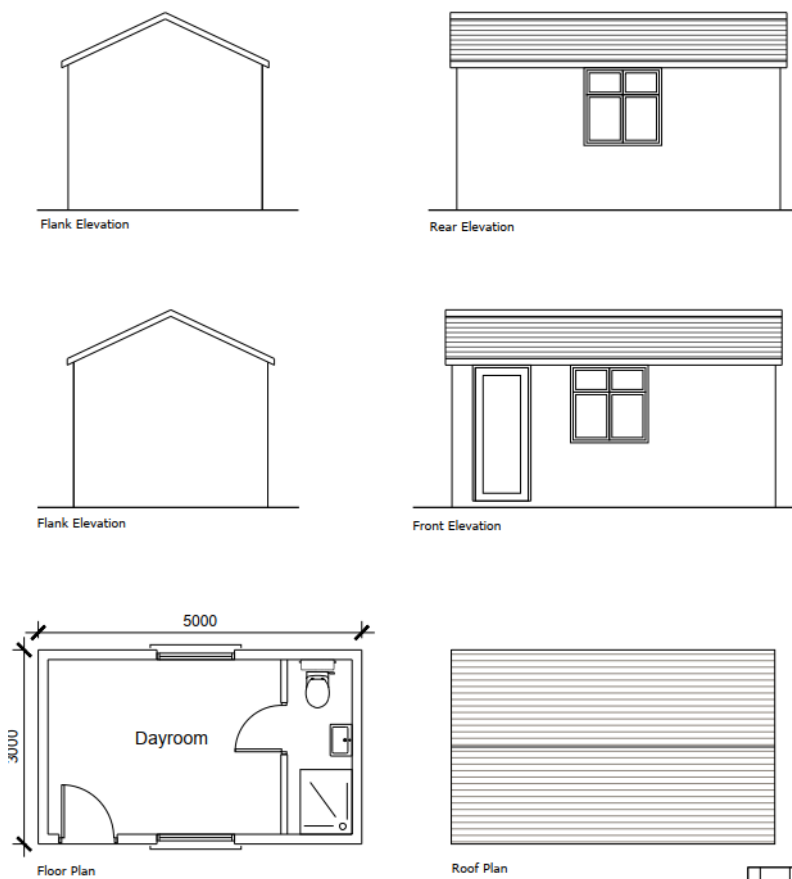
Proposal

This application seeks planning permission for the change of use of land to form a Gypsy/Traveller site comprising the siting of 1 mobile home, 1 touring caravan, and 1 dayroom.

Proposed block plan:



Proposed day room plans:



No plans have been provided for the mobile home.

The application form and associated supporting information state the proposal seeks to create a total of 1 pitch for residential occupation by a single Gypsy/Traveller family i.e. a single household. The pitch will comprise an area of hardstanding, permeable in nature enabling the stationing of 1 mobile and 1 touring caravan per pitch (for clarity any reference to Mobile Home means Static Caravan and vice versa). The proposed dayroom is an ancillary structure and is not to be occupied as overnight accommodation, it is intended to provide facilities for day-to-day needs whilst allowing the static caravan to be occupied as sleeping accommodation for members of the travelling community i.e. the single household.

The details of the family i.e. household, have not been provided, nor has information been provided to substantiate their traveller status or personal circumstances. Upon visiting the site on 29 January 2025, it was clear that the retrospective planning permission being sought does not reflect the area of hardstanding in situ at the site which is much larger than shown on the plans. In addition, there are two touring caravans as shown below at the site, rather than one for which permission is being sought. However, the application is being determined in accordance with information submitted as part of this planning application, and deviations from the information submitted, subject to any positive decision from the Local Planning Authority, would be a matter for Planning Enforcement.



Planning Policy, Development Plan and other Material Considerations

The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;
Saved policies in the Gravesham Local Plan First Review, November 1994;
The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020).

The relevant policies for this proposal are as follows:

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 – Access to the Identified Highway Network

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and

Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

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

The Planning Policy for Traveller Sites (PPTS) sets out the Government's planning policy for traveller sites. It applies to those Travellers who meet the planning definition set out in annex 1 of the 2024 PPTS, as follows:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

The 2024 PPTS updated the 2023 planning definition of Gypsies and Travellers to embrace all persons “with a cultural tradition of nomadism or of living in a caravan”. In addition the guidance contained in paragraph 2 of the 2023 PPTS Glossary on the considerations to take into account in determining whether an applicant is a gypsy or traveller and meets the planning definition, has been removed. The result of these changes is to acknowledge and ensure that the planning system considers and addresses the needs of all types of travellers.

As with the 2023 PPTS, the government's aim through the 2024 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. The government is seeking to increase the number of traveller sites in appropriate locations to improve under provision and enable this community to access education, health and welfare services and employment as is the case with the general population, while having regard to protecting 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 Relevant Evidence

- SPG4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code SPD (2024)

- Gravesham Landscape Character Assessment (2009)
- Gravesham Landscape Capacity and Sensitivity Study (202)
- Gypsy and Traveller Accommodation Assessment (GTAA) Final Report (2018)
- Gypsy and Traveller Five Year Land Supply Statement

Consultations, Publicity and Representations

Consultees (please note that references to the 2023 NPPF are due to the responses being received prior to the 2024 NPPF being published)

External Consultees

Environment Agency

We have no objections to the proposal, subject to the following planning condition being applied to any planning permission granted.

Please refer to the following section for our full response:

- Section 1: Planning Condition

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. If you wish to amend the wording of our requested conditions or if you wish to merge them with other Local Planning Authority conditions, please contact us to discuss the revised wording.

Foul Drainage

It is understood that the proposed foul drainage is to be discharge to a cesspit. This is considered acceptable in principle, however we would always promote a suitable drainage field be incorporated to reduce the potential risks to groundwater. We would also consider further information required with regard to the proposed cesspit. This information should include the design of the proposed cesspit and evidence that it should provide suitable capacity for the development and a suitable maintenance and management plan. It should also be noted that any cesspits should include suitable pollution prevention measures, such as alarms to signify when the cesspit requires emptying.

Condition 1

No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework.

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

KCC Heritage

Thank you for consulting us on this application.

The site lies within an area of multi-period background archaeological potential and the site's field boundaries (shaws) have remained relatively unchanged since the early 19th century. However, based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

KCC 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.

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

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 LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, 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 and near the highway 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 pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

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. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, 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.

Further 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-per>

missions-and-technical-guidance. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

KCC Public Rights of Way

I can confirm that I do not have any objections to the above planning application at land south of White Post Lane. Public Right of Way Footpath NS192 lays to the east of the site and is unaffected by the application. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

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

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

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Natural England

Thank you for your consultation on the above dated 29 January 2025 which was received by Natural England on the same date.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

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

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

Designated sites

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

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

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

Your authority has measures in place to manage these potential impacts through a strategic solution which

Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

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

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

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

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the strategic approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) and our advice above applies.

Discretionary Advice

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

Impact Risk Zones for Sites of Special Scientific Interest

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from the Natural England Open Data Geoportal (arcgis.com) and to use on MAGIC (defra.gov.uk) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

Planning and transport authorities: get environmental advice on planning - GOV.UK (www.gov.uk) provides further guidance on when LPAs must consult Natural England on development proposals.

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.

Southern Water

Cess pit proposed

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

Proposed soakaways

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. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

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

Kent Fire and Rescue

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established. The design should ensure that a fire engine can reach a position where it is within 45 metres of the furthest point within a dwelling. From the parked position the fire engine should not have to reverse more than 20 metres. Where this cannot be achieved suitable turning facilities must be provided. Please be aware that should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5.

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

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.

Network Rail

Thank you for consulting Network Rail on the above planning application, please see our formal comments below.

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

We would require details of the fencing abutting the railway to ensure that this meets the requirement to prevent trespass.

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.

Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

I trust the above is clear, please do not hesitate to contact me if you require any additional

information from Network Rail.

Meopham Parish Council

Meopham Parish Council wishes to provide the following response:

1. Green Belt Protection

The National Planning Policy Framework (NPPF) Paragraph 147-151 states that development in the Green Belt is inappropriate unless it meets specific exceptions.

A traveller site does not fall under the exceptions unless very special circumstances exist to justify it.

Given that enforcement action is already in place, it suggests that the development is unauthorised and does not meet Green Belt exceptions.

2. Previous Enforcement Action & Unauthorised Development

If enforcement action is already ongoing, this indicates a breach of planning control, which is a strong material consideration.

NPPF Paragraph 59 specifically states that intentional unauthorised development in the Green Belt is a material consideration that weighs against a retrospective planning application.

The fact that enforcement is in place suggests that the site has already been deemed unsuitable.

3. Conflict with Planning Policy for Traveller Sites (PPTS)

The Planning Policy for Traveller Sites (PPTS 2015) states that new traveller sites in the Green Belt should only be approved where they meet strict criteria.

Paragraph 16 states that local planning authorities should strictly limit new traveller sites in open countryside away from existing settlements.

Paragraph 25 allows councils to refuse applications if a site is deliberately developed without permission.

Given enforcement is already underway, it suggests the applicant ignored planning controls.

We therefore object to this proposal.

(Meopham Parish Council have also included five letters of objection they have received from neighbours:

1. I wish to register my strong objection to this planning application. I have been informed that in 2009, a High Court injunction was issued by Mr Justice Saunders (Case No. HQ09X02792) prohibiting ANY residential use of this land. This Order was placed by Gravesham Borough Council against 12 Defendants, including "Persons Unknown", meaning it applies to all future owners and occupiers of the land. However, despite this clear legal ruling, caravans have been placed on the land recently. Trees and surrounding land have been damaged and destroyed. The Council has been informed recently that they are damaging and destroying trees and the surrounding area. The Council has been informed, yet this illegal development continues. Many previous planning applications for residential use have already been refused.

If this application is passed, it will set a dangerous legal precedent, making it easier for future applications in Gravesham and surrounding areas to succeed. This would undermine the High Court ruling and the Council's past refusals, opening the floodgates to further unauthorised development across the region.

2. We write to strongly object the application for a gypsy/traveller site at White Post Lane, Cobham or any

local location for that matter This will lower the standards in the already over populated area where we struggle for doctors appointments for example and house prices will be effected without mentioning the potential increase in crime.

3. Planning Application reference 20241164 is part of application reference 2020054 which has already been refused and a Planning Inspectorate appeal dismissed. It would appear, therefore, that Gravesham BC Planning should have regarded it as invalid.

