



Delegated Report

Full Planning Application

Planning Application No:	20221232
Location:	O'Dell Place, Lower Higham Road, Gravesend, Kent
Description:	Change of use of land as a further extension of the existing Gypsy and Traveller site (approved under 20190823) being a revised site layout to accommodate the approved additional 3 no. pitches including details of hardstanding areas, provision of waste treatment plant and use of part of the stable block as utility areas.
Applicant:	Mr & Mrs Levi Friend
Site Visit Date:	4 January 2023

Submitted Documents/Plans

Application form
Planning Statement (14 November 2022)
Plan 5 Existing Site Layout
Plan 3 Approved/Proposed Stable Block Floor Plans
Drawing no. 001 Rev. B (Site Location Plan, Previously Approved Block Plan)
Drawing no. 002 Rev. B (Site Location Plan, Proposed Block Plan)
Drainage details (by Roberts Construction Drainage)

Relevant Planning History

Reference	Description	Decision	Decision Date
20190823	Change of use of land as extension of existing Gypsy Traveller site to provide additional 3no. pitches with associated development, being associated hard standing, package treatment plant and reuse of part of the stables for utility block.	Permitted	08.06.2020
20070564	Erection of a stable block comprising three stables and a hay store.	Permitted	08.07.2007
20070170	Erection of a 'black barn' to provide two dayrooms each comprising kitchen, bathroom/wc and utility room with storage in the roof space.	Permitted	03.04.2007
20060822	Erection of a detached building to provide two dayrooms, each comprising kitchen, bathroom/wc and utility room.	Withdrawn	30.11.2006
20030593	Use of land for the stationing of two caravans.	Refused Appeal Allowed	04.02.2004 10.01.2005
19990064	Reconstruction and conversion of barn into a detached four bedroom dwelling and reinstatement of demolished outbuilding attached to western elevation of barn for garaging and a study.	Permitted	21.05.1999

Development Plan

Gravesham Local Plan Core Strategy (2014)

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

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on Highway Network
- T5 – Access to the Identified Highway Network
- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

Given Gravesham's current inability to demonstrate a 5 year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF 2021. This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF 2021 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF 2021, paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty;
- Irreplaceable habitats;
- Designated heritage assets (and other heritage assets of archaeological interest, see NPPF 2021, footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against

development plan policy, the need to make efficient use of land (paragraph 121(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- 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

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)
- Planning Policy for Traveller Sites August (2015)

Consultations, Publicity and Representations

External Consultees

KCC Biodiversity Officer

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts, as follows:

- Detailed photographs of the grassland paddock and hedgerows in the south of the site, within which two caravans/mobile homes and associated hardstanding and drainage are proposed.

This information is requested to enable us to assess the potential for protected species to be present within the proposed works area.

We have taken this view because aerial photographs show the potential for rough grassland to be present within the paddock, with connectivity for reptiles/amphibians via mature hedgerows and adjacent scrub habitat. Photographs will enable us to determine if it is necessary for an ecologist to carry out a walkover assessment of the site. If an assessment is required, the results of any recommended surveys and details of any mitigation required must be completed and submitted with the planning application. This is in accordance with paragraph 99 of ODPM 06/2005 which states, “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

Pending further consultation regarding the site photographs, we will also suggest suitable condition wording for the following:

- Informative for breeding birds
- Lighting Design Plan
- Biodiversity Enhancement Plan

KCC Flood and Water Management

The application falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Internal Consultees

GBC Highways

There are no highway implications with this proposal. No objections.

GBC Environmental Protection

No objection to this application. It is recommended that Conditions 6 (External Lighting) and Condition 8 (no bonfires/burning of waste etc) of permission 20190823 are re-instated should permission be granted. In respect of other matters, the standard drainage/sewerage informative is recommended.

Neighbouring properties

The application has been advertised by individual neighbour letters to 9 properties, and on site. The consultation periods expired on 14 and 23 December 2022 respectively.

No letters of representation have been received from neighbouring properties.

The Local Ward Councillor was also consulted and no response was received.

