



Appeal Decision

Hearing held on 4 February 2025

Site visit made on 4 February 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/H2265/W/24/3352986

Woodford, Old Lane, Ightham, Sevenoaks, Kent TN15 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Moore against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/24/00204/PA.
 - The development proposed is change of use of land to use as a residential caravan site for 5 gypsy/traveller households, including the stationing of 8 caravans for residential purposes of which no more than 5 shall be static caravans/mobile homes, together with extension of existing hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to use as a residential caravan site for 5 gypsy/traveller households, including the stationing of 8 caravans for residential purposes of which no more than 5 shall be static caravans/mobile homes, together with extension of existing hardstanding, at Woodford, Old Lane, Ightham, Sevenoaks, Kent TN15 9AH in accordance with the terms of the application, Ref TM/24/00204/PA, subject to the conditions in the attached schedule.

Preliminary Matters

2. In December 2024, government published a revised National Planning Policy Framework (the Framework) and Planning Policy for Traveller Sites (PPTS). In my decision I have had regard to the revised Framework and PPTS.
3. Such revisions included changes to national policies for development within the Green Belt. The Council consider the proposal would now comply with the exception at paragraph 154(g) of the Framework and the proposal would not comprise inappropriate development within the Green Belt. The Council therefore no longer contests the first reason for refusal as set out on its decision notice.
4. However, some interested parties maintain their objection to the development on grounds of its potential effects on the Green Belt. To ensure all submitted evidence is considered, Green Belt matters remain a main issue in this appeal.

Main Issues

5. Having regard to the above, the main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;

- The effect of the proposal on highway safety; and
- Whether other material considerations, including the need for and supply of pitches, outweighs any harm identified such as to justify the development.

Reasons

Whether inappropriate development

6. The site comprises existing gypsy and traveller accommodation, including a static caravan and two touring caravans. The site is in the Green Belt.
7. Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy 2007 (CS) requires proposals for development in the Green Belt be determined in accordance with national policy. Paragraph 142 of the Framework attaches great importance to Green Belts. It states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belts are their openness and their permanence.
8. CS Policy CP20 includes a presumption against the development of gypsy and traveller accommodation in the Green Belt unless there are very special circumstances. However, Policy E of the PPTS considers Traveller sites in the Green Belt to be inappropriate development unless the exceptions set out in the Framework apply. CS Policy CP 20 is therefore inconsistent with national policy, and paragraph 232 of the Framework requires due weight be given to development plan policies according to their degree of consistency with the Framework and PPTS.
9. Paragraph 154 identifies certain forms of development that are not inappropriate in the Green Belt. This includes at 154(g), partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.
10. The Framework's definition of previously developed land includes 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.
11. The existing caravans do not comprise permanent structures. However, the site also contains a stable block, outbuildings, and large areas of hardstanding such as parking areas and a brick path providing access through the site. These permanent features have been lawfully developed¹.
12. Parts of the site are grassed with occasional trees. The site is in a rural location and therefore, the Framework's exclusion of "land in built-up areas such as residential gardens" is not applicable to the site.
13. The site is residential in use and character. It comprises permanent structures and fixed surface infrastructure and would comply with the Framework's definition of previously developed land.

¹ Appeal references: APP/H2265/C/12/2182585 & 2182586; 2182591 & 2182592; 2182595 & 2182596; 2182600 & 2182601

