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Gravesham Borough Council
Civic Centre
Windmill Street
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February 2026

Our Ref: J005469

Dear Shazad Ghani,

PLANNING APPLICATION 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 AT LAND ON THE SOUTH SIDE OF WHITE POST LANE, COBHAM, GRAVESEND, DA13 9BS

I refer to the above. WS Planning & Architecture have been instructed by *Ms. P. Smith* ("the applicant") to prepare and submit a planning application 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* ("the development") at *Land on the south side of White Post Lane, Cobham, Gravesend, DA13 9BS* ("the site"). In support of the application we attach,

- Completed application and CIL forms
- J005469-DD-01 Site Location Plan
- J005469-DD-02 Ex Block Plan
- J005469-DD-03 PP Block Plan
- J005469-DD-04 PP Dayroom Plans and Elevations
- J005469-DD-05 Fence and Gate Details
- J005469-DD-06 PP Block Plan In Context
- Approved Site Plan 20241164

This covering letter should be read in conjunction with the submitted documents.

Preliminary Matter 1 – The Proposal in Summary

The proposal seeks to create a singular residential pitch for occupation by 1 Gypsy/Traveller family. The "pitch" comprises an area of hardstanding, permeable in nature, enabling the stationing of 1 Mobile Home and Touring Caravan. For clarity, any reference to Mobile Home means Static Caravan, and vice versa. Furthermore, for any Public Representations, this proposal is seeking to provide accommodation for 1 household only, and each individual caravan would not be occupied as a separate

residential unit, only as a part of the residential use of the “Pitch”, which in this instance is defined to mean a maximum of 1 Mobile Home and 1 Touring Caravan. The dayroom proposed is an ancillary structure and is not to be occupied as overnight accommodation. It provides facilities for day-to-day needs, whilst allowing the static caravan to be occupied as sleeping accommodation for members of the travelling community.

Preliminary Matter 2 – The Existing Planning Permission

Significant consideration is given to the planning permission granted at appeal with reference APP/K2230/W/25/3363212, hereafter referred to as *The Shearing Decision* and attached at **Appendix 1**, which related to the development of a 1 pitch Gypsy/Traveller site, on the adjoining land to the application site at hand. That appeal permission was intended to cover the development for which is partially applied for within this planning application, however, it was erroneously made for a different plot. Despite the development being retrospective in nature, this was unfortunately not picked up by parties. Subsequent investigation resulted in the area of land did not align with the development intended to be applied for. In line with the relevant time limit, a discharge of conditions application is currently in relating to that development, with reference 20251051. However, subject to the current application being looked upon favourably, it is the applicant's intention to withdraw said discharge of condition application.

Preliminary Matter 3 – Biodiversity Net Gain

On 02 April 2024 the requirement for all developments to provide a 10% Net Gain in Biodiversity became mandatory for all applications submitted from thereon.

Central Government have outlined that a number of exemptions exist to this requirement. These are:

- Existing, undetermined, planning applications and appeals do not need to demonstrate 10% BNG.
- Variations of planning permission granted prior to the effective date of BNG do not need to demonstrate 10% BNG.
- De Minimis developments, namely:
 - A development that does not decrease the biodiversity value of a priority habitat, and
 - does not decrease the biodiversity value of less than 25 square metres (5m by 5m) of on-site habitat, and
 - does not decrease the biodiversity value of less than 5 metres of on-site linear habitats such as hedgerows.
- A Householder Application,
- Self Build and Custom Build applications, when it meets all the following conditions:
 - consists of no more than 9 dwellings on a site that has an area no larger than 0.5 hectares

- consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015
- Developments undertaken mainly for the purpose of fulfilling the BNG planning condition for another development are exempt.
- Any development forming part of, or ancillary to, the high-speed railway transport network, comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

An exemption also applies to retrospective planning applications, seeking planning permission for development already undertaken.

The development has been undertaken, at least in part, and is therefore a retrospective exemption to the statutory BNG condition. This does not however mean that a condition of a similar vein cannot be sought to be imposed. Similar developments within the District have been subject to the following, and under the circumstances no objection is offered to imposition of a similar condition,

Within three months of the date of this decision, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the development shall enhance biodiversity through ecological enhancement features within the buildings and on the site, new habitat created on-site and management regimes and responsibilities. The development shall be carried out in accordance with the submitted details within three months of their approval.

This was accepted for the previous planning application and it is therefore assumed that this method to considering biodiversity is followed for the current application.

Application Site

The application site lies on the southern side of White Post Lane, and to the northern side of the railway track. To the eastern side of the site lies the settlement of Sole Street. The surroundings of the application site feature dense vegetation. An aerial image of the application site is shown below in **Figure 1**.



Figure 1 Aerial image of the application site edged approximately in red

The site lies within the Green Belt nearby to the defined settlements of Sole Street and Hook Green. Local services are available within the surrounding settlements, including railway stations with connections to London, as well as local schools and shops.

According to the Environment Agency's Flood Maps, the site is located within Flood Zone 1, and at very low risk of surface water flooding. The site is not located within a valued landscape for the purposes of the NPPF, nor are there notable heritage designations nearby.

Relevant Planning History

The relevant planning history of the surrounding land is shown below:

20241164	Appeal allowed
Change of use of land to form a gypsy/traveller site comprising the siting of 1 mobile home, 1 touring caravan, and 1 dayroom	
20200554	Appeal dismissed
Application for part change of use of land to form a Gypsy and Traveller site comprising of two pitches for static caravans, and two associated pitches for touring caravans, amenity day rooms and hardstanding.	
20190944	Granted
Variation of condition 2 attached to planning permission reference no . 20141082 for the use of the land for the stationing of a caravan for security purposes; to allow the caravan to be located elsewhere on site	
20180939	Refused
Variation of condition 2 and removal of condition 3 attached to planning permission reference no. 20141082 for the use of the land for the stationing of a caravan for	

security purposes; to allow the caravan to be located elsewhere on site (condition 2) and removal of the restricting use of the caravan for security purposes (condition 3).

20171001

Appeal dismissed

Erection of a two storey bedroom dwelling for an equestrian manager in connection with the use of adjoining land as an equestrian business

20171000

Appeal dismissed

Erection of a block of 16 stables and a hay and tractor shed; the formation of a car park; the widening of the access drive and formation of an internal hard surfaced circulation area and use of associated grazing land as an equine centre for the rest and recuperation of racehorses.

20141082

Application granted,
Appeal regarding Condition
1 dismissed

Use of the land for the stationing of a caravan for security purposes.

20150584

Appeal allowed

Retention of a pigeon loft

20120805

Appeal allowed

Retention of the caravan used for security purposes.

20070228

Granted

Erection of detached stable block to provide four stables and a tack room.

20040952

Application refused,
Appeal undecided

Continued use of the land as a private gypsy caravan site.

Relevant Planning Policy

National Planning Policy Framework (December 2024)

The revised National Planning Policy Framework (NPPF) was published in December 2024 and sets out the Government's most up-to date vision for future growth. The document introduces a presumption in favour of sustainable development.

