
Appeal Decision

Hearing held on 6 May 2026

Site visit made on 6 May 2026

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2026

Appeal Ref: 6003544

Land South of White Post Lane, Cobham, Gravesend, Kent DA13 9AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hayley O'Donoghue against the decision of Gravesham Borough Council.
 - The application Ref is 20250764.
 - The development proposed is 'change of use of the land for the stationing of 8 mobile homes for gypsy and traveller use, erection of associated day rooms, soft landscaping and laying of hardstanding'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development agreed between the main parties, but omitting 'part retrospective' which is not an act of development.
3. However and notwithstanding how the description has been phrased, the appellant confirmed at the Hearing that permission was sought for the material change of use of land for residential habitation by 8 Gypsy and Traveller households, facilitated by the stationing of 8 mobile homes as well as erection of associated day rooms, soft landscaping and laying of hardstanding. I have considered the appeal on that basis.
4. At my visit, I saw that residential use was occurring on the land, albeit not in accordance with the arrangement shown on the proposed plans. For the avoidance of doubt, I have considered the proposal on the basis of what is shown on the proposed plans.
5. The appeal site is part of a larger parcel of land which is the subject of an enforcement notice in respect of the stationing of mobile homes for residential use and associated touring caravans. This notice was upheld with variations and corrections at appeal in February 2025¹ ('the EN Appeal'). At the time of the Hearing, the notice had not been complied with, but it remains in force.
6. The site is also within an area covered by an injunction which prohibits the use of land for the siting of caravans and mobile homes and use as a gypsy or traveller site. However, the existence of the injunction does not preclude the consideration of an application for planning permission or a subsequent appeal.

¹ Appeal ref APP/K2230/C/23/3328720

7. My attention has been drawn to an appeal decision granting permission for 'change of use of land to form a gypsy/traveller site comprising the siting of 1 mobile home, 1 touring caravan, and 1 dayroom'² ('The Allowed Appeal'). The scheme permitted by the Allowed Appeal showed access from White Post Lane via a track running through the appeal site, with the mobile home, caravan and dayroom situated on an area of paddock to the east of the appeal site. However, I heard that the subject site had been incorrectly identified on the plans provided as part of the Allowed Appeal which should have related to a site further to the east with a separate access from White Post Lane. I observed caravans and an access in this broad location at my visit, and I was informed that planning applications made to the Council for development in this location were currently pending.

Main Issues

8. The main issues are:
- i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness and purposes of the Green Belt;
 - iii) the effect of the proposal on the landscape character and appearance of the area;
 - iv) the effect of the proposal on highway safety;
 - v) whether or not the proposal would be in a suitable location having regard to occupiers' access to services, facilities and sustainable transport modes;
 - vi) the effect of the proposal on biodiversity;
 - vii) the effect of the proposal on European designated and Ramsar sites; and
 - viii) if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate Development

9. The appeal site is located within the Green Belt where Policy CS02 of the Gravesham Local Plan Core Strategy 2014 ('the CS') provides that development will be supported where it is compatible with national policies for protecting the Green Belt and policies in the plan.
10. The Government's Planning Policy for Traveller Sites ('PPTS') provides that Traveller sites in the Green Belt are inappropriate development unless exceptions set out in the National Planning Policy Framework ('the Framework') apply. There is no dispute between the main parties that none of the exceptions set out in the Framework would apply here and I have no firm reason to take a different view.
11. I therefore conclude that the proposal would comprise inappropriate development in the Green Belt which the Framework provides is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances.