14. The proposal would increase the number of caravans stationed on the site from three to eight and would increase the amount of hardstanding. Caravans are of modest height and volume. Nonetheless, there would be a small loss of Green Belt openness commensurate with the scale of development.
15. Boundaries are formed of fencing and mature trees and hedgerows, with a gated access to Old Lane. The existing vegetation would provide effective screening of the site, and the proposed development would not be visually prominent within the landscape. Public views of the proposed development would be limited to glimpses through the gated access, where the visual impacts would be highly localised and viewed within the context of an existing traveller site. The proposed development would be contained within the existing site boundaries and would not encroach into the countryside. Therefore, the visual impacts of the development on Green Belt openness would be limited.
16. In a previous scheme granted planning permission in 2008², the Inspector assessed the site within its then greenfield context and considered the development represented a “relatively slight” encroachment into the countryside, counter to the Green Belt’s purposes. In the 2015 appeal decision³, the Inspector drew similar conclusions to the 2008 decision. In both decisions, substantial harm to the Green Belt was identified as a consequence of the development being inappropriate within the context of national policies in force at that time.
17. However, I am determining the appeal within a markedly different context to those previous Inspectors. The site is not greenfield land; it is previously developed land in permanent use as gypsy and traveller accommodation. Moreover, the revised Framework provides different tests for exceptions to inappropriate development. The requirement to “not cause substantial harm to openness” for the purposes of Framework paragraph 154(g) is a distinct and new test that did not exist at the time of the previous decisions.
18. The proposal would result in a small loss of openness and would have limited adverse visual impacts. Therefore, the proposal would not cause substantial harm to Green Belt openness and would comply with the exception at paragraph 154(g) of the Framework.
19. The appellant asserts the proposal would also satisfy the criteria for the development of grey belt land at paragraph 155 of the Framework. However, since I have found the proposal would not be inappropriate development, it is not necessary to engage the grey belt tests.
20. Since the proposal would not be inappropriate development, there is no inappropriateness to be outweighed by other considerations. The test of very special circumstances required by CS Policy CP20 cannot therefore be applied to the proposal. Consequently, I conclude the proposal would have a neutral effect in respect of CS Policy CP20’s Green Belt criteria.
21. For the reasons set out above, the proposal complies with CS Policy CP3 which requires development satisfy national policy for development in the Green Belt.

² Appeal reference: APP/H2265/A/08/2062848

³ Appeal reference: APP/H2265/A/12/2179993

Highway safety

Whether intensification of use of the site

22. Temporary, personal planning permission was granted in 2008⁴ and in 2015⁵ for the stationing of caravans on the site. In 2019, planning permission was granted to vary certain conditions attached to the 2015 permission, including removing the time period for planning permission and altering the number of units to no more than three caravans, including no more than one static caravan⁶. The site therefore has an established and permanent use as gypsy and traveller accommodation. The proposal would utilise the existing site access.
23. The current caravans on site are modest units and 11 family members are currently living in overcrowded conditions. The proposal would provide suitable accommodation for the site's existing occupants.
24. The appellant estimates the proposed development would generate 40 movements per day, based on typical assumptions for five households. However, this estimate is unreliable since it is based upon data from brick-and-mortar development within the settled community. It does not take into account the relationship between the occupants of the site who would be likely to share journeys. In addition, it does not account for the family's nomadic habit of life where some individuals are normally absent from the site for extended periods.
25. The proposal would provide eight caravans, of which no more than five would be static caravans. The proposed siting of caravans is annotated on the site layout plan and would be secured by planning condition. Consequently, there is certainty that the proposal would result in a net increase of four static caravans and one touring caravan. The static caravans would be expected to be reasonably permanent in their siting. Therefore, relative to the existing use of the site, the proposal would generate additional traffic movements associated with one additional touring caravan.
26. The 2015 planning permission restricted occupation of the site to named individuals and their resident dependents. The 2019 permission recognised the change in the family's circumstances and amended the 2015 permission to include family members who had reached adult age. It is established that dependents can be defined as persons living in family with the persons defined who are dependent in whole or in part for their subsistence and support and may refer to relationships without financial dependency⁷. It is recognised that living and travelling in extended family groups for mutual support and care is integral to gypsy and traveller culture. The appellant and their resident family members work together in the appellant's business and share caring duties. Therefore, the appellant's grown-up children do not cease to be dependents by virtue of their age.
27. Matters of highway safety did not form main issues in the previous planning approvals and there is no suggestion in the Council's assessment of the 2019 permission that an increase in adult occupants would have adverse impacts on highway safety.

