

Heine Planning Consultancy

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L1-J14-2024 COND

Gravesham Borough Council

PLANNING

Civic Offices

Windmill St

Gravesend

Kent DA12 1AU

Dear Sir/ Madam

Re: DISCHARGE CONDITION 5 APPEAL DECISION ISSUED 19.3.2026

Material change of use of land to single pitch Gypsy Traveller site with associated operational development -part retrospective

Mr and Mrs L.J. Mahon.

Birchwood, Land north of Brecon, off Heron Hill Lane, Culverstone Valley, Kent DA13 0DT

An appeal against an Enforcement Notice issued on 11 July 2024 was upheld, the Notice was quashed and permission was granted with conditions on 13 March 2026.

Several key points are agreed by the Inspector:

Permission is granted for a Gypsy Traveller site with 2 caravans (one mobile home and one touring caravan), water treatment plant and hard standing.

This can be considered a grey belt site (para 8).

The landscape is not free from other development (para 13). The visual effect on the the locality as a whole is limited (para 15).

Given the Kent CC map, which the council did not contest, the Inspector agreed that the site did not appear to fall within the Happy Valley Local Wildlife site (para 17)

The Enforcement Notice did not require replacement tree planting (para 19)

The Council failed to produce evidence to support their claim that the site is within 15m of Ancient Woodland (para 21).

This is not considered an unsuitable location for the intended use (para 31)

Condition 5 requires site development details for the following to be agreed.

a) Internal layout of the site

See attached plan. The plan takes into consideration the need for a twin unit mobile home with ramped access, and disabled person parking space. Provision is made for the siting of 2 caravans, hard standing, site access, parking, amenity areas and bin storage. It also show the position of the waste water tank.

b) External lighting on the site

As there is no lighting on Heron Hill Lane some external lighting is required on site. This will be restricted to:

-small domestic lights above or either side of the entrance door to the mobile home (positioning will vary with different manufacturers)

-2 small domestic bulkhead lights on the gateposts either side of the entrance gates

- Lamps will have a maximum of 7.5 to 10 lux;
- LED lights will be installed, using the warm white (or amber) spectrum, with peak wavelengths >550nm (2700 or 3000°K) and no UV component;
- Lighting will be directed to where it is needed, with horizontal spillage towards retained or establishing habitats minimised. This will be achieved by restricting the height of the lighting

installation to no higher than the gatepost ie the lowest reasonable height and for downward projection ie with zero upward light projection

- Lights will incorporate Passive Infra-Red (PIR) motion sensors and timers to minimise the lit time, set to the minimum to minimise the duration of disturbance

-solar powered sensor lights at 5m gaps, on the fence enclosing the yard area ie no more than 14 in total and no more than 7 on each side of the yard.

It is not possible to confirm the number/type of small domestic lights for the mobile home and likely level of illumination as these fixtures supplied by the manufacturer, will vary depending on the type and make of mobile home, and can not be changed. However it is usual for outdoor lights to be small domestic units positioned next to or above the doorway.

c) Tree, hedge and shrub planting

The Enforcement Notice only required the site to be replanted with a calcareous grass seed. There was no requirement for replanting with tree, hedge or shrub planting and the EN failed to specify how a calcareous grass seed mix should be managed.

A beech hedge has already been planted across the front of the site either side of the entrance gate. This is now established. It will be kept trimmed to a height of about 2m.

The rear half of the site is already revegetating naturally mainly with meadow grasses (vetch and fescue) from seeds of plants that were previously growing naturally on this overgrown site and remained in the soil, together with windblown species from adjoining gardens. The flatter part of this site will be mown regularly and managed to provide an amenity area for the family.

The sloping ground at the back of the site adjoining properties to the west will be allowed to revegetate/ regenerate naturally as it has done so already, with bark mulch and native woodland plants/shrubs (ie brambles, ivy, nettles, dandelions, bluebells), to create a naturalised

wild area under the canopy of trees and shrubs in the adjoining garden and wildlife habitat for small mammals. In addition a hawthorn mix hedgerow will be planted along the back boundary.