² Appeal ref APP/K2230/W/25/3363212

Green Belt Openness and Purposes

12. The appeal site is located on White Post Lane, broadly between Sole Street and Hook Green, Meopham. The Allowed Appeal granted permission for a Gypsy/Traveller site on land to the southeast of the appeal site beyond intervening paddocks, albeit not in the location that I observed caravans. At my visit, I also observed a number of caravans on the adjacent White Post Farm site to the northwest of the appeal site. However, the enforcement notice subject of the EN Appeal requires, amongst other things, the cessation of mixed use for residential and equine purposes and the removal of unauthorised mobile homes, caravans, associated hardstanding and hard core here. The main parties indicated at the Hearing that stables for equestrian use, a caravan for security purposes and a modest area of hardstanding could remain. Pending compliance with the enforcement notice subject of the EN Appeal though, development on these sites would be of limited scale and extent and the remaining Green Belt around White Post Lane near to the site predominantly comprises open fields, paddocks and parcels of woodland. This provides for a distinct impression of openness.
13. I understand that the appeal site itself was formerly undeveloped paddocks which would have contributed to the openness of the area. The appellant accepts that the introduction of residential use facilitated by mobile homes, day rooms and hardstanding as well as associated parking and potential for residential paraphernalia would result in urbanisation of the site and a loss of openness. Fencing to the site's White Post Lane frontage would further reduce openness.
14. The relatively modest height of the development which would be no more than a single storey would help to moderate the effect on openness in both spatial and visual terms. Even so, and despite proposed landscaping which would reduce the area of hardstanding from what I observed during my visit, the number of structures and extent of hardstanding would affect a fairly significant proportion of the site. Fencing is also indicated to the site's White Post Lane frontage.
15. Despite some screening by vegetation and existing fencing to other boundaries, the presence of the development and activity on the site would still be readily apparent in views from White Post Lane, most clearly around the site access, where some appreciation of mobile homes supporting the residential use is likely above the boundary treatment. That said, while there may also be some views from the nearby footbridge over the railway, these would be glimpsed and at some distance and the Council did not identify any other public viewpoints. The appellant further advised that they would be prepared to alter the boundary treatment to the White Post Lane frontage to hedging and post and rail fencing. This could be secured by a planning condition and would reduce the visual impact of development relative to the close boarded fencing which is currently present and which is a fairly stark visual feature that notably intrudes on openness along White Post Lane.
16. The Framework sets out that openness is one of the essential characteristics of Green Belts. Notwithstanding that there may be some other low level structures present in the surrounding area, I consider given the above that there would be a clear loss of Green Belt openness on the site in both spatial and visual terms. However, visual effects would, subject to a condition in respect of boundary treatment to White Post Lane, be localised and relatively limited and I find that harm to openness would be moderate overall.

17. The Framework also sets out that Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment. The appellant does not dispute that the proposal would be contrary to this purpose. The site is of relatively small size against the surrounding area of Green Belt countryside, but extends in a finger from White Post Lane towards the railway. Given that the development on the site would, subject to compliance with the EN Appeal enforcement notice, sit between predominantly open parcels, I consider its presence would stand out awkwardly and result in a conspicuous incursion into this part of the countryside. Overall, I find balancing these factors that there would be moderate harm to the Green Belt purpose of assisting in safeguarding the countryside from encroachment.
18. For these reasons, I conclude that the proposal would cause harm to the openness and one of the purposes of the Green Belt.

Landscape Character and Appearance

19. The appeal site is not subject to any formal landscape designation, and the Council accepted at the Hearing that the site was not part of a 'valued landscape' within the terms of the Framework. I have no firm reason to find differently. Nevertheless, that does not mean that the site is without any landscape value.
20. The Gravesham Landscape Character Assessment 2009 indicates that the site is located within the Meopham Downs Landscape Character Area ('LCA'). Key characteristics of the LCA include gently undulating topography with a mixture of arable and pasture farmland; a neat pattern of small square fields in the south and broader irregular shaped fields to the north; traditional architecture; and narrow lanes and roads lined with hedgerows. It is described as being in good condition with a coherent pattern of landscape elements and few detractors.
21. Near to the appeal site, the railway line is an urbanising influence but other development is typically limited, scattered and of modest scale against surrounding open land and vegetation. This provides for a distinctly rural quality to this part of the countryside and although I did observe more intensive development on the White Post Farm site, I have noted above the requirements of the enforcement notice subject of the EN Appeal which would restore a more rural quality.
22. On the appeal site itself, the former individual paddocks may have had some effect on the field pattern and openness, but the Council's suggestion that paddock fencing was post and rail was not disputed by the appellant. Such fencing and field shelters would be of relatively low height and small scale, limiting the presence of structures and maintaining a considerable degree of openness. As predominantly open paddocks set behind vegetation on White Post Lane, the appeal site prior to development would have reflected key characteristics of the LCA and contributed to the rural character and appearance of this part of the landscape.
23. The proposal indicates landscaping including new hedging and the reinstatement of grass in place of some of the hardstanding which is currently on the site. Even so, it would result in the loss of open paddocks and replacement of a reasonably significant area of former grassland with hardstanding and structures associated with the residential use of the site. I have found above that this would be urbanising and cause a loss of openness.