Officer's Analysis

Background

The appeal in 2005 gave permission for the use of the land as a 2 pitch caravan site. Conditions were imposed by the Inspector to limit the pitches (not caravans) to 2 pitches and to limit the area of hardstanding and parking to an area stretching 45m south from Lower Higham Road (i.e., the site frontage). The conditions required a plan detailing the location of the pitches and caravans, along with the location of 2 amenity structures and parking, to be submitted for approval and restrict where the caravans would be located (i.e. within the defined 45m area to the south of Lower Higham Road). As the description of the original 2003 application included the number of pitches permitted, increasing the number of pitches has to be sought via a fresh application rather than a variation of the number of pitches permitted in the 2003 permission.

Attention is also drawn to the fact that while the area to be used for the 2 pitches is limited to the northern part of the site, the change of use actually applies to a much larger site area, as can be seen from the 20030593 application red line boundary plan below:



Proposal

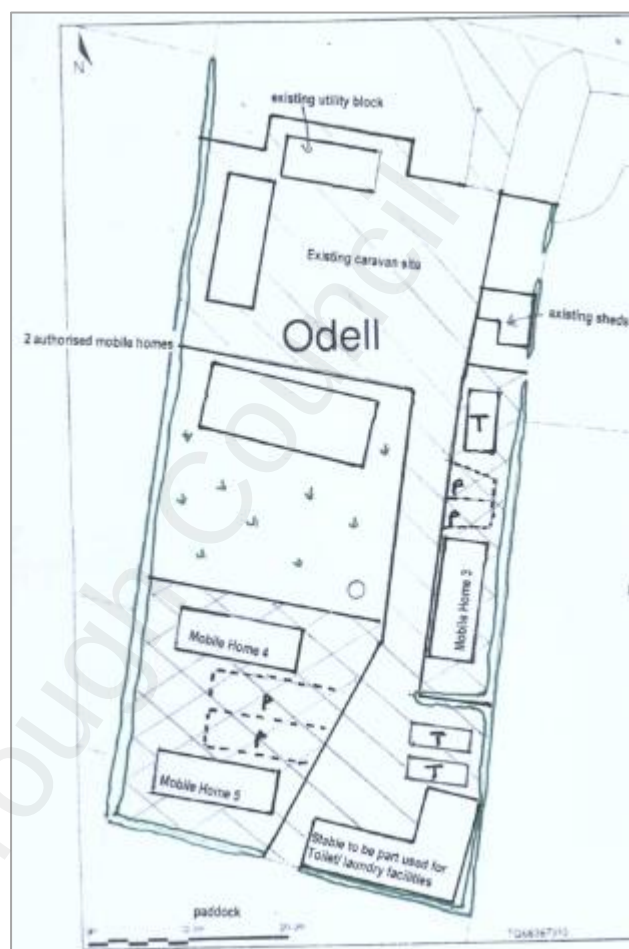
This application seeks full planning permission for the change of use of the land as a further extension of the existing Gypsy and Traveller site (approved under 20190823) being a revised site layout to accommodate the approved additional 3 no. pitches including details of hardstanding areas, provision of waste treatment plant and use of part of the stable block as utility areas.

This current proposal, as with the previous 2019 application, is seeking to increase the number of pitches from 2 to 5 and expand the area of hardstanding to accommodate 5 mobile homes and 3 touring caravans. It is not seeking to extend the area used as gypsy site per se, it is seeking to intensify the use of the land to accommodate 5 gypsy pitches, expand the area of hardstanding to accommodate 5 mobile homes, 3 touring caravans and associated car parking. It is also seeking to change the use of part of the existing stable to ancillary utility areas, install a new septic tank, relocate a gas tank and install soakaways.

Proposed Block Plan



Previously Approved Block Plan (2019823)



The proposal involves the relocation of the existing Caravan 1 next to the utility block as it currently sits too close to the septic tank that serves the site next to the western boundary. This septic tank will continue to serve the utility block and Caravan 2 (now proposed as Caravan 1). The approved Caravan 5 will need to be relocated to allow for a new septic tank to serve Caravans 2-5 and the relocated gas tank in this location. The two relocated caravans (approved as 1 and 5, proposed as 4 and 5) are now proposed to be located in the rear paddock with their parking spaces being located alongside served by an extended tarmac area. The approved tourer spaces will remain as approved. The use of part of the stable block as

utility rooms will also remain as approved.

The submitted Planning Statement sets out that, as before, the additional pitches will be occupied by immediate family members of the applicant, who are siblings with a history of travelling together for work and horse fairs. There is no intention to either increase the number of approved plots or introduce other traveller families. The proposal is to allow each of the plots to have more space and better surroundings rather than being cramped within the plot.