Paragraph 7 states that

“The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection”

Paragraph 8 sets out the three over-arching objectives of sustainable development as economic, social and environmental. The **economic objective** focuses on building a strong economy by ensuring sufficient land is available to support growth. The **social objective** supports strong communities by ensuring a sufficient number and range of homes are provided and by fostering well designed, beautiful and safe built environments, with accessible services and open spaces. Finally, the **environmental objective** aim is to protect and enhance our natural, built and historic environment; including making effective use of land.

Paragraph 10 states **“so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”**.

Paragraph 11 sets out the presumption in favour of sustainable development in more detail and identifies the implications for both plan-making and decision-taking. In terms of plan-making this means **“all plans should promote a sustainable pattern of development”** that meets the development needs of the area. In terms of decision-taking this means **“approving development proposals that accord with an up-to-date development plan without delay”** and **“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 the Framework provides a clear reason for refusing the development proposed.

Paragraph 38 highlights that **“local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”**.

Paragraph 47 states that,

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Paragraph 78 makes it clear that LPA’s need to identify and update annually a supply of specific sites to provide a minimum of 5 years supply.

Paragraph 89 of the NPPF acknowledges that some residential development (*sites to meet local business and community needs in rural areas*) will be located beyond the settlement boundary and not well served by public transport.

Paragraph 110 states that **“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary**

between urban and rural areas, and this should be taken into account in both plan-making and decision-making.” This paragraph acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Chapter 13 of the NPPF refers to the protection of Green Belt land where Paragraph 142 explains **“The 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.”**

Paragraph 143 sets out the five purposes of the Green Belt,

- 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.**

Paragraph 153 states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 does go on to say that:

“...local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. ... ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

Paragraph 154 sets out 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.”

Paragraph 155 also sets out that:

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

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed (*Including Gypsy/Traveller Needs*);
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (*Including Paragraph 13 of the PPTS*); and
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.

Planning Policy for Traveller Sites (December 2024)

The NPPF should be read in conjunction with the Planning Policy for Traveller Sites 2024 (PPTS) and forms a material consideration for development of the type proposed.

From the outset it is important to record the definition of Traveller, as set out at annex 1 of that document. That definition is:

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.

Emphasis is added to the expansion of the definition beyond its 2023 revision. The PPTS now applies to **all** Gypsy and Traveller households irrespective of whether or not they do travel, ceased to travel, or simply are ethnically Gypsies and Travellers with a preference for residing within a Caravan.

Paragraph 3 of the PPTS states that **“the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”**

Paragraph 4 sets out the Government’s aims in respect of Traveller sites in that,

- a) that local planning authorities should make their own assessment of need for the purposes of planning;**
- b) to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;**
- c) to encourage local planning authorities to plan for sites over a reasonable timescale;**
- d) that plan-making and decision-taking should protect Green Belt from inappropriate development;**
- e) to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;**
- f) that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;**
- g) for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies;**
- h) to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply;**
- i) to reduce tensions between settled and traveller communities in plan-making and planning decisions;**
- j) to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure; and k) for local planning authorities to have due regard to the protection of local amenity and local environment.**

Paragraph 9 states that LPAs should set pitch targets which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.

Paragraph 10 states that LPAs should identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites.

Paragraph 13 of the PPTS states that LPA's should ensure that their policies,

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community;**
- b) promote, in collaboration with commissioners of health services, access to appropriate health services;**
- c) ensure that children can attend school on a regular basis;**
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;**
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;**
- f) avoid placing undue pressure on local infrastructure and services;**
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans; and**
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.”**

Paragraph 14 states that **“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”** This section of the document does not rule out the principle of providing Traveller sites in rural or semi-rural locations such as the application site. Furthermore, the use of land within this area for Travellers sites has previously been found acceptable.

Paragraph 16 sets out 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.”**

Paragraph 18 sets out that **“The Golden Rules, set out in chapter 13 of the National Planning Policy Framework, do not apply to traveller sites.”**

Paragraph 25 of the PPTS sets out the material considerations that should be taken into account when determining applications for Gypsies and Travellers. These relevant considerations are set out below,

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

Paragraph 27 sets out that when considering applications, local planning authorities should attach weight to the following matters:

- a) **effective use of previously developed (brownfield), untidy or derelict land**
- b) **sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness**
- c) **promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children**
- d) **not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community**

Paragraph 27 sets out that if a local planning authority **cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.**

This paragraph also states that Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

- a) **limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise;**
- b) **specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events);**
- c) **limiting the maximum number of days for which caravans might be permitted to stay on a transit site.**

Gravesham Local Plan Core Strategy (September 2014)

Policy CS17 of the Gravesham Local Plan Core Strategy refers to the provision of Traveller sites. The Policy outlines that **“The council will seek to meet the housing needs of Travellers in the Borough by:**

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

Proposed Policy DM 32 of the Part 2 – Development Management Policies document (2018) assesses the suitability of sites for Gypsies and Travellers. It states **“proposals will only be permitted where:**

- a. **sufficient space is available to satisfactorily accommodate the planned number of caravans, and any associated amenity buildings, amenity space, vehicle space and commercial use within the site;**
- b. **the site is in a location which is accessible to a range of local services, including schools and health facilities;**
- c. **the site is within flood zone 1 or alternatively meets the exception test for flood zone 2;**
- d. **there will be no adverse effects on the local built, natural and historic environment;**
- e. **safe pedestrian and vehicular access to and from the highway network will be provided;**
- f. **there will be a satisfactory living environment for future occupants and the proposal will not adversely affect the amenity of existing occupiers;**
- g. **there is adequate and readily accessible parking on site for all vehicles, not just limited to cars and a secure metered power supply is available for the provision of electric vehicle charging points; and**
- h. **if a cesspit/septic tank is used for foul drainage there is easy access and sufficient parking space for the tanker to empty the cesspit/septic tank and there is sufficient space to allow the tanker to enter and leave the site in a safe manner.”**

Unmet Need, Lack of Five-Year Supply, and Failure of Policy

The applicant refers to *The Shearing Decision* as the most recent, up-to-date conclusion on need, supply, and policy failure. Reference is given to paragraphs 22 through 25 which are quoted below:

- “22. *The Council accept it is unable to demonstrate a five year supply of deliverable sites and it acknowledges that the shortfall in both past delivery and future supply is significant. In establishing the likely level of*

need, the Council rely on the Supply Statement 2024³ which in turn refers to the GTAA 2022⁴. The GTAA, however, pre-dates the changes to the definition of Gypsies and Travellers within the PPTS in both 2023 and 2024. The Council therefore accept there will be a greater need for pitches than those documents set out and further work is being undertaken. At present there is, therefore, significant uncertainty surrounding the level of need in the Borough.

