



PLANNING STATEMENT

Project: Land South of White Post Lane, Cobham, Gravesend, Kent,
DA13 9BS

Proposal: Change of use of the land to for the stationing of 8 mobile homes for Gypsy and Traveller use, erection of associated day rooms, soft landscaping and laying of hardstanding (part retrospective).

Contents

1. Introduction.....	3
2. Site Description.....	3
3. Planning History and Proposal	4
4. National Planning Policy Summary	5
5. Local Planning Policy Summary.....	8
6. Planning Assessment.....	11
7. Conclusion	16

1. Introduction

- 1.1 This statement has been prepared in support of my clients' planning application. This is in relation to the change of use of the land to for the stationing of 8 mobile homes for Gypsy and Traveller use, erection of associated day rooms, soft landscaping and laying of hardstanding (part retrospective).
- 1.2 Firstly, this statement will set out the details of the site description to provide a context in which the proposal has been designed. Secondly, we review the sites planning history and set out the details of the proposal subject of this application. Next we provide a summary of the relevant planning national and local planning policies. Following this we set out a detailed assessment of the proposal and the relevant material considerations. Finally, we provide a summary of the benefits of the proposal and why we consider that it should be approved.
- 1.3 In addition to this statement the following documents have been provided;
 - Application forms
 - Site Location Plan
 - Existing and Proposed Block Plan
 - Proposed floor plans, and elevations day room
 - Proposed floor plans and elevations – example mobile home

2. Site Description

- 2.1 The site comprises a roughly rectangular parcel of land on the southern side of White Post Lane. The site measures approximately 0.7ha in area and is located adjacent to a parcel of land used for the stationing of one caravan for security purposes.
- 2.2 Whilst there are trees to the boundaries, the site area itself is relatively open. The site is currently covered in hardstanding and post and rail fencing has been erected within the site dividing the site into various plots.
- 2.3 In terms of planning policy the site is located outside of the settlement boundary of nearby Sole Street and is therefore located within the Green Belt. The site is located within Flood Zone 1 and is not designated for its ecological or landscape sensitivities. Further, the site does not lie within the setting of a heritage asset. The site lies within the Thames Estuary and Marshes Ramsar buffer zone.
- 2.4 The site lies approximately 350 to the east of Hook and 430m to the west of Sole Street. Meopham has a number of services and amenities including a pre-school and primary school, convenience shop, public house, pharmacy, recreation ground and a train station which provides regular services to London, Dover and Ramsgate.

3. Planning History and Proposal

Relevant Planning History

- 3.1 Planning permission was granted for the variation of condition 2 attached to planning permission reference no. 20141082 for the use of the land for the stationing of a caravan for security purposes; to allow the caravan to be located elsewhere on site 20190944. This caravan is sited immediately adjacent to the site to the west.
- 3.2 On land to the east of the site planning permission has recently been allowed on appeal for a change of use of land to form a gypsy/traveller site comprising the siting of 1 mobile home, 1 touring caravan, and 1 dayroom (ref 20241164 and ref APP/K2230/W/25/336212).

Planning Proposal

- 3.3 Planning permission is sought for the change of use of the land to for the stationing of 8 mobile homes for Gypsy and Traveller use, erection of associated day rooms, soft landscaping and laying of hardstanding (part retrospective).
- The site would be divided into four plots which would each contain two mobiles, two day rooms, and parking for two touring caravans and two cars.
 - The site would be occupied by members of the same extended family who all fall within the Gypsy/Traveller definition.
 - The site is currently covered in hardstanding. This proposal would remove some areas of hardstanding to create private amenity spaces to each plot.
 - The existing access to the recently approved scheme above (ref 20241164) would be utilised to access this site.
 - There would be sufficient space within the site to ensure that all vehicles could turn and exit in forward gear.
 - Existing trees to the boundaries of the site would be retained and additional hedgerows would be provided to define individual plots.



