



Appeal Decision

Hearing held on 11 and 12 February 2020

Site visit made on 12 February 2020

by Katie Child B.Sc.(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st March 2020

Appeal Ref: APP/K2230/W/19/3223958

Heron Hill Lane, Meopham, Gravesend DA13 0DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Messrs F and M Dunphy, Stokes, Buckland and Townsley against the decision of Gravesham Borough Council.
 - The application Ref 20180163, dated 17 February 2018, was refused by notice dated 7 December 2018.
 - The development proposed is material change of use of land to gypsy and traveller site with 5 pitches each with space for stationing of two touring caravans and utility block, with associated hardstanding, gabion retaining walls, shared package treatment plant.
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Decision

1. The appeal is allowed and planning permission is granted for the material change of use of land to gypsy and traveller site with 5 pitches each with space for stationing of two touring caravans and utility block, with associated hardstanding, gabion retaining walls, shared package treatment plant at Heron Hill Lane, Meopham, Gravesend DA13 0DT in accordance with the terms of the application, Ref 20180163, dated 17 February 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. At the hearing it was confirmed the appeal is proceeding in the names of Mr. Stokes, Mr. Frank Dunphy, Mr. Michael Dunphy, Mr. Buckland and Mr. Townsley. Accordingly the names of the appellants in the above banner heading are taken from the appeal form rather than the application form.
3. At the hearing the appellants put forward an amendment to replace the proposed static caravans on each pitch with a second touring caravan up to 7 metres in length. A touring caravan of 7 metres would be some 2 metres shorter than the static caravans shown on layout plan 4527/D/10 Rev F and slightly narrower. As this is a slight reduction in size, having regard to the Wheatcroft principles, I am satisfied that the proposed amendment would not prejudice the interests of other parties. The Council confirmed at the hearing that they were content to proceed with the hearing on this basis. I have dealt with the appeal accordingly, and have amended the description of development to refer to two touring caravans on each pitch, with the length controlled via condition.

4. The ownership of a strip of land in the south part of the site is currently being formally disputed. There is no evidence before me that, if the claim succeeds, the adjoining landowner would be willing to sell the land to the appellants or permit the proposed use. Accordingly, within this decision I have had regard to scenarios which include and exclude the disputed area, as set out below. In layout plan 4527/D/10 Rev F the hardstanding and caravans for plot 5 are largely positioned outside the disputed area.
5. The Council is currently undertaking a partial review of the Gravesham Local Plan Core Strategy (2014) (the 'Core Strategy') and producing a Site Allocations and Development Management Policies Development Plan Document ('Site Allocations and DM Policies DPD'). This work is at an early stage, with a second round of Regulation 18 consultation due to commence in Spring 2020. Accordingly, I have attached little weight to the emerging Plan and have determined this appeal with regard to policies in the adopted development plan.
6. The pre-2014 Plan included a specific policy for the Culverstone Valley Area (CVA) where the appeal site is located, which permitted the replacement or extension of lawful structures with a single dwelling on a plot. Policy C14 was deleted on adoption of the Core Strategy, and I therefore have not attached weight to it in my determination of this appeal.
7. Three documents were submitted after the hearing, as agreed in the closing session. These were circulated to the main parties and other participants at the hearing, and an opportunity provided for responses and comments.

Main Issues

8. The main issues are:
 - 1) The traveller status of the proposed occupants of the site.
 - 2) Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) (including its effect on openness and the purposes of the Green Belt).
 - 3) The effect of the proposal on the character and appearance of the area.
 - 4) The effect of the proposal on biodiversity.
 - 5) The sustainability of the site's location, in relation to local facilities and services.
 - 6) Whether the proposal would adversely affect highway safety.
 - 7) Whether the proposed development would provide acceptable and safe living conditions for future occupants, with regards to the provision of private amenity space, privacy within the site, distance between caravans, and parking and turning space.
 - 8) Whether the proposed development would harm the living conditions of nearby residents at The Robins, with regards to overlooking.
 - 9) Whether any harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

The traveller status of the proposed occupants

9. The intention is that the site would be occupied by five gypsy families comprising parents and dependent children. A number of the adults in the group are siblings or cousins, and the families are long-standing friends with a history of travelling together at certain periods.
10. A personal statement was submitted prior to the hearing about the intended site occupants. Further evidence was provided as part of the discussion at the hearing and in the oral evidence of Mr. Stokes, Mr. Frank Dunphy and Mr. Michael Dunphy. Maps and work prices from a mobile phone accounts package was submitted by Mr. Stokes after the hearings, relating to work in a variety of locations across the south of England.
11. Although no documentary evidence was submitted by the other men, overall the written and oral evidence provides a picture of families who have travelled for economic purposes for many years. The men are involved in landscaping and building work and travel for work mainly between March and October, taking their families with them. The majority of the work is in the south/east of England. Whilst much of the work is obtained through leafleting and cold-calling, there was reference to some regular clients. The families often 'double-up' on existing sites (e.g. exceeding the number of permitted caravans) and sometimes camp on the roadside or elsewhere, and consequently are sometimes forced to move on. However, the evidence indicates that many moves are directly linked to work, with the families returning to particular counties or areas for economic reasons each year.
12. The proposed site would provide a settled base for the families and allow the children to attend school whilst they are not travelling. One of the families is seeking a base for health reasons connected to a child, as discussed below. However, there is no evidence before me that the husband of this family would cease travelling for work. Two caravans on each pitch would allow the men to travel separately where necessary.
13. Based on the information before me, the gypsy families who intend to reside on the site are of nomadic habit for economic purposes. They have signalled an intention for the men, if not the whole families, to continue travelling for work for part of the year. I am satisfied that the families meet the planning definition of gypsies and travellers, as set out in national policy ('Planning policy for traveller sites' 2015) (PPTS). Therefore the PPTS applies, as do policies in the adopted Plan relating to travellers.

Whether the proposal would be inappropriate development in the Green Belt

14. The site is located in the Green Belt. The NPPF highlights the great importance of the Green Belt and its role in preventing urban sprawl by keeping land permanently open. Paragraph 16 in PPTS states that traveller sites in the Green Belt are inappropriate development.
15. The appellants contend that the proposal amounts to limited infilling in a village and therefore one of the exceptions relating to new buildings in the Green Belt should apply, as set out in paragraph 145 e) in the NPPF.

