



Delegated Report

Planning Application

Planning Application No: 20251267

Location: Millers Farm Gravesend Road Fairseat Sevenoaks

Description: Extension of existing traveller site to provide 6 additional mobile home units.

Applicant: Mssrs A.J & J.A Vine & family

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Millers Farm 2007 Site Plan;
Drawing No. 001 Rev A – Location Plan
Drawing No. 002 Rev A – Existing Block Plan;
Drawing No. 003 Rev A – Proposed Block Plan;
Drawing No. 004 Rev A – Proposed Typical Unit; and
Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20211456	Application for approval of condition 6 attached to planning permission reference number 20171128 relating to a parking plan.	Approval of details	05.05.2022
20171128	Continued use of the land as three pitches to accommodate the stationing of three mobile home units, two touring caravans with the continued use of the barn as a store and utility room for three gypsy/traveller families.	Permitted	30.07.2020
20120998	Continued use of land for two pitches to accommodate two mobile homes, touring caravans and utility building for gypsy/traveller families.	Permitted	15.02.2013
20090104	Use of land as a private gypsy and traveller's site for two pitches to accommodate two mobile homes.	Permitted	16.11.2009
20070384	Application for renewal of temporary planning permission reference number GR/2006/236 for the continued use of the land for the stationing of two residential caravans and one touring caravan on a permanent basis.	Application Refused	26.07.2007
20060236	Application for renewal of temporary planning permission reference number GR/2004/1097 for the continued use of the land for the stationing of two residential caravans and a portaloo.	Permitted	12.05.2006
20041097	Application for renewal of temporary planning permission reference number GR/2003/1001 for the continued use of	Permitted	03.02.2005

	the land for the stationing of two residential caravans and a portaloo.		
20031001	Application for renewal of temporary planning permission reference number GR/2000/92 for the continued use of land for the stationing of two residential caravans and a portaloo.	Permitted	12.01.2004
20010009	Variation of condition 5 of planning application reference GR/00/92 for the change of use from agriculture and stabling to residential for two gypsy families in caravans, to extend the area of hardstanding within the site; and erection of post and wire fence.	Permitted	02.03.2001
20000092	Continued use of land for the stationing of residential caravans and the stationing of a portaloo.	Application Refused Appeal Dismissed	03.05.2000 10.10.2000
19990516	Demolition of existing garage and erection of two storey side extension to form enlarged kitchen, utility room and attached garage with 2 no. bedrooms over.	Permitted	26.10.1999
19910770	Continued use of land for the stationing of one caravan/mobile home for use by a gypsy family.	Application Refused	27.02.1992

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 (2016)
- Gypsy and Traveller Accommodation Assessment (GTAA) Final Report (2025)
- 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

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

- 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.

Other Advice

Ancient Woodland, Ancient and Veteran Trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

You can also use the following inventories in your decision-making:

- the Woodland Trust's ancient tree inventory (ATI)
- Natural England's wood pasture and parkland inventory (includes ancient sites) on the Magic map system.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

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

Environment Agency –

We have **no objection** to proposed development; however, we offer the following advice and **request an informative** on foul drainage.

Please refer to the following sections for our full response:

- Section 1: Technical comments
- Section 2: Informative

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

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.

Technical Comments

The site is located within a Source Protection Zone 3 and upon a principal aquifer. Groundwater is therefore sensitive in this area.

We understand from the application form that the drainage proposal is for soakaway and septic tank. The application does not demonstrate why a connection to the existing public foul sewer (located 30m from the redline boundary) would not be feasible.

Due to the non-major scale of development, we do not object to the proposed development. We however provide the following advice on foul drainage and, should planning permission be granted, we request that the informative set out in Section 2 of this letter be included on the relevant decision notice.

Advice on 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:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. 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.

Informatives

- 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".

Southern Water –

Please see the attached extract from Southern Water records showing the approximate position of our existing sewer and water main assets crossing/in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.