As near neighbours, we and many other concerned and objecting Sole Street residents have not received advance notice of this lates planning application. and only aware of it a few days ago.

Regardless of the Enforcement Notice applying to this land, the applicant has continued to implement substantial elements of his previous application in defiance and contempt of the High Court. Furthermore, working excavating machinery was spotted on the site on Friday afternoon 14/2/24 and reported on line to Gravesham BC.

Both Meopham and Cobham Parish Councils now need to exert strong pressure on Gravesham BC to enforce the restrictions that are currently in force.

4. Firstly I'm very disappointed and cannot see your reasoning why your meeting is being held in Harvel and not more central at Meopham Village Hall or St John's Hall which would be far easier and accessible for a lot of people to attend especially the elderly.

I strongly object to the planning application of a gypsy site at Nurstead Whitepost Lane.

Why would you let this go ahead when these people have no respect what so ever for our countryside. The devastation they have done to the trees in the lane, woodlands and land is heart breaking. Surely this is a criminal offence?? and you need to sort permission. Anyone else would have been prosecuted. But travellers seem to be above the law and get away with everything & anything.

I understand there is some sort of injunction/court order that no buildings/caravans can be put on that land. So why wasn't it stopped from the start. Why have they been allowed to carry on continuing cutting the woods and putting up fences before planning has been past.???

Why are they preparing such a large site!!? When the planning application states 3 units!!!. Its going to be a big site far more than 3.

So I very strongly object to this site going ahead. Let's keep Meopham a lovely place to live we don't want the countryside we have left being disrespected.

5. My reasons for objecting are as follows

1. There is an existing High Court injunction in place preventing this land being used as a gipsy/ travellers site

2. The wanton disregard displayed when the hedgerows were vandalised to allow the large building to be placed upon this land is indicative of the callous uncaring nature of the possible residents. The building was installed overnight to avoid interference from any interested parties and/ or Gravesham Council or the police. There has been trespass on to neighbouring property, for example the owner of a neighbouring area of woodland had to stop the felling of trees on her property. When she challenged the person cutting them down she was told he had the owner's permission when this lie was challenged as she is the owner the story changed to his fear a tree could damage his sister's car which should not have been parked on the land .

3. Yesterday Saturday 1st February fencing was being installed along the boundary of this land and mounds of earth have been placed by the entrance whilst this may be legal it indicates the owner's intention to proceed with or without planning permission. It will make removing the mobile buildings installed difficult

4. There are no utility services provided, on other sites this has lead to accumulations of rubbish and human excrement. This attracts vermin and is unsightly.

5.A site will adversely affect property values in the neighbourhood.

6. There will be friction between the local residents and Mobile home owners. The mobile home owners seem to be a law unto themselves -as demonstrated by recent and ongoing events- they can be intimidating and in the past on other sites there has been criminal activities.

7. Within Kent there are already 7 gipsy/ traveller sites managed by KCC and 8 sites managed by individual local authorities plus sites in the London Borough of Bexley and Royal Greenwich.

8. There will be increased traffic on the lane, the road is narrow and this may result in accidents. It may prevent local residents who enjoy walking there, who walk their dogs, who cycle from using the Lane due to this and the fear of intimidation.

I appreciate that everyone has the right to a roof over their head but this is an inappropriate use of land that will damage the pleasant nature of the locality with the detrimental effects as outlined above for the local residents who choose to live here due to the quiet, peaceful and beautiful rural nature of the area. Thank you for reading my objections. I hope that the Parish Council representation at Gravesham Council planning committee can include my views.)

Cobham Parish Council

This site, along with adjacent plot/s to the west, has been the subject of multiple enforcement actions over the years, including a **High Court Injunction issued in July 2009**, which prohibits the use of the site as a whole for residential purposes.

Whilst ownership of this specific plot may have changed, it is imperative that this application is not assessed in isolation. The extensive and protracted planning history of the wider site, including ongoing breaches of planning control, should be a material consideration.

The Parish Council shares the deep frustrations of local residents, who have endured more than two decades of repeated planning applications, appeals, enforcement failures, and flagrant disregard for the injunction. This latest application represents yet another attempt to 'play' and exploit the planning process, and we urge the Council to take decisive action to prevent further erosion of Green Belt protections.

High Court Injunction

The High Court Injunction (2009) remains in place, prohibiting residential use of this land. Given this:

- All other planning considerations should be secondary. The injunction should be enforced without delay.
- We also urge Gravesham Borough Council to take urgent enforcement action against both this site and the neighbouring plots with outstanding breaches.

Green Belt & Policy Considerations

The new National Planning Policy Framework (NPPF, December 2024) and associated Planning Policy for Traveller sites remains clear that development in the Green Belt is inappropriate unless "very special circumstances" exist. As outlined below, we firmly believe that no such special circumstances apply to this case.

The NPPF states that:

"Development in the Green Belt is inappropriate unless one of the following exceptions applies:

– Limited infilling or the partial or complete redevelopment of previously developed land... which would not cause substantial harm to the openness of the Green Belt."

This proposal fails to meet these criteria:

- **Not Limited Infilling:** The site is not a "relatively small gap between existing buildings" but rather an undeveloped, open parcel of land.
- **Harm to Openness:** The mobile home, caravan, and 'day room' are all clearly visible from the road and surrounding areas, causing substantial harm to the openness of the Green Belt. This visual impact has been exacerbated by extensive tree removal, which has increased the visibility of the development from multiple vantage points.

- **Light Pollution & Environmental Damage:** The site generates significant light pollution, impacting local wildlife and further altering the rural character of the area.



Additionally, the NPPF states:

"Development in the Green Belt should not be regarded as inappropriate where it would utilise grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt."

This land can in no way be considered "grey belt":

- It is **open countryside and designated Green Belt**.
- It lies within the **North Downs Special Landscape Area**.
- It is **Grade 2 agricultural land**.
- It is a **strongly performing Green Belt site**, fulfilling the key purposes of the Green Belt: Preventing urban sprawl; Stopping neighbouring towns from merging; Protecting the countryside from encroachment. The NPPF remains clear in its aims of safeguarding these key purposes of the Green Belt.

Environmental Harm

This application is retrospective, following the unauthorised arrival of a mobile home in December 2024. This led to the destruction and complete devastation of trees and hedgerows along White Post Lane and surrounding country lanes. The environmental damage caused is irreversible.

Destruction of Mature Trees & Hedgerows:

- A huge number of mature trees were unlawfully felled, without any prior assessment or permission.
- The felling occurred at night, under the cover of darkness, following a full day of disruption when the mobile home was brought onto the site, blocking country lanes.
- Elderly residents were devastated by the loss of trees that had stood for generations.

- Separate complaints have been made, with investigations continuing, to the Police, Kent County Council and the Forestry Commission.



Failure to Complete Biodiversity Assessment:

- The applicant has failed to submit a Biodiversity Net Gain (BNG) assessment, despite the proposal exceeding 25m².
- Considering the severe ecological impact of this development, the lack of a biodiversity assessment is unacceptable.
- We question how this application was validated in the absence of this.

Conclusion

This application represents yet another attempt to circumvent planning laws and exploit the planning/enforcement process.

- The whole site's long history of planning breaches must be a key material consideration.
- The destruction of mature trees, biodiversity loss, and significant harm to the Green Belt make this proposal completely unacceptable.
- The High Court Injunction remains valid and should be enforced immediately.

We implore Gravesham Borough Council to:

- Refuse this application.
- Take decisive enforcement action against unauthorised developments.
- Invoke the existing High Court Injunction without further delay.

This situation has persisted for too long—we ask the Council to act swiftly to restore confidence in the planning process and protect the Green Belt from further degradation.

Internal Consultees

GBC Environmental Protection

As with any residential proposal, we have a responsibility to ensure that the application site is suitable for residential use. In this respect, due to the agricultural use of the site, a contaminated land assessment will be required.

The site is very close to the railway line and in this respect, a noise impact assessment will be needed in order to ensure that noise levels internally within the fixed mobile home and day room are compliant with BS8233:2014. In addition, if the external area is to be used as an amenity/garden area, the external noise levels must also be compliant.

It's noted that drainage is to be dealt with by way of a cesspit. A package sewage treatment plant would be preferable.

To address the above, the following conditions and informatives are recommended.

Contaminated Land

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination

shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

Noise Control

Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential use shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.

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.

Neighbouring properties

The application has been advertised by display of three site notices and individual letters sent to 22 properties with an overall consultation period expiry of 19 February 2025.

333 neighbour responses were received in total. All representations objected to the proposal.

Objections summary:

Design, Character and Impact on the Landscape

- The development is out of keeping with the area and another access to the lane would despoil the local amenity.
- The site comprises of open agricultural landscape hedgerows and established trees edging the general site area located on designated Green Belt area and downland area. The development is highly intrusive to the pre-existing and surrounding natural landscape.

- The well established and attractive 600m section of mixed woodland strips and belt, including numerous healthy and mature trees were hacked away prior to the delivery of the mobile home to site, resulting in significant landscape loss.
- The application indicates the site would be surrounded by post and rail fencing, however subsequent to the application, 1.80m-2.00m close boarded fencing has been installed. Similar fencing on the associated area has been erected along the boundary, and similar height solid access gates have been installed. This is highly detrimental to the open landscape aspect of the general area.
- Surrounding the application site with extensive "Cupressus Planting" is inappropriate to the agricultural and open landscape aspect of the area.
- The development is an eyesore.
- Impact of the creation of illegal entrances and a very high brick wall.
- Works threaten the areas rural character and have turned a once pretty country lane into an area of devastation.
- There will not be any greenspaces left.
- The proposed dwellings are not of a design which is in keeping with the scale, character or appearance of the area.
- The area is unsuitable for a caravan site.
- The traffic and noise associated with a gypsy site does not suit the quiet, full of nature area. If there has already been devastating effects on the trees and hedgerows from moving one caravan onto the site, then what impacts will come from further caravans and mobile homes on the site. The local area is known for its dog walks and horse routes, which are quiet, full of nature and this site will impact this.
- The new building(s) can be seen from a considerable distance from the fields towards Norwood Lane in Meopham. This cannot go unmentioned as it's a significant change to the landscape.
- Site is a rural field which should be used for rural agricultural activities and is not suitable for the proposed site. Removing trees and putting up fences is not in keeping with the immediate surroundings and current planning use of the land.
- The land is Grade 2 agricultural land.
- The land lies within the North Downs Special Landscape area.
- This is good quality arable land and should be used for farming only. This is also an area of natural beauty which is being ruined by this illegal encampment. White post lane now looks like a war zone where mature trees and hedgerows have been hacked down.
- I have observed extensive construction work, fence construction and earth moving being carried out.
- The proposal will result in nuisance and overdevelopment of the rural area.
- The proposal is not in keeping with local surroundings and does not look aesthetically pleasing. The lane is too narrow and is situated on a bend.
- This is sited in a country lane with limited access. It will destroy the surroundings.
- There is light pollution already emanating from the site which alters the rural character of the area and has a detrimental impact on wildlife.
- Destruction not only harms the environment but also threatens local wildlife habitats and diminishes the natural beauty of the area.