23. *Given the level of uncertainty, it was agreed in the hearing that the appellant's suggestion of using the 'total pitch requirement' set out in the GTAA as a minimum was reasonable. On this basis the need would be 31 pitches for 2022-2017 and 60 pitches for the period 2022- 2040. In addition to the pitches granted at appeal listed in the Officer's Report, the Council reported a further two pitches have received a resolution to grant from the planning committee. Even accounting for those pitches however, the level of unmet need, which could be greater than reported, remains significant.*
24. *The Council accept that there has been a failure of policy in delivering Gypsy and Traveller pitches. This is consistent with the earlier appeal decisions and this has clearly been the case for many years. The 2025 appeal decision reiterates the comments of an earlier Inspector who noted a 'persistent and grave failure to plan for the needs of Gypsies and Travellers in the Borough'. The unmet need can currently only be met through windfall sites coming forward and the CS does not include a criteria-based policy for assessing those. Looking forward, a Regulation 19 consultation is intended for later in the year. However, there is uncertainty at this time as to how the emerging local plan will address the level of need and it remains some way from examination and adoption. Importantly, the Council accepted that there will likely be a need to utilise Green Belt land in the future in order to meet the need.*
25. *The need for gypsy and traveller sites together with the persistent failure of policy and the uncertainty of future means to meet the need, carries significant weight in favour of the development."*

Application Assessment

The application proposes the formation of 1 Gypsy/Traveller pitch, including of an access, hardstanding, siting of caravans, erection of dayroom, landscaping, and all ancillary works part in parcel to the change of use. If granted, it is proposed that the permission, in effect, trades in the planning permission granted through appeal APP/K2230/W/25/3363212. Therefore, this must start as the basis for which the application is assessed on.

The appeal decision stands and should be given full weight in its conclusions. Whilst considered acceptable in its own right, the proposed development is considered to be a suitable alternative to that scheme.

Furthermore, it is important to remind parties that at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11 of the NPPF). In this instance, for decision-taking, as the Council cannot demonstrate an up-to-date 5 year supply, the development plan policies are deemed out-of-date and the provisions of paragraph 11(d) are engaged. The balance is therefore 'tilted' in favour of the development. This will be returned to within the Planning Balance & Conclusions section.

An assessment of the planning merits is provided below which identifies matters of favourable and adverse weight to be balanced.

Policy Context

Policy DM 32 of the Development Management Policies sets out relevant criteria against proposals for new Gypsy/Traveller sites, an assessment against these criteria are set out below:

- a. The application site has sufficient space available to accommodate the pitch with their appropriate caravan spaces, parking spaces, and amenity buildings. No commercial use is proposed.
- b. The site is located less than a kilometer from the nearest settlement of Sole Street. Sole Street offers a range of local services a train station and a small shop. The settlement of Meopham is also located at an accessible distance from the site (approximately 1km). Meopham offers further local services including two schools and a railway station. Further detail on this matter will be provided within the grey belt assessment section below.
- c. The site is located within flood zone 1.
- d. There is no relevant historic environment to note within the surroundings. The local build environment would be Sole Street, for which the site is separated a distance from as to not result in impact. The site is designed around its natural environment, incorporating a grassed area, significant planting of native hedgerows and trees, which all helps assimilate and enhance in this context.
- e. The site provides an appropriate access on to White Post Lane which is a relatively quiet lane. The site is also well connected and close to a public footpath network that assists with connections from Sole Street and Hook Green.
- f. The pitches are appropriately designed for a Gypsy/Traveller family through outdoor space and an amenity building. No concern regarding neighbouring amenity exists.
- g. The site has sufficient parking space for cars and touring caravans. A secure metered power supply can be conditioned.
- h. The site has an appropriate access and sufficient parking space for a tanker to service foul drainage on site.

For the reasons given above, the development is deemed to accord with the requirements of Policy DM32 of the Local Plan. This is the key local policy and it is therefore considered that, asides from any established Green Belt conflict, the development is generally compliant with the development plan. The Green Belt matter is considered below.

Green Belt Assessment

Paragraph 16 of the PPTS sets out that 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. It is set out below that the proposal complies with the criteria of 155 of the NPPF. *The Shearing Decision* found the development to not comply with paragraph 155. Notwithstanding, the applicant considers that it does, and as such the position is put forward.

155a - Whether the land is 'grey belt' and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the areas of the plan.

The NPPF defines "grey belt" 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 143 defines the purposes referenced as:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another; and
- d) to preserve the setting and special character of historic towns;

The key matter in this regard is that the PPG considers these criteria are only relevant to towns and not villages. In line with this, and the Inspector's recent appeal decision, it is considered that the contribution to any of these purposes is not strong. The application site neither features areas or assets referred to in footnote 7 of the NPPF. The applicant submits that the site therefore utilises grey belt land.

155b - Whether there is a demonstrable unmet need for the type of development proposed.

As set out within the relevant section above, it is the applicant's position that there is a demonstrable unmet need for the type of development proposed within the Borough.

155c - Whether the development is in a sustainable location.

This is the key point of contention within *The Shearing Decision*.

It is important to note that sustainability depends on the development proposed, which in this instance is a Gypsy/Traveller site. Paragraph 110 of the NPPF states that opportunities to maximise sustainable transport will vary between urban and rural

areas. It is submitted that there is an inevitability for Traveller sites to end up in relatively rural locations, as urban areas are reserved for housing and unfeasible for this form of development. At the same time, the PPTS does not prevent Gypsy/Traveller sites in rural or semi-rural areas. It is also important to consider this in relation to Gypsy/Traveller development and alternatives, and as such their inherent lifestyle differences. Of course, public transport and pedestrian access to such is preferred to a reliance on private vehicle transport, however, the Gypsy/Traveller community are often reliant on cars considering their lines of work and lifestyle, and the fact that the vast majority of Traveller sites lying within the more rural areas. In addition, having regard to paragraph 13 of the PPTS, the formation of settled bases for Travellers helps prevent the need for long-distance travelling, and promotes access to health and education services which would otherwise not be available.

Reference is made to the Appeal Decision 3354520 / 3354522, from 16 July 2025, relating to an unauthorised Gypsy/Traveller site for which the Inspector found,

“Accordingly, I agree with the Council that allowing Appeal A would result in an increase in journeys made by car. However, paragraph 110 of the National Planning Policy Framework (“the Framework”) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. That is highly relevant because PPTS does not prevent Gypsy or Traveller sites in rural or semi-rural areas and Travellers normally use private vehicles to work. Factors relevant to the sustainability of Gypsy and Traveller sites set out in PPTS paragraph 13 do not mention public transport or distance to shops and services.

Having regard to PPTS paragraph 13, the site would provide a settled base for the appellant and his family, thus reducing the need for long-distance travelling. Use of the site also promotes access to health services, in the sense of being able to use them by reason of having a permanent address. Overall, I conclude that the appeal site does not provide unacceptably poor access to local services. Any conflict with policy DS2 would therefore be justified due to inconsistency with the Framework and PPTS, which I consider should prevail in this instance.”

This furthers the point that a settled base, and a generally suitable location in the grand scheme, promotes a sustainable way of life for Travellers. The alternative options in most instances, such as this one, is either living roadside, or doubling up on overcrowded sites without planning permission. Neither of these options can be considered sustainable. In those instances, access to schools and healthcare is often limited, or not prioritised. Establishing a home for in-need families allows these matters to be prioritised, and is demonstrated within this submission.