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

Hierarchy of Building Regulations H3 for disposal of surface water - not yet provided documentation proving compliance

If the applicant has not already provided documentation demonstrating compliance with the surface water hierarchy reflected in part H3 of the Building Regulations, as shown below, we will require this to be provided where surface water is being considered for discharge to our network. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer

- Combined Sewer

Guidance on Building Regulations is here: <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h>

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

Where a surface water connection to the foul or combined sewer is being considered, this should be agreed by the Lead Local Flood Authority, in consultation with Southern Water.

Condition

We request that should this application receive planning approval, the following condition is attached to the consent: Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Local Flood Authority, in consultation with Southern Water.

Septic tank proposed

The Environment Agency should be consulted directly by the applicant regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation.

KCC Fire and Rescue

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20251267 I would like to make the following observations.

Upon reviewing the plans on the planning portal, I can confirm that on this occasion, it is my opinion that the emergency access requirements under the above act appear to have been met.

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.

KCC Heritage

In this instance I suggest that no archaeological measures are required.

KCC Highways and Transportation

We consider that the proposals would result in an intensification of use of the existing access on Gravesend Road, which is a classified 'A' road and visibility splays are therefore required. As the access is located within the 40mph speed limit, visibility splays of 2.4m x 104m are required in both directions, drawn to the nearside kerb line, with no obstruction over 1.05m above carriageway level within the splays.

The splays must only fall over land that falls under the control of the applicant or KCC as the local

highway authority.

Due to the close proximity of public footpath NS278, the West Kent PROW team here at KCC needs to be consulted separately on these proposals.

KCC Public Rights of Way

Comments not received.

KCC Biodiversity

BNG -exemption custom and self build. We defer to the LPA if this meets this custom and self build criteria

No Ecology submitted and managed grass field shows limited other vegetation and bare ground in places and limited opportunities for protected species present on the site.

We highlight increased recreational impacts from additional occupants at this site may affect the ancient woodland Westfield/Hall Wood, which is within 50m of this site but we note from Google Streetview Dated March 23 that this woodland has security fencing so may not be accessible.

Precautionary measures will be required for wildlife and the prevention of dust, light and noise pollution to the ancient woodland during construction. Condition wording (3)

A sensitive lighting plan condition is required (2)

An enhancement plan condition is required (1) We suggest a native species planting plan is implemented, with a hedgerow suggested for the site boundary. Bat and bird boxes can be difficult to implement on mobile home/touring caravans and a lack of trees is noted within the site. Other suitable measures for this site are log piles and insect homes for sheltering opportunities for reptiles/amphibians and insects

Suggested Condition Wordings

1. Ecological Enhancements

Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The Plan shall include full details of the biodiversity enhancements to be implemented on-site. The Plan shall include native species planting, the creation of hedgehog highways (by creating small 13×13cm gaps in any close board fencing), the provision of bee bricks/insect houses and the provision of log piles/artificial refugia for reptiles and amphibians.

The Plan shall be implemented in accordance with the approved details, and all features shall be retained in that manner thereafter.

2. Sensitive Lighting (if any external lighting is proposed)

Prior to occupation, a lighting design plan for biodiversity shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be maintained thereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c). With consideration for bats and other nocturnal wildlife in accordance with the NPPF 2024, paragraph 187(d).

3. Precautionary Works Method Statement

From commencement of works (including site clearance), to avoid impacts to protected and priority species and habitats, the following precautionary mitigation shall be implemented:

- i) Any hedgerow and trees to be retained, including its roots, shall be protected from damage in line with The British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012);*
- ii) Measures will be in place to prevent dust, light, noise, waste and run off pollution affecting Westfield/Hall Wood ancient woodland;*
- iii) All temporarily stored building materials (that might act as temporary resting places) shall be isolated within hardstanding areas and raised off the ground, e.g. on pallets.*
- iv) Any work to vegetation/structures that may provide suitable bird nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If within the breeding bird season a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works.*
- v) If at any time a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted.*

Meopham Parish Council

After reviewing the submitted documents and discussing the proposal, the Parish Council resolved to object to this application as the applicants are in breach of previous permissions and have already started the works on a site that they have already developed beyond the agreed site.