24. Noting that the Allowed Appeal provides for residential use facilitated by a mobile home, touring caravan and dayroom nearby and that the parties agree that stables and a caravan for security purposes could remain on the adjacent White Post Farm site, the nature of the development would not be wholly exceptional within this area. Nevertheless, the appeal scheme would provide for a much greater spread of development and hardstanding and far more structures and caravans than on these other sites. As a consequence, it would be a significantly larger and more intense presence within this part of the countryside which would be unusual, and which would extend from White Post Lane towards the railway in an awkward finger. Against other development in the vicinity which is of smaller scale and less intensive, the proposal would in my view be intrusive and an incongruous encroachment into the countryside here.
25. I have found above that screening of the site, the relatively limited height of development and potential for amended boundary treatment to the White Post Lane frontage secured by condition would moderate the proposal's visual impact, and that views would be relatively limited and localised. Even so, the proposal would result in urbanisation and loss of openness which would cause marked erosion of the rural quality of the appeal site and an incongruous development which would detract from the character and appearance of this part of the landscape.
26. Drawing these matters together, I conclude that there would be harm, albeit localised, to the landscape character and appearance of the area contrary to Policies CS12 and CS19 of the CS insofar as they include requirements broadly to conserve and enhance landscape character and the character of the local environment. Consequently, the proposal would not be in accordance with Policy CS17 of the CS which supports new sites which accord with policies in the plan including relating to development and design principles and green infrastructure.

Highway Safety

27. Having regard to its observations of traffic speeds on White Post Lane, Kent County Council ('KCC') as the Highway Authority advised that visibility splays of 33m by 2.4m at the site's access to the highway would be acceptable. The appellant confirmed at the Hearing that they did not dispute that this would be the appropriate visibility splay requirement here.
28. It was clear from my observations at my visit that vegetation along White Post Lane presents a significant obstruction to visibility for vehicles exiting the site, including a large, mature tree immediately to the northwest of the site access which substantially limits views along the highway in this direction.
29. The appellant had suggested in their written evidence that suitable visibility splays could be achieved, but no plans or other firm details have been provided to demonstrate this. I also have no detailed topographical survey or tree survey information to clearly show the position of trees. The extent of vegetation that may need to be removed to provide the requisite visibility splays is therefore unclear, but I would certainly expect this to include at least the large, mature tree to the northwest with potential for further removals to either side of the access.
30. The removal of vegetation which was not indicated as forming part of the proposal would have potential for effects on matters such as biodiversity, protected species and landscape character and appearance which I consider could be significant but which I, the Council and interested parties are unable to consider in the absence of

clarity about what would be required and so the likely effects. Moreover, there is no substantive evidence before me to show that the required visibility splays could be achieved within land that is within the control of the appellant and/or highway land and without a requirement to cross any third party land. I cannot therefore be satisfied that suitable standards of visibility could be achieved. In light of the uncertainty around the achievability of visibility splays and the potential for there to be new and additional effects which have not been subject to consultation, I am not satisfied that it would be reasonable or appropriate to defer requirements to demonstrate visibility to a planning condition, nor that such a condition would be reasonable or enforceable if third party land were affected.