A native hedgerow extending to some 55m will be planted around the boundary of the rear part of the site comprising a hawthorn mix (70% hawthorn, 30% mix blackthorn, hazel and holly) planted in a double staggered row with rabbit proof guards. The new hedgerow will have an initial prune within the second year after planting to encourage dense, bushy growth. This should be undertaken in late winter (January to February), when birds are not nesting and so that any fruits have been left as a food source for birds over the majority of winter. After the initial prune, trimming will be undertaken every 3 years in January to February. The flowers and fruits on most hedgerow species develop on 2-3 year old wood and therefore trimming more frequently than this will reduce the wildlife value. The aim is to achieve a thick hedge with good growth at the base which is optimal for wildlife (e.g. 2-3 metres tall by 1-2 metres wide).

d) Ecological mitigation measures

In accordance with the July 2024 Enforcement Notice issued by the Council the undeveloped part of the site is to be restored as calcareous grassland. This is assumed to be the baseline condition for the site.

As the decision letter notes, the ecological concerns of the Council were not fully explained/substantiated. The site is not part of a local wildlife site and does not impact on Ancient Woodland. As the Inspector notes, there is much existing development in this part of Culverstone Valley.

The removal of shrubbery which dominated the degraded grassland on this plot has played an important role in the restoration of grassland on this plot, setting the vegetation back to an early successional stage and letting the site to be colonised by light-demanding grasses and herbs. Within the space of 2-3 years the site is already being colonised by native grasses. However a calcareous grassland can not be achieved simply by sowing appropriate seed mixes. It requires a proper mowing regime or appropriate grazing neither of which is an option on this

site as the grassed area will also serve as amenity space for the family, no different to the garden areas on adjoining plots.

Pre development this was not a priority habitat. The site is not part of the local wildlife site and was not considered suitable for inclusion when this designation was first notified in 1988 and the citation was last amended in 2001. Kent CC were clearly satisfied that this site, along with the curtilage of the adjoining property Brecon and other plots on this side of the track down to Beechenwood Farm, together with the curtilage of houses on the east side of Leafy Lane did not justify inclusion within the LWS.

The front 35m of the site will be retained as laid out, mostly to hard standing for the siting of caravans and cars. The rear of the site would be left as an area of amenity grassland with woodland shrubs/bark covering on the rear slope, and native hedgerows to three boundaries.

Whilst there has been some loss of habitat across all of the site, the plans indicate that some of this can be retained/ restored on part of the site and enhanced with naturalising vegetation and some 55m of native hedgerows.

Brush piles/log piles using dead and decaying wood will be left on the rear embankment slope which is overhung with trees in the adjoining garden to provide habitats for fungi and small mammals. Gaps will be left under fence panels for movement of small mammals such as hedgehogs. There are no trees or buildings on the site for bird/ bat/ insect boxes.

e) Foul and surface water drainage

A septic tank has already been installed just inside the entrance gates on the northern side of the plot. It will be retained as it is not possible to connect to any publicly maintained sewers. A herringbone drainage system was installed under the hard standing draining towards the grassed amenity area at the back of the site

There is no issue with surface water drainage. The site is located in a dry valley, within an area of chalk bedrock which is freely draining. The hard standing currently comprises freely drained gravel over compacted MOT roadstone however, as an intended occupier of the plot has

mobility issues, it will be necessary to surface the area of hard standing with free draining tarmac to provide a smooth surface. The mobile home will be installed on a concrete plinth with a ramped access. An 80l water butt will be installed to collect / intercept roof runoff from the mobile home for reuse on site for watering and cleaning.

f) Fencing or other boundary treatment

It is proposed to retain the existing boundary treatment as the Enforcement Notice did not take issue with this. The fencing differs little to that enclosing the adjoining residential property and other residential properties in this part of the Culverstone Valley.

The northern and western (rear) boundary comprises 2m high timber panel fencing stained dark green, on a concrete base with concrete posts.

The southern boundary will retain the boundary fence to Brecon which is constructed on a low brick/ blockwork wall.

The front (eastern) boundary will retain the low timber post and rail fence and double 5 barred farm gates which open inwards with planting behind.

Timetable for Implementation

Internal layout-modify existing layout within first 12 months

External lighting-within first 6 months of condition being approved

Tree, hedge, shrub planting-to retain existing and additional hedgerow planting in first planting season following approval of conditions

Ecological mitigation measures-within 6 months of condition being approved

Foul and surface water-as existing. Water butt to be installed within 3 months of discharge of condition and retained if mobile home is replaced with larger twin unit.

Fencing-as existing

I look forward to receiving your decision.

Yours faithfully

Mrs A Heine