



Delegated Report

Planning Application

Application No:	20250764
Location:	Land South of White Post Lane, White Post Lane, Cobham, Gravesend, Kent
Description:	Change of use of the land for the stationing of 8 mobile homes for gypsy and traveller use, erection of associated day rooms, soft landscaping and laying of hardstanding (part retrospective).
Applicant:	Ms Hayley O'Donoghue
Site Visit:	26 September 2025

Submitted Documents/Plans

- Application Form – dated 28 July 2025;
- Certificate B – dated 03 August 2025;
- Planning Statement by Perfect Pitch Planning Services Ltd;
- Supplementary Information – Personal Details;
- Drawing no. 2025-PPP075v1-Location – Site Location Plan (scale – 1:1250);
- Drawing no. 2025-PPP075v1-Pre-Existing – Pre-Existing Block Plan (scale – 1:500);
- Drawing no. 2025-PPP075v1-Existing – Existing Block Plan (scale – 1:500);
- Drawing no. 2025-PPP075v1-Proposed – Proposed Block Plan (scale – 1:500);
- Drawing no. 2025-PPP075v1-6x4DayRoom – Day Room Plans and Elevations;
- Drawing no. 2025-PPP075v1-42x14-3B – Mobile Home Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20241164	Change of Use of Land to form a Gypsy/Traveller site comprising the siting of 1 Mobile Home, 1 Touring Caravan, and 1 Dayroom.	Refused	26.02.2024
2025/020/ REF		Appeal Allowed	14.07.2025
2023/00044 /ENF	Appeal against the Enforcement Notice that without the benefit of planning permission, the material change of use of the Land from an equestrian use including the use of one caravan for security purposes and a stable building (in accordance with planning permission reference number 20070228) to the unauthorised residential use of the Land with the stationing of mobile homes for residential use and associated touring caravans, and the construction of an amenity day room, hardstanding and brick wall enclosures associated with	Appeal Dismissed	11.02.2025

	the unauthorised change of use.		
20200554	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.	Application Refused	11.08.2020
2020/00049 /REF		Appeal Dismissed	28.02.2023
20141082	Use of the land for the stationing of a caravan for security purposes.	Permitted	23.02.2015
2015/00016 /COND		Appeal Dismissed	26.01.2016
20120805	Retention of the caravan used for security purposes.	Application Refused	30.11.2012
2013/00002 /REF		Appeal Allowed	10.01.2014
20040952	Continued use of the land as a private gypsy caravan site.	Application Refused	21.01.2005

Development Plan

Gravesham Local Plan Core Strategy (2014)

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T4 – Development outside the Built-Up Area
- T5 – Access to the Identified Highway Network

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

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

National Planning Policy Framework (2024)

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

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

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

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

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

As with the 2023 PPTS, the government's aim through the 2024 PPTS is to ensure that local planning authorities make their own assessment of need for Traveller sites, and, working collaboratively, prepare fair and effective strategies for addressing that need through the identification and delivery of sites over a reasonable timescale. The government is seeking to increase the number of traveller sites in appropriate locations to improve under provision and enable this community to access education, health and welfare services and employment as is the case with the general population, while having regard to protecting local amenity and local environment. The key paragraphs of the guidance relevant to this proposal are as follows:

- Policy B – Planning for Traveller sites
- Policy C - Sites in rural areas and the countryside
- Policy E – Traveller sites in the Green Belt
- Policy H – Determining planning applications for Traveller sites

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code SPD (2024)
- Gravesham Landscape Character Assessment (2009)
- Gravesham Landscape Capacity and Sensitivity Study (202)
- Gypsy and Traveller Accommodation Assessment (GTAA) Final Report (2018)
- Gypsy and Traveller Five Year Land Supply Statement

Consultations, Publicity and Representations

External Consultees

Natural England –

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

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

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

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

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

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

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

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

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

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

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

- Discretionary Advice - Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK (www.gov.uk) for more information.
- Landscape Advice - The proposed development is for a site within or close to a nationally designated landscape namely **Kent Downs** National Landscape (referred to in legislation as an Area of Outstanding Natural Beauty (AONB)).

Natural England has concluded that impacts on the nationally designated landscape and the

delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purpose of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 189 and 190 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 190 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant National Landscape Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or National Landscape (referred to in legislation as an Area of Outstanding Natural Beauty) in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in preparing development plans, making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers in undertaking their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The relevant National Landscape body (Conservation Board or Partnership) may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

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

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning

process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

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

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

Network Rail –

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

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

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

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

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

I trust the above is clear, please do not hesitate to contact me if you require any additional information from Network Rail.