31. In my judgement, the very restricted visibility at the access presents a significant risk of conflict between vehicles leaving the site and other users travelling along White Post Lane where the fairly narrow width of the passable highway is further likely to result in traffic from both directions passing by close to the access and reducing opportunities for evasive manoeuvres, exacerbating potential for conflict.
32. I acknowledge that the access is existing, but it is common ground between the main parties that the proposal would increase the use of this access. I have not been provided with any substantive evidence in respect of the level of the increase. However, in the absence of any firm detail to suggest otherwise, I would expect that paddocks on the appeal site would generate a fairly low level of vehicle movements, even if some of those movements could be by larger vehicles such as horse boxes. In contrast, the appellant's evidence includes some references to the proposal being for four plots, but it would accommodate eight Gypsy and Traveller households. They also referred during the Hearing to a typical figure of around eight trips per day per Gypsy/Traveller pitch which would generally accommodate one household. Given that the site is proposed for an extended family, there could be some potential for journey sharing but from the very limited evidence provided, I am unable to determine that there would not be a significant increase in the level of use of the access.
33. Drawing these matters together then, the proposal may utilise an existing highway access, but it has not been demonstrated that suitable standards of visibility could be provided and I find that increased use of this access under the proposal would present a significant increase in potential for conflict between vehicles exiting the appeal site and other users of the White Post Lane highway. I conclude that this would cause significant and unacceptable harm to highway safety and the proposal would conflict with Policy CS11 of the CS and saved Policy T1 of the Gravesham Local Plan First Review 2014 ('the LPR') insofar as they broadly require, amongst other things, that impact on the highway network is mitigated and that developments are adequately served by the highway network.

Location – Access to Services, Facilities and Sustainable Transport Modes

34. In the vicinity of the appeal site, Sole Street offers very limited services or facilities and while there is a railway station, this is around 1.6km from the site by road. Meopham railway station on the outskirts of Hook Green is a similar distance away from the site by road, and it is further to other services and facilities within the settlement. Moreover, the route to reach either Sole Street or Hook Green, Meopham would involve travel along sections of narrow rural roads lacking in lighting, footways or cycleways which would be likely to discourage travel on foot or by cycle. In combination, these factors mean that occupiers of the site would be

unlikely to regularly walk, cycle or use public transport to meet day to day needs and the appellant accepts that there would be a significant reliance on private vehicles.

35. The distances to reach services would not be excessive and the intended occupation of the site by an extended family could enable shared trips. I also note that the proposal would offer occupiers a settled base which the PPTS notes can reduce the need for long-distance travelling. These factors would help to balance and moderate the adverse effects of travel associated with the development overall.
36. I also appreciate that in principle, the PPTS allows for Gypsy and Traveller sites in rural settings and the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. The appellant has additionally referred to appeal decisions elsewhere where they say that traveller sites located further from settlements than would be the case here were held to be sustainable. Nevertheless, it is unclear that these were directly comparable to the full circumstances of the appeal site. Furthermore, the Allowed Appeal concluded that the location of the site in that case could not be considered sustainable. Given its proximity to the appeal site and the evidence before me, including in respect of the appeal site occupiers' requirement for access to education, I find no compelling reason to take a different view.
37. I therefore conclude that the proposal would not be in a suitable location having regard to occupiers' access to services, facilities and sustainable transport modes. Having regard to the factors above, I consider that the resulting harm would be limited. Even so, the proposal would be contrary to Policy CS19 of the CS insofar as it seeks development which encourages sustainable living and choice including through uses which are well connected to places that people want to use; and sustainable travel. In the terms of Policy H of the PPTS, it would also be 'away from existing settlements' where new traveller site development should be strictly limited and the proposal would be contrary to objectives in the Framework seeking to prioritise walking, cycling and public transport use and to support a move to a low carbon future.