Heritage Matters

- Meopham is a beautiful village with lots of history, we can not let them ruin this anymore than they have.
- Cobham and its surrounding countryside are known for their rural charm and historic character. Maintaining the open and unspoiled nature of this area is vital for both residents and visitors.

Green Belt

- Destruction of greenbelt should not be allowed especially given the historical rulings on this land.
- The site is prime greenbelt and should not be altered for anyone.
- Stop building on Green Belt land.
- Since the application is on Green Belt Land, it can be refused without further thought.
- This Green Belt land is in a special landscape character area, outside Meopham and Sole Street settlements.
- The site is green belt land, for agriculture and is set aside to balance the countryside and coexisting eco systems.
- This is green belt land, an important buffer between Meopham and Sole St and is totally unsuitable for such development.
- The land is still Greenbelt with no previous buildings, so cannot be considered the new term of 'Grey Belt'.
- The proposed development is located within designated Green Belt land, which exists to preserve the rural character of areas like Cobham and prevent urban sprawl. Approving this application would set a dangerous precedent for further encroachment on protected land, ultimately leading to the gradual erosion of our countryside. Green Belt policy is clear that development should only be permitted in exceptional circumstances, and no such justification has been demonstrated in this case.

Amenity and Community

- Noise during unsociable times.
- If the proposal is permitted will extra amenities be provided by the new residents.
- There were social issues within the village as a result of a previous situation where 15-20 mobile homes were illegally on the land.
- There is a total disregard for residence rights, land and the impact on their properties.
- Blocking the road has caused delays and inconvenience to local people. This is not peaceful or neighbourly.
- No remorse towards the residents whose land they have criminally damaged.
- Core values are not shared.
- Increased tensions between the nearest settled community, local residents have been subjected to abuse and threats.
- The scale of the traveller sites of White Post Lane is dominating the local settled Community.
- This illegal activity affects the character and quality of life in the surrounding Community.
- Meopham is a beautiful place and the development will spoil it, with proposed new residents would come many social issues.
- The potential for disruption of the community dynamic is huge: we live in an area where community contribution, collaboration and communication with regards to maintenance of roads, drainage and so forth is essential.
- Over the years, this area has become home to families who have invested in the community- physically, financially, and emotionally.
- What is equally disheartening is the lack of meaningful consultation with the community regarding this proposal.
- The manner and timing of arrival of the mobile home and the ongoing breaches of planning control remain the cause of much disquiet and concern in the local community.
- When this pocket of land was previously occupied it was detrimental to the community.
- Loss of facilities to local walkers and horse riders.

Injunction on the Land/ Works are Unlawful

- There is already an injunction on this land prohibiting this sort of use, which has been contravened by a caravan being moved onto the site.
- As documented in a previous high court injunction, this is green belt land and should not be developed for residential use.
- I would expect that the injunction is already being pursued with the court.
- This application is unlawful.
- The council must act immediately to investigate and halt the unlawful driveway construction and enforce the removal of all unauthorised structures and development on site and prevent further breaches.
- Any application approval would directly contravene a High Court ruling, undermine the legal system's and the Council's authority, and set a precedent that planning laws can be ignored without consequence.
- Despite previous refusals and clear legal restrictions, unauthorised works continue to take place on-site, including illegal placement of caravans and structures, the unlawful laying on an asphalt driveways.
- High Court injunction from 2009 has not been rescinded and should still be enforced, legal action should be taken for breaches of planning law.
- The Council must consider prosecution for Contempt of Court.
- The site in question has previously been occupied unlawfully by travellers and the occupants had to be removed after several years of legal wrangling at the very considerable expense of the law abiding, ratepaying citizens of Gravesham.
- The High Court ruling is permanent, and any planning applications should be automatically rejected.
- Why is the high court injunction not being enforced?

Works have been carried out prior to Planning Approval being granted

- Works should be undone as this was carried out prior to planning permission.
- Number of previous applications on this site have been refused – however on this occasion illegal works have commenced including the placement of a pre-fabricated building without the benefit of planning permission.
- Landowners have demonstrated a disdain for the legal process by commencing works without permission.
- The applicant has already ignored a high court injunction.
- The application should be a retrospective application as the huge mobile home is already in situ.
- Several new entrances to site which have been created without planning permission.
- There has been extensive works on the site including the use of heavy machinery (diggers, pavers etc), in breach of planning permission.
- If I wanted to build something on my land, I would have to apply for planning permission first, not afterwards.

Biodiversity, Ecology and Environmental Concerns

- Large septic tanks have been added to the site without planning permission, causing damage to this area. As this has not been assessed, any damage could lead to issues and environmental concerns.
- Light pollution (floodlights left on 24 hours a day).
- Decline in air quality.
- Impact on migrating birds.
- Unacceptable risk to groundwater conditions.

- Waste on site would be a high environmental risk.
- Damage to trees and nature resulting in habitat loss.
- Evidence of the destruction of ancient woodland and hedgerows.
- This area of Gravesham is an important part of the local ecosystem, providing a habitat for wildlife and contributing to biodiversity. Developing the site with hardstanding and residential facilities would disrupt local flora and fauna, increasing environmental degradation. It is essential that we protect our natural landscapes for future generations, rather than allowing piecemeal developments that irreversibly alter them.
- The proposal would result in the removal of several TPO trees.
- There has been littering and large items have been dumped.
- Fly tipping has increased, including a burnt out caravan since they have moved into the area.
- Burning of material on site.
- Leaving rubbish behind their caravans for days.
- The surrounding of the application site with extensive "Cupressus Planting" provides minimal habitat benefit to natural fauna and flora of this downland area.
- Land should remain as is as trees are being destroyed without permission.
- Ongoing destruction of trees and green space, severely impacting biodiversity and the local environment.
- Shy Jay birds that once inhabited the previously wooded and natural state have sadly disappeared since the travellers' activity.
- Placement of pre-fabricated building has resulted in damage and loss of several mature trees and hedges throughout most of Whitepost Lane.
- Wide vehicles would cause more damages, widen the road and wear away the verges, impacting vegetation and eroding banking.
- Instead of polluting the environment by burning waste can the rubbish not be bagged up and taken to the tip.
- Removal of the trees has permanently scarred the landscape which should be protected.
- Motorbikes and quads have churned up the area, debris and rubbish is visible.
- There is no appropriate waste disposal and the land could become contaminated as the rubbish and waste builds up
- With this attitude how long before other trees are destroyed for heating and alike.
- There have been no biodiversity surveys on a piece of land that connects two areas of woodland, with lots of wildlife moving between the two spaces.
- Trade Waste is clearly taken onto site and visible from the concrete bridge crossing the railway.
- Burning of waste and no mains drainage will seriously contaminate the land.
- There is no consideration to the local wildlife or ecology.
- The idea of carving out pristine green spaces for housing is not only irresponsible, but also short-sighted. Once lost, this land can never be replaced. Its destruction will lead to a long-term environmental cost that will be felt for generations.
- Concern about the environmental impact and the debris visible near the Sole Street train tracks.
- Responsible parties should reconsider such actions in the future and prioritize the preservation of local ecosystem.

Need

- I urge you to ignore the pleas from the applicant to let them remain on the land, their children need to go to local schools etc. Whatever they claim they will do, we know it will not be true. This is just one stage of a continuing process.
- Traveller/Gypsy status claimed by the applicant is questionable at the very least: Since 2019, he has held some eight Private Limited Company directorships for building, roofing and real estate firms. Frequency of vehicles entering and exiting Whitepost Farm would suggest permanent rather than transient residence and conducting on site business. Any related travelling would be considered

routinely normal and therefore, no exceptional or special circumstances apply.

- There are far too many residences already in this area.
- Gravesend council have already made arrangements and land available for Travellers.
- It's apparent that more gypsy sites and/or numbers are appearing within the vicinity putting a strain on the community and resources as well.
- Whilst I accept communities may feel marginalised and they should be accommodated appropriately in all areas, it should be accepted this should this 'accommodation' should not be unconditional and at the expense of the surrounding environment and community.
- We are not opposed to Gypsy's/Travellers. What we are opposed to is the fact that the application is on Green Belt land, we feel if this is permitted it will open the floodgates for other applications on Green Belt Land, there are plenty of Brown Field sites that should be used first.
- Many local families would love to be able to afford property in the area. However, they have had to move elsewhere due to the house prices locally. This makes it unfair to allow people with no connection to the area to ignore the planning regulations that apply to the rest of us. It is discrimination and by no stretch of the imagination is it local housing for local people.

Infrastructure

- No indication of foul sewage waste removal via pipes.
- Unclear plans on fresh water, gas, waste removal and electricity supply .
- Unauthorised pipework has been dug through rural land.
- Additional services and infrastructure would be required to an area not designated for development.
- There is no infrastructure in terms of roads to support this application.
- I am given to understand that there is allegedly illegal cesspits dug without any type of percolating system in place. This will allow the waste from these cesspits to enter the water table which is totally unacceptable.
- To suddenly introduce a traveller site would place undue stress on local infrastructure and public services, which are already stretched thin.