UK Power Networks –

UK Power Networks have no objection to this application.

Environment Agency –

We have no objection to the proposed development but request the following informative be included in any permission granted.

Please refer to the following sections for our full response:

- Section 1: Conditions and informatives
- Section 2: Advice to the Applicant

Decision notice - In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

- Informative 1 (Foul drainage) - To discharge treated sewage effluent to ground, you must either

comply with all the general binding rules (GBRs) for small sewage discharges or obtain a discharge to surface water and groundwater environmental permit from the Environment Agency. If you cannot meet all the GBRs, it is an offence to discharge treated effluent without a permit. Guidance on the rules, permits, and application process is available on the Environment Agency's website, including position statements in Section G of The Environment Agency's approach to groundwater protection. For more information about the permit application process or to request pre-application, see "Get advice before you apply for an environmental permit".

- Advice to Applicant: Connection to mains foul drainage - Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
 - Connection to the public sewer
 - Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
 - Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24-hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: [Septic tanks and sewage treatment plants: what you need to do: Overview - GOV.UK](#)

Southern Water –

The following comments:

- Insufficient Information provided - Construction of the development shall not commence until details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

- Proposed soakaways - The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main. No Soakaways should be connected to the public surface water sewer.

Kent County Council Flood and Water Management –

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- (a) The winning and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Kent County Council Ecology –

This application is part retrospective and therefore we have considered if we would have requested ecological information if the application had been submitted prior to works commencing.

The grassland within the site appeared to have been regularly managed and therefore it is unlikely we would have requested an ecological survey to assess the ecological interest of the site. However, we understand from reviewing consultation responses that a number of mature trees have been felled and the trees may have supported roosting bats or breeding birds.

The removal of these trees may have resulted in a breach of wildlife legislation and should not have occurred without advice from an ecologist.

- Biodiversity Net Gain - If this application was not retrospective, it would have fallen under the requirements of mandatory 10% biodiversity net gain. However, The Town and Country Planning (Development Management Procedure) (England) Order 2015 states "*an application for planning permission must ... except where the application is made pursuant to ... section 73A(2)(c) (planning permission for development already carried out) of the 1990 Act ... be accompanied, whether electronically or otherwise, by ... the following information relating to the biodiversity gain condition ... [then it lists all the information that is required as part of mandatory Biodiversity Net Gain].*"

The Planning Advisory Service (PAS) indicates that BNG for retrospective permissions will be brought in as a second phase of the implementation of BNG. Retrospective permissions require a slightly different framework because a pre-commencement condition cannot be applied as the development has already been commenced. This is why retrospective permissions are effectively exempt for the time being¹.

As such, mandatory 10% biodiversity net gain does not apply to this application. However, a biodiversity net gain of unspecified percentage could still apply to this application under planning policy.

It is our view that a landscaping plan must be submitted as part of this application indicating how the site will be enhanced to benefit biodiversity – over and above what is detailed in the proposed block plan. We recommend that the landscaping plan includes the planting of native trees.

Kent County Council Highways –

The site will utilise the existing access on White Post Lane, however, due to the increase in use, visibility splays should be provided in both directions from the access.

It is likely that actual driven speeds along White Post Lane are much lower than the posted speed limit. I would estimate the traffic speeds to be around 25mph and therefore visibility splays of 33m x 2.4m would be acceptable. There should be no obstruction over 1.05m above carriageway level within the splays.

I would recommend that any gates are set back sufficiently to allow a vehicle and caravan to sit clear of the highway whilst the gates are opened and closed.

Consequently, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and maintenance of 33m x 2.4m x 33m visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing.
- Any gates set back sufficiently to allow a vehicle and caravan to sit clear of the highway whilst the gates are opened and closed.

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

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

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

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

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

[technical-guidance.](#)

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

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

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

[https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance.](https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance)

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Kent County Council Heritage –

The site lies within an area of multi-period background archaeological potential but there has been little recent archaeological work close to this site. Based on existing Historic Environment Record data for the area and taking account of the nature of the proposed works, it is possible that groundworks could impact on any below-ground archaeological remains at the site and I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

1. To ensure that features of archaeological interest are properly examined and recorded during development works:
 - a. Prior to any development works the applicant (or their agents or successors in title) shall secure an archaeological watching brief so that excavations and other development groundworks are observed and heritage assets with archaeological interest are recorded. The watching brief shall be undertaken by an archaeologist approved by the Local Planning Authority and in accordance with a Specification which has been submitted to, and approved in writing, by the Local Planning Authority.
 - b. The archaeological watching brief, recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed Specification.
 - c. Within 6 months of the completion of the watching brief a Report shall be submitted to and approved in writing by the local planning authority.