Biodiversity

38. The Government's Planning Practice Guidance ('the PPG') advises that ecological survey will be necessary in advance of a planning application if the type and location of development could have significant impact on biodiversity and existing information is lacking or inadequate.
39. The appellant has provided no ecological survey or other substantive information in respect of biodiversity to inform assessment of the pre-development biodiversity value of the appeal site. Nevertheless, the Town and Country Planning Act 1990 (as amended) ('the Act') provides a right to make retrospective applications.
40. Representations made by interested parties refer to felling of mature trees which KCC Ecology note may have supported roosting bats and breeding birds. However, the evidence before me indicates that affected trees were along White Post Lane, outside of the appeal site boundary, and the Council confirmed at the Hearing that there had not been removal of trees on the site itself. It therefore noted that the loss of trees would be a civil matter. The removal of trees outside of the appeal site is

regrettable, but it is not therefore part of the development that is before me to consider in this appeal.

41. In terms of the site itself, the Council confirmed that it was not subject to any designation for biodiversity value such that Policy CS12 of the CS would specifically require protection of it. Furthermore, KCC Ecology commented that grassland on the site appeared to have been regularly managed and that it is unlikely to have requested a survey to assess ecological interest of the site. They did not raise an objection to the proposal on grounds of adverse effects on biodiversity, and there is no other substantive information before me to suggest that the development would have or has had a significant impact on biodiversity or protected species.
42. Accordingly and having regard to the advice in the PPG in respect of the necessity for surveys, I am not persuaded that the failure to provide ecological survey information would weigh against the proposal.
43. Furthermore, the part retrospective nature of the proposal means that it is not subject to the mandatory requirement for a 10% biodiversity net gain under Schedule 7A of the Act. The Framework and Policy CS12 of the CS do seek provision for net gains for biodiversity and opportunities to enhance, restore, re-create and maintain habitats. However, they do not specify a particular quantum to be achieved, and I am satisfied from the evidence before me that there would be adequate scope to provide planting or other measures to secure enhancements for biodiversity. Indeed, the Council accepted at the Hearing that details of measures to provide ecological enhancements could be provided by planning conditions.
44. On that basis, I find that with the imposition of conditions, the proposal would make adequate provision to maintain and enhance biodiversity and habitats in accordance with Policy CS12 of the CS and I conclude that the effects of the proposal on biodiversity would be acceptable in this respect.

European Designated and Ramsar Sites

45. In circumstances where a proposal is likely to have a significant effect on European sites designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), there is a duty on the competent authority to consider implications for the conservation objectives of the site within the framework of an Appropriate Assessment. This duty would now fall to me. In accordance with the Framework, Ramsar sites should be given the same protection as European Sites.
46. The Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy ('SAMMS') outlines that the Thames Estuary and Marshes Special Protection Area ('SPA') and Ramsar sites, the Medway Estuary and Marshes SPA and Ramsar sites and the Swale SPA and Ramsar sites are wetlands of international importance, providing wintering and breeding habitats for important assemblages of wetland bird species, particularly wildfowl and waders as well as supporting migratory birds on passage. These sites have been identified as being vulnerable to recreational disturbance.
47. The appeal site is located within the area within which most visitors to the sites originate. Because the appeal proposes new residential accommodation within this area, it could contribute additional visitors leading to increased recreational

pressure. This pressure, particularly when taken in combination with other plans and projects, could lead to an adverse effect on the integrity of the sites.

48. The SAMMS outlines a strategic approach to delivering mitigation through a package of measures including habitat management, access management, provision of information and education. These measures are funded by a tariff on new residential development. The main parties have provided a completed SAMMS Agreement confirming that the appellant has made payment in accordance with the required tariff. Natural England has endorsed the strategic solution to mitigation, and confirmed in respect of the appeal that the contribution is sufficient to avoid an adverse impact on the sites.
49. From the information before me, I am satisfied that the proposal would secure adequate mitigation for recreational effects of the development. Accordingly, I conclude within the framework of an AA that the proposal, with mitigation, would not adversely affect the integrity of European designated and Ramsar sites. On that basis, it would accord with the Habitats Regulations, as well as with Policy CS12 of the CS insofar as it seeks to ensure protection for sites protected for their biodiversity value. There would further be no conflict with the Framework insofar as it similarly seeks to protect and enhance biodiversity including habitats sites.