Highways and Transport

- The roads are narrow, with no passing places and do not support large infrastructure.
- Waste removal will require large vehicles to regularly pass through narrow lanes.
- On many occasions, the roads are not in use due to large vehicles delivering heavy items to the land.
- The lane now has no passing places as these have been filled in with debris and when it rains the lane now floods.
- Vehicles have been crashing.
- Formation of new, unapproved and possibly dangerous entrances (one is near a tight bend).
- Large dumped items make the road unusable.
- Horses that regularly use the road have been bewildered by loud noises.
- They drive really fast in White Post Lane putting lives in danger.
- Following the felling of the trees, a number of stumps, logs and branches had fallen into the roadway causing a significant hazard to road users.
- Nurstead Lane and Whitepost Lane are unsuitable for wide vehicles – the mobile home which was move on site last month caused damage.
- Illegal closure of the road to bring caravans and septic tanks on site.
- White Post Lane is a narrow country lane, entirely unsuitable for further development. Approval would result in an increase in traffic on roads that cannot accommodate additional vehicles- increasing risks for pedestrians, cyclists and existing residents

- Approving this application would encourage further unauthorised works, such as the illegally laid driveway.
- Rubbish being stored behind caravans is falling onto the railway area.
- A burnt out caravan and debris have been left along the carriageway and left it in a dangerous condition.
- We have had travellers in Cobham which has led to illegal parking.
- The country lane has been demolished to get the latest van on the site.
- Road is very muddy, slippery and dangerous as a result of works.
- The narrow lanes leading up to the site are not conducive to safety and will jeopardise highway safety, generate traffic congestion and cause noise and disturbance.
- There is inadequate area for parking turning and loading.
- There is a notable increase in traffic and the types using White Post Lane as result of the encampment, the vehicles are large as if they are running businesses from the site. There is a blind bend on the hill to the East of Nurstead Church is a particular Hazard and an accident is inevitable.
- The traveller site has caused increased traffic on White Post Lane and Round Street, both of which are primarily single-track lanes.
- The Access Lane already has Notices not suitable for wide vehicles.

Safety

- Many of the locals feel unsafe due to aggression when passing this farm.
- Dangerous and toxic fumes from burning of rubbish.
- Local crime goes up as a result of illegal encampments.
- Anyone coming out of White Post Farm makes you feel intimidated. We should feel safe.
- There is a history of issues associated with unauthorised traveller settlements, and many residents are fearful that this proposal will lead to a rise in crime and antisocial behaviour.
- There is a genuine fear that speaking out against such developments could result in retaliation, such as vehicle theft or property vandalism.
- Development of this land or other land nearby will affect the safety of riders and horses when hacking on the road.
- Development poses a threat to the safety and wellbeing of local residents.
- I used to walk my dog along whitepost lane, I had no problems but this is no longer a safe route to walk.
- Our horse is close by to this land, and there is a great worry for their safety.

Consistency with the Development Plan and National Planning Policy

- The site has been subject to multiple planning refusals for residential use, all of which should be upheld.
- The proposed development contradicts local and national planning policies.
- The site does not fit with GBS policy for Traveller sites and the current residents do not appear to be nomadic (so I would challenge their status as Travellers) as they have animals on site that need to be looked after (there is no horsebox on site).
- The proposed development is inconsistent with local and national planning policies, which aim to: - Protect rural character and open spaces - Prevent unauthorised developments - Ensure compliance with previously established planning decisions and legal rulings.
- Mr. W. Smith originally applied for planning permission to build a bricks and mortar house on this site, stating at the time that he had a house in Northfleet -subsequently verified by an Appeals Inspector. Regardless of traveller/Gypsy ancestry, Mr. Smith does not have a nomadic life style associated with this ethnicity, borne out by his static residence. Any such claim as the basis for planning permission is neither valid nor relevant and no special or exceptional circumstances apply.

- Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 of the National Planning Policy Framework apply.
- The Inappropriate development is contrary to The NPPF with an effect on the openness of the Green Belt and the landscape character of the area.
- As at the date of the application, the site was designated as green belt land within the local plan and accordingly it should be protected for any inappropriate development. (3.2.3).
- The council should seek to ensure that all new development makes a positive contribution to the local character and integrates into the natural environment (SO14) The proposal does not evidence what positive contribution is made to the character of White Post Lane.
- The proposal contradicts key principles of the NPPF, particularly in relation to sustainable development, local character, and environmental protection. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. This proposal fails to protect the countryside and risks irreversible harm to the rural character of the area. Paragraph 110 requires safe and suitable access for all users. However, the narrow nature of White Post Lane and its limited capacity for additional traffic pose significant highway safety concerns.
- Conflict with Planning Policy for Traveller Sites (PPTS) (December 2024). The Planning Policy for Traveller Sites (PPTS) outlines specific criteria for the allocation of Gypsy/Traveller sites. According to the updated December 2024 guidance, local planning authorities must ensure that:
 - Sites are sustainable economically, socially, and environmentally.
 - Proposals do not create unacceptable levels of tension with the local community.
 - Developments respect the interests of the settled community.
 The proposal fails to meet these policy requirements, as it introduces an unsustainable development that would negatively impact local residents, road networks, and environmental assets.
- The site contains existing hedgerows, trees, and biodiversity features, which are crucial to the local ecosystem. The NPPF (Paragraph 180) states that:
 - If significant harm to biodiversity cannot be avoided, adequately mitigated, or compensated for, planning permission should be refused. The development site may contain existing hedgerows, trees, and biodiversity features that contribute to the local ecosystem. The potential removal (and removals of trees and hedgerows that have already been made) could adversely affect local wildlife, including protected species that may inhabit the area. The Environment Act 2021 requires a mandatory "Biodiversity Net Gain" (BNG) for all planning applications, which has not been properly addressed in this proposal.
- The application lacks a comprehensive flood risk assessment and drainage strategy, despite the fact that inappropriate development in areas at risk of flooding should be avoided (NPPF, Paragraph 159). Furthermore, the lack of clear waste management plans raises concerns about environmental contamination and public health.
- White Post Lane is not designed to accommodate additional vehicular movements, particularly larger vehicles associated with a Traveller site. The increased traffic flow could lead to congestion and safety risks, contrary to NPPF Paragraph 110, which requires safe and suitable access.
- The proposed development would cause substantial harm to the openness of the Green Belt contrary to NPPF. The site is clearly visible from surrounding public areas and the removal of a large number of trees on the site has exacerbated this.

Other Matters that are Material Planning Considerations

- Not adhered to acceptable health and safety practices (both material and non-material).
- No application for a cess pit, as indicated on the site map.
- Will there be rubbish collections or will it be dumped?
- Laying of asphalt indicates that occupants proposed to establish a permanent residential access on

land.

- There are posters advertising a roofing firm.
- Concerns with the accuracy of the application documents.
- There is significant opposition from the community regarding this application. It is essential that the voices of local residents are heard and considered in the decision-making process.

Other Matters that are Non- Material Planning Considerations

- Not abiding by the law.
- Theft has increased since the arrival of the new residents on this site.
- Criminal damage.
- Expansion will continue to occur.
- Not adhered to acceptable health and safety practices (both material and non-material).
- Not paying Council Tax.
- Potentially not reporting income to HMRC.
- Building Regulation requirement for cess pit.
- The land owner should pay for a skip to have the lanes cleaned and should be billed for not doing his due diligence.
- The people living on this site have no respect for anyone else living in the area or for the countryside.
- Disgusted that this application should even be considered.
- Why should residents have to sit by and watch this behaviour go on without consequence.
- If Gravesham Borough Council allow this planning application to proceed they have failed in their duties to the constituency. I am sure you would be quick to penalise anyone building an extension to their house without correct procedure and this should be no different. This is blatant criminal activity.
- Fly tipping is an issue in this area – traveller site may increase the problems.
- Regular ASB in the area – teenagers on dirt bikes drive dangerously.
- Work on adjacent, related areas of land, taken in conjunction with the immediate site.
- Concerns due to a previous instance, up the road, whereby woodland was wrecked and caravans moved in. Worried the issues experienced then will occur again.
- Development will lower house prices in the area, there are already a lot of change of use for mobile homes and more are not needed, this may end up like Fowlers Stone Wood.
- There will be a lot of destruction and negative impact on neighbourhood, situation similar to in Fowlers Stone Wood where a large amount of tax payer money was required to remedy situation, this could have been money well spent in other areas of the community.
- Allowing this application would effectively legitimise unlawful activity, setting a dangerous precedent.
- Disgusted that Gravesham Council would consider the proposal even after the amount of extra homes planned for the area.
- How can anyone destroy the neighbourhood, then expect to live here.
- Permitting this application will legitimise unlawful activity.
- The council's enforcement team need to Investigate and halt the unlawful driveway construction and prevent further breaches of planning law and legal rulings.
- If they get permission I want permission too, to live on my land.
- We have an unaffordable system that allows the rich to get richer and the poorer to work themselves into an early grave working to rent a roof over their heads.
- Housing market is unfair but Council needs to be fair to the current residents.
- This argument has been going on for at least 50 years. Plough the field and use it to grow food.
- GBC should be using their powers to stop this illegal destruction of local landscape.
- A Similar settlement in Harvel Caused lasting damage to protected woodland, this site will do the same and will take years of battles and large sums of tax payer money to remedy.
- What starts a small site will inevitably grow beyond control leading for more problems in the community and greater financial burdens for the taxpayers.
- People pay a high premium to live in this area and this may open the floodgates to similar development.