⁴ Appeal reference: APP/H2265/A/08/2062848

⁵ Appeal reference: APP/H2265/A/12/2179993

⁶ LPA reference: 18/01240/FL

⁷ *Fawcett Properties Ltd v Buckingham CC* [1961] AC 636; and *Shortt v SSCLG* [2015] EWCA Civ 1192.

28. Whilst the 2019 permission limits the number of caravans to a maximum of one static and two touring units, there is no limit on the size or type of caravans beyond the restrictions set out in the Caravan Sites and Control of Development Act 1968 and Caravan Sites Act 1968. The number of dependents is not fixed, and even within the limitations of the 2019 permission, it is not unreasonable that 11 occupants could be accommodated on site, such as by siting larger caravan units.
29. The net increase in caravans would meet the needs of existing occupants, and therefore there is no suggestion it would lead to an increase in resident population in the short term. Nonetheless, the proposal would provide a greater capacity of living accommodation capable of supporting a greater number of occupants.
30. Consequently, I consider the proposal would represent an intensification of the use of the site with an associated small increase in traffic movements, including one additional touring caravan.

Increased traffic movement on Old Lane

31. The appeal site is accessed from Old Lane, a narrow, sunken lane, with steep banks and overhanging vegetation. Old Lane is in poor condition with a deeply rutted surface.
32. At the junction with the A25, an information sign advises the road is unsuitable for motor vehicles, and due to its condition is unlikely to be used as a through route. However, Old Lane provides the sole vehicular access route to the appeal site and existing dwelling, "Glenna". Therefore, Old Lane is in regular use by motor vehicles, including those towing caravans, for the purpose of accessing these existing residential plots.
33. The local highway authority (LHA) confirmed that Old Lane remains a part of the public highway, and I have no evidence to suggest the LHA's statutory duty to maintain the highway does not apply in this location. It was asserted that Old Lane is prone to surface water flooding. However, there are highway drains within the carriageway. The existing poor condition of Old Lane is a maintenance issue which could be addressed by the LHA through existing mechanisms.
34. Old Lane is also likely to be used by other road users, such as pedestrians and cyclists. The road width would necessitate slow vehicle speeds, and there are some opportunities for refuge and passing vehicles, including at the junction entrance, accesses to the existing dwelling and appeal site, and at a strip of land adjacent to the paddocks. As discussed above, any increase in traffic movements would be small, and therefore would not significantly increase conflict between road users travelling along Old Lane.

Old Lane / A25 Sevenoaks Road junction

35. At the junction, Old Lane has a steep gradient and a sharp left turn onto the A25. The junction would not comply with current design standards. The A25 has a 50mph speed limit. Joining fast-moving traffic on the A25 from Old Lane would be a challenging manoeuvre for all vehicles due to the steep gradient.
36. The Parish Council has provided a swept path analysis which shows that vehicles turning left out of the junction, including cars and cars towing caravans, would cross the carriageway's central white line into the oncoming lane. The appellant asserts that when towing they would normally turn right as the junction geometry is

more favourable and provides the most direct route to the motorway network. A roundabout 1.5km from the site would allow vehicles to change direction. Extreme care would need to be taken when exiting the junction. Whilst it would not be possible to restrict a left turn out of the junction, this would be for the future occupants of the site to judge, especially if turning out whilst towing.