Dickens' Protection Society

The Society wishes to register an objection to the application.

The site is outside the original approved area, on land within which Green Belt Policies apply. The application if approved would result in 6 dwellings in the Green Belt.

Internal Consultees

Gravesham Environmental Protection –

The following to be considered:

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

Consultation was by way of the displaying of a site notice on site 13 January 2026 and individual letters sent to eight surrounding properties, with an overall expiry date of 24th February 2026. Three letters of objection were received making the following summarised comments;

Previous Permission Concerns

- Conditions on 2017 not being complied with;
- More static caravans on site than 2017 permission allows;
- 2017 application states no bonfires or incineration – not being these have occurred;
- Consent states no external lighting without permission – Permanent lighting is present;
- Approved parking and turning area extend beyond the approved footprint onto open land;
- Fencing erected not included in the 2017 permission;
- No landscaping implemented as per the approved details;

Current Application

- Caravan located in the first location of the current proposal;
- Inaccuracy of current application and accompanying plans;
- Current application states no work or change has occurred – incorrect declaration;
- Site is visible from public footpath – application form states it is not;
- Change in proximity and activity;
- Current application proposes substantial intensification of use;
- Introduction of residential accommodation directly alongside boundary;
- Would materially alter the character of this boundary area compared with the existing arrangement;
- Scale of the divergence from the 2017 permission;
- Hardstanding and fencing already in place;
- Will set a precedence;
- Inappropriate development in the Green Belt;
- Impact on openness;
- No very special circumstances;
- Overdevelopment and excessive intensification of use;
- Unacceptable level of activity;
- Harm to residential amenity – noise and disturbance;
- Loss of privacy and overlooking;
- Proposed caravans located close to boundary and higher land, resulting in overlooking;
- Highway safety and increased traffic generation – vehicle movements, visitors, deliveries and service vehicles;
- Lack of sightlines – highway hazard;
- No transport assessment been submitted;
- Ecological impact – protected species (bats);
- Failure to demonstrate traveller need or deliverability – no evidence to demonstrate the genuine need for the additional units;
- The application seeks to justify further development and failure to comply with existing planning



conditions;

- Other sites within the applicant's ownership which can be used instead of a Green Belt location – no assessment of alternative sites or why further development needed on this site.

Officer's Analysis

Site Description

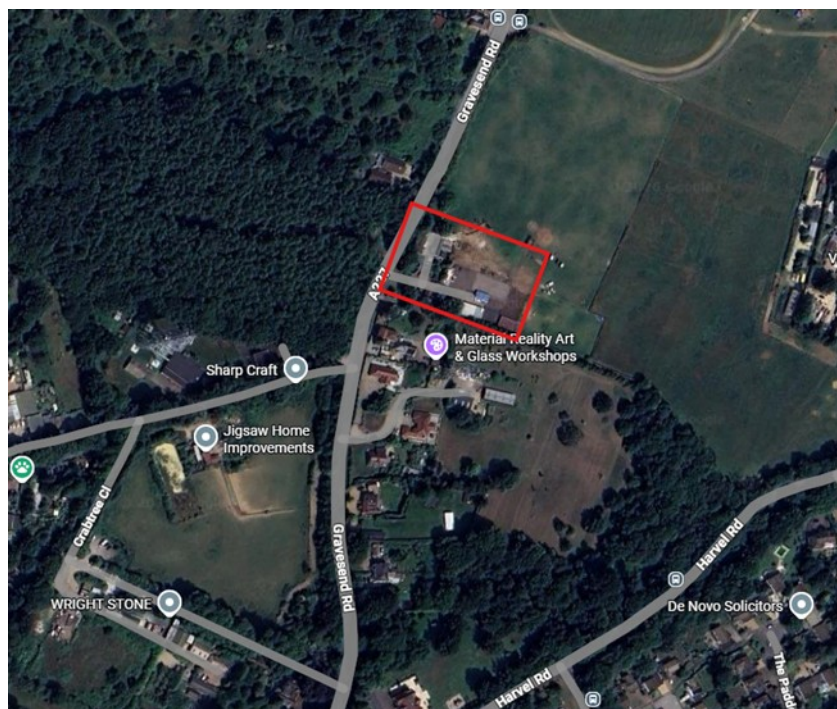
The application is located on the eastern side of Gravesend Road (A227) in the area of Fairseat.