Reason To ensure that features of archaeological interest are properly examined and recorded in accordance with local and national planning policy

Kent Fire and Rescue Service –

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20250764 I would like to make the following observations.

I note access into the proposed development is to be shared with an adjacent planning application site (Reference 20241164). Please note that any dead-end access routes longer than 20m require turning facilities and hardstanding, in accordance with Diagram 13.1 of ADB, Volume 1.

In addition to the above please consider the long-term maintenance of the trees/bushes along the access route, particularly at the main vehicular entrance to enable access for a fire appliance, as this could restrict access if not properly maintained.

Please be aware that should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5.

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

Network Rail –

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

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

In particular we would like to request that our requirements for fencing are included as a condition on the decision notice – in particular, we need to ensure that fencing for the site is of a sufficient nature to prevent trespass onto the railway – specific requirements are in the attached ASPRO informatives.

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

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

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

I trust the above is clear, please do not hesitate to contact me if you require any additional information from Network Rail.

Cobham Parish Council –

Objection to the above application on the following grounds:

1. Impact on the Metropolitan Green Belt and Rural Character - The site lies within the Metropolitan Green Belt, where both national policy and the Gravesham Local Plan impose a strong presumption against inappropriate development. The introduction of eight mobile homes, ancillary day rooms, extensive hardstanding and landscaping would constitute an urban encroachment, fundamentally

altering the openness and rural character of this agricultural land. No very special circumstances have been demonstrated to outweigh the harm to the Green Belt and the development of such a large scale use is incongruous with both its immediate setting and the surrounding area.

2. Highway Safety and Access - White Post Lane is a narrow rural highway devoid of footways and street lighting. The additional vehicular movements generated by eight households, together with service vehicles, would exacerbate existing safety hazards for drivers, cyclists, horse riders, and pedestrians. The submitted transport statement fails to demonstrate that safe access, adequate visibility splays and sufficient turning space can be provided without adverse impact. In addition over the past several years the owners of this site and the adjacent sites have caused significant damage to the trees and wildlife either side of White Post Lane as they delivered illegal static caravans and large mobile homes to the site, blocking the road and closing it without the proper notices or process that KCC demands.
3. Flood Risk and Drainage - The locality is known to experience surface-water flooding due to heavy clay soils and limited drainage infrastructure. The proposed hardstanding areas and impermeable surfaces risk increasing runoff onto adjacent land and the highway. No detailed Sustainable Drainage Strategy (SuDS) has been provided to show that the development will manage flood risk in accordance with national guidance (PPS25/NPPF) and local policy requirements.
4. Ecology and Biodiversity - The conversion of semi-improved grassland to permanent residential use would result in the loss of habitats supporting ground-nesting birds, reptiles and invertebrates. The application is unsupported by a comprehensive ecological assessment or biodiversity mitigation and enhancement strategy, as required by the Wildlife and Countryside Act 1981 and Gravesham Local Plan policies.
5. Sustainability and Accessibility - The site's remote location, distant from shops, schools, medical facilities and public transport links, would necessitate reliance on private motor vehicles. This conflicts with the Council's objectives to promote sustainable travel, reduce carbon emissions and support accessible communities. The applicant has not demonstrated that there is an overriding need that cannot be accommodated on a more sustainably located site.
6. Precedent and Retrospective Development - It is noted that works have already been undertaken without the benefit of planning permission. Granting retrospective approval would set a concerning precedent for further unauthorised caravan developments in the open countryside, thereby weakening the Council's ability to control future inappropriate development.
7. Planning History and Previous Enforcement - The site has long planning history of traveller applications all after illegally commencing works. However this application for so many caravans both static and visiting is much larger than anything retrospectively applied for before. The adjacent site which recently won an appeal, did so on the basis of a specialist need and a singular residence, we can see no such need for so many sites and as such it should be seen in light of the Feb 2025 appeal decision and be rejected. It should be noted part of the site overlaps with this site, so we question how the application is even valid. Finally, there is an existing injunction on the site, which again we strongly urge the council to use.

Residents are rightly upset and concerned that White Post Lane has become a magnet for the traveller community, and a development of this scale is just not acceptable in a small lane, by a small village. The owners of the site are aggressive to local people, block the road at will, illegally tap into services, burn their rubbish on site, dump other rubbish around the site and by the road, and generally do not want to be part of a small village community, there are better places for a traveller community to be sited within Gravesham, on the basis of their own behaviour, let alone the damage to green belt and to residents of Cobham Parish and the surrounding community.