Therefore, this is the context for which the sustainability of this development should initially be based.

Further to that, and notwithstanding the detail, the location is very close to Sole Street, as well as Hook Green. Both of these are a matter of minutes away from the application site by car. Whilst car reliance is not preferred, a journey of a few minutes is not the same as an isolated location where journeys are much higher. Sole Street and Hook Green both offer a range of services, and have train stations and bus stops which

provided sustainable transport methods to the wider surroundings. There is also a notable footway network that runs to the rear of the site, between both villages.

Therefore, whilst *The Shearing Decision* is noted, and a general reliance on private vehicles may be had, the context of the type of development proposed, in combination with many aspects of the location of the development, lead me to the conclusion that this is a sustainable location for a 1 pitch Gypsy/Traveller site. The proposal is therefore deemed to comply with criteria c of paragraph 155.

155d - The Golden Rules

As made clear in the PPTS at Para 18, the “Golden Rules” are not applicable to Gypsy/Traveller sites.

Conclusion on Green Belt inappropriateness

As such, the applicant submits the site does not constitute inappropriate development within the Green Belt given the site comprises Grey Belt land without fundamentally undermining the remaining Green Belt, would serve to meeting a demonstrable unmet need, and would be within a sustainable location.

Green Belt Openness

Green Belt openness ought not to be considered if the development is agreed to be appropriate, in line with *NH R (Lee Valley Regional Park Authority) v Epping Forest DC and Valley Grown Nurseries Ltd [2016] EWCA Civ 404*.

However, if deemed to be inappropriate, then consideration must also be given to the impact of the development on the openness of the Green Belt.

In line with the Court of Appeal and Supreme Court Judgements (*Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466* and *Samuel Smith Old Brewery (Tadcaster) & Oxtan Farm v North Yorkshire CC & Darrington Quarry Ltd [2018] EWCA Civ 489*). It is the case that there is a spatial increase, being the permanent siting of a mobile home and utility building, and provision of spaces that would usually be occupied by a touring caravan and cars. However, whilst considering the visual impacts of such, bearing in mind the single storey nature of the units in combination with the significant existing screening of the site, as well as the provision of a landscaping scheme that can be secured by way of condition, the level of harm is considered to be relatively low. The duration of development would be subject to the overall assessment below with the level of harm needing to be proportionate to the length of time the permission is granted for, temporary or permanent. It is the applicant's case that a permanent permission would be suitable, in line with the previous appeal decision on the site. The degree of activity on site would be increased. However, in context with the surroundings which feature large business / agricultural uses, the level of activity would not be considered as overwhelming to its surroundings. It is therefore considered that the harm to the openness of the Green Belt would be limited.

This conclusion generally aligns with *The Shearing Decision* which found that the development proposed in that case would result in limited adverse impact on the openness of the Green Belt.

Material Considerations of Favourable Weight (or Very Special Circumstances)

In the event that the LPA agree with the submission that the development is not inappropriate within the Green Belt, but identify conflict with the Local Plan or other areas, then the following matters are submitted as material considerations to outweigh any and all harm.

In the event that the LPA disagree that the development is not inappropriate within the Green Belt, then the material considerations submitted are considered to amount to Very Special Circumstances that clearly outweigh all harm to the Green Belt, and any other harm identified.

- The general suitability of the application site / compliance with Policy and paragraph 27 of the PPTS,
- The unmet need and lack of a 5-year supply within the Borough,
- The failure of Policy within the Borough,
- The likely location of alternative sites within the Borough,
- The availability of alternative sites within the Borough,
- The Personal Circumstances of the applicant families (in such circumstances, a personal consent would need to be considered).

General compliance of the development and paragraph 27 of the PPTS

It is submitted that the proposal would not offend any other policies contained within the Development Plan, potentially barring those pertaining to Green Belt protection. Whilst the absence of harm is not a benefit, this is an indication that it is well placed for services and facilities, offers adequate living conditions and does not significantly harm the intrinsic character and beauty of the countryside.

Furthermore, paragraph 27 of the PPTS states that weight should be attached to:

- a) effective use of previously developed (brownfield), untidy or derelict land;*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.*

In this regard, it is firstly not considered that the site is previously developed or has been overly untidy or derelict as to warrant weight in relation to criteria a). However, the scheme is considered to be well-designed, featuring significant soft landscaping and planting in replace of hard landscaping such as close board fencing which could isolate the site. Therefore, weight should be afforded to criteria b) and d). Furthermore, the site would form a settled base with mobile homes and utility buildings on a modest

level of hardstanding, with significant grassed surroundings and paddock area, that would, in combination, provide learning and play space as to promote equal opportunity and a healthy lifestyle for all and especially children living on the site. This therefore warrants favourable weight in relation to criteria d).

Unmet Need, Lack of Five-Year Supply, and Failure of Policy

This matter has been referred to within its own section on page 11. In short, it is considered that there is a substantial and demonstrable unmet need for the Travelling community within the Borough. There has, at the same time, been a persistent and longstanding failure of policy as to adequately provide for the Travelling community.

These matters all weigh heavily in favour of the grant of windfall sites such as the one at hand.

Likely Location of Alternative Sites

When considering the likely location of alternative sites, it is considered inevitable that Gypsy and Traveller developments will be located outside of defined settlements and in the Countryside and, more importantly, in the Green Belt. This is due to land immediately adjacent to and within settlements being primarily reserved for housing for settled population and the extent of the Green Belt.

Around 77% of the District is designated Green Belt, and other land is constrained by other designations and constraints such as flood risk, and habitat or heritage designations. Furthermore, it is my experience that in most cases, when Gypsies or Travellers are seeking to purchase land, they often get to a stage where a price is agreed, but before any formal exchange, the seller will refuse the sale upon finding out the purchaser is a Gypsy or a Traveller. This often restricts the available land to that which is affordable, or already within family ownership.

Considering the above, I consider a preference should be given to sites which are well situated and close to existing settlement boundaries, and otherwise deemed appropriate.

Availability of alternative sites

In *Doncaster MBC v. FSS & Angela Smith [2007]* the Court set out that alternative accommodation has to be **suitable, affordable, available and acceptable** for it to be considered a realistic alternative. *SCDC v. SSCLG and Julie Brown [2008] EWCA Civ 1010* sets out as well that there is no requirement in planning policy, or indeed within any case law, for an applicant to demonstrate that there are no other sites available, or that particular needs could be met from another site. To be available **a pitch must have planning permission, be vacant and be actually available to the proposed occupier.**

Given that there are no available pitches within the District for the applicant to resort to, and that sites are likely to be situated outside the defined settlement boundaries and within the Green Belt it is considered that significant weight should be afforded to the lack of any suitable alternative sites which would meet the needs of the applicant, and indeed the needs of Gypsies and Travellers as a community.