Principle Issues

The main issues for consideration in the determination of this application are as follows:

- Traveller status
- Appropriateness of development in the Green Belt
- Impact on openness
- Character and appearance of the surrounding area
- Residential amenity
- Highways and parking
- Ecological impact.

Traveller status

As this is an application for a Traveller site, the first stage is to establish whether the proposed occupants fall within the definition of a Gypsy and Traveller as set out in Annex 1 of the PPTS 2015. This was discussed in the 20190823 application; it was concluded that the plot forms part of an established Gypsy and Traveller site, and the proposed pitches are to accommodate immediate family members of the established occupiers of the site. These occupiers, who are the current applicants, were considered gypsies under the 2005 appeal. The intention is that the proposed occupants remain the same under the current application: the submitted Planning Statement and additional information confirm the additional pitches will be occupied by the same people as detailed under application 20190823, i.e. the applicant and his immediate family only (the already approved additional mobile home units being occupied by his adult children). Whilst no specific evidence has been put forward to demonstrate traveller status, as under the previous application, the established nature and occupiers of this site give no reason to dispute the previous conclusion that the occupants would fall under the gypsy and traveller definition.

It is noted that a condition was placed on the 2019 approval restricting the occupation of the site to Travellers who meet the planning definition. If planning permission were to be granted, it is necessary to consider a recent judgement by the Court of Appeal: *Lisa Smith v The Secretary of State for Levelling Up, Housing & Communities* [2022] EWCA Civ 1391. The case was a challenge to a specific appeal decision and concerned whether the planning definition of Gypsies and Travellers contained in Annex 1 of the PPTS 2015 is discriminatory against Travellers who had ceased to travel due to old age or illness/disability but who lived or wanted to live in a caravan. The Court of Appeal allowed the appeal and quashed the Inspectors decision from 2018 and referred the case back to the Secretary of State for redetermination.

Whilst certain parts of the PPTS planning definition of a Traveller were found to be discriminatory, as the PPTS 2015 itself was not the subject of the case it has not been quashed or declared unlawful at this time. However, in the light of this judgement and given the lack of evidence to support the fact that the occupants meet the planning definition, it is not considered that there is a need to impose such a condition restricting occupancy going forward. The 2005 appeal restricted occupancy through a personal condition; this could reasonably be imposed again in this case.

Whether the proposal is inappropriate development in the Green Belt

As the site lies in the Green Belt there is a need to establish whether the proposal amounts to inappropriate development. Paragraph 137 of the NPPF 2021 highlights the importance of the Green Belt and its role in preventing urban sprawl and keeping land permanently open. Policy E paragraph 16 of the PPTS 2015 is

clear that *“Traveller sites (temporary or permanent) in the Green Belt are inappropriate development”*.

The application submissions do not offer any comment on whether the proposal amounts to inappropriate development or its impact on openness and the purposes of the Green Belt, deferring to the considerations and conclusions reached in the 2019 Officer’s report, i.e. that the harm was limited as a result of the established nature of this traveller site.

As before, the current proposal should be considered against paragraph 150 (e) of the NPPF 2021, which states that material changes in the use of land are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

Whilst this application may be for the same number of overall pitches, and some circumstances remain unchanged from the 2019 proposal such as the proposed occupants, this proposal differs from the previous application in that two of the caravans and areas of hardstanding will extend further to the rear of the site, beyond the red line boundary of the 2019 application. This would affect the openness of the site in this location and would conflict with one of the purposes of the Green Belt, which seeks to safeguard the countryside from encroachment. On face value, the proposal would therefore appear to conflict with the requirements of paragraph 150 (e) of the NPPF 2021, which would indicate it would amount to inappropriate development, which is by definition, harmful to the Green Belt.

Harm to openness and the purposes of including land within the Green Belt

However, as set out in paragraph 150(e) of the NPPF 2021, it is necessary to consider the level of harm to openness from the proposal that would result from increasing the area of hardstanding, parking and stationing caravans over and above that resulting from the 2019 application. It needs to be borne in mind that the Courts have held that the impact on openness has both a spatial and visual dimension and it is a matter of planning judgement as to whether the proposal will result in (any) harm to openness.

As stated above, 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 permanence. Paragraph 001 of the Planning Practice Guidance 2019 on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the activity levels generated.