For all of the reasons set out above, I respectfully request that Gravesham Borough Council refuse planning permission for application 20250764 in accordance with relevant national and local planning

policies.

I trust that this objection will be given full weight in your determination.

Internal Consultees

Gravesham Environmental Protection –

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

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

It's noted that the means of drainage is not known. Details of this will be needed.

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

- Contaminated Land - No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.
 - a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
 - f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

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

- Noise Control - Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:
 - The internal ambient noise levels in all habitable rooms of the proposed residential use shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
 - The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
 - External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.
- Drainage/sewerage informative - The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

Local Ward Councillors – No comment received.

Neighbouring properties

Notices were displayed on site 13 August 2025 and 12 November 2025.

In addition, 16 surrounding properties were consulted and 190 representations have been received, all of which registered objection to the proposal. The objections have been summarised below, and separated into material and non-material planning considerations:

Note – only the material planning considerations are relevant to this decision.

Material Planning Considerations

Planning History

- The site is covered by a court injunction
- Planning permission previously refused on this site.
- Recent appeal decision is not comparable in scale to the current proposal

Green Belt

- Inappropriate within the green belt
- The site is not 'grey belt' land
- The site is not located within a sustainable travel location

Land Use

- It is the Councils responsibility to identify appropriate gypsy and traveller sites; the councils pitch requirement cannot be provided within small hamlet
- No requirement for such sites in the area as many already exist nearby

Design, Character and Appearance

- Out of character with the area
- The enclosures at the site are out of keeping with the open, rural character
- Unauthorised enclosures have been erected at the site which have negatively impacted the character of the site
- The removal of trees has significantly changed the character of the landscape
- The size of the site has been increased
- The site has already been hard paved without permission

Amenity

- The applicants have not adequately assessed the impact on neighbouring amenity
- The development would disrupt the close knit community
- There have been tensions between the potential occupiers of the site and existing local residents
- Activities at the site generate noise disturbance
- There are fire safety concerns

Highways

- The development would result in an increase in traffic in the area
- The width of local roads would not be suitable for the transport of mobile homes
- The development would pose a risk to pedestrians
- There has been damage to the road surface

Environment and Biodiversity

- There has been harm to biodiversity and designated habitats
 - Damage to trees surrounding the site
 - Displaced local wildlife
 - The introduction of lighting has resulted in light pollution
- The proposal increases flood risk in the area
- The application does not include any sustainability measures
- There are concerns about animal welfare on the site

Impact on Services

- There would be strain on local infrastructure and resources such as education and health services
- There are no utilities serving the site
- Affect local ecology and wildlife
- Southern Water have highlighted concerns over management of sewage at the site
- There are insufficient details relating to how sewage will either be removed or processed at the site.

Antisocial Behaviour Concerns

- The use would likely result in the deposit of, and burning of waste with the site
- There has been anti social behaviour at the site
- Loose dogs have caused noise disturbance

Non-Material Planning Considerations

- A precedent has been set for occupying land without permission
- The proposal would affect property values
- Concerns Regarding Funding Transparency
- The site will contain more than 8 mobile homes
- If supported S106 agreements should be considered

The consultation period expired 03 December 2025.

Officer's Analysis

Site Description

The application is located on the southern side of White Post Lane and to the northern side of the railway track.



Adjoining the site on the eastern boundary is a Traveller site allowed by appeal (ref. APP/K2230/W/25/3363212 – Appendix 1) for the change of use of the land to form a gypsy/traveller site (comprising 1 mobile home, 1 touring caravan and 1 dayroom). Further to the east lies the settlement of Sole Street, with the boundary of this village extending to the rear of the properties at Sallows Shaw.

Adjoining the site to the west is an unauthorised Traveller site, both the application site and the Traveller site to the west are currently the subject of an enforcement notice that has been upheld at appeal, see Appendix 2. The enforcement notice requires a number of steps to be actioned by 11 February 2026, including the removal of all buildings, structures, mobile homes, caravans and associated works undertaken with the unauthorised use. The sites are both also subject to an injunction, and the report will discuss the enforcement notice and the injunction below.

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



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

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

Pre-Existing



Existing (02 October 2025)



Since visiting the site on 26 September 2025, additional mobile homes have been moved onto the site.