The simple fact is that the proposed occupiers are in need of a site. In the absence of realistic alternative accommodation, the consequences would be for the families to resort to a roadside existence, and the hardships this brings with it to stability, family life, and children's needs. A roadside existence is also accompanied by environmental harm, either through a need for unauthorised encampments or through continuous use of private vehicle to tow a trailer around to legitimate stopping places.

Personal Circumstances & Gypsy/Traveller Status

An applicant, irrespective of their ethnic background, may seek permission for a permanent Traveller pitch (in accordance with the planning definition of a Traveller as set out in PPTS), to be conditioned for this use, and that an applicant can provide information about personal circumstances to add into planning balance, if required. A permission should only be conditioned for personal occupancy if that condition is required to make the proposal suitable in planning terms. If it is considered that the proposal is suitable for a Gypsy/Traveller pitch, regardless of personal circumstances, a personal condition is not required. In this case, the site lies within the Green Belt, and very special circumstances are required to be demonstrated.

Personal circumstances will be set out separately, directly to the Case Officer, however, summarising the matters that any personal circumstances will cover, the following matters should be taken into account in the planning balance,

- a) **the personal need for accommodation of the applicant**
- b) **the availability (or lack) of alternative accommodation for the applicant**
- c) **the medical and/or welfare considerations of the applicant**
- d) **the best interests of the child (if relevant)**

In summary, the families Article 8 rights are engaged and the 3-stage test set out in *Chapman v UK (Application no. 27238/95)*, made by the European Court of Human Rights, must also be applied when adding to the planning balance their personal needs for accommodation and best interests of their children.

Case law is clear that there is a duty on both the LPA and Secretary of State to treat the best interests of the child (including unborn children) as a primary consideration, and that no other consideration is inherently more important. This was established in the case of *AZ v SSCLG & South Gloucestershire District Council [2012] EWHC 3660 (Admin)* and *Collins v SSCLG [2013] EWCA Civ 1193*. **As such, the best interests of the children occupying the site are a paramount consideration which must be taken into account by the Decision Maker.**

The best interests of the children who without this site have no settled base, must carry at least as much weight as any other material and that the weighing exercise must be an exercise of substance rather than form. Clearly here, the best interests of the children could not be served by them remaining without a settled base or being put at risk on illegal camping on the road.

Weight must also be to the medical circumstances advanced by the family. These circumstances are not simplistic in any sense, and those families having to resort to a roadside existence would face significant hardship as a consequence.

Having no settled base and either living on the road is not a long-term option for any of the family. One cannot ignore the very genuine and pressing need for a settled base particularly in the circumstances which surround this case. It is considered that this should be given significant weight. The advantages of a settled base have been set out at paragraph 13 of the PPTS.

The consequences of the refusal would result in clear interference with article 8 rights. The applicant families share the protected characteristic of race for the purposes of the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. Refusing to grant a permanent permission would impact negatively on their way of life and would reduce the opportunities available to their family. It would also deny or reduce the opportunities available to the families to foster good relations with the settled community, including those of the children.

Planning Balance & Conclusion

At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11 of the NPPF). In this instance, for decision-taking, as the Council cannot demonstrate an up-to-date 5 year supply, the development plan policies are deemed out-of-date and the provisions of paragraph 11(d) are engaged. The balance is therefore 'tilted' in favour of the development.

Planning permission should therefore be granted unless 11(d)(i) or (ii) rule it out.

With regard to 11(d)(i), if it is agreed that the development is not inappropriate within the Green Belt, no strong reason for refusing development is deemed to exist through areas or assets of particular importance (as listed in footnote 7).

This leaves the remaining test to be that set out within 11(d)(ii), and the balance becomes as to only refuse permission if the adverse impacts of granting planning permission for the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, with particular regard to sustainability, effective use of land, well-designed places, and providing affordable homes.

The appellant submits that the material considerations in favour of the proposal would certainly not be significantly and demonstrably outweighed by any deemed harm. In this instance, the appeal ought to be allowed, and planning permission ought to be granted.

If it is disagreed with the conclusions relating to paragraph 155 of the NPPF, and deems the development is inappropriate within the Green Belt, very special circumstances must be demonstrated to clearly outweigh any and all harm identified. The following matters are considered to weigh heavily in favour of the grant of permission, clearly outweighing any and all harm, as to warrant the granting of planning permission on the basis of very special circumstances having been demonstrated:.

- (i) General suitability of the development and paragraph 27 of the PPTS,
- (ii) The evident unmet need, lack of supply, and failure of policy within the Borough,
- (iii) The Likely Location of New Sites within the Borough, and the inevitability for new sites within the District to be located within the Green Belt and other constrained areas of land such as the National Landscape,
- (iv) The lack of any available, suitable, acceptable, and affordable alternative sites,
- (v) The personal circumstances of the occupiers including but not limited to,
 - a. The applicant families personal need for a site,
 - b. The best interests of the children,
 - c. Human Rights considerations,
 - d. The consequences of the refusal of planning permission on the occupiers.

The PPTS notably no longer states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Case law has established that Very Special Circumstances do not need to be “special” in the ordinary sense, and the matters set out are deserving of weight in the overall balance. The judgement to be made is whether individually, or cumulatively, these amount to the very special circumstances necessary to grant planning permission despite the Green Belt harm.

It is therefore submitted that planning permission ought to be granted for the development. It is invited that the Council support the application for planning permission and we would be open to discussion to facilitate a pro-active application process.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brian Woods', with a stylized flourish at the end.

Brian Woods
Managing Director

APPENDIX 1



Appeal Decision

Hearing held on 19 June 2025

Site visit made on 19 June 2025

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th of July 2025

Appeal Ref: APP/K2230/W/25/3363212

Land south of White Post Lane, Cobham, Gravesend, Kent, DA13 9BS

- 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 M Shilling against the decision of Gravesham Borough Council.
 - The application ref is 20241164.
 - The development proposed is change of use of land to form a gypsy/traveller site comprising the siting of 1 mobile home, 1 touring caravan, and 1 dayroom.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of land to form a Gypsy/Traveller site comprising the siting of 1 mobile home, 1 touring caravan, and 1 dayroom at Land south of White Post Lane, Cobham, Gravesend, Kent DA13 9BS in accordance with the terms of the application, Ref 20241164 and the conditions set out in the schedule below.

Background and Preliminary Matters

2. The appeal site is part of a wider parcel of land which is the subject of an enforcement notice relating to the stationing of mobile homes for residential use and associated touring caravans. This notice was the subject of an appeal which was dismissed on 11 February 2025 and the notice was upheld with variations ('the 2025 appeal decision')¹. An earlier appeal was dismissed on 28 February 2023, relating to land further west, for the change of use of the land to form a Gypsy and Traveller site of two pitches ('the 2023 appeal decision')².
3. There is also an injunction relating to the land dated 2 July 2009. This prohibits the use of the land for the siting of caravans and mobile homes and; the use of the site as a gypsy or traveller site. This injunction does not, however, prevent the consideration of an application for planning permission, or any subsequent appeal.
4. In light of concerns I had during the site visit, I asked the main parties to comment in writing as to whether the red line boundary of the site location plan encompassed the entirety of the land to which the appeal should relate. Both main parties replied that the appeal should progress based on the plans provided. I have therefore determined the appeal on this basis.