Other Considerations

50. In determining the application, the Council had queried whether occupiers of the appeal site would meet the definition of Gypsies and Travellers outlined in the PPTS, and the status of occupiers was also raised by interested parties. However, having regard to additional information provided by the appellant, the Council confirmed at the Hearing that it did not dispute that occupiers would meet the current definition which includes those with a cultural tradition of nomadism or living in a caravan. I have no firm reason to take a different view and on the basis of the evidence that is before me in this appeal, I am satisfied that occupiers would meet the PPTS definition.

Need for and provision of sites for Gypsies and Travellers

51. The main parties agree that there is a shortfall in provision of Gypsy and Traveller pitches in the Borough. Over the period 2025-2041, the Gravesham Gypsy and Traveller Accommodation Update 2025 ('the GTAU') indicates a need for 57 pitches for households which meet the PPTS definition, and a further 6 pitches for households where it was undetermined whether they would meet the definition. The majority of this need arises in the 5 year period from 2025-2029 where the GTAU indicates a need for 39 pitches for households which meet the PPTS definition, and a further 4 pitches for households where it was undetermined.
52. Against the need, the Council referred during the Hearing to permissions which had been granted and which would provide for two pitches. However, it accepts that it is unable to demonstrate a 5-year supply of deliverable sites for Gypsies and Travellers as required by the PPTS, and the information before me indicates that the extent of the shortfall is considerable.
53. Moreover, the EN Appeal decision cites a previously identified 'persistent and grave failure to plan for the needs of Gypsies and Travellers in the borough' which it appears remains the case currently. The Council advised that needs will be addressed by the emerging local plan which I was informed was at Regulation 19

stage consultation at the time of the Hearing with examination expected from Spring 2027. However, even if this timetable were adhered to and the plan ultimately found sound, adoption would remain some way in the future and there appears little realistic prospect that unmet needs will be addressed in the short-term.

54. Against this background, I consider that there has been a policy failure in terms of meeting needs for Gypsies and Travellers, and this has not been disputed by the Council.
55. Given the scale of the unmet need for pitches, the lack of a five-year supply and the historic failure of policy to meet needs, the provision of additional pitches on the site which would contribute towards supply is an important material consideration.

Availability of Pitches

56. The evidence before me does not identify any existing pitch availability on sites in the area, and I have no firm reason to doubt the appellant's comments that there are no available pitches that would be suitable to meet their needs.
57. The absence of any alternative sites for the proposed occupiers is a material consideration which weighs in favour of the proposal.

Personal Circumstances

58. Article 8 of the European Convention on Human Rights as set out in Schedule 1 of the Human Rights Act 1998 ('the HRA') provides that everyone has the right to respect for their private and family life and their home while Article 1 of the First Protocol provides that a person is entitled to the peaceful enjoyment of their possessions and that no one shall be deprived of their possessions except in the public interest.
59. I am also mindful that where rights are those of children, as is relevant in this case, they must be seen in the context of Article 3(1) of the United Nations Convention on the Rights of the Child which provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The best interests of a child are not a determinative planning issue, but I have regarded no other consideration as inherently more important and I have given no other consideration greater weight in advance of the subsequent assessment of the individual circumstances.
60. In addition, the Public Sector Equality Duty contained in the Equality Act 2010 ('the PSED') sets out the need to, amongst other things, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. Occupiers of the site would have the protected characteristic of race and I have therefore had due regard to the PSED.
61. The appeal site is occupied by eight households which are part of an extended family. The occupiers include seven children under the age of 18, three of which I was informed are attending or are due to start at schools, including one with special educational needs. Younger children were said to be registered with local nurseries but not yet attending.
62. I heard that before coming to the appeal site, the families had no settled base and were predominantly living on the roadside/car park sites or short stays on sites of

friends or family members, albeit that none had space to offer longer-term residence. The appellant advised that they would have no alternative but to return to such an existence should the appeal be dismissed.