Background

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

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

- (i) Cease the use of the Land for a mixed use of residential and equine purposes;

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

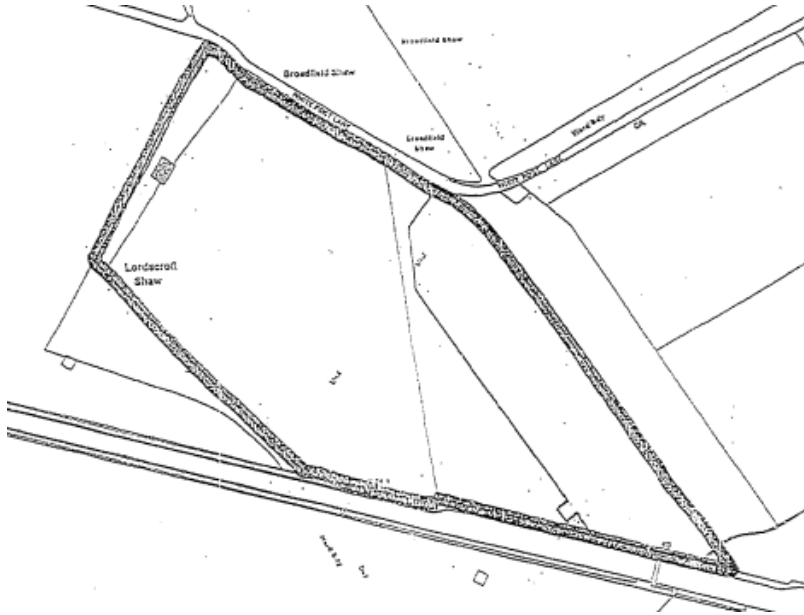
The period of compliance is 12 months (before 11 February 2026) and applies to the site outlined below:



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

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

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



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

Development Proposal

This application seeks planning permission for the change of use of the land to form a Gypsy/Traveller site comprising of 4 pitches of 8 mobile homes, 8 touring caravans and 8 day rooms.



The Local Planning Authority acknowledge that the above proposed layout does not reflect the current layout on the ground but will consider the proposed plans as listed in the 'Submitted Plans and Documents' section above.

Principle Considerations

The principle considerations in this application are:

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

Green Belt

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

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

Whether the proposal is inappropriate development in the Green Belt?

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

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions*

over and above the size of the original building;

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

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

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

These points are:

- Whether the settlement to which the site relates is a village or not?
- Whether the site is within a village?
- Does the proposal constitute infilling?
- If the proposal does constitute infilling, is the infilling limited?

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

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

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

First Tier Settlements	Gravesend/Northfleet/Ebbsfleet, i.e. the urban area
Second Tier Settlements	Istead Rise, Hook Green Meopham, Higham

Third Tier Settlements	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements	Cobham, Shorne, Sole Street
Other Settlements	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

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

This issue in Gravesham's context has been considered at appeal a number of times, for example the Planning Inspector for an appeal reference no. APP/K2230/W/16/3161653 (see Appendix 3) considered whether Culverstone Green (to the south of the Borough) is a village stated:

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

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

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

Whether the site is within a village is a matter for assessment on the ground and having regard to the evidence. Development plan settlement boundaries may not be determinative, especially given these were drawn up some years ago since which time, the settlement of Sole Street may have undergone changes. Taking into consideration the overall settlement characteristics of Sole Street, the location of White Post Lane and in particular the relative main built-up area further east of White Post Lane around Sallows Shaw and Chapelwood Place, together with the limited built form past Two Holly Cottage, it is clear that the site is outside of a village. As such based on the site visit 26 September 2025, it is considered this site is very much removed from the settlement of Sole Street.

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

Exception (g) allows the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. The NPPF (2024) defines previously developed land as:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which

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

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

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

Grey Belt

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

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

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

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

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

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

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

Paragraph 143 of the NPPF (2024) states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

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

In this case the application site, the largest built-up area closest to the application site is the town of

Gravesend. As Sole Street is not considered a village, as discussed above, it is not a large built-up area. The site is therefore not contributing to the unrestricted sprawl of large built-up areas. In relation to (b) the land is not close to a town and therefore does not prevent neighbouring towns merging into one another. As Istead Rise is not a historic town point (d) does not apply.

Therefore the proposal may be considered to not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. However, in order to fully comply with paragraph 155 parts (b)-(d) also need to be met.

While it is not necessary to consider points (b) – (c) of paragraph 155, in context with Para. 13 of the PPTS, in the recent appeal on the adjacent parcel of land (APP/K2230/W/25/3363212) the sustainability of the site was considered by the Inspector. The Inspector allowed the appeal on very special circumstances although the development was contrary to the development plan, she considered sustainability and found that the site would be unsustainable and contrary to (c) of para 155 of the NPPF (2024):

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...

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.

Further to paragraph 155 of the NPPF (2024), paragraphs 13 and 26 of the PPTS require that traveller sites in the countryside, away from existing settlements should be strictly limited, contribute to sustainability, promote access to local services and reduce the need for long-distance travelling and environmental damage associated with unauthorised encampments. Therefore, further to the assessment of paragraph 155 (c) of the NPPF set out above, the site is not sustainable contrary to paragraphs 13 and 26 of the PPTS.