The site is part of a small cluster of residential and commercial development, all within close proximity of Chalk. In this case, the site is a well-established traveller site with an existing permission for 5 pitches. The original use of the land granted for stationing caravans (albeit for two pitches) covered a larger site area than that currently proposed. The proposal would involve spacing out the pitches already granted permission on the site and repositioning two of them to the south side of the hedgerow along the existing rear boundary. This would result in a less cramped layout within the existing site boundary, but the relocated pitches would remain closely associated with the approved pitches and stable building at the rear of the site. However, the spread of the caravans beyond the exiting site boundary would have an impact on the spatial characteristics of the site, introducing caravans into part of a currently open field.

From a public vantage point, the relocated pitches and extended hardstanding would not be readily visible from the front boundary along Lower Higham Road due to the distance from the road and existing boundary screening. Similarly, from Church Lane to the east, which is on a lower level than the application site, views of the site are limited and restricted by existing boundary treatment:

Site Visit Photos



Current Google Street View



Whilst the introduction of additional caravans further to the south beyond the existing site boundary would affect the openness of the site in this location, the visual impact would be relatively limited and localised.

It must be recognised that 5 caravan pitches have already been approved on the existing site, and therefore the impact on openness from such a development has already been accepted in this vicinity, particularly compared to the impact that a new site would bring. Given the close proximity and relationship of the two relocated pitches to the existing site boundary the impact would not be significantly greater than what has already been approved. The presence of the 2 caravans could be further ameliorated with the conditioning of additional planting and landscaping around the boundaries.

It is additionally important to consider the detailed impacts on openness, including on how it affects the character and appearance of the area.

Character and Appearance

The site is part of a cluster of rural development approximately 0.5km to the east of Chalk. There is a mix of residential and commercial development surrounding the site. The site itself has a well-maintained, largely residential appearance from Lower Higham Road with the presence of the utility block close to the frontage. It has been constructed using high quality materials that fit in with the rural character of the area.



Current Google Earth Image



There is an area of gravel to the rear of the utility block, with a tarmac path beyond leading to an existing stable building in the south-eastern corner of the site. Behind this there is a large hedge with a gap leading through to a further open grassed area, enclosed with post and rail fencing and planting around the boundaries.



Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects the character and appearance of the surrounding area.

The application site is located in the Higham Arable Farm Landscape Character Area and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) will be taken into account in determining applications. The LCA states the area is defined by gently undulating topography with open arable farmland, hamlets and settlements, isolated farmsteads and scattered properties with locally distinct styles and materials that contribute to the rural character of the area. The condition of the landscape is generally poor, its sensitivity moderate. The guidelines for the area focus on restoring landscape elements in poor condition, whilst safeguarding it as a prominent landscape feature within the wider landscape.

The proposed caravans would not appear out of place in this location, due to the presence of the existing caravan site. The proposed relocated caravans would be enclosed by established boundaries around the site and the remainder of the field would remain untouched. The proposed relocated caravans would be typically low in scale and located at a sufficient distance away from nearby roads/footpaths such that visibility of the site from a public vantage point would be limited. If the site boundaries were more established in terms of planting, views would be further restricted.

There are no cumulative impacts from similar proposals in the immediate vicinity, and the scale of the site does not dominate the nearest settled community or place undue pressure on local infrastructure, in line with Policy C of the PPTS 2015.

In terms of surfacing, the plans demonstrate the proposed area: the relocated caravans will sit on concrete pads and the roadway leading to them will make up its total extent. The areas around the caravans will be retained as grass. This could also be restricted by condition.

Overall, the visual impact of the proposal would be limited and localised. Providing further planting and landscaping around the area, including the consideration of the type of surfacing to be used to soften its effect, such as grass crete (or similar) for parking spaces and the extended access road, would help reduce this impact still further and, on this basis, whilst there is some conflict with the conservation requirements of Policy CS12 of the Local Plan, it is not considered that this is significant enough to justify a refusal on the basis of the harm to the character and appearance of the area.

Whilst the proposal would result in additional built development on the site, it would not represent a significant change in the character and appearance of the site and would not therefore result in any significant adverse visual impact on landscape character. It must also be considered that caravans are not permanent and could be removed, and the site could revert back to a paddock when they are no longer required. There would also be no difference in activity levels related to the presence of caravans than has already been accepted.