¹ APP/K/2230/C/23/3328720

² APP/K2230/W/20/3271514

Main Issues

5. During the hearing the Council agreed that matters relating to biodiversity could be dealt with by condition. It was also discussed that the effect of the proposal on designated habitat sites was no longer in dispute. As such I have dealt with these as other matters, rather than main issues of the appeal.
6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the landscape character;
 - Whether the site is suitably located to encourage sustainable travel, and;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate

7. Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (the CS) states that development in the Green Belt will be supported where it is compatible with national policies for protecting the Green Belt as well as other policies in the plan. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework establishes that development in the Green Belt is inappropriate unless one of the exceptions it lists applies. Both main parties agree that none of the exceptions listed in paragraph 154 of the Framework apply.
8. The appellant has put forward that the development can instead be considered under paragraph 155, which states that the development of homes, among other things, should not be regarded as inappropriate development where all the criteria listed apply. In respect of criteria a) the main parties agreed the site to be 'grey belt' having regard to the definition in the Framework. I am mindful of the earlier Inspector's conclusion regarding grey belt, however, the Planning Practice Guidance (the PPG) has since been updated and, in light of its detailed guidance on how to assess Green Belt purposes, I am satisfied that the site can now be considered as grey belt. Turning to criteria b), it is agreed and apparent from the evidence that there is a demonstrable unmet need for the type of development proposed and having regard to the associated footnote.
9. Criteria c) of paragraph 155 requires the development to be in a sustainable location, having particular reference to paragraph 110 and 115 of the Framework, and also to paragraph 13 of the Planning Policy for Traveller Sites (the PPTS). An assessment and conclusion on this matter is contained below, and I have found that the site is not in a sustainable location for the reasons set out. Accordingly, the proposal would not comply with criteria c). Part d) does not apply here, as established by the PPTS.
10. In conclusion on this main issue, the proposal would not meet all the criteria of paragraph 155 and would be inappropriate development in the Green Belt.

Openness

11. Openness of the Green Belt has a spatial aspect as well as a visual aspect. The site is in a rural location, clearly separated from the nearby settlements and the appeal site would comprise open grassland and paddocks if it were not occupied by the appellant. The openness of the wider area is established by the predominance of open fields, woodlands and the dispersed pattern of development between settlements. In the vicinity of the appeal site there are a number of low level stables and horse shelters as well as boundary treatments which divide the land. If the site were unoccupied, it would contribute towards the appreciation of openness when travelling along White Post Lane.
12. The proposal would cause a reduction in the spatial aspect of the Green Belt's openness through providing built forms and structures on the site where there would otherwise be open grassland. The residential use of the land would also lead to domestic paraphernalia across the site, including parking areas and outdoor seating areas, and an increase in activity. In terms of their visual effects, the proposed structures would be single storey and, once in the location shown on the proposed plans, visibility from public view points would be very limited given their distance from the highway and nearby public footpath. The proposed landscaping would further limit views of the structures and low level paraphernalia from the surrounding area.
13. Overall for the reasons given, I find there would be a limited adverse impact to the openness of the Green Belt, given the scale and location of the development.

Landscape Character

14. The site lies within the Meopham Downs Landscape Character Area as defined by the Gravesham Landscape Character Assessment 2009 (the GLCA). This sets out that the characteristics of the area include its gently undulating topography with a mixture of arable and pasture farmland and distinctive field patterns. The GLCA acknowledges the presence of horse related activity scattered throughout the landscape.
15. The proposal would result in the loss of the former paddock and grassland, which the GLCA recognises as typical of the landscape character. However, the appeal site is set back notably from the road and is enclosed by the railway line and its tree belts to the south. As a result of its position and enclosure the proposal would be reasonably discrete in views from the surrounding area. Even if some visibility of the structures were to occur, this would be limited to glimpses of the tops of the structures and, given the abundance of other low level structures within the immediate area, the proposal would not appear at odds with the established landscape character. The maturity of the proposed landscaping would add further screening and over time the planting would be capable of amounting to an enhancement to the site, appearing as a continuation of the tree belts and hedgerows nearby. A condition could reasonably be used to control external lighting on the site, given it could otherwise draw undue attention to the development and detract from the rural character.
16. The earlier Inspectors found moderate harm from those respective proposals, however, the location of those developments and the extent of built forms were different to this appeal, particularly as they were closer to the road. I also note the comments of interested parties regarding the trees that have been removed

nearby and the works undertaken for example on White Post Lane. While I observed those works have altered the character of part of White Post Lane and the works are of course regrettable, they are nonetheless outside the scope of the appeal before me and matters relating to enforcement would be for the Council.

17. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on the landscape character. It would comply with policies CS12 and CS19 of the CS, which together seek to conserve the landscape character and integrate development into the surrounding area. Neither do I find conflict with Policy CS18 in respect of this main issue.

Sustainability of the Site's Location

18. The appeal site is located between Sole Street and Meopham which each contain some limited services and facilities, as well as public transport links. However, the site is linked to those settlements only by White Post Lane, which is narrow and unlit. I observed it to be a fairly busy route and it lacks any footpaths or significant verges. As such pedestrians would need to walk in the path of traffic and it would not provide a safe or attractive route for occupiers of the site, particularly with children. Cycling could provide an alternative, but is unlikely to be attractive throughout the year. In line with paragraph 13 of the PPTS, I accept that there may be an inherent use of private vehicles associated with the working and travelling patterns of those occupying the site, however, this would not be the case for those individuals who are not travelling for work and it remains the case that they would be heavily reliant on private vehicles for all day to day needs as a result of the site's location. For these reasons the site's location is not one which could be considered sustainable.
19. These findings are consistent with the earlier appeal decisions, particularly the 2025 appeal decision, which similarly considered the matter in light of paragraphs 110 and 115 of the Framework and paragraph 13 the PPTS. While the 2023 appeal was not specifically dismissed for this reason, the Inspector nonetheless found the site's location to conflict with the Framework insofar as it related to promoting sustainable transport. I have considered the other appeal decisions evidenced by the appellant, however the circumstances of those sites and the proposed uses would appear different to that before me. Overall, there is not convincing evidence which would lead me to reach a different view to the earlier Inspectors on this issue.
20. The site is not in a sustainable location and the proposal would conflict with Policy CS19 of the CS which requires new development to encourage sustainable living and choice, being well connected to services, facilities and public transport, and encouraging sustainable travel. In turn this gives rise to conflict with Policy CS02 insofar as it requires development in rural areas to be compatible with policies in the Plan.

Other Considerations

21. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I address these in turn below.