The proposed development is therefore inappropriate in the Green Belt and introduces development where there was previously none. The proposal impacts on the openness of the Green Belt to the detriment of its purpose contrary to Policy CS02 (LPCS) and Section 13 of the NPPF (2024).

Need for and supply of Gypsy sites

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

The identified need for new Gypsy and Traveller pitches in the borough is derived from the Gypsy and Traveller Accommodation Assessment (GTAA) 2022. This GTAA updates and assesses need for pitches in the Borough, over the period 1 April 2022 – 31 March 2040, taking account of the proposed occupants of new pitches permitted since 2017. This covers the remaining 6 years of the Local Plan Core Strategy plan period (2022 – 28) and will inform the evidence base for the emerging Local Plan period (2025 – 2040).

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

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

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

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

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

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

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

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

Table 3 Pitch Needs April 2024 – March 2029

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

Since April 2024, planning permission has been granted on appeal and by Delegated powers for 7 pitches (APP/K2230/W/24/3336250, APP/K2230/W/24/3336645, 20250110 and APP/K2230/W/25/3363212).

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

Gypsy and Traveller Status

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

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

As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily or permanently because of their own, or their dependants’, health or education needs or old

age, and all other persons with a cultural tradition of nomadism or of living in a caravan. Whilst the previous PPTS set out regard should be had to whether a Traveller previously led a nomadic habit of life, the reasons for ceasing their nomadic habit of life, and their intentions of returning to a nomadic habit of life, this requirement has been removed from the current PPTS.

The supporting statement submitted with the application contains limited information on who will occupy the pitches. This was expanded upon in a Personal Details Letter (07 November 2025), which expands on the names of the occupants of the pitches and provides additional detail on their ages, schooling, etc.

There are three children occupying the site that attend local schools, some of which with additional needs, and other under schooling age or expected to be born in the near future. While this additional evidence is more substantial than originally submitted, it is not considered to cover the required detail such as personal circumstances. The application has therefore not sufficiently demonstrated the intended occupants of the proposed pitches and whether they meet the definition of gypsies and travellers as defined in Planning Policy for Travellers Sites, December 2024.

Design, Character and Appearance

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

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

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

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

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

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

The key guidelines are to conserve and reinforce the agricultural land use.

The proposal would result in the loss of a former paddock and grassland, which are identified in the LCA as typical of the landscape area. The layout of the site is such that pitches are formed along the western boundary from the White Post Lane boundary to the rear boundary (Railway line and tree belt) to the south. Unlike the adjacent site that was allowed on appeal (APP/K2230/W/25/3363212), the scale and spread of this proposal is significantly greater and the impact on the landscape considered to be reflective of the increased development.

In this case, the proposal introduces 8 pitches, with 16 mobile homes and dayrooms, with up to 16 tourers and a number of other vehicles for the occupants. These are alien features in the landscape that neither conserve or reinforce the agricultural land use. It is noted that the views into the site from the highway are limited, however there are clear views across the area and therefore the application site and development is visible. The proposed development will therefore detract from the character and appearance of the landscape and is contrary to the guidance within the Gravesham Landscape Character Assessment, Policy CS12 and CS19 (LPCS) that seek to ensure that new development conserves the overall landscape character.

Effects on Residential Amenity

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

The supporting plans demonstrate that the static caravans will provide a decent standard of accommodation for future occupiers, with associated dayrooms providing additional living space. The layout within the site is spacious and future occupants of the proposed mobile homes would be provided with a decent outdoor amenity space.

In terms of neighbouring amenity, there is no residential accommodation within close proximity. The nearest residential dwelling is approx. 390m away. There is an authorised traveller site to the east and an unauthorised site to the west which are approx. 100m and 18m away respectively. Due to the distances involved there will be no detrimental impact to any neighbouring dwellings in terms of loss of outlook, daylight, sunlight or privacy.

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

Therefore residential amenity of the future occupiers of the site would comply with requirements in policy CS19 (LPCS) and paragraph 135f of the NPPF (2024).