16. The appeal site is located in the countryside, outside the designated settlement boundary of Culverstone Green as defined on the Core Strategy Policies Map. Culverstone Green is a modest size settlement with a primary school and shop, and is identified as a third tier rural settlement in the Core Strategy. As such I consider it could be reasonably termed a village.
17. The appeal site lies within a historic 'plotland' area, consisting of plots within a woodland which were originally developed in the 1930s for holiday/weekend purposes. Some of the plots are undeveloped/vacant whilst others contain houses that have since gained planning permission, as previously described.
18. Although it lies outside the designated village boundary, the area contains elements of built development. Nonetheless, as you leave the main built-up part of the village and approach the appeal site along Heron Hill Lane, development is much more dispersed. There are some large properties and pockets of built development in the vicinity of the appeal site, but these are interspersed by woodland, and the area overall has a rural character. The narrow lanes, trees and unmade nature of some of the tracks add to the rural and verdant appearance of the area. As such I consider that the appeal site does not lie within the village of Culverstone Green and therefore the proposal does not qualify as an exception under paragraph 145 e) of the NPPF.
19. In reaching this conclusion I have had regard to a number of appeal decisions in the local area. However, these relate to sites in other parts of the woodland and I have reached my conclusions based on the particular locality of the appeal site and the circumstances of the case before me.
20. Paragraph 146 in the NPPF states that material changes in the use of land are not inappropriate development in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it.
21. The proposed development would involve the stationing of a number of caravans and construction of five utility blocks, as well as gabion walls and parked vehicles. As such, in spatial terms the proposal would result in the loss of openness. The woodland would provide an element of screening and there is some scope for further planting within the site, notwithstanding the disputed southern strip. However, the site can be seen from Heron Hill Lane, an unmade road to the west, a public footpath to the north/east, and in longer distance views from the fields and public footpath to the north. I was not made aware of other public viewpoints from where the site can be readily seen. The proposal would result in a loss of openness which would be evident, and the harm in this regard would be considerable.
22. At the hearing the Council confirmed that the main purpose of the Green Belt in this locality is to safeguard the countryside from encroachment. The proposed development would conflict with this purpose as it would introduce structures, hardstanding and activity on a site where currently there is none. However, in the context of existing development nearby, the sporadically developed character of the area and the size of the site in relation to the scale of the Green Belt I consider this harm would be limited.
23. Overall, I consider that the proposal would fail to preserve openness and conflict with the Green Belt purpose of protecting the countryside from encroachment. As such the proposal would fail to accord with paragraph 146 e) of the NPPF. The proposal would be inappropriate development in terms of

Green Belt policy as set out in the NPPF. This harm, along with the impact on openness and encroachment, attracts substantial weight, as set out in paragraph 144. The proposal would also be contrary to Policy CS02 in the Core Strategy insofar as it states that development should be consistent with national policies for protecting the Green Belt.

Character and appearance of the area

24. The appeal site is located in the Harvel Wooded Downs as defined in the Gravesham Landscape Character Assessment Supplementary Planning Document (2009) (LCA). The area to the north of Harvel is characterised by coppice woodland containing plots and sporadic development. The LCA states that tree cover is dominant, and that *'the combination of vegetation and topography create a very enclosed landscape of low visually sensitivity with a high capacity for the landscape to absorb inconsistencies within its woodland, and the existing variety in styles and materials. Awareness of the undulating landform is reduced as a result of the high proportion of woodland cover. Balancing the effects of these contrasting elements means that the Harvel Wooded Downs are assessed as moderately sensitive overall.'*
25. The Council's Landscape Sensitivity and Capacity Study was prepared in connection with the emerging Local Plan. It states that a key requirement in the CVA is to maintain and enhance the woodland, avoid tree loss and respect topography, and identifies the area as having medium-high sensitivity.
26. The appeal site forms part of a wooded hillside in the plotlands area. There is some evidence it once contained a dwelling but no signs remain. The site has recently been cleared of vegetation by the appellants, with some earthworks, and now forms a small clearing within the woods. The top part of the site adjoining Heron Hill Lane is elevated and the site slopes down towards the unmade road to the west. Plots 1 to 4 would be accessed via Heron Hill Lane, and plot 5 from the unmade road.
27. The site forms part of an extensive wooded area which contains a mix of woodland and scattered dwellings. There are also plots which have been wholly or partly cleared of trees and marked out with fences or hedgerows. Although it contains built development the area has a distinctive character which is verdant and predominantly rural. The site lies on the northern edge of this area, which is marked by Heron Hill Lane. To the north of the lane there is an area of ancient woodland and open agricultural fields.
28. The submitted plans provide information on proposed levels and sections. Although levels are not shown for every area of hardstanding and there appears to be an error in cross section D-D, I am satisfied that the evidence is sufficient to allow an informed assessment of the scheme's impact on character and appearance.
29. The proposal would introduce extensive built form, alter the slope of the hillside and erode the rural appearance of the site and locality. Nonetheless, there are other dwellings dotted throughout the vicinity, including two houses to the east and a residential caravan site and other dwellings to the west of the unmade road. Although the hillside immediately adjoining the site is wooded, there is a nearby house on the brow on the hill, and other parts of the hillside to the south have been cleared of trees and include domestic paraphernalia, fences, walls and a touring caravan.

30. The site is elevated and can be seen from a number of byways/public footpaths as described in paragraph 22. Nonetheless, there are a number of mitigating factors which would help to reduce the scheme's visual impact. Firstly, the site benefits from woodland screening which partly restricts views from Heron Hill Lane, the unmade road and in longer distance views from the north. On my site visit I was able to see the site from the footpath to the east but views will be more limited during other months of the year when there is foliage. Secondly, there is some scope for further planting within the site which would help to further soften the appearance of the development and enhance woodland cover. The appellants indicated at the hearing that they would be willing to provide a detailed landscaping scheme and biodiversity mitigation measures via condition. Thirdly, the shape and orientation of the site means that many of the caravans and utility blocks would be set back from the road. Lighting on the site would be visible but could be partly mitigated and controlled via condition.
31. The dispersed pattern of development in the woodland typically involves a single dwelling on a plot, and the proposal would appear to exceed this. Nonetheless, although five family units are proposed, the proposed structures on the site would be of modest bulk. On my site visit I also observed that many of the developed plots in the area contain extensive built form, with substantial two storey dwellings, large areas of hardsurfacing and sizable outbuildings.
32. The appellant's evidence states that two mature trees were felled during the clearance works, one of which was diseased. Neither of the trees were protected by Tree Preservation Orders. On my site visit I observed the stump of one large tree. The Council and representors have highlighted photographic evidence from Google Earth which shows tree cover on the site. However, such photographs are taken from one aspect, and the difference between trees and other vegetation can be hard to discern. Whilst the exact extent of tree removal cannot be determined, some tree and vegetation removal has taken place and this will have altered the rural character and appearance of the site.
33. The representations refer to carvings on one of the mature trees that was removed, made by servicemen in World War Two. However, there is no firm evidence before me on this matter or details of its extent or contribution to local character.
34. Overall, I conclude the proposal would harm the character and appearance of the area. The proposal would be contrary to Policies CS12 and CS19 in the Core Strategy and paragraph 170 in the NPPF, as it would fail to conserve and enhance local landscape character and the natural environment, in line with the LCA. However, because of the existence of other scattered development nearby and woodland screening, the modest size of the scheme and the scope to undertake planting, on the balance of evidence before me I conclude the level of harm would be moderate. The disputed southern strip is small and therefore this conclusion applies whether or not it forms part of the development site.