To the west of the proposed application area, but still within the red line boundary is the existing approved area for three mobile home units, two touring caravans with the continued use of the barn as a store and utility room for three gypsy/traveller families (Planning App. Ref. 20171128).

To the north of the site are open fields and further north is the rural settlement of Culverstone Green. To the east is open fields and woodland and Harvel Road and Vigo Village, to the south is the properties of The Grange and Hartland Lodge and further south is Trosley Country Park, the M20 motorway and Wrotham. Directly west is Westfield/Hall Wood Ancient Woodland and further west is the rural settlement of Fairseat.

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



The application site lies within the Green Belt, Meopham Downs Landscape Character Area, Grade 3 Agricultural Land, Archaeological Notification Area, Rose Farm Article 4 Direction and a groundwater source protection Zone 3.

As can be seen from the following satellite images, the site is located in the open countryside where there are grazing land to the north, east and south, with horses grazing, along with shelters:

Pre-Existing (image dated 23.04.20)



Existing (image date 06.08.2025)



Background

The application site is a part of a wider site with a fairly extensive planning history spanning from 1991 for the use of the site for the siting of mobile units for gypsy/traveller use. The most recent application for the regularisation of the use of the land for the Continued use of the land as three pitches to accommodate the stationing of three mobile home units, two touring caravans with the continued use of the barn as a store and utility room for three gypsy/traveller families (App. Ref. 20171128) was approved in July 2020.

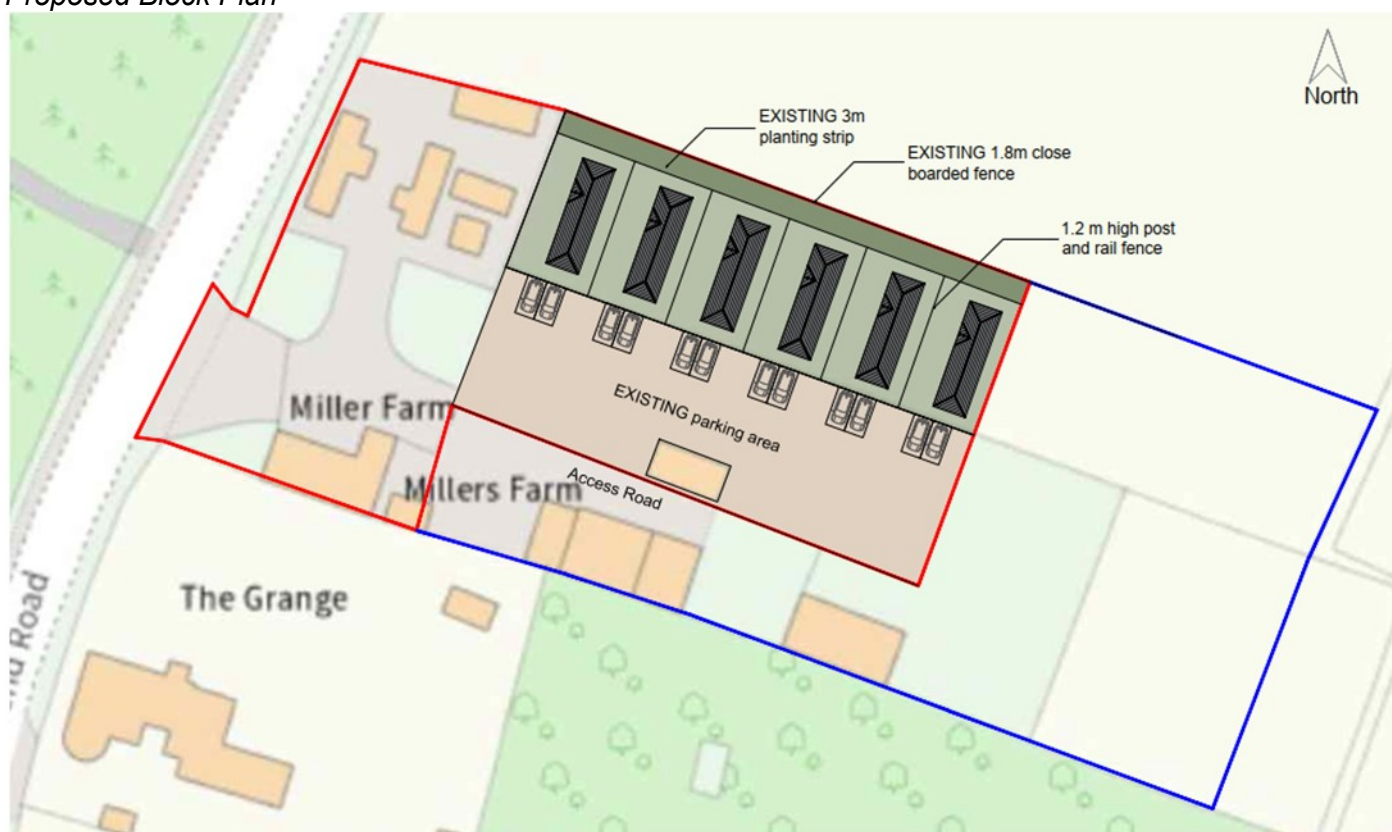
The following site plan shows the extent of the development and the 2017 application approval:



Development Proposal

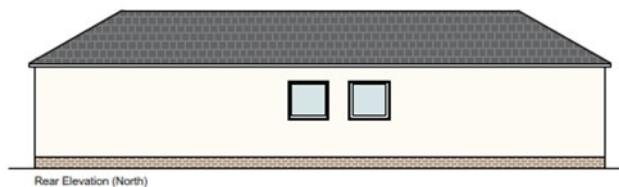
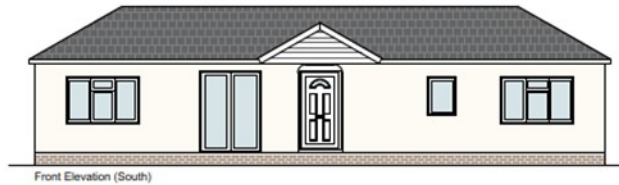
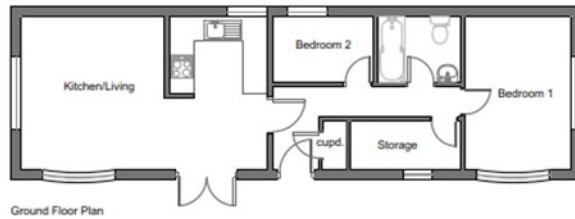
This application seeks planning permission for the extension of existing traveller site to provide 6 additional mobile home units to be occupied by the grandchildren of the authorised occupiers.

Proposed Block Plan



As can be seen from the image above, the proposal would result in more than double the size of the existing plot, increasing the area of development from 0.16 hectares to 0.42 hectares and an 150% increase on the number of units on the site.

Proposed Units



Each unit would have a kitchen/living area, bathroom, storage and 2no. bedrooms. 2no. parking spaces would be provided for each unit.

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 Justification
- Cumulative Impacts
- Character and Appearance
- Sustainable Location
- Effects on Residential Amenity
- Parking and Highway Safety
- Drainage
- Biodiversity
- 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 400m away to the east and is the third tier settlement Vigo, further to the north of the site some 1,100m away is the third tier settlement Culverstone Green.

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 Vigo may have undergone changes. Taking into consideration the overall settlement characteristics of Vigo Street, the location of Gravesend Road and

the limited built form within the immediate area, it is clear that the site is outside of a village. As such, it is considered this site is very much removed from the settlement of Vigo or Culverstone Green.

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.