Figure 1 Proposed Block Plan

4. **National Planning Policy Summary**

- 4.1 The NPPF (2024) sets out the government's planning policies which Local Plans need to accord with. Relevant paragraphs include;

Achieving Sustainable Development

- 4.2 Para 7 of the NPPF states that 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.
- 4.3 Para 8 states that Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
 - **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Presumption in favour of sustainable development

- 4.4 Para 11 of the NPPF states that '*plans and decisions should apply a presumption in favour of sustainable development.*'
- 4.5 For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Achieving well-designed places

- 4.6 Para 131 relates to achieving good design and states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'
- 4.7 Para 135 states that; Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Planning Policy for Traveller Sites – 2024

- 4.8 This brief document sets out the Government's planning policy for traveller sites and should be read in conjunction with the National Planning Policy Framework. This document has been recently updated.
- 4.9 Within Policy H, states within paragraph 24 states that ;
'Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.'
- 4.10 Paragraph 25 states that *'Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*
- a) *The existing level of local provision and need for sites*
 - b) *The availability (or lack) of alternative accommodation for the applicants*
 - c) *Other personal circumstances of the applicant*
 - d) *That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.*
 - e) *That they should determined applications for sites from any travellers and not just those with local connections.'*

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- 4.11 Paragraph 28 states that *'if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.'*
- 4.12 With regards to sites within the Green Belt Paragraph 16 states that *'inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 of the NPPF apply.'*
- 4.13 Paragraph 18 goes on to confirm that *'The Golden Rules, set out in chapter 13 of the NPPF do not apply to traveller sites.'*
- 4.11 Paragraph 28 states that *'if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.'*
- 4.12 With regards to sites within the Green Belt Paragraph 16 states that *'inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 of the NPPF apply.'*
- 4.13 Paragraph 18 goes on to confirm that *'The Golden Rules, set out in chapter 13 of the NPPF do not apply to traveller sites.'*

5. Local Planning Policy Summary

Gravesham Local Plan Core Strategy – 2014

5.1 The Core Strategy was adopted in September 2014 and sets out the Councils long term spatial vision for the Borough. The Core Strategy covers the period from April 2011 to March 2028.

- Policy CS01 – Sustainable Development
- Policy CS02 – Scale and Distribution of Development
- Policy CS17 – Provision of Traveller Sites
- Policy CS19 – Development and Design Principles

5.2 Policy CS01 relates to sustainable development and states that;

Planning applications that accord with the policies in the development plan for Gravesham will be approved without delay, unless material considerations indicate otherwise.

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in this Core Strategy. It will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic social and environmental conditions in the area.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.*

5.3 Policy CS17 relates to the Provision of Traveller Sites and states that:

The Council will seek to meet the housing needs of Travellers in the Borough by:

- *Safeguarding traveller sites with permanent planning permission for their current use unless it can be demonstrated that they are no longer needed to meet identified need;*
- *Investigating opportunities to extend existing permanent sites within the urban area; and*
- *Supporting new sites within the urban area and rural settlements inset from the Green Belt which accord with policies in this plan, in particular those relating to Development and Design Principles, Climate Change, Green Infrastructure, and Heritage and the Historic Environment.*

5.4 The supporting text of Policy CS17 states that:

'Site allocations and a criteria-based policy will be included within the Site Allocations and Development Management Policies Development Plan Document (DPD). In advance of producing the DPD, planning applications for windfall sites will be considered against the

provisions of the National Planning Policy Framework and the Planning Policy for Traveller Sites.'

- 5.5 Whilst the supporting text states that a criteria based policy will be included within the SADMP Plan, this is yet to be adopted and is significantly overdue.

Gravesham Local Plan First Review Saved Policies – 2014

- 5.6 The Local Plan was originally adopted in November 1994. In September 2007 a number of policies were saved through direction from the Secretary of State. In September 2014 the Council adopted their Core Strategy and as a result a number of saved policies were deleted. The remaining saved policy is relevant to this proposal are as follows;

- Policy P3 – Vehicle parking standards

Site Allocations and Development Management Policies

- 5.6 A second regulation 18 consultation was carried out between October and December 2020. No further consultations have been carried out since this time. It is understood that there have been delays to the progression of the Emerging Plan due to highways modelling. The latest document available on the Council's website is a consultation document and does not contain draft policies which can be referred to.