Parking and Highway Safety

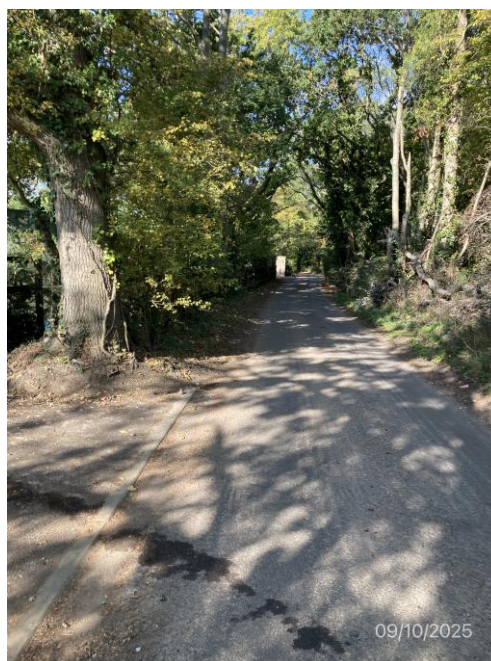
The site and pitches would make use of the existing access from White Post Lane and there is adequate hard surface space available within the site for parking of vehicles associated with the pitches proposed, and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.

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

The proposal has been reviewed by Kent County Council Highways, who raised the following considerations:

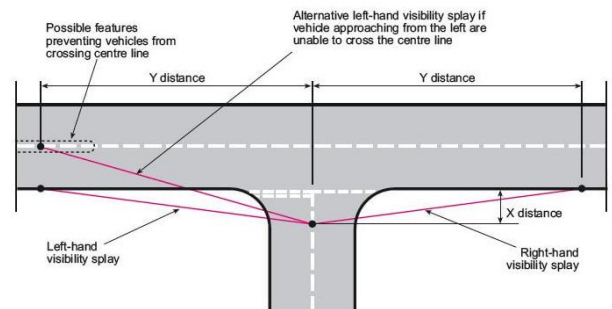
- Provision and maintenance of 33m x 2.4m x 33m visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing.
- Any gates set back sufficiently to allow a vehicle and caravan to sit clear of the highway whilst the gates are opened and closed.

As shown in the photographs below the gate is set back significantly and are inward opening. The plans demonstrate that the gate is approx. 20m from the edge of the highway. This would allow for a vehicle and touring caravan to sit clear of the highway and not interrupt the flow of traffic, based on the maximum car-trailer length of 18m (gov.uk).



With regards to visibility splays, the block plans do not show vehicular splays that meet the requirements set out in Manual for Street (2007), 33m x 2.4m x 33m. The vehicular access is wide (approx. 10m),

however as shown in the photographs and plan extract below there are obstructions within the splays which would impede visibility. The plan extract is a visual example of the impeded visibility splays, to be used as a demonstration of the non-compliance with KCC Highways and Manual for Streets (extract) recommendation.



Due to the narrow nature of White Post Lane and the national speed limit, the lack of visibility splay would represent a risk to highway safety contrary to saved policy T1 of the Gravesham Local Plan: First Review (1994), Policy CS11 (LPCS) and paragraph 116 of the NPPF (2024) which seeks to mitigate the adverse impact of development on the highway network and refuse development on with severe impact to highway safety.

Drainage

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

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

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

The applicant has set out that the foul water drainage would be dealt with by Klargesten sewage treatment systems for each pitch with capacity for 10persons, leading to a soakaway, as demonstrated in the indicative plan extract below:



The Environment Agency has commented and raised no objections, subject to a suggested condition. If the application were to be supported it is recommended that this condition be imposed. Subject to this condition and the principle of the Klargesten sewerage treatment plants being acceptable, the proposed development accords with Policy CS19 (LPCS) and paragraph 187(e) of the NPPF (2024).

Biodiversity

Biodiversity Net Gain

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

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

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

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

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

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

Ecology

In terms of ecology Policy CS12 (LPCS) states that there will be no net loss of biodiversity in the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought. This is reinforced by paragraph 187 of the NPPF (2024). A significant amount of biodiversity has been lost on site and no attempt has been made to mitigate against this. Whilst concerns have been raised about the loss of trees to the lane when the static was delivered, this is outside of the site and not within public ownership and therefore is a civil issue. Without a detailed ecological report it is not possible to assess the extend of loss and therefore the proposed development conflicts with Policy CS12 (LPCS) and paragraph 187 of the NPPF (2024).

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

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing developments including Gypsy and Traveller accommodation. Developers will need to pay £337.49 for every new pitch provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have not paid towards the mitigation.

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

Grant of Temporary Permission

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

The application site is not considered to be a suitable location for the type of development proposed, as it is located within the Green Belt and is considered inappropriate development. The supporting information has not sufficiently demonstrated there are special personal circumstances to warrant the grant of planning permission on temporary basis. In also considering that a Traveller family maybe residing at the site and in considering the best interests of any child it is not considered that a grant of planning permission on a temporary basis would be warranted. In addition to this the proposal is considered to impact negatively on the wider landscape character, as well as not providing the appropriate SAMMS payment.