37. The Parish Council's junction visibility plan shows minimum and desirable visibility splays from the junction. Looking left from Old Lane at the junction, visibility would exceed the minimum distance but would not achieve the desirable distance due to the curvature of the road. Drivers would be looking across a narrow, vegetated strip of land, which at the time of my site visit contained low vegetation that did not compromise visibility. The land contains highway signage and thus appears to be maintained by the LHA.
38. Subject to the height and spread of vegetation at the grass verge and highway boundary being maintained by the LHA, the desirable visibility distance looking right from the junction would be achieved.
39. The visibility splay diagrams do not contain topographical data and therefore do not account for the gradient at the junction. From my observations, I am satisfied the topography at 2.4m back from the carriageway edge would not significantly alter visibility from that demarcated on the visibility splay diagram.
40. The proposal did not include a Transport Statement (TS). A TS is not a validation requirement for a development of this scale and the appellant did not consider a TS necessary to address the concerns raised.
41. Accident data shows there have been two accidents in the past five years, involving an overtaking vehicle, and vehicles waiting to turn into a layby north of the junction. Prior to this period, an accident was recorded involving a vehicle waiting to turn right into Rectory Lane. The accident data does not reveal any incidents involving the Old Lane junction.
42. In summary, the proposed development would utilise the appeal site's existing access. The proposal would result in a small increase in use of Old Lane and the A25 junction. Whilst signage indicates Old Lane is unsuitable for motor vehicles, it nevertheless is in regular use by vehicles, including those towing caravans. Subject to the routine maintenance of vegetation by the LHA, minimum visibility distances would exist from the junction. Within this context, the small increase in traffic movements associated with the proposed development would not significantly affect the normal operation of Old Lane and the junction, nor significantly increase conflict between road users. Nonetheless, the LHA advise that any increase of the use of the Old Lane/A25 junction is considered harmful. Therefore, the proposal would have a small adverse impact on highway safety.
43. The proposal would therefore conflict with CS Policy CP20 which requires proposals for gypsy and traveller accommodation be adequately accessed by vehicles towing caravans. In addition, the proposal would fail to comply with Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010 which requires that traffic generated by the development can adequately be served by the highway network.

Other considerations

Need and supply of pitches

44. Paragraph 9 of the PPTS requires the Council set pitch targets to meet the accommodation needs of Gypsies and Travellers in their area. The Gypsy and Traveller Accommodation Assessment 2022 (GTAA) identifies a need for up to 41 pitches over the period 2021/22 to 2039/40.
45. In addition, paragraph 10 of the PPTS requires the Council identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against its target. The GTAA identifies a need for 17 pitches within the five-year period 2022/23 to 2026/27. The Gypsies, Travellers and Travelling Showpeople Position Statement 2024 notes the Council is currently preparing an update to the GTAA and suggests the overall need requirement is not expected to change. However, an up-to-date five-year requirement figure based on the current year has not been provided.
46. The CS was adopted in 2007 and is therefore aged. The CS makes no site allocations for pitches. Whilst CS Policy CP20 includes locally specific criteria for the development of gypsy and traveller sites, I have been provided no details of any sites granted planning permission that would contribute any future supply of pitches. The Council accepts it cannot demonstrate a five-year supply of pitches.
47. There are two public gypsy and traveller sites in the borough. These are managed by the County Council, and the Borough Council has no control over who can occupy these public pitches. The Position Statement indicates there are no opportunities to intensify or expand these sites. Therefore, it is not likely that the existing need for pitches could be met by current authorised sites.
48. The emerging Local Plan is at an early stage of its preparation, having been paused prior to its Regulation 18 stage in anticipation of changes to national planning policies. It is expected that progress on the emerging Local Plan will resume. The Position Statement indicates the Council hopes to meet its need for pitches over the plan period through the emerging Local Plan. However, I have been provided no indicative timetable of its adoption.
49. The Position Statement suggests three sites had been submitted for consideration for provision of pitches. However, I have been provided no evidence to suggest any site submission would be suitable for allocation through the emerging Local Plan. Therefore, I have no reason to consider the emerging Local Plan would contribute to the supply of pitches in the short or medium term.
50. Therefore, there is a significant shortfall in the supply of pitches in the Borough, and there has been a persistent failure to put policies or other measures in place to meet the accommodation needs of gypsies and travellers with a corresponding long-standing unmet need for sites.