As can be seen from the history of the site, there is authorised permission for three units on the western part of the site which was approved in 2017. The remainder of the site to the east, the subject of this application has been used for parking and grazing, together with the presence of storage buildings and shelters which would lend itself to being previously developed land.

One of the most significant changes to the NPPF in December 2024 was the loosening of restrictions on the redevelopment of previously developed land (PDL).

The previous NPPF stated that PDL could not have any greater impact on openness than the existing situation which essentially meant a like for like replacement. The current version of the NPPF instead now allows redevelopment of PDL land which would not cause Substantial Harm to the Openness.

There is no policy requirement for volumetric calculations between existing and proposed development on PDL land and a development may be larger than the existing development on the site until point where substantial harm threshold is crossed.

Referring back to paragraph 154(g) of the NPPF, this allows for the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential), which does not cause **substantial harm to the openness of the Green Belt**.

With this current application, the land that is the subject of this application has been cleared of vegetation and has been hard landscaped for parking and turning for the existing use of the site. The following images show that the application site has had vehicles and structures on it since 2001;

Satellite Images:

2001

2003

2007



2013



2015



2017



2019



2022



2025



2019



2022



2025

The proposal is for the siting of mobile units for residential use and as such is temporary in nature. Whilst the built form would increase above the existing, the use of the land would remain as residential and with the mobile units being temporary in nature, it is not considered that the proposal would result in substantial harm to the openness of the Green Belt and would accord with paragraph 154(g) of the NPPF (2024).

Grey Belt

Paragraph 155 of the NPPF (2024) 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 Vigo 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 there are no historic towns in the Borough, 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.

In context with Para. 13 of the PPTS, it is necessary to assess the sustainability of the site (paragraph 155 (c) of the NPPF). Paragraph 8 of the PPTS states that planning applications for traveller sites should be assessed and determined in accordance with presumption in favour of sustainable development. However, it is also widely acknowledged Gypsy and traveller sites will almost inevitably be located in countryside locations. In this instance, the site lies just outside the defined confines of the villages of Culverstone Green and Vigo, approximately 8 miles south of Gravesend Town Centre.

The villages of Culverstone Green and Vigo have local services, amenities and public transport links to Gravesend Town Centre and beyond. Therefore, whilst in location where occupants of the mobile additional accommodation provided would be heavily reliant on the use of the private car, the site is not considered to be so far removed from basic services and public transport links as to justify a refusal of planning permission on grounds that it would constitute an unsustainable development.

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 sustainable in accordance with paragraphs 13 and 26 of the PPTS.

The principle of the proposed development is therefore acceptable in the Green Belt, especially taking into consideration the existing use of the site. The proposal would be in accordance with 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, with the exception that it is stated for the 'grandchildren of the authorised occupiers'. No information as to the names of the occupants of the pitches, or any additional detail on their ages, schooling, health needs etc.

As such, it is not considered the information provided is adequate 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.

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 northern boundary of the site which is visible from Gravesend Road on the approach from the north. Unlike the existing pitches which are in a smaller square cluster towards the west of the site, 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 6 pitches, with 2no. parking spaces each, post and rail fencing and a number of other vehicles for the occupants. There is no mention of tourers being located on the site, either within the supporting Planning Statement or on the proposed plans, however given the nature of the use and the existing occupants having 2no. tourers for 3 pitches, it would be expected for one tourer for each

unit at least to also be provided on site, adding to the impact of the proposal. 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 from Gravesend Road and therefore the application site and development is visible. The proposed plan indicates an existing 3m planting strip, however this is obscured by 1.8m close board fencing, which is highly visible from Gravesend Road. 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. 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 are a number of residential properties within close proximity to the site. An increase of 6 additional pitches containing 2 bed (3 person) would have the potential for an additional 18 residents on the site, together with 12 additional parking spaces, resulting in a possible excess of 24 additional vehicular movements per day. However, the access road is located 43m from the side elevation of The Grange, with some 71m from units themselves. This together with the busy Gravesend Road, it is not considered that there would be additional noise or disturbance from comings and goings to warrant a refusal.