- Horses are kept on the fields there are concerns regarding their wellbeing.
- Not only should this Application be refused, it should not have allowed to have been submitted.
- Can the council give reassurances that this site will be no larger than has been applied for. The land is extensive to the south of White Post Lane and the assurance that the council can stop any more developments or properties being located on the land would be imperative.
- The Council have allowed the other site to remain for so long and if they were removed the new encampment would likely not have happened as they are following the original lawbreakers, the Council needs to get tough.
- Destruction of the trees was premediated.
- The site has been sub-divided into several individually fenced sizeable plots, therefore, based on what happened previously, I do not believe the number or type of properties shown on the application will be the ultimate intent.
- Whilst the current application includes limited development, it will not be a site for "travellers", [a factor used as leverage for such applications], it will be a permanent housing estate with all the usual amenities and more.
- There is good reason to suspect that the number of occupants will increase and the site be used for unsuitable commercial purposes.
- This is a potential for further applications being made which will open up to a full scale site being erected on land that cannot support daily living facilities.
- This proposed application affects everyone in Sole street but only a selected few were informed. The matter should have been distributed to all residents as it will greatly impact on all lives in the village.
- Large dogs on the loose.
- Penal Enforcement action should also be considered for the current and on going breaches and destruction of the area in question.
- Where were the police or council when the mobile home was being transported to the site.
- How does the council tax work out including utility bills as I quite aware some sites are exempt.
- The applicants move mobile homes onto the land first and seek retrospective permission every time.
- Everyone needs somewhere but not here there is plenty of remote land elsewhere.
- If the land can't be built on then the same should apply to mobile homes.
- It would affect the price of housing.
- If this goes ahead I will stop paying council tax.
- White Post Farm shares our postcode, which has caused our home insurance rates to be very high.
- Any decision to grant consent would be inconsistent (and unfair) with other decisions to refuse residential development of green belt land.
- Illegal dwellings can lead to environmental degradation, and a decline in community standards. These factors ultimately undermine the quality of life for all residents in the area.
- The Council must support the law abiding local citizens and evict the existing illegal dwellings/caravans and administer fines/seize assets to compensate for the damage already caused particularly to the many trees the damage to which is a criminal act.
- I am sympathetic to the needs of the traveller community looking for a permanent place to reside but there has been a constant disregard of the laws in relation to this particular site.
- Electric and water will be illegally connected to the local village or using loud generators which are noisy and not good for the environment.
- Very disappointed with the lack of police and town council action. Both Civil authorities were present at the illegal encroachment and extreme damage to the rural infrastructure and have done nothing.
- These are not mobile homes, once in position they do not move.
- Council permitted a security caravan which changed into a bungalow, the Council were powerless to do anything about it. The bungalow was followed by other bungalows, tarmac and touring caravans. There are no security issues and these are made up.
- Why should the traveller community be exempt from the system we are all forced to adhere to.
- It would appear that much activity is also occurring on the land adjacent to this site for which I could

not find a current Planning Application. I can only conclude that this whole area is being made ready for more mobile homes/caravans to be added to this area.

- This illegal "mobile" home should be removed immediately. I suggest it is dismantled first or there will be even more damage done to nature.
- Why did police and highways authority permit this, we're notified and did nothing. Will the council act and explain why they are doing nothing.
- The land has been churned up by horses, vehicles and waste.
- Trees ripped out from the root or cut down and grass verges flattened , this is a clear indication of the disrespectful behaviours which will continue if not rejected and the caravans removed.
- There is a significant risk that if this planning permission is agreed the owner will not abide by the planning agreed and install significant number of caravans as has happened in the past.
- I drive down this lane daily and have noticed some aggressive driving.
- Many new entrances and many homes queuing to go in.
- They have access to water and electricity illegally.
- Why haven't Council/Law enforcement been up there to stop the continuing ground work fencing & devastation going on before the plan's have been passed/rejected. Also the site being prepared is huge so it's not just going to be 3 units stated on planning application.
- The existing site attached to this site have not followed the current planning rules and are currently living on the site in a large mobile home with utilities. This was supposed to be used as security for stables only.
- I'm of the understanding that you need permission to cut down trees/woodlands from Council/Forestry Commission and can face being prosecuted so have they been challenged on this?
- The applicant shouldn't be able to even submit an application.

Planning Analysis and Head of Planning Comments

Background

The application site is a part of a wider site with a fairly extensive planning history.

There is a live enforcement notice that incorporates the application site that was upheld by the Planning Inspectorate (appeal reference APP/K2230/C/23/3328720 – appendix 2). The requirements of the notice are to:

- (i) Cease the use of the Land for a mixed use of residential and equine purposes;
- (ii) Remove from the Land the unauthorised mobile homes and the touring caravans, including all associated hardstanding and hardcore that has been laid to facilitate the unauthorised use;
- (iii) Remove from the Land and vehicles and paraphernalia associated with the unauthorised use;
- (iv) Demolish and remove from the Land all buildings and structures associated with the unauthorised use;
- (v) Remove from the Land all lighting, CCTV/security cameras associated with the unauthorised use;
- (vi) Remove in its entirety the brick built wall adjacent to the highway known as Whitepost Lane and reinstate the previous wooden fencing and gate, as illustrated on Appendix 1 attached to the notice; and
- (vii) Remove all resultant debris and waste in relation to the performance of the above steps and associated materials from the Land.

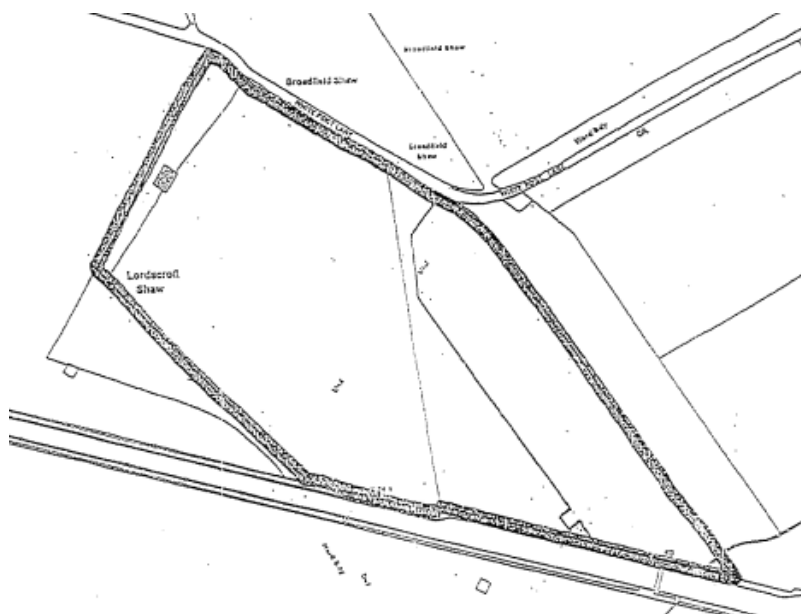
The period of compliance is 12 months (before 11 February 2026) and applies to the site outlined below:



There is also an injunction on the land. This prohibits those named on the injunction and persons unknown to:

- (a) not to use the land for the siting of caravans or mobiles homes;
- (b) not to use the land as a gypsy/travellers' caravan site

The land in question is outlined in back below and includes the application site:



Prior to the applicant moving onto the site the land was used for the grazing of horses and in agricultural use.

The Main Issues

The main issues in this submission relates to:

- Green Belt
- Grey Belt
- Need for and supply of Gypsy sites
- Gypsy and Traveller Status
- Personal Circumstances and Best Interests of the Child
- Cumulative Impacts
- Character and Appearance
- Sustainable Location
- Effects on Residential Amenity
- Parking and Highway Safety
- Drainage
- Biodiversity
- Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff
- Grant of Temporary Permission
- Human Rights and Equality Act
- Whether Very Special Circumstances Exist

Green Belt

The NPPF (2024) states at Paragraph 142, that Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At Paragraph 153, it is stated that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate. At Paragraph 154 the Government sets out the exceptions to development in the Green Belt not being inappropriate.

Paragraph 16 of the PPTS states that: "Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the National Planning Policy Framework apply".

Whether the proposal is inappropriate development in the Green Belt

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

a) buildings for agriculture and forestry;

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

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

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

e) limited infilling in villages;

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

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

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

i. mineral extraction;

ii. engineering operations;

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

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

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

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

Clearly (a), (b), (c), (d), (f) and (h) do not apply in this instance as the proposal is not for agriculture or forestry, appropriate facilities for outdoor sport, outdoor recreation, cemeteries, burial grounds or allotments, extension or alteration of an existing building, is not a replacement building, it is not affordable housing.

Exception (e) allows limited infilling in villages. Neither the NPPF (2024) or the development plan define the terms 'limited', 'infilling' or even what constitutes a 'village'. Because of this, the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

These points are:

Whether the settlement to which the site relates is a village or not?

Whether the site is within a village?

Does the proposal constitute infilling?

If the proposal does constitute infilling, is the infilling limited?

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

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

This settlement hierarchy (Table 2 from the Local Plan Core Strategy) is reproduced below:

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

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

This issue in Gravesham's context has been considered at appeal a number of times, for example the Planning Inspector for an appeal reference no. APP/K2230/W/16/3161653 (see appendix 1) considered whether Culverstone Green (to the south of the Borough) is a village stated:

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

Whether or not a proposal would constitute limited infilling in a village for the purposes of Paragraph 154 e), is a question of fact and planning judgment for the decision maker, dependant on an assessment of the position on the ground, as established in *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195; and *R (Tate) v Northumberland CC* [2017] EWHC 664 (Admin).

The closest village to the application site is some 500m away to the east and is the fourth tier settlement Sole Street, further to the west of the site some 1,600m away to the west and south of the railway line is the second tier settlement Hook Green. The built form as it relates to Sole Street is some 300m away from the site, with the site and built form at Sallows Shaw separated by woodland and agricultural land.

Whether the site is within a village is a matter for assessment on the ground and having regard to the evidence. Development plan settlement boundaries may not be determinative, especially given these were drawn up some years ago since which time, the settlement of Sole Street may have undergone changes. Taking into consideration the overall settlement characteristics of Sole Street, the location of White Post Lane and in particular the relative main built-up area further east of White Post Lane around Sallows Shaw and Chapelwood Place, together with the limited built form past Two Holly Cottage, it is clear that the site is outside of a village. As such based on the site visit in January 2025, it is considered this site is very much removed from the settlement of Sole Street.

As the site lies outside the village boundaries the application fails exception (e) and it is not considered to necessary to determine if the proposal is considered 'limited infilling'. However, given the size of the gap, the proximity of neighbouring development and the open nature of the site, it is not considered that the proposal would constitute infilling, albeit the delivery of a single pitch could be considered to be limited in nature.

Exception (g) allows the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. The NPPF defines previously developed land as:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not

be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Prior to works taking place, the land was in an agricultural use and therefore the site does not fall within the definition of previously developed land; as such the above definition does not apply to this site and the application does not meet exception (g).

In summary the proposal does not meet any of the exceptions listed in paragraph 154 of the National Planning Policy Framework 2024 and is therefore inappropriate development in the Green Belt which is, by definition, harmful.

Grey Belt

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

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed⁵⁶;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

The definition of 'grey belt land' is set out in the Glossary of the NPPF 2024 and is defined as:

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

Paragraph 18 of the PPTS is explicit that the Golden Rules do not apply to Traveller sites, such that only criteria (a), (b) and (c) need to be met in this case.

It is important to consider whether the site can be defined as constituting grey belt land by reviewing the various Green Belt purposes and the contribution that the site makes to each of these.

Paragraph 143 of the National Planning Policy Framework 2024 states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In order to be considered Grey Belt the land must be considered to not strongly contribute to a, b or d above.