Personal circumstances

51. For the purposes of Article 8 of the Human Rights Act 1998, the "private and family life" of a traveller encompasses living in accordance with their gypsy or traveller heritage. In addition, s149 of the Equality Act 2010 requires a public authority have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations. Living and travelling in extended family groups for

mutual support and care is integral to gypsy and traveller culture, and the appellant's family members work together and share caring duties. The appellant and their family members are dependent on one another for cultural, economic, and care/support reasons.

52. The existing authorised static caravan and two touring caravans are insufficient to accommodate the family who are living in overcrowded conditions. The proposed development would therefore provide suitable living space for the family, thereby ensuring the cultural characteristic of the extended family unit would be retained.
53. There are two children, below 18 years of age, resident on the site. One child attends a local secondary school, and one pre-school age child is enrolled to start at a local primary school in the next academic year. Article 3(1) of the United Nations Convention on the Rights of the Child requires the best interests of the child be a primary consideration in all actions by public authorities concerning children. The primary consideration means no other consideration can be inherently more important than the best interests of the child, that is the need to safeguard and promote their welfare.
54. Were the appeal dismissed the appellant's family, including the two children, would face a realistic prospect of continuing to rely on overcrowded accommodation, or pursue roadside camping which would adversely impact the children's opportunity to access education. In either scenario, dismissal of the appeal would be counter to the best interests of the children.
55. Therefore, the appeal proposal would provide an enduring settled base which would enable access to education, healthcare and generally support the children's welfare by, for example, attending clubs, making friends and being close to family.

Other Matters

56. The site is outside the settlement boundary. However, CS Policy CP20 includes a range of criteria for the siting of gypsy and traveller accommodation. The policy does not require such sites to be within the settlement boundary.
57. As discussed above, the 2019 permission limits by condition occupation of the site to the appellant and resident dependents. Some interested parties assert the site is occupied by a separate family. However, the Council's enforcement team investigated this accusation and found no breach of the condition. It is not in dispute that the appellant meets the PPTS' definition of Gypsy and Travellers. The appellant and other family members travel for work for a substantial portion of the year. The appellant explained that, in his absence, he relies on friends/colleagues to visit the appeal site to care for his animals. The alleged periods of absence of the appellant from the site could be attributed to the nomadic traditions followed by the appellant and his family. I have no compelling reason to consider the appellant does not use the appeal site as a permanent base to return to live at any time.
58. Concerns were raised regarding noise from dogs currently on the site. The dogs are understood to be the appellant's pets, and I have no evidence to support the assertion that the dogs are related to any commercial activity on the site. Any concern around existing noise is a matter for the Council's Environmental Health service and is unrelated to the appeal proposal.

- 59. The site layout would be secured through a condition and minimum caravan separation distances would be prescribed by a site licence. I have no reason to consider the proposal would increase fire risk or result in overdevelopment.
- 60. The surrounding area has a spacious character, and paddocks and large gardens surround the site. The proposed caravans would therefore be distant from neighbouring dwellings, and I have no reason to consider the scale of the proposal would harm the living conditions of surrounding residents through excessive noise or disturbance. External lighting would be controlled through a planning condition.
- 61. The proposal pre-dates the introduction of mandatory biodiversity net gain. However, concerns were raised regarding the effects of the proposal on biodiversity. The retention of trees and hedgerows and submission of a scheme of biodiversity enhancement would be secured through a planning condition.
- 62. The site is served by mains electricity and sewerage, and there are highway drains along Old Lane. Whilst concerns were raised regarding the effects of the proposed development in respect of such utilities infrastructure, there is no substantive evidence that there would be harm in respect of these matters and no objection has been raised by the Council or statutory consultees. Therefore, the concerns raised do not provide a compelling reason why permission should not be granted.