Biodiversity

35. The site lies within the Happy Valley Local Wildlife Site (LWS). The LWS covers an extensive area between Meopham and Culverstone Green, and contains priority habitats including woodland and grassland. The site also lies within the

Medway Gap and North Downs Biodiversity Opportunity Area (OA) where the Council seeks opportunities to enhance, restore and maintain habitats, including within new development. An area of ancient woodland lies close to the site boundary, to the north of Heron Hill Lane.

Biodiversity on the appeal site

36. The appeal site was cleared of vegetation and trees prior to submission of the planning application, and some earthworks/levelling occurred. The appellant's Ecology Report was produced after the event and records that the site has limited biodiversity value.
37. As discussed above, the exact extent of the tree and vegetation removal is unclear. The LWS citation refers to a range of species which have been identified within its boundaries. However, the LWS covers a wide area and there is no evidence in the citation to confirm or deny their presence within the appeal site itself. Nevertheless, overall it is reasonable to assume that the site, prior to clearance, had more biodiversity value than at present.
38. Kent Wildlife Trust has advised that 0.5 hectares (ha) of compensatory native broadleaf woodland planting should be provided. However, it is not clear how this figure has been calculated. At the hearing the appellants confirmed that the appeal site is less than 0.25 ha. The main parties also agreed to a condition which seeks to maximise biodiversity mitigation measures within the available space on the site. I consider that this represents a pragmatic and reasonable approach in the circumstances, which would secure biodiversity enhancements. There is some scope on the site for a range of measures including further planting, notwithstanding the matter of the disputed strip.

Biodiversity in the locality

39. The proposal would result in additional domestic activity, vehicular movements and lighting in the woodland, along with initial construction activity. However, the amount of noise and activity from five pitches would be modest, whilst that from construction would be temporary. Furthermore, there are already dwellings nearby, and some pedestrian/vehicular movements along nearby byways and footpaths. At the hearing the appellants confirmed they would use amenity space within the site for recreational purposes rather than private woodland, and I conclude later in this decision that the amount of on-site amenity space is sufficient. The appellants have agreed to submit a lighting scheme and on-site biodiversity mitigation measures via conditions.
40. The appeal site is separated from the area of ancient woodland by Heron Hill Lane. Despite its modest width the lane is a clear physical barrier, and the appeal site has a narrow frontage on the lane. The residential property to the east is separated from the ancient woodland by Heron Hill Lane.
41. The section of Heron Hill Lane adjoining the ancient woodland may need to be slightly widened, as discussed below. However, if this cannot be accommodated within the verge there is scope to incur slightly within the frontage of the appeal site and thereby avoid harm to the ancient woodland. The appellants have agreed to submit details of the byway works and access details through conditions.

Conclusion on biodiversity

42. The clearance of the site has resulted in some biodiversity loss. Mitigation is proposed, but any planting would be restricted to the non-developed areas of the site. As such, I conclude that the proposal would fail to accord with Policies CS12 and CS19 in the Core Strategy and paragraph 170 in the NPPF insofar as they seek to protect sites of local importance for biodiversity and avoid loss of biodiversity.
43. The exact extent of harm to biodiversity is hard to quantify, as the Ecology Report was produced after the event, and details of landscaping and biodiversity mitigation measures have yet to be finalised. Nonetheless, having regard to the modest size of the site and other factors referred to above, I consider that the net loss and resultant harm is likely to be limited or moderate, rather than significant. In this regard I do not consider the proposal conflicts with paragraph 175 in the NPPF.
44. The proposal would introduce additional activity and lighting into a woodland area which forms a LWS. However, there is already a degree of activity and residence nearby and I am satisfied that effects could be mitigated through conditions. Woodland corridors would be retained either side, and given the extensive scale of the LWS I am satisfied the scheme would not undermine the integrity of the LWS as a whole.
45. Taking account of the modest scale of the scheme, the buffer provided by Heron Hill Lane, and the capacity to engineer the access into the appeal site, I am satisfied that the proposal would not lead to a loss or deterioration of the nearby ancient woodland.

Sustainability of the location

46. Policy CS02 in the Core Strategy seeks to focus development in the urban areas and in rural settlements inset from the Green Belt. At the hearing the Council confirmed that Policy CS17 on traveller sites provides a strategic framework for the identification of traveller allocations, and is not intended to apply to individual planning applications. This position is referred to in paragraph 5.13.10 in the Core Strategy.
47. National policy in the PPTS allows for traveller sites to be located in rural areas and the countryside, provided they do not dominate the nearest settled community and that undue pressure on local infrastructure and services is avoided. At the same time paragraph 25 states that authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements.
48. As established above, the appeal site is located outside the village of Culverstone Green in the countryside. The site is located some 1.5 kilometres from the facilities in the village, including a local shop, petrol station, primary school and community centre. Meopham is located some 2.5 kilometres or more to the north and has a GP, secondary school and other services. The nearest bus stop is some 700 metres from the site, on the A227, and provides services to Gravesend and Sevenoaks. The site is not far from Culverstone Green and is within the sporadically developed CVA. As such the site is not physically isolated or away from the nearest existing settlement.