Gravesham's Stage 2 Green Belt Study shows the site as lying within parcel (SS4) which has a harm rating of 'high' (the highest level) if it were to be released from the Green Belt. The Study states the following of land classified as 'high harm':

'Release of land that makes a significant contribution to at least one of the Green Belt purposes, and would constitute at least a minor weakening of the integrity of land that remains designated as Green Belt'*

The recent appeal against an enforcement notice (APP/K2230/C/23/3328720 - which covers the application site as shown outlined in a dark line below) was upheld and is included in appendix 2:



In his appeal the Inspector dealt with the issue of Grey Belt. He said in paragraphs 18-23:

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

19. There is no suggestion that the land strongly contributes to the setting of any historic town, with reference to paragraph 143(d). The purposes listed at paragraph 143(a) and (b) are to check the unrestricted sprawl of large built up areas and to prevent neighbouring towns from merging into one

another.

20. On a wider level, the site lies to the south of the A2 and west of the M2. To the north and east of those highways are the large built up areas of Gravesend, Strood, Rochester and Chatham. I haven't been provided with any evidence relating to the rationale for the designation but judging by the settlement pattern and geography of the area it seems likely that one of the key purposes of the Green Belt in this location is to contain the expansion of those large urban areas. The land in question sits within a belt of land close to those large urban areas and plays an integral part in containing the expansion and sprawl, at a strategic level, making a strong contribution to that purpose.

21. The land in this case is also situated between Meopham/ Hook Green, which is a short distance to the south and west and Sole Street which is a similarly short distance to the east. The gap between those settlements is narrow – the width of a few fields – and the intervening land therefore plays a very important role in preventing the two from merging into one another. Purpose 143(b) refers to preventing neighbouring towns from merging into one another. It is not readily clear if that applies to settlements more generally or what the definition of a town, as opposed to a village may be.

22. Meopham in particular is quite a large settlement, strung out along the A427, with all the facilities of a small town including schools, shops, railway station and church. Sole Street has a more residential character but has its own railway station, public house and is sizeable in terms of the number of dwellings. Both settlements have a distinct character and the narrow gap between them is very important to avoid the two merging into one another. On balance I am of the view that the purpose at 143(b) is relevant and the land in question contributes strongly to that purpose given its location, equidistant between the two settlements.

23. For those reasons, the land does not constitute Grey Belt land and the exception listed at paragraph 155 of the Framework does not apply. As was common ground at the time of the Hearing, the development does not meet any other of the exceptions listed within the Framework and therefore amounts to inappropriate development within the Green Belt.

The Council find no reason to disagree with the Inspector on his findings. The land has been identified as causing 'high' levels of harm if it was released from the Green Belt and is considered to contribute strongly to both purposes (a) and (b) of para. 143 of the National Planning Policy Framework 2024.

The development is therefore not considered to be located on Grey Belt land and does not comply with paragraph 155 of the National Planning Policy Framework 2024; it is therefore not necessary to consider points (b) – (c) of paragraph 155, in context with Para. 13 of the PPTS.

The proposed development is therefore inappropriate in the Green Belt and introduces development where there was previously none. The proposal impacts on the openness of the Green Belt to the detriment of its purpose contrary to Policy CS02 of the Gravesham Core Strategy 2014 and Section 13 of the National Planning Policy Framework 2024.

Need for and supply of Gypsy sites

Accommodation for Gypsies and Travellers is a specific type of accommodation that Councils have a duty to provide under the Housing Act (2004). The guidance in Policy B of the 2024 PPTS requires Local Planning Authorities to set their own target for the number of pitches to be provided in their areas, using a robust evidence base and to identify and update annually a supply of specific deliverable sites to provide 5 years' worth of sites against their locally set targets, and a supply of specific developable sites or broad locations for growth for years 6 to 10 and where possible for years 11 -15.

The identified need for new Gypsy and Traveller pitches in the borough is derived from the Gypsy and Traveller Accommodation Assessment (GTAA) 2022. This GTAA updates and assesses need for pitches in the Borough, over the period 1 April 2022 – 31 March 2040, taking account of the proposed occupants of new pitches permitted since 2017. This covers the remaining 6 years of the Local Plan Core Strategy plan

period (2022 – 28) and will inform the evidence base for the emerging Local Plan period (2025 – 2040).

The Council is aware that the need identified in the 2022 GTAA does not take account of the updated planning definition of Gypsies and Travellers in the 2023 or 2024 PPTS as it pre-dates these changes. It is acknowledged that the need therefore within the Borough, will be greater than the need for pitches for Gypsies and Travellers that solely met the pre-2023 PPTS definition. The Council is currently in the process of understanding the implications of the revised 2024 PPTS definition and is engaging with the consultants who undertook the 2022 GTAA on the matter.

A summary of pitch need over the plan period 2022 – 2040 is set out below in Table 1. This shows that there is a need to provide 20 pitches between the period 2022 to 2028 for those Traveller households who met the 2015 planning definition.

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

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

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

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

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

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

Table 3 Pitch Needs April 2024 – March 2029

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

Since April 2024, planning permission has been granted on appeal for 4 pitches (APP/K2230/W/24/3336250 and APP/K2230/W/24/3336645).

From this it is clear that in April 2024, the council could not demonstrate a 5 year supply of deliverable pitches. Therefore, there is a significant shortfall in past delivery and future supply. Consequently there is a demonstrable unmet need for Gypsy and Traveller pitches within the Borough and this should be afforded significant weight.

Gypsy and Traveller Status

‘In light of both domestic and European Court judgments’ the Government amended the planning definition of ‘gypsies & travellers’ as set out in the PPTS to ensure that the accommodation needs for those persons with a cultural tradition of nomadism or of living in a caravan are covered by the Planning Policy for Traveller Sites.’ The revised definition (Annex 1 of the PPTS) is as follows:

*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, **and all other persons with a cultural tradition of nomadism or of living in a caravan**, but excluding members of an organised group of travelling [showmen] or circus people travelling together as such [emphasis added to illustrate changes].*

As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily or permanently because of their own, or their dependants’, health or education needs or old age, and all other persons with a cultural tradition of nomadism or of living in a caravan. Whilst the previous PPTS set out regard should be had to whether a Traveller previously led a nomadic habit of life, the reasons for ceasing their nomadic habit of life, and their intentions of returning to a nomadic habit of life, this requirement has been removed from the current PPTS.

The supporting statement submitted with the application contains no information of who will occupy the site or their status. The application has therefore not sufficiently demonstrated the intended occupants of the proposed pitches and whether they meet the definition of gypsies and travellers as defined in Planning Policy for Travellers Sites, December 2024.

Personal Circumstances and Best Interests of the Child

Paragraph 25 of the PPTS lists relevant matters when considering planning applications for traveller sites. The personal circumstances of the applicant is one such consideration. The application comprises one pitch with a static caravan and one touring caravan and a dayroom to facilitate the nomadic way of life for the applicant and his immediate family members on a permanent basis. The application does not contain any information setting the case for the applicant. There is no information regarding the status of the occupants, their ages or personal circumstances. There is no mention of children living on the site. There is no information about their way of life or where they have been residing prior to White Post Lane.

As set out in Stevens -v- SSCLG & Guildford Borough Council [2013] EWCH 792 (Admin) 10 April 2013,

“the best interests of any child must be kept at the forefront of the decision-maker’s mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering any decision he might make (and, of course, the eventual decision he does make), he needs to assess whether the adverse impact of such a decision on the interests of the child is proportionate.”

It was held in *Chapman v UK* 33 EHRR 399 that, *“where a dwelling has been established without the planning permission which is needed under the national law, there is a conflict of interest between the right of the individual under Article 8 of the Convention to respect for his or her home and the right of others in the community to environmental protection. When considering whether a requirement that the individual leave his or her home is proportionate to the legitimate aim pursued, it is highly relevant whether or not the home was established unlawfully. If the home was lawfully established, this factor would self-evidently be something which would weigh against the legitimacy of requiring the individual to move. Conversely, if the establishment of a home in a particular place was unlawful, the position of the individual objecting to an order to move is less strong. The Court will be slow to grant protection to those who, in conscious defiance of the prohibitions of the law, establish a home on an environmentally protected site. For the Court to do otherwise would be to encourage illegal action to the detriment of the protection of the environmental rights of other people in the community.”*

The judgement in *Chapman* goes on to state that a further relevant consideration to be taken into account is that *“...if no alternative accommodation is available the interference is more serious than where such accommodation is available. The more suitable the alternative accommodation is, the less serious the interference constituted by moving the applicant from his or her home.”*

Despite requesting further information in relation to who will occupy the site, the applicant's agent has advised that such information does not need to be provided. Therefore, as the proposal is for a traveller family, an assumption has been made that the Traveller pitch could accommodate travellers with a child, and that a child would benefit from a settled base, with access to educational facilities and health care services, with the parents/carers also benefiting from access to health care services. In addition, as the application is retrospective in nature, it is assumed that a Traveller family are residing at the site at present, and that the interference with the Article 8 rights held by the appellant and their families would be significant, but would be both necessary and proportionate in the event that the planning judgement reached is that this application should be refused and permission not granted. However, as part of the planning judgement this will require consideration to be given to whether policy objectives could be achieved by means that interfere less with the rights of the Traveller family occupying the site.

Those on site may also share protected characteristics of race for the purposes of the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. As such should a planning judgement be reached not to grant a permission, this would impact negatively on the family's way of life and would reduce the opportunities available to them. It would also deny or reduce the opportunities available to foster good relations with the settled community, including those of the any child who potentially maybe attending a local school.

Cumulative Impacts

The PPTS at Para. 26 states that Local Planning Authorities should strictly limit new traveller development in the countryside, where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. This is further expanded on at Para. 27 where the PPTS sets out matters to which Local Planning Authorities should add weight. These include, making effective use of brownfield, untidy or derelict land; sites that positively enhance the environment and increase its openness; promoting opportunities for healthy lifestyles; and not enclosing in a manner which gives the impression that the site and its occupants are isolated from the rest of the community. In addition, policy CS17 of the Local Plan Core Strategy outlines the criteria to be met in Gypsy and Traveller development.

Dealing first with the whether the proposal is likely to dominate the nearest settled community, it is considered given the single pitch involved in this proposal, this would not be the case. Especially when

taken in the context of the Enforcement Notice for the adjacent traveller site to the east being upheld, which means that this notionally would be the sole pitch in this location.