Planning Balance

- 63. Policy H of the PPTS requires applications for traveller sites be assessed and determined in accordance with the presumption in favour of sustainable development at paragraph 11 of the Framework and the application of specific policies in the Framework and PPTS.
- 64. Paragraph 11(d) of the Framework is engaged in situations where the Council cannot demonstrate a five-year supply of deliverable sites, and therefore is applicable to the appeal proposal. It requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 65. As set out above, the proposal would not be inappropriate development in the Green Belt. The site is outside the National Landscape (NL) and is enclosed and well-screened by its vegetated boundaries and would not harm views of the NL. Therefore, policies in the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development.
- 66. Footnote 9 lists the Framework's key policies for the purposes of paragraph 11.d.(ii). Of particular relevance are paragraphs 84, 110, 115, 129, 135, and 139.
- 67. The proposal is in the rural area. Policy C of the PPTS requires the scale of sites in rural areas not dominate the nearest settled community. The proposal would be modest in scale relative to the large village of Ightham and therefore the

development would not be dominant. The site is in existing use for gypsy and traveller accommodation and therefore the site's planning history indicates the location would be suitable. The proposal would avoid the development of isolated homes in the countryside and would thus comply with Framework paragraph 84.

68. The Parish Council's Statement of Case (Les Henry Associates Limited, January 2025) calculates distances from the site to various local facilities. A primary school, deli & café, and recreation ground and sports clubs are within a short walk of the site. In addition, there are a range of services including a garden centre, butchers, medical practice, two supermarkets, take-away, and secondary school within a moderate distance of the site. The A25 is served by a pedestrian footway separated from the carriageway by a grass verge and offers bus stops with services to schools and the towns of Gravesend and Sevenoaks. There is a rail station approximately 3.1km from the site offering services to London, Ashford, and Maidstone. Acknowledging opportunities to maximise sustainable transport solutions vary between urban and rural areas, the proposal would be located where it would limit the need to travel and offer a genuine choice of transport modes. The proposal would therefore comply with Framework paragraph 110.
69. The proposal would utilise the site's existing access which comprises a paved driveway and gate set back from the highway edge. The site therefore offers a safe, suitable access for all users. As discussed above, the proposal would result in a small intensification of the substandard Old Lane/A25 junction, namely through a net increase of one touring caravan. The junction serves the existing gypsy and traveller accommodation at the appeal site and a neighbouring dwelling, and within this context the proposal would not have a significant impact on the transport network or highway safety. The proposal would therefore satisfy paragraphs 115 of the Framework.
70. The proposal would intensify the use of an existing site comprising traveller pitches. The proposal would contribute to meeting the identified need for pitches, for which there is a shortfall in the availability of land. The proposal would therefore support the efficient use of land, as required by Framework paragraph 129.
71. The proposed development would be situated within the established boundaries of an existing traveller site and would not encroach into the countryside. The existing mature vegetation would provide effective screening of the site, and the proposed development would not be visually prominent within the landscape. The proposal would therefore be sympathetic to local character, and there are no matters of design quality that would support a reason for refusal. The proposal would therefore comply with paragraphs 135 and 139 of the Framework.
72. The need for pitches is understood by the Council, as evidenced by the GTAA. Moreover, through the extensive planning history, the circumstances of the appellant's family were known to the Council, and their future needs could have been anticipated. However, there has been a long-term failure by the Council to meet the needs of the gypsy and traveller community through the planning system and there is little prospect alternative sites would be available in the short or medium term. In light of the shortfall in the supply of pitches, the stationing of eight caravans carries significant weight in favour of the development.
73. In addition, the best interests of the child is a primary consideration, which in this case includes the interests of maintaining access to education and providing

adequate living conditions for the site's two resident children. I accept that the best interests of the children would, in principle, be served by a permanent and secure home, whilst having regard to the fact that currently only one of the children's educational needs are currently being met by a school in the local area. The merits of the case presented are such that I afford the benefits, of this development to the best interests of the children, significant weight.