49. Representors have raised concerns about the impact on local services and infrastructure. However, there is little substantive evidence before me to suggest that needs arising from the proposal cannot be accommodated, having regard to its modest scale. For the same reason I am satisfied the scheme would not dominate Culverstone Green or the CVA.
50. Heron Hill Lane is a narrow road with no footpaths and a lack of formal passing places for vehicles. It is also unlit and steep in sections. Some journeys to the nearby village could feasibly take place on foot or bike. The appellant's technical traffic evidence shows that the road is lightly trafficked. There are also opportunities to access the village and other settlements via public footpaths through the woods. However, given the condition of Heron Hill Lane, the unlit and unmade condition of the woodland paths, and distances involved, I consider that many journeys to and from the site are likely to be by private vehicle. Although the nearby bus service provides key links, the walk to the bus stop is likely to limit its use.
51. Opportunities to use sustainable modes are therefore constrained. However, whilst many journeys are likely to be via private vehicle, trips to access village facilities would not be long. Furthermore, the PPTS, in recognising that traveller sites may be located in rural areas, is cognisant of the fact that opportunities for sustainable transport solutions vary between urban and rural areas. This is notwithstanding the NPPF's objectives to limit the need to travel, reduce congestion and emissions and improve air quality and public health.
52. Paragraph 13d in PPTS also recognises that a settled base can reduce the need for long-distance travelling. The families currently have no permanent base and frequently need to move on, therefore it is reasonable to assume that this would apply. The joint site could facilitate the sharing of lifts and the appellants have signalled an intention to access local services. This could help to support the vitality of the local community to a limited extent in line with paragraph 78 in the NPPF, as well as aiding social cohesion.
53. My attention has been drawn to other appeal decisions in the CVA which determined that sites were not in a sustainable location for the proposed development. However, the cases relate to housing rather than traveller sites, and I have determined the appeal with reference to the circumstances of this particular case and location.
54. Overall, I consider that the appeal proposal accords with local and national planning policy for the location of gypsy and traveller sites. The local policies are CS01, CS02 and CS19 in the Core Strategy, insofar as they seek to ensure development is sustainably located. There is no conflict with paragraph 25 of the PPTS or paragraph 79 in the NPPF as the site is not away from settlements or isolated.

Highway safety

Traffic generation

55. Heron Hill Lane is single-track, undulating, unlit and without footpaths or formal passing places, and provides access to a number of properties within the woodland. The last section leading to plots 1 to 4 of the appeal site is unsurfaced, as is the unmade road leading south from Heron Hill Lane to plot 5.

56. The appellant's evidence shows that the main section of Heron Hill Lane is currently lightly trafficked, although there are peaks within the day. There is no record of accidents on the lane or nearby involving personal injury, although the Council stated at the hearing that two minor incidences not involving injury have occurred in recent years.
57. At the hearing the Council indicated that the proposal would result in a small increase in traffic on the local road network and would not in itself amount to a reason for refusal, but is unacceptable due to precedent. A number of undeveloped plots and areas of woodland exist in the local area. However, the CVA is currently in the Green Belt and outside a designated settlement boundary. In the context of national and local planning policies, opportunities for the development of such sites would appear to be restricted. The Local Plan is at an early stage of preparation and there is no evidence before me that these designations are confirmed to alter. I therefore attach limited weight to the issue of precedent in this case.

Unmade byway and site access

58. The last section of Heron Hill Lane leading to plots 1 to 4 is an unsurfaced single-track byway. Kent County Council has signalled their support in principle for the appellants to improve and upgrade this section and to restore the lane to its historical single-track width of 3.05 metres. As highway land it would not require the consent of other landowners and could be dealt with as an improvement to an existing highway.
59. The byway varies in width and the works would involve some levelling and widening. The lane is steep, lined with vegetation and partly enclosed with banking. In some instances vegetation may need to be cut back or removed, and some earthworks may be necessary. However, there is already capacity for a vehicle to pass and as such the widening is likely to be modest. There is no evidence that the widening would be technically unfeasible. As set out previously, I am satisfied that the works could be accommodated without needing to incur into the adjoining area of ancient woodland. Details of works would need to be approved by the County Council. The appellants have also agreed to submit details of the works prior to the use of the development, secured via condition.
60. The unmade section of byway has a curved alignment, and it is not possible to see from the bottom of the slope to the site entrance and vice versa. However, the upgraded section would provide vehicular access to the appeal site only. The appellants have seen a four wheel drive car ascending to the top of the track beyond the site, but this does not appear to be a frequent occurrence. The route is open to pedestrians, cyclists and horse riders, but as a rural byway the level of use can be assumed to be fairly modest.
61. Furthermore, taking account of the steep and narrow nature of the byway it is likely that vehicles or cyclists ascending the lane from the junction of the road leading to plot 5 would be travelling slowly, as would vehicles exiting the appeal site. There is also sufficient room near the junction to safely reverse and for two vehicles to pass. The appellants have agreed to submit plans providing reversing space and room to pass at the site access point, through a condition. Whilst there would be minimal space for pedestrians, cyclists or riders to stand out of the way between the junction and the site entrance, this section is not long.

62. At the hearing the Council indicated that visibility splays of 11 metres in both directions should be provided at the site access point onto the byway. This is based on an assumed speed of 10 miles per hour, as derived from the Manual for Streets. The site width is some 29 metres, as specified in the Statement of Common Ground, and suitable splays can be achieved to the west. At the site visit I observed that a tree prevents full visibility to the east. However, the byway to the east would not be surfaced and would continue to function as a rural trackway for mainly pedestrians, cyclists and riders. The speed of users would also be limited by its uneven and steep surface. Taking account of the nature and likely use of the byway to the east, and notwithstanding the need to allow reasonable stopping distances, I am satisfied that appropriate visibility could be assured with the tree in situ.
63. The Council has stated that the site access point off the byway should be a minimum of 5.5 metres in width for 10 metres within the site to allow a car or van to wait within the site whilst another is entering. The submitted layout plan shows an access width of 5.95 metres tapering to 4.5 metres. There is scope to slightly adjust the layout of the site to accommodate this difference, and it could be secured via condition.
64. No detailed swept path drawings were submitted by the appellants to demonstrate that touring caravans being towed are capable of entering and leaving the site from the byway. However, the site frontage is wide, the proposed layout could be adjusted, and the appellants explained that an element of hand manoeuvring often takes place. As such I am satisfied there is scope to achieve suitable access.

Conclusion on highway safety

65. In conclusion, the proposal is capable of being served by the local highway network and would not result in unacceptable levels of traffic generation. I am satisfied that necessary byway improvements could be facilitated and that there is scope to achieve safe site access. Details of resurfacing works, access and visibility splays could be secured via conditions. Restricting the weight of vehicles accessing the site to 3.5 tonnes, via condition, would help to limit any impacts. Overall, the proposal would not harm highway safety. As such it would accord with Policy CS11 in the Core Strategy and Policies T1 and T5 in the Gravesham Local Plan First Review (1994) insofar as they seek to ensure that development is adequately served by the transport network and can be safely accessed.