The proposals involves the creation of one pitch for a static caravan, a touring caravan and a dayroom and hardstanding. It would inevitably extend built development to the site which, as can be seen below, was previously undeveloped:



(Google earth, March 2024)

The proposed mobile homes would have the appearance of bungalows and would be relatively conspicuous in this valued rural landscape. The collective presence of the mobile home, touring caravan, day room and associated domestic paraphernalia would result in additional cumulative effect in terms of their impact on the countryside and surrounding valued landscape.

In addition, contrary to Para. 27 d) of the PPTS, the site given its location when taken into context with both the existing and proposed soft and hard landscaping, would give the impression that the site and its occupants are deliberately isolated from the rest of community.

On this issue, considering this proposal is for one pitch, whilst it would not dominate the nearest settled community, it would extend development onto previously undeveloped land. Given the distances from other residential properties (approx. 450m) and the openness of the site the proposal is considered to have an adverse impact on the valued landscape (as discussed further below). The resulting cumulative effect on the countryside and valued landscape would therefore conflict with the objectives of Policy CS12 (Green Infrastructure), CS17 (Traveller Sites) and CS19 (Development and Design principles) of the Local Plan Core Strategy and paragraph 187 of the National Planning Policy Framework (NPPF) 2024, which together seeks to conserve and enhance the natural environment. This is in addition to conflicting with the requirements set out in Paras 26 and 27 of the PPTS.

Character and Appearance

Policy CS19 of the Core Strategy seeks to ensure that new development is visually attractive and locally distinctive. The policy requires development to conserve and enhance the character of the local and built natural environment and integrate well into the surrounding area.

The Council's Stage 2 Green Belt Study describes parcel SS4, within which the application site lies, as *'The area to the northeast of the settlement of Sole Street comprises an orchard, woodland, large house and grounds, and other dwellings interspersed by tree cover. These do not have much urbanising influence, so the area is largely open and is not contained by urbanising development. Round Street defines the north eastern edge of the settlement of Sole Street and this creates distinction between the settlement edge and the Green Belt land in this area.'* It states that the *'land contains the characteristics of open countryside and it has a strong relationship with the surrounding countryside'*. The development of this land which has already commenced demonstrates how damaging the proposal is to the surrounding countryside. It is completely at odds with its surroundings and is widely visible from many public vantage points. The site was previously open save for some post and rail fencing and horse shelters however it is now dominated by hard landscaping and residential structures/paraphernalia.

Policy CS12 of the Gravesham Core Strategy 2014 states that the 'overall landscape character and valued landscapes will be conserved, restored and enhanced. The greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting. Proposals will take account of the Kent Downs Area of Outstanding Natural Beauty Management Plan, the Gravesham Landscape Character Assessment, and the Cluster Studies where relevant'.

The site is not within a National Landscape (formerly Area of Outstanding Natural Beauty) however it is in close proximity to the Kent Downs. It is within the Meopham Downs Landscape Character Area which is described as having the following key characteristics:

- Gently undulating topography with a mixture of arable and pasture farmland
- Neat pattern of small square fields in the south
- Broader irregular shaped fields to the north
- Narrow lanes and roads lined with hedgerows
- Three large settlements located along A227 running east and west
- Traditional architecture surrounding village greens provide local vernacular

It states that there is a presence of horse related activity scattered throughout the landscape and the dominant land use is agricultural with a mixture of grazed pasture and arable use. Field shapes to the north are more irregular but the boundaries are distinctly formed by native hedgerows with hedgerow trees. The condition of the landscape is considered good with the north (where the application site is situated) being a higher quality. The strength of character and visibility are moderate providing a moderate sensitivity overall. The key guidelines are to conserve and reinforce the agricultural land use.

The proposal introduces an alien feature into the landscape that neither conserves or reinforces the agricultural land use. There are clear views across the area and this is also the case with the application site. The proposed development will therefore detract from the character and appearance of the landscape and is contrary to the guidance within the Gravesham Landscape Character Assessment, Policy CS12 and CS19 of the Local Plan Core Strategy that seek to ensure that new development conserves the overall landscape character.

Sustainable Location

Section 9 of the Framework indicates that the planning system should actively manage patterns of growth to facilitate development in locations which are sustainable and generally limit the need to travel. In this case the application site is located off a minor rural lane and is physically well away from the nearest settlement with basic services. Whilst paragraph 110 of the Framework indicates that sustainable transport solutions will vary between urban and rural areas this site has not been chosen to limit the need for travel and access day to day facilities other than by vehicle. This was found to conflict with the guidance in the Framework by the first appeal Inspector for the adjacent site (APP/K2230/W/20/3271514 – appendix 3) to promote sustainable transport and with the provisions of the second bullet point of Policy CS19.

Although the Framework has since been updated, section 9 and paragraph 110 still require the planning system to actively manage patterns of growth and there is no substantive change in the policy position. Similarly, paragraphs 13 and 26 of the PPTS require that traveller sites in the countryside, away from existing settlements should be strictly limited, contribute to sustainability, promote access to local services and reduce the need for long-distance travelling and environmental damage associated with unauthorised encampments. As stated earlier, the site is closer to Sole Street, than Meopham as the crow flies, the road network of rural lanes is circuitous, and the location of the site therefore weighs against the development in terms of accessibility to local services. With greater services being available in Meopham and the urban settlements of Gravesend and Northfleet, than in Sole Street, where services are limited and only include one small shop, a public house, an irregular bus service and access to a railway station.

The site is therefore not considered a sustainable location and therefore conflicts with Policy CS19 of the Gravesham Core Strategy 2014 and paragraph 110 of the National Planning Policy Framework 2024.

Effects on Residential Amenity

Government guidance in paragraph 135 of the NPPF (2024) state that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings and land. These core principles are in line with provisions of Policy CS19 of the Local Plan Core Strategy, which requires proposals to safeguard residential amenity, including privacy, daylight and sunlight.

No plans have been provided to demonstrate whether the static caravan will provide a decent standard of accommodation for future occupiers however, the size of the caravan is similar to others in the Borough which offer sufficient levels of accommodation. The layout within the site is spacious and future occupants of the proposed mobile home would be provided with a decent outdoor amenity space.

In terms of neighbouring amenity, there is no residential accommodation within close proximity. The nearest residential dwelling is approx. 430m away. There is an unauthorised traveller site to the west which is approx. 130m away. Due to the distances involved there will be no detrimental impact to any neighbouring dwellings in terms of loss of outlook, daylight, sunlight or privacy.

Owing to the nature and scale of development, vehicular movements to and from the site are unlikely to significantly impact on the occupants of properties along White Post Lane in terms of noise and disturbance however a condition is recommended if any permission is forthcoming to ensure noise does not become a nuisance. No overriding residential amenity issues are considered to be raised in the application.

Therefore residential amenity of the future occupiers of the site would comply with requirements in policy CS19 of the Local Plan Core Strategy and paragraph 135f of the National Planning Policy Framework 2024.

Parking and Highway Safety

The site and pitch would make use of the existing access from White Post Lane and there is adequate hard surface space available within the plot for parking of vehicles associated with the pitches proposed, and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.

Government guidance in the revised NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impact of the development is severe and cannot be mitigated by off-site improvement to the transport network. The level of additional vehicle movements to and from the site resulting from this proposal is not likely to lead to a significant increase in traffic generation, unacceptable intensification of use of the local road network or raise any overriding highway safety issues.

Overall, on this basis, it is considered that the impact upon highway capacity would be acceptable. The proposal would comply with policy T1 of the Gravesham Local Plan: First Review (1994), which seeks to mitigate the adverse impact of development on the highway network.

Drainage

Policy CS19 (LPCS) requires development to not pose an unacceptable risk or harm to the environment, including the quality of ground waters. This is reflected within the NPPF at paragraph 187 (e) which requires new development to not have an adverse impact ground water conditions. Further guidance is provided by Planning Practice Guidance at Paragraph: 020 Reference ID: 34-020-20140306 which is clear that non mains drainage (Septic tanks) are only acceptable if demonstrated by the applicant that discharging into a public sewer is not feasible and states the following:

Septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010. Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.

For this proposal to be acceptable in relation to ground water it will need to comply with the above requirements.

The Environment Agency has commented and raised no objections but has suggested a condition. If the application were to be allowed at a later date it is recommended that this condition be imposed. Subject to this condition the proposed development accords with Policy CS19 of the Gravesham Core Strategy 2014 and paragraph 187 (e) of the National Planning Policy Framework 2024.

Biodiversity

Biodiversity Net Gain

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The biodiversity net gain condition is that the development may not be begun unless:

- (a) A biodiversity gain plan has been submitted to the planning authority, and

(b) The planning authority has approved the plan

In this case, the application is retrospective and therefore a pre-commencement condition cannot be applied.

Ecology

In terms of ecology Policy CS12 of the Gravesham Core Strategy 2014 states 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. This is reinforced by paragraph 187 of the National Planning Policy Framework 2024. A significant amount of biodiversity has been lost on site and no attempt has been made to mitigate against this. Whilst concerns have been raised about the loss of trees to the lane when the static was delivered, this is outside of the site and not within public ownership and therefore is a civil issue. Without a detailed ecological report it is not possible to assess the extent of loss and therefore the proposed development conflicts with policy CS12 of the Gravesham Core Strategy 2014 and paragraph 187 of the National Planning Policy Framework 2024.

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

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing developments including Gypsy and Traveller accommodation. Developers will need to pay £328.27 for every new pitch provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have not paid towards the mitigation.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Grant of Temporary Permission

The PPTS states that a temporary planning permission may be appropriate where it is expected that planning circumstances will change in a particular way at the end of the period. As indicated to above, there is a process in place for addressing identified need for Traveller sites in the District, which may involve the release of Green Belt land, in the absence of any suitable sites coming forward in the urban area and rural settlements inset from the Green belt, and in the event a case for exceptional circumstances can be demonstrated. Whilst it is recognised that there has been policy failure to date, in so far as a replacement Local Plan has not yet been adopted, the Council published a Local Development Scheme on 24 February 2025, which sets out that a Regulation 19 consultation will be undertaken in the Summer of 2025, with the emerging Local Plan submitted for examination in December 2025. The Regulation 19 document will address the lack of land supply for both Travellers and traditional forms of housing.