These factors together limit the impact on the landscape and indeed, on openness. Provided planting and landscaping details are conditioned, whilst the proposal would alter the openness of the site, the impact would be limited and can be reduced. Therefore, the proposed change of use of the land with an alteration in the layout of the approved caravan pitches on the site is considered to be appropriate development in the Green Belt that would preserve openness and landscape character, and would comply with the overall aims of Policies CS12 and CS19 of the Core Strategy 2014, and paragraphs 130, 150 and 174 of the NPPF 2021.

Very Special Circumstances

Having established that the proposal would be appropriate in the Green Belt, it is nevertheless important to consider the other factors that would outweigh any harm so as to amount to the very special circumstances required to justify the proposal, as set out in paragraph 147 of the NPPF 2021.

These considerations include the planning history of the site, which as discussed above, has a current approval for a change of use to include an additional 3 pitches albeit on a slightly smaller site area. Policy CS17 of the Core Strategy 2014 seeks to safeguard traveller sites with permanent planning permission for their current use and this proposal would enable that. This is a significant material consideration.

There is also the matter of the need for and provision of traveller sites. In this regard, the 20190823 report identified that there was an unmet need for Gypsy and Traveller sites and a lack of a 5 year supply of sites, as required by the PPTS 2015, which carried weight in support of the application.

This remains the position. Since the 2019 application the Gypsy and Traveller Accommodation Assessment has been updated. The latest publicly available GTAA was completed in 2018 and provides a sound estimate of future pitch needs over the Core Strategy plan period (2028) and the emerging Local Plan period (2037), broken down into 5 years periods is as follows:

Figure 1 – Additional need for Gypsy and Traveller households in Gravesham (2017-2028/37)

Status	Total 2017-28	Total 2028-37
Meet Planning Definition	24	7
Unknown	0-5	0-4
Do not meet Planning Definition	6	4

Figure 2 – Additional need for Gypsy and Traveller households in Gravesham that met the Planning Definition by year periods

Years	0-5	6-10	11	12-15	16-20	Total
	2017-22	2022-27	2028	2028-32	2032-37	
	19	4	1	3	4	31

Since the completion of the GTAA 2018, 10 additional pitches have been permitted, including the 3 pitches permitted at O'Dell Farm under application 20190823. There remains an outstanding need for 14 pitches to meet the needs of those Gypsies and Travellers who meet the planning definition set out in Annex A of the PPTS, over the Core Strategy plan period (2028), to which weight should be given in the final balance.

Additionally, the personal circumstances of the proposed occupants should be considered as part of other factors that could outweigh any harm to the Green Belt.

In this particular case, the agent has confirmed that the proposal to extend the site into the rear field is to allow each of the plots to have more space for their individual use, to allow one of the existing caravans to move away from the existing septic tank, to provide sufficient space for an additional septic tank and the relocated gas tank to keep all the services together away from the caravans, and to comply with caravan site licencing requirements. The agent has confirmed there is no change in the circumstances of the proposed occupants from the 20190823 application; the approved caravans will be occupied by the adult children of the applicants.

As with the previous 20190823 application, apart from the desire to provide a settled base for the applicant's extended family members, and to enable the children to be enrolled in a mainstream school, no other health, education or personal circumstances have been presented as part of the application in order to justify the creation of additional pitches on land identified as Green Belt with regards to very special circumstances.

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. Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

The established nature of the application site as a traveller site, together with the existing planning permission for the same proposed number of pitches on the site weigh in support of the application. However, whilst there is a demonstrated outstanding Gypsy and Traveller need for pitches in the area, as the PPTS 2015 sets out, subject to the best interests of the child, personal circumstances and unmet need would not outweigh the harm to the Green Belt so as to establish very special circumstances. No best interests argument has specifically been put forward, which does limit the weight given to this matter; however, when also considering the existing use of the site and its planning permission, this would all together be considered to amount to very special circumstances.

Residential Amenity

The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be

located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Future Occupiers

The proposed caravans and associated infrastructure would provide adequate living conditions for the occupiers. Indeed, the current proposal would ensure an improved living experience for occupiers compared to the existing permission, with better space around and between the proposed caravans. As such, it is considered that the proposed development would be in line with Policy CS19 of the Core Strategy 2014.

Neighbouring Properties

Although there are residential properties located opposite, due to their separation from the site across Lower Higham Road, it is considered that the proposed development would have no significant adverse impact on residential amenities in terms of loss of outlook, light, privacy or increased noise and disturbance. This is evidenced by the lack of objections to the proposal. There are therefore no conflicts with the amenity requirements of Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF 2021.