Living conditions for future occupants in terms of privacy, distance between caravans, private amenity space, and parking and turning space

66. The submitted layout plan shows caravans on plots 2 and 3 and plots 1 and 2 positioned less than 6 metres apart. This is below the minimum distance required for a site licence. However, this could be resolved through adjustments to the layout and positioning of structures and hardstanding on the site, and secured by condition.
67. Based on the submitted layout plan there may be some overlooking between caravans on each plot, and there would be views from the upper part of the site over plot 5 which is situated at a lower level. However, the intention is for the site to be occupied by a group of friends and family. Furthermore, any impact could be minimised through the use of planting between plots as

- indicatively shown on the submitted layout plan. The appellants have agreed to submit a soft landscaping scheme via condition.
68. The submitted layout plan shows sizable areas of undeveloped land within the site, to the west of plots 1 to 3, to the south of plot 4 and to the north of plot 5. Whilst some landscaping/planting may take place in these areas, if appropriately designed this would not prevent its use for amenity or play. There is also some private amenity space on the hardstanding areas between the caravans and utility blocks. As discussed above, the site access design would need to be resolved and could require additional space. However, as two touring caravans are now proposed this would decrease the amount of land occupied by residential structures.
69. At the hearing the Council submitted the Supplementary Planning Guidance 2 'Residential Layout Guidelines' (1996) which specifies a minimum 37 square metres of garden space for a 1-2 bed dwelling. The Council were not able to identify how much open space would be provided on the appeal site. Nonetheless, the guidelines were devised for dwelling houses and therefore have limited relevance in the case of this appeal. The PPTS does not specify minimum pitch sizes or caravan sizes.
70. The submitted layout plan shows two parking spaces on each pitch. Larger bays would be required to accommodate a light goods vehicle, in line with the County Council's Vehicle Parking Standards. The appellants indicated that they do not currently own vehicles of this size. Nonetheless the men are self-employed trades people and this situation could change. It is not possible to specify a weight limit relating to small vans as some cars may exceed this level. I therefore consider that one of the parking spaces on each pitch should be increased in size to accommodate a light goods vehicle. This could be secured via condition.
71. Specific visitor parking spaces are not shown on the submitted plan. However, there would appear to be some scope for temporary parking on the hardstanding areas or on the site access road. The areas of hardstanding and access road within the site are extensive and could reasonably provide opportunities for turning.
72. In conclusion, whilst additional space may be required for the site access and parking bays for light goods vehicles, the appellant's proposal to station touring caravans only on the site would decrease the amount of developed space. There is sufficient scope within the site to make other modest adjustments to the layout and turning areas as necessary. Overall, taking account of the factors in the above paragraphs, I am satisfied the site is capable of providing adequate levels of privacy, parking and space for turning, and there would be sufficient amenity space for occupants. This would apply whether or not the disputed southern strip is included, given its modest size. There is potential to re-design the scheme layout to ensure at least 6 metres between each caravan. The site layout, landscaping and parking/turning requirements could be dealt with via conditions. The proposal would therefore provide future occupants with acceptable and safe living conditions. As such it would accord with Policy CS19 in the Core Strategy and paragraph 127 in the NPPF, insofar as they seek to safeguard the residential amenity of future occupants, and Policy CS11 which seeks to ensure adequate on-site parking is provided.

Living conditions of occupants at The Robins in terms of overlooking

73. The Robins property is located to the west of the appeal site. It contains a residential caravan, utility block and other outbuildings. It is separated from plots 1 to 4 on the appeal site by an area of woodland and a road.
74. Plots 1 to 4 are set on the hillside above the road and The Robins. On my site visit I observed glimpses from plots 1 to 4 of The Robins property, including the caravan and utility block. However, the views, particularly from the top of the site, were partly filtered between branches and vegetation, and limited to an extent by the intervening woodland. My site visit took place in the winter and I would expect these views to be more restricted during other parts of the year when there is more foliage.
75. Taking account of these factors, and the separation distance between The Robins and plots 1-4, I am satisfied that the proposed development on plots 1 to 4 would not harm the living conditions of occupants of The Robins in terms of overlooking. Plot 5 is located off the road leading south from Heron Hill Lane but is not immediately opposite The Robins. As such there would be no undue overlooking from plot 5 to The Robins. I conclude that the proposal would accord with Policy CS19 in the Core Strategy and paragraph 127 in the NPPF, insofar as they seek to safeguard the residential amenity of existing and future occupants.

Other considerations

Need for and provision of traveller sites

76. The Core Strategy is supported by a Gypsy and Traveller Accommodation Assessment (GTAA) (2013) which identifies a need for 16 additional gypsy pitches in the borough between 2013 and 2028. The Council has confirmed that a total of 5 pitches have been delivered, leaving a shortfall of 11 pitches.
77. At the hearing the Council produced a revised GTAA dated October 2018. This document had not previously been published and is intended to support the emerging Local Plan. The revised GTAA identifies a need for between 33 and 50 pitches between 2017 and 2037, depending on whether the PPTS planning definition of gypsies and travellers is applied. At the hearing the Council signalled their support for a target of 33 pitches over this period.
78. Other evidence of unmet need includes a small number of outstanding applications for extensions to traveller sites. Although recent caravan counts have recorded low levels of unauthorised encampments, the revised GTTA shows a sizable number of families living 'doubled-up' on approved sites.
79. The revised GTAA findings have yet to taken forward and examined through the Local Plan review process. However, it appears from the evidence before me that the level of need in the borough is likely to be significantly greater than that identified in the GTAA 2013. This position was accepted by the Council at the hearing.
80. At the hearing the Council confirmed it intends to allocate private sites in the emerging Plan for gypsies and travellers who meet the PPTS definition, and a Green Belt review is taking place. Policy CS17 indicates that sites will be sought in the urban area and rural settlements, therefore this is an updated approach. However, I was informed that only one site has been promoted

through the call for sites and no other willing landowners have come forward. Although Regulation 18 consultation is impending, the Council were unclear how this issue will be resolved. As such there is some uncertainty at present regarding the extent to which the Council will be able to identify suitable and deliverable traveller sites in the Plan to meet needs.

81. Furthermore, those travellers who do not meet the PPTS definition will still need pitches. There is no evidence before me that the Council has considered their needs or is intending to address these in policies in the emerging Local Plan, as required by paragraph 61 in the NPPF.