Whilst the new pitches would be located further east into the site, they would be located over 36m from the boundary with The Grange and 71m from the units to the side elevation of The Grange. Taking this into account, together with the units being only 3m in height, there will be no detrimental impact to any neighbouring dwellings in terms of loss of outlook, daylight, sunlight or privacy.

Therefore residential amenity of the future occupiers and neighbours 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 Gravesend Road 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, that could not be overcome with revised details.

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

We consider that the proposals would result in an intensification of use of the existing access on Gravesend Road, which is a classified 'A' road and visibility splays are therefore required. As the access is located within the 40mph speed limit, visibility splays of 2.4m x 104m are required in both



directions, drawn to the nearside kerb line, with no obstruction over 1.05m above carriageway level within the splays.

The splays must only fall over land that falls under the control of the applicant or KCC as the local highway authority.

As shown in the photographs below the gate is set back significantly and are inward opening. The plans demonstrate that the gate is approx. 13.95m from the edge of the highway, which would not 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).

Proposed Access



With regards to visibility splays, the block plans do not show vehicular splays that meet the requirements for a classified 'A' road and visibility splays of 2.4m x 104m are required in both directions for a 40mph speed limit. If permission had been forthcoming, revised plans would have been requested to address this issue.

Due to the lack of vehicular clearance from the highway to the access gates and lack of visibility splays the proposal 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.

Public Rights of Way

To the north of the application site is a public footpath NS278 which crosses the applicant's agricultural land to Harvel Road.

KCC Public Rights of Way were consulted on this application but comments have not been received. If permission were forthcoming, appropriate informatives could be added to avoid the stopping up or diverting of the public footpath.

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 states 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 application does not contain any information relating to drainage provision for the proposed site.

The Environment Agency has commented and raised no objections, subject to a suggested informative. If the application were to be supported it is recommended that this informative would be added. Subject to this informative, 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, there is currently limited biodiversity on the site due to the existing use for parking, the wider use of the site for Travellers and the removal of any vegetation already. The application is also supported as a self-build and therefore BNG does not apply. If planning permission were forthcoming, a condition could be added to secure biodiversity enhancements.

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). Through the clearing of the land, a significant amount of biodiversity has been lost on site and no attempt has been made to mitigate against this. Without a detailed ecological report it is not possible to assess the extent of loss. KCC Biodiversity raised no objections to the proposal and provided suggested conditions of ecological enhancements, precautionary works method statement and sensitive lighting. If the application were to be supported it is recommended that these conditions would be imposed. Therefore, subject to the suggested conditions, the proposed development accords with Policy CS12 (LPCS) and paragraph 187 of the NPPF (2024).

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 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 whilst there is an existing Traveller family on the site, there has been no demonstrable need for the grandchildren of the authorised occupier to reside at the site and therefore 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.

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.

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 this case, if planning permission is refused the existing authorised family resident at the site would still be able to reside at the site, in line with the existing permission and as such would not have a detrimental impact on their need for accommodation. Without any further information to the intended occupants, such as any children, it is not possible to assess the impact upon any children or the need to access health services. As such Article 8 is not engaged.

In addition, 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 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

Whilst 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, the applicant has provided no supporting evidence to corroborate that the intended occupants fall within the PPTS definition. Based on the limited evidence provided to show the applicants meet the definition, the impact on the landscape character, lack of visibility splays and unsafe access combined outweigh the unmet need.

The layout of the extended site 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.

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 proposal would still have a harmful impact on the character and appearance of the area 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 a harmful impact on the character of the area. 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. 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. Whilst the balance is slightly different, the view remains that the interference would be necessary and proportionate having regard to impact on the area and highway safety issues.

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 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 busy and high speed limit 'A' road.

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.

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, 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 may 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 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.

Due to the lack of information and justification relating to the occupants of the proposed units, it is considered the information provided is inadequate to cover the required detail such as personal circumstances, and 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.

The proposed access represents a risk to highway safety by virtue of substandard visibility splays for vehicles egressing from the site onto a busy 'A' road, contrary to 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).

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	R Hart
Dated:	25 th February 2026	Dated:	27 th February