Parking and Highways

Parking and highway safety would be unaffected as a result of the proposal. There would therefore be no conflict with Saved Policy T1 of the Local Plan 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Biodiversity

In considering biodiversity impacts, regard should be paid to conserving biodiversity in line with the Council's duty under Section 40 of the Natural Environment and Rural Communities Act 2006 and paragraph 174(d) of the NPPF 2021, which seeks to ensure that decisions contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. It is noted that Policy CS12 of the Core Strategy 2014 (which seeks to secure no net loss of biodiversity) is out of step with the more recent policy approach in the NPPF, which makes specific reference to the need to provide net gains.

The NPPF 2021 in paragraph 180(a) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for, then planning permission should be refused.

No ecological details were provided with the 2019 application, and nor have any been provided with the current application. Advice from the KCC Ecologist has raised the potential of connectivity for reptiles/amphibians via mature hedgerows and adjacent scrub habitat. However, given the existing permission, it is unlikely that significant harm to biodiversity would occur and in this instance control can be gained with the implementation of appropriate mitigation measures that were not included on the previous application. These can include lighting design plans and biodiversity enhancement plans, to include the addition of native planting.

On this basis, the application would be considered to adequately address biodiversity issues.

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

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar

sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £827.64 is required (given there would be three additional pitches proposed on the site).

The applicant has signed a SAMMS Contribution Agreement and has paid the appropriate tariff for the development, which would help put in place adequate measures to mitigate against potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites and would meet the requirements of paragraphs 174 and 180 of the NPPF 2021 and Policy CS12 of the Core Strategy 2014.

Archaeology

The site lies within an area of archaeological potential. However, it is considered unlikely that the proposals would have a significant below-ground archaeological impact. The proposal therefore complies with Policy CS20 of the Core Strategy 2014 and paragraph 197 of the NPPF 2021.

Drainage

Details have been submitted relating to the proposed drainage works for the site, including a new sewage treatment plant and soakaways. No objections have been raised in relation to these details and a condition is not considered necessary. An informative relating to Building Regulations Approval should be added for the consideration of the applicant.

Conclusion and Recommendation

As considered under previous applications, the proposed occupants would fall within the definition of a Gypsy and Traveller as set out in Annex 1 of the PPTS 2015, and as demonstrated in its planning history, the application site is considered an established Traveller site.

The main issue in the consideration of this proposal therefore concerns whether the proposal amounts to inappropriate development in the Green Belt, which is dependent on whether openness is preserved and that it does not conflict with the purposes of including land within it.

In this case, whilst the introduction of caravans beyond the existing site boundary would affect the openness of the site in this location, the visual impact would be relatively limited and localised, and could be further ameliorated with the conditioning of additional planting around the boundaries and landscaping.

It is recognised that 5 caravan pitches have already been approved on the existing site, and therefore the impact on openness from such a development has already been accepted in this vicinity, particularly compared to the impact that a completely new site would bring. Given the close proximity and relationship of the two relocated pitches to the existing site boundary the impact would not be significantly greater than what has already been approved. In terms of the character and appearance of the site and surrounding area, the proposal would not result in a significant change over and above what has already been approved and would not therefore be detrimental to the landscape character of the area.

It must also be considered that caravans are not permanent and could be removed, and the site could revert back to a paddock when they are no longer required. There would also be no difference in activity levels related to the presence of the caravans than has already been accepted.

Altogether, this is considered to limit the impact of the development on the openness of the site and the encroachment into the countryside, together with the effect on landscape character. Therefore, the proposal is considered appropriate development in the Green Belt and would comply with paragraphs 130, 138, 150(e) and 174 of the NPPF 2021, Policies CS02, CS12, CS17 and CS19 of the Core Strategy 2014. To add weight to the argument, this established Traveller site with an existing permission for the same number of pitches as those proposed would provide the very special circumstances needed to outweigh any harm to the Green Belt from the development.

Subject to conditions, the proposal is also considered acceptable with regard to amenity, parking and

highway safety, biodiversity and archaeology issues, and accordingly the application is recommended for approval.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Miss Faye Hobbs
Signed:	<i>K. Parkin</i>	Signed:	
Dated:	28 February 2023	Dated:	01 March 2023