Need for Gypsy and Traveller Sites

- 5.7 The latest Gypsy and Traveller Accommodation Assessment was prepared in 2017 and published in 2018. This does indicate that there is a need for between 13.8 and 25.4 pitches between April 2023 and March 2028. Due to its age, we consider that it is now out of date and should not be relied upon as evidence. In a recent appeal decision (ref APP/K2230/W/24/3336250) relating to a change of use to allow the stationing of 3 pitches, the Inspector noted that *'it is common ground that the Council cannot demonstrate an up to date 5 year supply of deliverable sites'*. Within this appeal decision, the Inspector noted that the Council do not currently have a criteria based policy for determining planning applications relating to Gypsy and Traveller sites and whilst the SADMP will include one, this policy is some way off from being adopted. The Inspector noted that:

'The Council anticipates that both a review of the Local Plan Core Strategy and Site Allocation and Development Management Policies Document (SADMP) will be subject to Regulation 19 consultation in 2024, with adoption no sooner than 2025. This document would provide for future needs of Gypsies and Travellers and the emerging plan does contain a criteria based policy, but the parties agree this carries limited weight.'

'It is clear that there has been a failure of policy with the timescale for the adoption of the SADMP having slipped several times, having been first anticipated in 2020. Furthermore, Inspector Child anticipated it would be adopted in 2022 when considering an earlier appeal and it is now suggested to be on course for adoption in 2025. The CS does not include a criteria-based policy for assessing windfall traveller sites, contrary to paragraph 11 of the PPTS. Policy CS17 of the CS sets out that this would be included within the now overdue SADMP and the evidence before me, from a previous appeal decision, indicates that the Council have not had a criteria based policy since at least 1994.'

- 5.8 Whilst there are no up to date policies relating to the provision of Gypsy and Traveller sites, current unmet need must be met through windfall sites until the SADMP is adopted. As 77% of the Borough lies within the Green Belt it is likely that future sites will be affected by this

designation. The Inspector concluded in relation to need and supply stating that: *'In accordance with the PPTS, in these circumstances, lack of supply should be a significant material consideration in relation to a planning decision when considering the grant of a temporary planning permission. However, the PPTS makes it clear that this does not apply to sites within, amongst other things, the Green Belt. It also does not say that the lack of supply is a significant material consideration when considering permanent schemes.'*

6. Planning Assessment

Applicants Gypsy status

- 6.1 The 2024 PPTS updated the 2023 planning definition of Gypsies and Travellers to include all persons “with a cultural tradition of nomadism or of living in a caravan”. In addition the guidance contained in paragraph 2 of the 2023 PPTS Glossary on the considerations to take into account in determining whether an applicant is a gypsy or traveller and meets the planning definition, has been removed.
- 6.2 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependant’s health or education needs or old age. To confirm that the applicants meet the revised definition of a gypsy, we can confirm that the following persons will be occupying the site;
- Plot 1 – Hayley O’Donoghue (age 24) and her two children Lee O’Donoghue (aged 4) and Hayley O’Donoghue (age 1).
 - Plot 2 – Karina O’Donoghue (aged 32) and her two children Paris (aged 12) and Dean (aged 10)
 - Plot 3 – Frances O’Donoghue (aged 55)
 - Plot 4 – Rose O’Donoghue (aged 35) and Theresa O’Donoghue (aged 16)