Alternative accommodation

82. The written and oral evidence from the appellants indicates that, since forming families, they have never had a permanent pitch on a site. Two of the families spent a short time living in housing but were unable to settle for cultural reasons. The families travel around the country, doubling-up on existing traveller sites or camping on the roadside, fields or vacant industrial land. Three of the families have been on waiting lists for Council sites for a while, with no success.
83. The families are currently living in different locations in other parts of Kent and in Surrey, either doubling up on existing sites or camping illegally. All have work and social connections with Kent and typically travel there each year. The Stokes and Dunphy families have other family in Kent. Mrs. Stokes stopped in Gravesend as a child and the wife of one of the appellant's was born there.
84. The families want to live together as a group to provide mutual support and on the basis of family and long-standing links. The evidence shows some history of travelling together for periods and strong relations. Opportunities for the group to be together have been restricted by the need to rely on doubling up on existing sites and finding available spaces, particularly during winter months.
85. At the hearing the Council accepted it was unable to identify suitable alternative land in the borough or elsewhere for the proposed occupants. Land in Gravesham outside urban areas is mainly in the Green Belt and therefore subject to the same policy restrictions. There is one vacant plot on the Council-run traveller site in the borough. However, the site was described as having anti-social problems and flood risks, and is within an area being masterplanned for redevelopment. Notwithstanding that one pitch would be insufficient, the suitability and long-term future of the site was not established.
86. As set out above, the Council has confirmed it intends to allocate private gypsy and traveller sites in the emerging Plan, but there is some uncertainty about the deliverability of this. There is also no guarantee that any new allocations would assist the appellants. The Council confirmed at the hearing that additional Council-run sites will not be allocated in the Plan.
87. The Council anticipates that the emerging Local Plan will be adopted in early 2022. Therefore, any sites which are allocated would be unlikely to come forward until sometime after this, as sites would need to be purchased, gain planning permission and be developed.

Failure of policy

88. The Council accepts there is a substantial unmet need for gypsy sites in the borough and that it is unable to identify a five-year supply of pitches in line with the PPTS, based on both the GTAA 2013 and 2018.
89. The development plan to date has not identified any allocations for gypsy pitches, as required in paragraph 10 in the PPTS. The Core Strategy 2014 provides a general statement of intent in Policy CS17 and advises that sites will be included in the forthcoming Site Allocations and DM Policies DPD. However, this document has not come forward as planned and is unlikely to be adopted until 2022 at the earliest.
90. The development plan does not include a criteria-based policy for assessing windfall traveller sites. This is contrary to paragraph 11 in the PPTS. Again, Policy CS17 indicates it will be included in the Site Allocations and DM Policies DPD, now overdue. At the hearing the Council accepted there has not been a criteria-based policy in a plan since at least 1994. It was unable to confirm the position prior to this.
91. Overall, there has been a persistent and grave failure to plan for the needs of gypsies and travellers in the borough. As most of the countryside outside urban areas and rural inset settlements in Gravesham is Green Belt, travellers have had to demonstrate very special circumstances in seeking to establish sites, and this no doubt has served to limit the supply of sites coming forward.

Personal circumstances

92. The families at present live an unsettled existence, either camping illegally or doubling-up. They have to frequently move, which means it is difficult for the children to attend school or nursery, or their education is disrupted and patchy. One family is currently paying for a private tutor, whilst other children sometimes intermittently attend schools wherever the families stop. The evidence indicates there are 15 children in total, ranging from 0 to 15 years old. Approximately ten are primary/secondary school age and five are younger.
93. A permanent settled base would allow the children to have steady access to school and nursery and gain an education. At the hearing the Council was unable to confirm if the local primary school in Culverstone Green or secondary school in Meopham Green currently have vacancies. However, there was reference to a range of schools in the local area and County Council's are required to make appropriate provision. Two of the secondary age children in the group are considering attending college after the completion of school, although it was not confirmed where.
94. One of the children has a rare and life-threatening illness which requires frequent hospital appointments and a range of regular medication, transfusions and other treatments. In order to reduce the risk of infection, tap water for the child needs to be boiled for drinking and hand washing. There is an on-going risk of serious complications and a major operation may be required to deal with the condition, as outlined in the consultant's letter from Great Ormond Street.
95. The lack of a settled base means that the child's medication and letters for appointments have to be sent to a relative's address. The family are

sometimes unable to access cold storage which impacts on the quality of the treatments. Living on doubled-up sites or the roadside means that access to water and clean toilets can sometimes be difficult and may increase the risk of infection. A long period of recuperation will be needed after the operation and the family are seeking a settled base to assist this process.

96. A permanent site would aid the management of the child's condition, and help to avoid serious complications and threats to their long-term health and well-being. It would also allow the other children and adults to gain access to healthcare more readily. Some of the families are registered with GPs elsewhere in Kent, but the lack of a permanent base affects their ability to receive appointment letters and keep appointments. At the hearing it was confirmed that the parents of one of the adults no longer intend to reside on the site. There would also be advantages for the general well-being of the families in having access to basic amenities and a secure living environment.
97. In summary, a settled base would allow the families to access education, health, welfare and employment infrastructure in line with the PPTS. This would be advantageous to all the occupants and would be in the best interests of the children.

Overall planning balance

98. The NPPF requires that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.
99. The proposal would be inappropriate development in the Green Belt and as such would cause substantial harm. It would also cause considerable harm to openness and limited harm to the Green Belt purpose of safeguarding the countryside from encroachment. These factors attract substantial weight against the proposal. I have also found that there would be harm to the character and appearance of the area and biodiversity on the appeal site, to which I attach moderate and limited to moderate weight respectively.
100. Factors which weigh in favour of the proposal include the unmet need for traveller sites, the lack of alternative sites, the failure to plan for the needs of gypsies and travellers and the absence of five-year supply. All of these merit significant weight.
101. A settled base would bring health benefits to a child with a rare and life threatening illness. In the context of the best needs of the child, which is a primary consideration, this is a factor to which I attribute very substantial weight.
102. The proposal would facilitate access to school and healthcare for the children. Given the significant number of children involved, and the importance of the best needs of the child, this is a matter of substantial weight.
103. A settled base would provide access to healthcare for the appellants and their partners and an improved quality of life in contrast to life on the road. This is a matter to which I attribute moderate weight. It would also meet requirements in Article 8 of the Human Rights Act regarding the right to a home and a private and family life, and allow the group to live together as part of their traditional lifestyle.