Need for Gypsy and Traveller Sites

22. The Council accept it is unable to demonstrate a five year supply of deliverable sites and it acknowledges that the shortfall in both past delivery and future supply is significant. In establishing the likely level of need, the Council rely on the Supply Statement 2024³ which in turn refers to the GTAA 2022⁴. The GTAA, however, pre-dates the changes to the definition of Gypsies and Travellers within the PPTS in both 2023 and 2024. The Council therefore accept there will be a greater need for pitches than those documents set out and further work is being undertaken. At present there is, therefore, significant uncertainty surrounding the level of need in the Borough.
23. Given the level of uncertainty, it was agreed in the hearing that the appellant's suggestion of using the 'total pitch requirement' set out in the GTAA as a minimum was reasonable. On this basis the need would be 31 pitches for 2022-2017 and 60 pitches for the period 2022- 2040. In addition to the pitches granted at appeal listed in the Officer's Report, the Council reported a further two pitches have received a resolution to grant from the planning committee. Even accounting for those pitches however, the level of unmet need, which could be greater than reported, remains significant.
24. The Council accept that there has been a failure of policy in delivering Gypsy and Traveller pitches. This is consistent with the earlier appeal decisions and this has clearly been the case for many years. The 2025 appeal decision reiterates the comments of an earlier Inspector who noted a 'persistent and grave failure to plan for the needs of Gypsies and Travellers in the Borough'. The unmet need can currently only be met through windfall sites coming forward and the CS does not include a criteria-based policy for assessing those. Looking forward, a Regulation 19 consultation is intended for later in the year. However, there is uncertainty at this time as to how the emerging local plan will address the level of need and it remains some way from examination and adoption. Importantly, the Council accepted that there will likely be a need to utilise Green Belt land in the future in order to meet the need.
25. The need for gypsy and traveller sites together with the persistent failure of policy and the uncertainty of future means to meet the need, carries significant weight in favour of the development.

Available Alternative Accommodation

26. The appellant is not aware of any alternatives to residing on the appeal site, and the Council were not able to present any. A lack of alternatives was similarly established under earlier appeal decisions and there is nothing before me to suggest this has changed. For this reason, and in the absence of evidence to the contrary I agree that there is presently no acceptable alternative accommodation available to the appellant. This carries significant weight.

Personal Circumstances

27. The appeal site would be occupied by a single household, comprising the appellant and his partner, and their five children of which one is of adult age. It was agreed in the hearing that, given the information provided with the appeal, the

³ Gravesham Local Plan- Five- Year Gypsy and Traveller Pitch Supply Statement 2024-2019

⁴ Gravesham Borough Council- Gypsy and Traveller Accommodation Assessment (GTAA) November 2022

appellant and his family met the definition of Gypsies and Travellers set out in the PPTS. From the evidence before me I agree with that finding. Article 8⁵ imposes a positive obligation to facilitate the gypsy way of life and, as a minority group, special consideration should be given to their needs and lifestyle.

28. The family travel together in the summer and the appellant sometimes travels separately for extended periods for work. The family have previously resided with family and in Surrey on various informal pitches, however, this is no longer an option for them and the family do not consider bricks and mortar housing as appropriate to their culture.
29. Three of the children attend a school and nursery in a neighbouring Borough. In addition, one child now attends a specialist school in north Kent, for which they have been on the waiting list for a significant period of time following identification of specific health care needs from a young age. I understand that transport is provided by the school to facilitate attendance and securing this school place has provided much relief to the family in helping to address that child's needs.
30. If the appeal were to be dismissed, the family would continue to live with uncertainty and have to reside elsewhere, perhaps on the roadside in the absence of suitable alternatives as discussed above. As a consequence the children would likely need to leave those schools and their education would be disrupted. While it is not apparent that the appellant needs to reside in this particular location to maintain a place at the specialist school, it is nonetheless apparent that that child in particular, as well as the others attending school in Dartford Borough, would benefit from a settled base and the continuity in education which a settled base would provide. A settled base would also provide access to local healthcare which the evidence suggests is necessary for several members of the family including the children.
31. Accordingly, and aside from the best interests of the children, I attach moderate weight to the other personal circumstances as a factor in favour of the proposal.

Best Interests of the Children

32. Where Article 8 rights are those of children, as in this case, they must also be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. In particular, case law identified that, although a primary consideration, the best interests of a child are not a determinative planning issue, but that no consideration must initially be regarded as more important or, in advance of the subsequent assessment of the individual circumstances, be given greater weight.
33. As above, the appeal site would provide a settled base for four children and their best interests therefore need to be carefully considered. Their best interests would be served by a permanent and secure, culturally appropriate home, allowing their education to continue uninterrupted. As above this is even more so for the child with identified special education needs. The merits of the case presented are such that I afford the benefits of the proposal to the best interests of the children significant weight.

Intentional Unauthorised Development

⁵ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998

34. The establishing of a pitch at the appeal site without planning permission amounts to intentional unauthorised development and as such the 2015 Ministerial Statement is relevant⁶. The works have resulted in the clearance of the site, laying of an unmade surface and positioning of a mobile home and touring caravans on the site. No day room has been constructed and some young conifer trees have been planted along the western boundary. Some damage to the verge and trees has occurred around the site access, although I understand that may have occurred in connection with an earlier occupation of the site by other parties. Nonetheless the Council state the appellant was aware of the enforcement notice in early 2024 before moving to the site. Given the scale and nature of the works undertaken, the undertaking of intentional unauthorised development adds moderate weight as a material consideration against the proposal.

Whether Very Special Circumstances Exist

35. The proposal has been found to be inappropriate development in the Green Belt and harmful to openness. The Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness. I also give considerable weight to the harm arising from the site's location which does not encourage sustainable means of travel, given there are no alternatives to private vehicle use, and have given moderate weight to the intentional unauthorised development of the site.
36. I have had regard to Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. This affords the right to respect for private and family life, including the traditions and culture associated with the gypsy way of life. It is a qualified right, and interference may be justified where that is lawful and in the public interest. Dismissing this appeal would likely interfere with the appellant and his family's rights under Article 8 in that they have no other lawful accommodation available to them. In addition, gypsies share the protected characteristic of race for the purposes of the Public Sector Equality Duty under s149 of the Equality Act 2010, which sets out the requirement to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.
37. Overall, and in acknowledging the policies of the PPTS and in considering the requirement to advance equality and with the best interests of the children at the forefront of my considerations, I find that other considerations collectively would clearly outweigh the harm to the Green Belt and the other harms resulting from the proposal. Consequently, very special circumstances exist to justify the proposal, in line with the provisions of the Framework.
38. I have considered whether a temporary planning permission for a period of 3 years would be appropriate to reduce the harms identified to that period. However, there is no certainty that the policy position would have changed by the end of that period, or that other alternatives would become available to the appellant. Moreover, a temporary permission would not provide long term stability for the occupants, several of which would remain of school age. In any case, a permanent personal permission would be acceptable based on the planning balance. I have not therefore considered a temporary permission further.