63. This would result in uncertainty for the families and disruption to the education of those children attending or due to start schools. The appellant also suggested ongoing health issues of occupiers, but no supporting documentary evidence has been provided and during the Hearing, they referred only to a current requirement of one occupier for medication at home and relatively infrequent appointments for check ups. To my mind, this would not indicate a specific medical requirement to live on this site. Nevertheless, I am in no doubt that a settled base would provide all occupiers with better opportunities to access healthcare services and would support their welfare more generally.
64. As well as supporting access to regular education and healthcare, the appellant highlights that the proposal would enable the family to maintain their extended household support networks and that this would provide practical care, supervision, and emotional support for all children on site. It would also facilitate a nomadic way of life and support social integration. It would help to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. I also accept that the best interests of the children would, in principle, be served by a settled base.

Other Matters

65. The appellant accepts that there has been intentional unauthorised development which is a material consideration to be weighed in the determination of the appeal. However, while the part retrospective nature of the proposal has limited opportunities for pre-development assessments of the site, I have found that planning conditions would offer scope to address potential adverse effects of the development in respect of biodiversity. The Act provides a right to make retrospective applications and in this context, I afford limited weight to the carrying out of unauthorised development as a factor weighing against the proposal.
66. I have taken into account representations made by interested parties raising additional concerns including the effects of increased traffic and congestion, that surface water flooding could be increased, damage caused to trees, hedgerows and highway surfaces and the effects of noise. However, these matters do not alter my findings on the main issues or the overall planning balance.

Planning Balance

67. I have found that effects of the proposal on biodiversity would be acceptable and there would not be harm to the integrity of European designated and Ramsar sites. However, the proposal would comprise inappropriate development in the Green Belt which the Framework identifies is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. It would also cause harm to the openness and one of the purposes of Green Belt, albeit localised. In accordance with the Framework, I give this harm substantial weight.
68. The proposal would additionally cause harm, albeit localised, to the landscape character and appearance of the area and it would not be in a suitable location having regard to occupiers' access to services, facilities and sustainable transport modes, although the resulting harm in this respect would be limited. However, there

would further be significant and unacceptable harm to highway safety. In view of the potential severity of the consequences for occupiers and visitors to the site and other users of White Post Lane, I afford substantial weight to this harm.

69. The Framework indicates that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations
70. Against the harm that I have identified, there is an unmet general need for additional pitches for Gypsies and Travellers in the local area. Noting too the lack of a five-year supply and the historic failure of policy to meet needs, the contribution that the development would make to the supply of pitches attracts significant weight in favour of the proposal. I also note that the Council does not dispute that the context of the Borough means that it is likely that sites to meet needs would be located in rural locations within Green Belt.
71. Furthermore, the evidence before me does not identify alternative available sites that could accommodate occupiers of the site. Dismissing the appeal could therefore lead occupiers to a return to living on the roadside or unauthorised or overcrowded sites. The resulting lack of a suitable settled base would likely lead to disruption to the education of those children attending or due to start schools, and could make accessing healthcare services more difficult. There would also be uncertainty for the family and loss or interruption to the support networks and systems facilitated by occupation of the site by an extended family. In light of the above and the evidence presented, I afford substantial weight to the benefits of the proposal to the best interests of the children on the site, and moderate weight to the benefits of meeting accommodation needs of other occupiers.
72. Granting permission would advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not as sought by the PSED.
73. Furthermore, insofar as dismissing the appeal would leave occupiers without a settled base, there would be interference with their rights to peaceful enjoyment of their possessions and to respect for a private and family life and their home under Article 8 and Article 1 of the First Protocol of the HRA. That a settled base would be in the best interests of children on the site is also a primary consideration in the forefront of my mind in the assessment of the proposal and I have regarded no other consideration as inherently more important. However, the best interests of the children are not a determinative planning issue and the rights under Article 8 and Article 1 of the First Protocol of the HRA are qualified rights, whereby interference may be justified in the public interest.
74. The benefits of the proposal in meeting needs for Gypsy and Traveller pitches and the particular accommodation needs of the occupiers, including children, would be very important, but the identified harm to highway safety is also of considerable importance. The failure to provide safe and suitable access for the development would pose an unacceptable risk of harm to users of White Post Lane. Given my findings on the fifth main issue that occupiers of the site would be highly reliant on travel by private vehicle, the highway safety risk would particularly affect occupiers of the site, including children, who would use the unsafe access frequently. The risk would run counter to the best interests of the children and in my view having regard