104. The case against the proposal involves harm to character and appearance and biodiversity, as well as loss of openness, effect on a Green Belt purpose and inappropriate development in the Green Belt. However, there are a range of other considerations which, when added together, strongly favour the granting of planning permission. Looking at the case as a whole, and balancing the factors for and against the proposal, overall I conclude that the identified harm is clearly outweighed by the other considerations – these being unmet need, the lack of alternative sites, policy failure to plan for traveller needs or to demonstrate five year supply, and the personal circumstances of the proposed occupants. As such I consider in this case the very special circumstances exist to justify the proposal, and it therefore accords with paragraph 144 of the NPPF.
105. Paragraph 16 of PPTS states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. However, there are strong and compelling personal circumstances in this case involving the best interests of the child which carry substantial weight, as well as unmet need. As set out above, I have concluded that very special circumstances exist, and I am satisfied that paragraph 16 is met.
106. I have considered whether a temporary permission would be appropriate in the circumstances of this case. The Council has made little progress to date in identifying sites. Any allocations which are identified in the emerging Plan would be unlikely to be delivered for a number of years, and it is not clear if these would benefit the appellants. Furthermore, a temporary permission would fail to provide long-term stability for the families and the children. Accordingly, based on personal circumstances and the above balancing exercise I conclude that a permanent personal permission should be granted.
107. In reaching the above conclusions I have had full regard to human rights, the best interests of the child and the public sector equality duty.

Other Matters

108. The Environment Agency has not objected to the proposal, and matters relating to flood risk and drainage can reasonably be dealt with via condition. An on-site shared package treatment plant is proposed as part of the scheme.
109. Works to the unmade section of Heron Hill Lane would be temporary and would be managed through a stopping up order. Traffic and noise linked to construction would be temporary. As such I am satisfied that the effects on users of the byway and on the living conditions of nearby residents would not be significant or disproportionate. Gabion walls are proposed and there is no firm evidence before me to suggest that the site could not be safely developed and risks of land instability avoided.
110. A number of minor adjustments to the layout of the scheme may be necessary to facilitate safe access, parking and distance between caravans, as discussed above, and can be dealt with via conditions. Overall, having regard to the likely scale, I am satisfied that these adjustments, individually and cumulatively, would not prejudice the interests of other parties.

111. The prior works on the site were limited to some tree and vegetation removal and levelling. Accordingly these are not determinative and I have assessed the scheme on its planning merits.
112. The appellants detailed personal statement was not published due to the confidential nature of its contents. However, a summary of the facts are included in the Officer report and the main parties' planning and appeal statements, and details were verbally discussed at the hearing session. As such I consider that representors had sufficient evidence and opportunity to engage with and respond to the issue of personal circumstances.
113. There is reference in the representations to disputes and problems between the appellants and a nearby local resident. However, there is no evidence before me regarding the nature or extent of the dispute and I have therefore attached little weight to this matter.
114. Property values and private views are not material considerations. Concerns have been raised about precedent for further traveller sites or other development in the locality. However, the area is currently Green Belt where development is restricted, and each case needs to be treated on its own merits.
115. Some representations include prejudicial comments and I have not considered it necessary to deal with these points in my decision.

Conditions

116. A condition seeking a revised layout plan is necessary to ensure that appropriate space is provided to allow access, parking and turning, and a safe distance between caravans. Conditions relating to the implementation and maintenance of parking and turning areas and visibility splays, improvements to the unmade byway, and the positioning of entrance gates are also imposed in the interests of highway safety.
117. Conditions seeking details and implementation of soft and hard landscaping, drainage, materials, lighting and refuse storage are necessary to protect the character and appearance of the area, protect and enhance biodiversity, prevent pollution and flood risk and would be in the interests of the living conditions of occupants and nearby residents. Conditions restricting the number of vehicles and caravans on the site and preventing commercial activity would also be in the interests of character and appearance and living conditions. Biodiversity mitigation measures are necessary to limit loss and promote enhancement.
118. A condition withdrawing permitted development rights and preventing the erection of additional gates, walls and fences is necessary given the site's location in the Green Belt.
119. The need for gypsy and traveller accommodation and the personal circumstances of the occupants have been key considerations in this case. Accordingly, conditions are necessary to ensure occupiers fall within the definition of travellers in the PPTS and are restricted to the named adults and their dependents. As the permission is personal and therefore, ultimately, temporary, a condition requiring the ceasing of the use and removal of caravans and structures is necessary once the site is vacated by those named.

Conclusions

120. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed.

Katie Child

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this permission.
- 2) The development hereby permitted, unless otherwise reserved for approval by another condition in this schedule, shall be carried out in accordance with the following plans:
 - OS Site Plan
 - Drawing No. 4527 D 10 Rev F – Site Layout Plan
 - Drawing No. 4527 D 11 Rev E – Sections
 - Plan 3 – Elevations and Plans for Utility Buildings
 - Drawing No. S17/6307/01 Rev B – Level Survey Plots 1-5
- 3) Prior to any operational works for the construction of the development hereby approved, the following additional information shall be submitted to and approved in writing by the Local Planning Authority:
 - Details to prevent the discharge of surface water from the site onto the public highway.
 - Notwithstanding the site layout shown on Drawing No. 4527 D 10 Rev F, a revised site layout shall be submitted which:
 - Provides adequate vehicular turning space within the site to enable the occupants of plots 1-4 to leave the site in a forward direction.
 - Provides a western visibility splay of 11 metres x 2.4 metres at the access to plots 1-4 from the byway as measured from the give way line, and an eastern visibility splay up to the tree in the north-east corner which is retained pursuant to condition 6.
 - Increases the width of the internal access road serving plots 1-4 to 5.5 metres for the first 10 metres from the access junction with the byway.
 - Provides parking space within each pitch capable of accommodating one light goods vehicle. The light goods vehicle space shall measure 7.5 metres x 3.5 metres.
 - Provides details of the position of the caravans, the utility rooms and retaining walls.

The approved site layout (excluding the utility buildings) shall be implemented and completed prior to the first residential occupation of the site and thereafter.

- 4) No use of the development hereby permitted shall occur until a scheme is submitted to and approved in writing by the Local Planning Authority, in consultation with Kent County Council Public Rights of Way Officer, detailing the repair and resurfacing of the section of unmade byway which extends from the junction of Heron Hill Lane with the track that extends south to Beechen Wood Farm in the west and the access serving plots 1-4 at a width of 3.05 metres. The scheme shall include a plan showing cross sections along the unmade length of the byway and details of the access serving plots 1-4.
- 5) Prior to any commencement of development hereby approved a mitigation scheme, including an implementation timetable and on-going maintenance measures, shall be submitted in writing by the Local Planning Authority in consultation with Kent Wildlife Trust. The scheme will maximise delivery of measures for mitigation in the space available on the site. The approved scheme shall be implemented in accordance with the approved details and timetable and thereafter maintained.
- 6) Prior to any commencement of development hereby approved a soft landscaping scheme for the whole site, including a timetable for implementation and completion, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - The retention of the tree adjacent to the site's north-eastern corner on Drawing No. 4527 D 10 Rev F.
 - A survey of the position of trees within 10 metres of the site boundary, including their spread and root protection area and details of measures for their protection, including their canopy and root systems, throughout the construction phases of the development.
 - Details of the number, density, species, heights and position of all trees, shrubs and hedges to be planted.