⁶ Green Belt Protection and Intentional Unauthorised Development 2015

Other Matters

Designated Habitat Sites

39. The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area comprises wetland and supports important numbers of wintering, waterbirds and migrating birds. There has been a decline in the numbers of birds using these sites in recent years and studies show this could be in part due to people using the estuary and marshes for recreation. Without mitigation, increased visitor numbers associated with new residential development would be likely to have harmful effects on the integrity of the SPA as a result of increased disturbance to wildlife. The appeal site is within 6km of the designated site, within the area where residents have been found to visit the sites for recreation. There is therefore a pathway for the development to have effects on the qualifying features of the designated site and a likely significant effect, either alone or in combination, cannot be ruled out.
40. The Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy 2014 (SAMMS) adopts a strategic approach to mitigation. It uses a tariff based approach to secure contributions from development to fund a range of mitigation measures, including wardening, interpretation and signage, posting of rangers and a 'dog project' among others relating to habitat management and access management, to off-set the effects of increased visitors to the sites. Based on the evidence I have no strong reason to doubt that a contribution to those measures would be effective in mitigating the effects of the proposed development.
41. The appellant has made a payment to the Council of £337.49 as part of a SAMMS Contribution Agreement. The agreement sets out the terms of the payment and its purpose and the Council provided assurances in the hearing that the contribution is transferred to Birdwise North Kent for spending for the required purpose. Given these circumstances I am satisfied, as the competent authority for the benefit of the Habitat Regulations, that the mitigation would allow the adverse effects of the development to be reduced to a de minimis level. The proposal would accord with Policy CS12 of the CS which requires protection of sites designated for their biodiversity value.

Effects on Biodiversity

42. CS Policy CS12 requires no net loss of biodiversity, and opportunities to enhance, restore, re-create and maintain habitats will be sought. Once implemented in full, the proposed site layout would allow ample space for the inclusion of biodiversity enhancements including native planting. The Council accept this could be adequately secured by condition and I agree with that view. While I am aware of matters relating to the removal of trees on White Post Lane, those are outside the appeal site and beyond the scope of this appeal.

Presumption in Favour of Sustainable Development

43. The PPTS makes clear, at paragraph 28, that if a local planning authority cannot demonstrate an up to date 5 year supply of deliverable sites, the provisions of paragraph 11d) of the Framework will apply. In the course of this decision it has been established that the policies in the Framework which protect the Green Belt do not provide a strong reason for refusing the development proposed. In turning

to part ii, for the reasons set out in the balancing exercise above and in having regard to the policies in the Framework as a whole and the key policies listed, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. Accordingly the proposal therefore also benefits from the presumption in favour of sustainable development set out in the Framework. This assessment accords with Policy CS01 of the CS which reiterates the provisions of the Framework.

Conditions

44. To provide certainty to the parties, a condition is necessary to list the approved plans. A condition is also necessary to specify the number of pitches and caravans for the same reason.
45. The proposal is acceptable in part due to the personal circumstances of the appellant. However, noting the failure of the Council to provide pitches to meet its needs and the weight which those factors attract, I have not found it necessary to impose a personal condition as the site could, in due course, contribute towards meeting the remaining unmet need in the Borough. With this in mind, it is therefore necessary to impose a condition to restrict occupation to Gypsies and Travellers who meet the definition to ensure it would contribute to that purpose.
46. To ensure suitable living conditions and in the interests of preventing localised flooding, details of foul and surface water drainage for the site are necessary. To meet the policy requirement relating to biodiversity, a scheme of ecological works and enhancements is also necessary. I have, however, adapted the Council's wording to ensure the condition is proportionate to the development before me.
47. For reasons of visual amenity and to preserve the landscape character, details of soft landscaping and its maintenance, as well as details of materials for the dayroom and external lighting, and a restriction on the use of commercial vehicles on the site, are necessary. I have removed the requirement insofar as it relates to hard surfacing since those areas are defined on the approved plans and have little, if any, visibility from the surrounding area.
48. While the site adjoins a railway line to the rear, there is not substantive evidence to suggest a noise impact assessment would meet the test of necessity or reasonableness, given it would relate to insulation to a mobile home. Neither is there evidence to suggest a restriction on generators is necessary, given the distance to nearby properties. I have not conditioned the removal of permitted development rights for boundary treatments as I do not have details of the circumstances to justify such an approach, as set out in the PPG.
49. Given the location of the access and the remit of the appellant's control, I have not conditioned visibility splays and it has not been demonstrated that they would be necessary as a result of the proposal. The site would contain ample space for the parking and turning of vehicles and for storage of refuse and it would not meet the test of necessity to maintain those areas by condition. Given the imposition of a condition restricting occupancy on the site, a condition restricting the use of the dayroom is not considered necessary.
50. I note the appellant's comments at the hearing, that the conditions could be consolidated. However for ease of reference I have kept them separate. Neither

have I included tailpieces to the conditions relating to the consequences of non-compliance, since that would be a matter for the Council.

Conclusion

51. The proposal would conflict with the development plan. However, there are material considerations of sufficient weight which indicate that the decision should be made other than in accordance with it. The appeal is therefore allowed and planning permission granted.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos J005012-DD-01, J005012-DD-02, J005012-DD-03, J005012-DD-04.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: Glossary of the Planning Policy for Traveller Sites 2024, or its equivalent replacement in national policy.
- 3) There shall be no more than 1 pitch on the site and the pitch shall contain no more than two caravans each meeting the definition of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, and of which only 1 caravan shall be a static caravan.
- 4) Prior to the installation of the dayroom or its commencement above the damp proof course, details of its external finishes and materials shall be submitted to and approved in writing by the Local Planning Authority. The dayroom shall be constructed only in accordance with the approved details.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 6) Within 3 months of the date of this decision, details of a strategy to deal with foul water drainage on the site shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented in full within a period of 2 months following their approval, and the site shall be maintained in accordance with those details thereafter.
- 7) Within 3 months of the date of this decision, details of a strategy for surface water drainage on the site shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented in full within a period of 2 months following their approval, and the site shall be maintained in accordance with those details thereafter.
- 8) Within 3 months of the date of this decision, details of ecological enhancements for the site shall be submitted to the Local Planning Authority for approval in writing. Other than where they fall under the conditions relating to soft landscaping, the approved details shall be implemented in full within a period of 2 months following their approval and shall be so maintained.
- 9) Notwithstanding the approved plans, within 3 months from the date of this decision, details of soft landscaping for the site shall be submitted to the Local Planning Authority. This shall include but not be limited to native planting to the site boundaries. The planting shall be carried out in full no later than 12 months following its approval in writing.
- 10) Any trees or plants forming the approved soft landscaping details, which die, are damaged, removed or become diseased within five years from their planting, shall be replaced with a species of a similar size and species in the next available planting season.
- 11) No external lighting shall be installed to the site unless details have first been submitted to and approved in writing by the Local Planning Authority. Those details shall include levels of illumination, position and hours of use. External

lighting shall be installed and retained only in accordance with the details approved.

End of Schedule

APPEARANCES

FOR THE APPELLANT:

Brian Woods	Agent- WS Planning and Architecture
Michael Shilling	Appellant
Phyllis Smith	Partner of the Appellant

FOR THE COUNCIL:

Mr Shazard Ghani	Service Manager, Planning
Mr Richard Hart	Team Leader, Development Management
Mrs Sikdeep Coyle	Enforcement Team Leader