74. Therefore, the adverse impacts of the development in respect of its conflict with the development plan would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission

Conditions

75. The Council has suggested conditions which I have considered against the Framework and Planning Practice Guidance. In addition to the standard time limit for commencement, in the interests of certainty I have imposed conditions to ensure the development is carried out in accordance with the approved plans and to specify the number of caravans which may be sited. To ensure the site is available to gypsies and travellers, I have included a condition restricting occupation to persons with a nomadic habit of life
76. To avoid disturbance to living conditions and the environment, I have included conditions restricting commercial activities and stationing of heavy vehicles, and to manage use of external lighting. To ensure adequate water supply and disposal and avoid pollution of the surrounding area, I have included a condition requiring submission of details of proposed foul sewage treatment and provision of water.
77. In the interests of conserving and enhancing biodiversity and avoiding harm to protected species, I have included conditions requiring submission of a scheme for biodiversity enhancement and to protect trees and hedges.
78. In the interest of highway safety, I have included a condition requiring vehicle parking and turning spaces be provided prior to occupation as per the Site Layout Plan and retained thereafter.
79. I have not imposed the suggested condition to remove permitted development rights relating to the erection of gates, walls and fences. Paragraph 55 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Such a condition would not be necessary to make the appeal proposal acceptable.

Conclusion

80. I therefore conclude that harm I have identified to highway safety is outweighed by other material considerations including the general need for gypsy and traveller sites and the primary consideration to ensure the best interests of the children.
81. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Layout Plan; Site Location Plan 01 February 2024; Design and Access Statement, Philip Brown Associates Ltd.
- 3) No more than five mobile homes/ static caravans and three touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (shown on the red outline) at any time. This includes those existing pitches (two static and one mobile) and those hereby approved (three static and two tourers).

The touring caravans on site which are not static caravans or mobile homes shall not be separately occupied.

- 4) The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons as defined in Planning Policy for Traveller Sites, August 2015 (or any subsequent definition that supersedes that document).
- 5) No vehicles over 3.5 tonnes shall be stationed, parked or stored on the site or any adjacent land owned by the appellant.
- 6) No commercial activity or storage of materials shall take place on the site, or any adjacent land owned by the appellant.
- 7) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or amending that Order) no gates, walls or fences or other means of enclosure including bunding, shall be erected or placed within/to the boundaries of the site or on any adjoining land owned by the appellant, beyond those which already exist at present.
- 8) No additional external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority.
- 9) Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal shall be submitted to and approved in writing by the Local Planning Authority prior to laying of the hardstanding.

These details shall include the size of individual cess pits and/ or septic tanks and/ or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to. (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation.

- 10) Prior to laying of the hardstanding, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.
- 11) All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written permission or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as agreed in writing with the Local Planning Authority.
- 12) The area shown on the hereby approved Site Layout Plan as vehicle parking space and turning shall be provided before the mobile homes hereby permitted are first occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

- Joe Moore, appellant
- Philip Brown, Planning Consultant, Philip Brown Associates Limited

FOR THE LOCAL PLANNING AUTHORITY:

- Glenda Egerton BA (Hons), MA, MRTPI, Planning Consultant, Tangram Planning Limited
- Mr Tom Harris BA (Hons) HNC BTEC, Senior Transport and Development Planner, Kent County Council

INTERESTED PARTIES:

- Alice Moore, Planning Consultant, Boyer (Planning) on behalf of Ightham Parish Council
- Scott Stemp, Barrister, No.5 Chambers on behalf of Ightham Parish Council
- Chatura Saravanan, Pupil Barrister, No.5 Chambers on behalf of Ightham Parish Council
- Chris Gent, Velocity Transport Ltd (Highways) on behalf of Ightham Parish Council
- Robin Betts, ward member
- David Emmett, parish councillor and resident
- John Miles, neighbour/landowner
- Kirsty Mitchem, parish councillor
- Jason Murray, neighbour/landowner
- Nicola Murray, neighbour/landowner
- Stuart Russell, neighbour/landowner