to the circumstances of the case, is an overriding factor weighing against the proposal.

75. The harm to the openness and one of the purposes of Green Belt and by reason of inappropriateness attracts substantial weight; localised harm to the landscape character and appearance of the area and limited harm resulting from the location of the development which would not be suitable in respect of occupiers' access to services, facilities and sustainable transport modes further weigh against the proposal.
76. Even taken together, I find that the weight of other considerations would not outweigh the collective harm that I have identified including the harm to highway safety so as to amount to the very special circumstances necessary to justify the development in the Green Belt. The proposal would therefore conflict with the Framework and consequently Policy CS02 of the CS.
77. Given this conflict and the conflict with Policies CS11, CS12 (in respect of landscape character and appearance), CS17 and CS19 of the LPR and saved Policy T1 of the LPR, I find that the proposal would conflict with the development plan when it is read as a whole.
78. Insofar as the Framework policy on Green Belt requires that potential harm to Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, to be clearly outweighed by other considerations, I further consider that policies in the Framework which protect land designated as Green Belt provide a strong reason for refusing the development proposed. Notwithstanding that the Council is unable to demonstrate a five year supply of sites for Gypsies and Travellers, the presumption in favour of sustainable development at paragraph 11. d) of the Framework does not therefore indicate that permission should be granted in this case.
79. I find overall then that the cumulative harm caused by the proposal would clearly outweigh the benefits.
80. Although the appellant sought permanent planning permission, I have also considered whether it would be appropriate to grant planning permission on a temporary basis. The appellant suggested during the Hearing that a 5 year period would be appropriate given likely timescales for progress of the emerging local plan. This was not disputed by the Council, and I consider it would be reasonable.
81. A planning condition could be imposed requiring restoration of the site following cessation of residential use at the end of a temporary period. Accordingly, the overall extent of harm to the Green Belt, to the landscape character and appearance of the area and arising from the location of the development in relation to occupiers' access to services, facilities and public transport would be reduced as harm would persist only for a limited period. However, while I accept that the identified harm to highway safety would also occur over a restricted period, there would remain considerable harm during that period. In my judgement, the magnitude and potential consequences of the harm for occupiers of the site, including children, visitors and other users of White Post Lane remains an overriding factor which would outweigh the benefits, even if development was permitted only for a temporary period.

82. I further find that interference with occupiers' human rights and the best interests of children resulting from refusal of permission would accord with the law and be necessary in a democratic society in the interests of public safety, the economic well-being of the country and the health and rights and freedoms of others in pursuance, particularly, of well-established and legitimate aims to avoid prejudicing highway safety and to protect the Green Belt. In addition, the protection of the public interest cannot be achieved by means that are less interfering of the appellant's human rights and the best interests of children. The harm caused by the development would also outweigh the aim of advancing the opportunities for occupiers who share a protected characteristic in this case. In these circumstances, there would not be unjustified interference with rights for respect for the home, private or family life and I conclude that it is proportionate and necessary to dismiss the appeal.

Conclusion

83. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon McKay	SJM Planning
Patrick O'Donoghue	
Stewart Boorman	

FOR THE LOCAL PLANNING AUTHORITY:

Richard Hart	Development Management, Gravesham Borough Council
Ian Brown	Planning Enforcement, Gravesham Borough Council
Faye Walsh	Development Management, Gravesham Borough Council

INTERESTED PARTIES:

Nigel Starkey	Local resident
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