Any tree, shrub or hedge planted, which within a period of 5 years from the completion of the scheme, dies or is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 7) The measures in accordance with British Standard 5837:2012 to protect those trees identified in the survey submitted pursuant to condition 6, shall be implemented in accordance with the approved details prior to any work commencing on site and maintained throughout the duration of the construction of the development.
- 8) No trenches for underground services shall be commenced within the root protection areas of trees which are identified as being retained in the survey

drawing submitted pursuant to condition 6, without the prior written consent of the Local Planning Authority.

- 9) Prior to any commencement of development hereby permitted, a scheme detailing the proposed hard surface treatments and screening by fencing, walling and other boundary treatments, steps and retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with these approved details and completed, in its entirety, prior to first occupation of the site and thereafter maintained.
- 10) Prior to the first occupation of the development hereby permitted, a scheme for the entrance gates to the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that any entrance gate to plots 1-4 at the junction of the byway is set back at least 7 metres to enable vehicles to pull off the byway into the site. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the site and thereafter retained. No gates or other means of barrier shall at any time be placed within the first 7 metres of the entrance to plots 1-4.
- 11) Notwithstanding the provisions of Article 3 and Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), there shall be no additional gates, walls (including retaining walls) or fences erected in the site other than those approved on the scheme of hard landscaping submitted pursuant to conditions 9 and 10.
- 12) The visibility splays approved pursuant to condition 3 shall be provided prior to the first occupation of the site to which the visibility splays relate and shall thereafter be so retained. No structure, tree or plant shall exceed 0.9 metres in height above the surface level of the adjacent byway.
- 13) The vehicle parking and turning areas shown on the revised layout plan submitted pursuant to condition 3 shall be formed, surfaced and drained prior to first occupation of the site and thereafter kept available at all times for the parking of vehicles and for no other use whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order).
- 14) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of the Planning Policy for Traveller Sites (or its equivalent replacement in national policy).
- 15) No commercial activities shall take place on the land, including the storage of material, plant or equipment.

- 16) No more than two vehicles per pitch shall be kept stationed, parked or stored on the land for use by the occupiers of the caravans hereby permitted and they shall not exceed 3.5 tonnes in weight.
- 17) There shall be no more than 5 pitches on the site and each pitch shall contain no more than two touring caravans. No caravan shall measure more than 7 metres in length.
- 18) The utility buildings hereby permitted shall not be erected until the samples of the materials to be used in the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The utility buildings shall be carried out in accordance with the approved details.
- 19) Prior to commencement of the development hereby permitted, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first residential occupation of the site and thereafter retained in that form.
- 20) Prior its installation, full details of any external lighting, including the position, hours of use and mechanisms for control of, and intensity of illumination emanated, shall be submitted to and approved in writing by the Local Planning Authority.
- 21) The use hereby permitted shall be carried on only by the following and their resident dependents: Plot 1 – Mr. Jamie Stokes and Mrs. Anne Marie Stokes; Plot 2 – Mr. Dougie Buckland and Ms. Mary Alice Riley; Plot 3 – Mr. Frank Dunphy and Mrs. Pollyann Dunphy; Plot 4 – Mr. John William Townsley and Ms. Maria Buckland; Plot 5 – Mr. Michael Joseph Dunphy and Mrs. Paulina Dunphy.
- 22) When the premises cease to be occupied by those named in condition 21 above, the use hereby permitted shall cease and all caravans, buildings, structures (including retaining walls), materials and equipment brought on to the land, or works undertake in connection with the use, shall be removed and the land restored to its condition before the development took place.

APPEARANCES

FOR THE APPELLANT

Alison Heine	Agent
Jamie Stokes	Appellant
Frank Dunphy	Appellant
Michael Dunphy	Appellant
Pollyann Dunphy	Appellant's wife
Anne Marie Stokes	Appellant's wife

FOR THE COUNCIL

Sian Morley	Senior Planning Officer
Richard McEllistrum	Planning Manager
Les Seaborn	Highways Development Management Officer
Sikdeep Coyle	Planning Enforcement Manager

INTERESTED PARTIES

Katie Brewis	Representing her family who own land in the vicinity
Iain Warner	Planning consultant representing the Ridge Lane Resident's Association

DOCUMENTS SUBMITTED AT THE HEARING

Submitted by the appellants

1. Aerial photographs of the appeal site dated 1990, 2007, 2015 and 2018.
2. Letter from consultant at Great Ormond Street Hospital dated 16 October 2019.
3. Email confirming sale of land to Frank Dunphy from previous landowner dated 10 February 2020.
4. Letter from solicitor regarding sale of land to Frank Dunphy, dated 22 August 2017.

Submitted by the Local Planning Authority

5. Gravesham Local Development Scheme (2018-2021).
6. Gravesham Gypsy and Traveller Accommodation Assessment (October 2018).
7. Appeal decision letter dated 23 June 2015 relating to land south of Asvins, Ridge Lane, Meopham (APP/K2230/W/15/3003758).
8. Aerial photograph of the appeal site dated 2019.
9. Email from John Pelham, Public Rights of Way and Access Service, Kent County Council, dated 6 February 2020.
10. Residential Layout Guidelines Supplementary Planning Guidance 2 (February 1996).

- 11.Land Registry details obtained 10 February 2020 and official copy of register of title relating to KT164149.

Submitted by interested parties

- 12.Decision letter relating to application to erect a chalet dwelling at Summer Pond, Heron Hill Lane dated 4 June 2014, submitted by Katie Brewis
- 13.Representations made by Graham Simpkin Planning on the emerging Gravesham Local Plan, dated 8 August 2019, submitted by Katie Brewis

DOCUMENTS SUBMITTED AFTER THE HEARING

- 14.Email from David Munn, Kent County Council, regarding improvements to the byway, dated 29 January 2019, submitted by the appellants.
- 15.Maps and prices of work undertaken by Mr. Stokes from mobile phone accounts package, submitted by the appellants.
- 16.Letters, photo and map relating to land in the ownership of the Harvey family, submitted by Katie Brewis.