The application site is not considered to be a suitable location for the type of development proposed, as it is located within the Green Belt and is considered inappropriate development. The supporting information has not sufficiently demonstrated there are special personal circumstances to warrant the grant of planning

permission on temporary basis. In also considering that a Traveller family maybe residing at the site and in considering the best interests of any child it is not considered that a grant of planning permission on a temporary basis would be warranted. In addition to this the proposal is considered to impact negatively on the wider landscape character, as well as not providing the appropriate SAMMS payment.

For all the reasons above it is not considered there is reasonable justification for granting temporary permission for this proposal.

Human Rights and Equality Act

Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. The Council in the exercise of its statutory functions must have due regard to the Public Sector Equality Duty (PSED) contained in the Section 149 of the Equality Act 2010. The Act imposes a duty on all public authorities to have due regard to the need to;

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this act.
- Advance equality of opportunity between persons who share a relevant protected characteristics and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Gypsies and Travellers have a protected status under the Equalities Act 2010 by virtue of having a relevant protected characteristics. The Council is therefore duty bound to consider decisions that have a disproportionate adverse impact on a protected characteristics, even if this impacts may be unintentional. This may involve an understanding of the practical impact on individuals affected by the decision. Regards should be had to the effect of mitigation taken to reduce any adverse impact. PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors.

In addition, the Council needs to consider its duties under the Human Rights Act, in particular Article 8 and Article 1 of the First Protocol to the Convention of Human Rights which states that a person is entitled to the right to respect from family and private life and the peaceful enjoyments of their property. Any action of the Council needs to be proportionate in the balance of public and private rights.

In this case, no evidence has been put forward regarding the ethnicity of the intended occupants of the proposed accommodation to demonstrate they meet the planning definition of 'gypsies & travellers' as set out in the PPTS. In addition, no verifiable information has been put forward to demonstrate refusing this application would interfere with right to respect private and family life of the applicant, including their traditional nomadic way of life. Despite this position, given that the site is intended for a Traveller family, and the family may include one or more children, and given the proposal is retrospective in nature, the Council in reaching a decision will take into consideration the impacts upon the family.

Article 8 of the European Convention of Human Rights is a qualified right requiring a balance between the rights of the individual and public rights, which include the objective of planning policies to avoid an unacceptable risk to ground water conditions by not providing adequate drainage to the serve the site/development. Information is fundamental and due to the risk to ground water pollution it cannot be conditioned and should have been submitted as part of the application. The protection of ground water from pollution are legitimate aims in the wider public interest, which can only be adequately safeguarded in this case by refusing planning permission. In addition, the application fails the appropriate assessment, as such the harm to local wildlife at the Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) also must be taken into consideration.

In this case, it is recognised that if planning permission is refused the family resident at the site would need to vacate the site because of either the injunction or enforcement notice that are in place. Ultimately this

may lead to this family not being able to find a legal site and they could be forced to pitch at the roadside. In particular, this would have a significant adverse impact upon any children. Over and above the obvious adverse impact that such disruption would cause, any child in school would lose a stable base that has enabled them to obtain schooling and, access to other facilities such as health services. As such Article 8 is engaged.

However, the right to respect for family life is not absolute: interference with that right can be justified if that interference is (i) for a legitimate aim, (ii) in accordance with the law, and (iii) necessary in the public interest. In this case, there are multiple legitimate aims namely the protection of a Green Belt, the protection of the Ramsar and SPA, the protection of ground water, the protection of the environment including ecology. These matters are in accordance with the Development Plan and material (planning) considerations as required by the domestic planning regime.

Any potential interference with the applicant's human rights and the best interest of any child is therefore considered proportionate and necessary in the wider public interest.

Whether Very Special Circumstance Exist

The proposed development amounts to inappropriate development within the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by way of inappropriateness and any other harm is clearly outweighed by other material considerations. In addition to harm by way of inappropriateness, the development will cause moderate harm to the openness of the Green Belt.

In addition, the proposal has caused harm to the character and appearance of the area, has resulted in the loss of biodiversity, is poorly located in terms of the distance from shops and services with limited travel choices beyond the private car. These matters weigh significantly against the grant of permission.

On the opposite side, whilst the applicant has not provided any supporting evidence to corroborate their claim that they fall within the PPTS definition. There is a clear unmet need for traveller sites and the Council is not able to demonstrate a five year supply which carries significant weight. Nevertheless, even if they did produce evidence to show they meet the definition, the impact on the Green Belt, landscape character, unsustainable location, bird mitigation and biodiversity combined outweigh the unmet need.

The site is poorly located in transport terms (apart from the railway station) and causes harm to the character and appearance of the area, such that it would not make a suitable traveller site when assessed against the policies of the PPTS.

As was the case with the 2025 appeal decision the balance is not considered to alter even if personal circumstances were advanced.

It follows then that the very special circumstances needed to justify a grant of permission on a permanent basis do not exist.

The balance when considering a temporary permission is clearly different in that the harm would only endure for a temporary period. However, the Framework requires that substantial weight is given to any harm to the Green Belt, temporary or otherwise. The weight attached to the other harm is slightly reduced on account of its temporary nature. The site would still remain unsuitable in locational terms, even for a temporary period.

A temporary permission would help to address the shortfall in site provision in respect of the need for local sites and policy failure and would lessen the impact on those residing at the site. However, the case presented in respect of personal circumstances, i.e. none, is not sufficient to demonstrate that the weight of those matters clearly outweighs the harm, even on a temporary basis. Accordingly, the very special circumstances needed to justify a temporary grant of permission have not been demonstrated.

Overall Planning Balance

For the reasons given, the development is contrary to the policies of the development plan, taken as a whole and represents inappropriate development within the Green Belt. In the absence of very special circumstances there and despite taking into consideration human rights and equality matters, there are no material considerations to indicate that a decision should be taken other than in accordance with the development plan and material (planning) considerations, therefore planning permission should be refused. No conditions can overcome the harm to an extent that would warrant a grant of permission on a permanent or temporary basis.

The proportionality assessment required by Article 8 necessitates a balancing exercise to ascertain whether the rights of the occupiers would be disproportionately interfered with should planning permission be refused. In making that assessment the Council has had regard to the personal circumstances described and the positive obligation to facilitate the Traveller way of life. Weighed against that is the public and community interest. Regulation of land through the planning system can be said to be in the public interest with the legitimate aims of protecting the economic well-being of the country and public safety.

Economic well-being would encompass protection of the environment through the avoidance development that would cause harm to the character and appearance of the countryside, the protection of the Green Belt and the need to regulate the use of land to ensure that development is located in suitable proximity of shops and services. For the reasons set out above, the harm arising from the development in respect of those matters is significant and the legitimate aims of protecting the environment and public safety attract greater weight.

The interference in this case would be a proportionate response and is necessary having regard to legitimate land use planning objectives.

These conclusions would apply equally to a temporary planning permission. The harm would be temporary but the development would remain contrary to the aims of the development plan and inappropriate within the Green Belt. Whilst the balance is slightly different, the view remains that the interference would be necessary and proportionate having regard to legitimate land use objectives.

It is acknowledged the under supply of traveller pitches and lack of suitable sites in the Borough to meet the needs of those meeting the planning definition of 'gypsies & travellers' in the district, and is being addressed via the emerging Local Plan.

The proposed development is located within the Green Belt where such development is considered inappropriate. The land is not considered previously developed and does not meet the definition of Grey Belt as corroborated by the Planning Inspectorate in their recent appeal decision.

The site is also located in the open countryside within a valued landscape and will have a detrimental impact on the character and appearance of this landscape character.

Whilst no supporting information has been provided that sufficiently demonstrates there are special personal circumstances to warrant the grant of planning permission, the Council has taken into consideration that the site could meet the needs of a family who are Travellers. These matters must be significant weight.

The appropriate mitigation has not been secured via a SAMMS payment nor information provided to undertake an appropriate assessment, the proposal therefore negatively impacts on migrating birds.

Whilst the lack of traveller site in the Borough is a material planning consideration, that is given significant weight, this is not in itself sufficient to outweigh the harm that would arise from permitting this development.

In compliance with the Human Rights and Public Sector Equality Duty (PSED) contained in the Section 149 of the Equality Act 2010, due consideration has been given to personal circumstances of the applicant, including the best interest of the child, however, these are not considered to outweigh the

legitimate aims set out with the domestic planning regime, as such interference with such rights is warranted for a legitimate aim, in accordance with the law, and necessary in the public interest.

Refusing the application will undoubtedly interfere with the applicant's and their family's Human Rights, however this must be considered in light of the wider public interest. In these terms greater weight due to the nature of the harm caused by this proposal, has to be given to the wider public interest.

Recommendation:

The recommendation is to refuse this application.

Reasons for refusal:

The proposed mobile home, touring caravan, dayroom and hardstanding will be located within the Metropolitan Green Belt where development is considered inappropriate. The proposal will introduce a built development, hard surfacing and mobile structures onto a previously undeveloped site which will harm the openness of the Green Belt and 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 13 (paragraph 153 of the National Planning Policy Framework 2024, the Planning Policy for Travellers Sites 2024 and policies CS01 (Sustainable Development) and CS02 (Scale and Spatial Distribution of Development) of the Gravesham Local Plan Core Strategy (2014).

The site lies within the Meopham 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 open and locally prominent location 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.

The proposed development results in the loss of biodiversity with no compensatory measures in terms of mitigation planting or landscaping to offset the habitat loss and will introduce residential activity in a previously undeveloped location. The proposal will therefore fail to conserve or enhance the biodiversity value of the site in line with Core Strategy policy CS12 (Green Infrastructure).

The application site, due to its location off a minor rural lane away from existing settlements, is located within an unsustainable location and therefore does not limit the need to travel and is therefore contrary to Policy CS19 of the Gravesham Core Strategy 2014, paragraph 110 of the National Planning Policy Framework 2024 and paragraph 26 of the Planning Policy for Traveller Sites.

The site is located within 6km of the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) and the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs A Webster	Team Leader:	Richard Hart
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Signed:		Signed:	<i>R Hart</i>
Dated:	26 February 2025	Dated:	26th February 2025

Appendices

Appendix 1 – 20160136 Appeal Decision APP/K2230/W/16/3161653 (Culverstone)

Appendix 2 – Appeal Decision APP/K2230/C/23/3328720 (White Post Lane)

Appendix 3 – Appeal Decision APP/K2230/W/20/3271514 (White Post Lane)