For all the reasons above it is not considered there is reasonable justification for granting temporary

permission for this proposal.

Human Rights and Equality Act

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

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

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

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

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

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

In this case, it is recognised that if planning permission is refused the family resident at the site would need to vacate the site because of either the injunction or enforcement notice that are in place. Ultimately this may lead to this family not being able to find a legal site and they could be forced to pitch at the roadside. In particular, this would have a significant adverse impact upon any children. Over and above the obvious adverse impact that such disruption would cause, any child in school would lose a stable base that has enabled them to obtain schooling and, access to other facilities such as health services. As such Article 8 is engaged.

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

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

Whether Very Special Circumstance Exist

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

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

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

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

As was the case with the 2023 appeal decision (APP/K2230/C/23/3328720) the balance is not considered to alter even if personal circumstances were advanced.

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

The balance when considering a temporary permission is clearly different in that the harm would only endure for a temporary period. However, the NPPF (2024) requires that substantial weight is given to any harm to the Green Belt, temporary or otherwise. The weight attached to the other harm is slightly reduced on account of its temporary nature. The site would still remain unsuitable in locational terms and an unsafe vehicular access, even for a temporary period.

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

Overall Planning Balance

For the reasons given, the development is contrary to the policies of the development plan, taken as a whole and represents inappropriate development within the Green Belt. In the absence of very special circumstances there and despite taking into consideration human rights and equality matters, there are no

material considerations to indicate that a decision should be taken other than in accordance with the development plan and material (planning) considerations, therefore planning permission should be refused. No conditions can overcome the harm to an extent that would warrant a grant of permission on a permanent or temporary basis.

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

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

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

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

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

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

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

The site would result in an unacceptable risk to highway safety through substandard visibility splays from the access onto a narrow country lane.

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

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

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

In compliance with the Human Rights and Public Sector Equality Duty (PSED) contained in the Section 149 of the Equality Act 2010, due consideration has been given to personal circumstances of the applicant, including the best interest of the child, however, these are not considered to outweigh the legitimate aims set out with the domestic planning regime, as such interference with such rights is

warranted for a legitimate aim, in accordance with the law, and necessary in the public interest.

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

Recommendation:

The recommendation is to refuse this application.

Reasons for refusal:

The proposed mobile homes, touring caravans, dayrooms and hardstanding will be located within the Metropolitan Green Belt where development is considered inappropriate. The proposal will introduce a built development, hard surfacing and mobile structures onto a previously undeveloped site which will harm the openness of the Green Belt and result in encroachment of built development into the countryside. In the absence of any very special circumstances to outweigh the degree of harm caused to the Green Belt and other identified harm the proposal is contrary to the requirements set out in Section 13 (paragraph 153 of the National Planning Policy Framework (2024), the Planning Policy for Travellers Sites (2024) and Policies CS01 (Sustainable Development) and CS02 (Scale and Spatial Distribution of Development) of the Gravesham Local Plan Core Strategy (2014).

The site lies within the Meopham Downs Landscape Character Area. The proposal, by virtue of its location, nature, scale and spread, combined with the specific characteristics of the site and the immediate surroundings, in particular the open and locally prominent location will cause harm to the local rural landscape character and detract from the rural and visual amenities of the area, contrary to policies CS12 (Green Infrastructure), CS17 (Traveller Sites) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014) which seek to ensure that new development conserves and enhances the natural environment and landscape character in line with the Gravesham Landscape Character Assessment and integrates well into the surrounding area.

The proposed access represents a risk to highway safety by virtue of substandard visibility splays for vehicles egressing from the site onto a narrow country lane, contrary to Manual for Streets (2007) as well as Policy CS11 of Gravesham's Local Plan Core Strategy (2014), saved policies T1 of Gravesham's Local Plan First Review (1994), and paragraph 116 of the National Planning Policy Framework (2024).

The proposed development results in the loss of biodiversity with no compensatory measures in terms of mitigation planting or landscaping to offset the habitat loss and will introduce residential activity in a previously undeveloped location. The proposal will therefore fail to conserve or enhance the biodiversity value of the site in line with Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) and paragraph 187(d) of the National Planning Policy Framework (2024).

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

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:	<i>Ethan Bonthron</i>	Signed:	<i>R Hart</i>
Dated:	15 December 2025	Dated:	15th December 2025

Appendices

Appendix 1 – APP/K2230/W/25/3363212

Appendix 2 – APP/K2230/C/23/3328720

Appendix 3 – APP/K2230/W/16/3161653