Green Belt – Inappropriate Development

- 6.3 We acknowledge that the site is located within the Green Belt and therefore consideration should be given to whether the proposal would comprise appropriate development or not. Paragraph 153 of the NPPF states that *‘inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.’* Paragraph 153 goes on to state that; *‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*
- 6.4 Paragraph 154 set out exceptions to inappropriate development within the Green Belt. One exception within paragraph 155 states that material changes in the use of land can be considered acceptable providing they preserve its openness and do not conflict with the purposes of including land within it. In this case we acknowledge that the proposal includes the provision of fencing, re-levelling of the site and a material change of use. We note that this works would have a limited impact upon the openness of the Green Belt and therefore as a result would not meet an exception to inappropriate development.
- 6.5 Paragraph 155 sets out a further exception to inappropriate development within the Green Belt. The PPTS confirms that ‘the golden rules’ do not apply to Gypsy and Traveller sites and therefore providing that proposals meet the requirements of bullet points a), b), and c), the development should be considered acceptable in principle. We acknowledge however that the recent appeal decision in relation to the land immediately east of the site confirmed that whilst the proposal would meet criteria a and b of para 155 it would not be sustainably located and would therefore fail to meet criteria c of para 155 and therefore would be considered inappropriate development in the Green Belt. As this site is located in close proximity to this recent appeal decision we accept that the same conclusions would apply in relation to sustainability.

Green Belt - Openness

- 6.6 To assess the impact of a proposal upon the openness of the Green Belt both spatial and visual impacts should be considered. When assessing the recent appeal and its impact upon openness of the Green Belt the Inspector stated that:

'The proposal would cause a reduction in the spatial aspect of the Green Belt's openness through providing built forms and structures on the site where there would otherwise be open grassland. The residential use of the land would also lead to domestic paraphernalia across the site, including parking areas and outdoor seating areas, and an increase in activity. In terms of their visual effects, the proposed structures would be single storey and, once in the location shown on the proposed plans, visibility from public view points would be very limited given their distance from the highway and nearby public footpath. The proposed landscaping would further limit views of the structures and low level paraphernalia from the surrounding area.'

'Overall for the reasons given, I find there would be a limited adverse impact to the openness of the Green Belt, given the scale and location of the development.'

- 6.7 Whilst we acknowledge that this proposal would provide more pitches than that approved in relation to the above appeal decision, we consider that similar conclusions could be applied in relation to the nature of the development and the soft landscaping proposed.

Visual Amenities and landscaping

- 6.8 The site lies within the Meopham Downs Landscape Character Area as defined by the Gravesham Landscape Character Assessment 2009 (the GLCA). This sets out that the characteristics of the area include its gently undulating topography with a mixture of arable and pasture farmland and distinctive field patterns. The GLCA acknowledges the presence of horse related activity scattered throughout the landscape. Policy CS19 of the Core Strategy seeks to ensure that new development is visually attractive and locally distinctive. The policy requires development to conserve and enhance the character of the local and built natural environment and integrate well into the surrounding area.
- 6.9 The layout has been carefully designed to provide additional landscaping and biodiversity enhancements which would soften the impact of the development in the wider landscape. Due to the scale and layout of the proposal, the development would not appear overly cramped and further would not be overly dominant. Whilst we accept that the proposal would have some impact upon the wider landscape, this impact would be softened through the provision of landscaping, and further should be weighed against the benefits of providing additional pitches to meet the Council's significant shortfall.

Residential Amenities

- 6.10 Government guidance in paragraph 135 of the NPPF (2024) state that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings and land. These core principles are in line with provisions of Policy CS19 of the Local Plan Core Strategy, which requires proposals to safeguard residential amenity, including privacy, daylight and sunlight.
- 6.11 The site is located some distance from the nearest residential dwelling, such that the proposal would not have an adverse impact upon neighbouring residential amenities in terms of loss of light, outlook or privacy.

- 6.12 The proposal has been carefully designed to ensure that there would be no adverse impact upon the amenities of future occupiers, ensuring that sufficient amenity spaces would be provided to each plot. Whilst the site would be occupied by an extended family unit, the mobiles have been positioned to ensure that there would be no loss of privacy within the site itself. On this basis, we consider that the proposal would not have an adverse impact upon the residential amenities of existing or future occupiers and would therefore comply with requirements in policy CS19 of the Local Plan Core Strategy and paragraph 135f of the National Planning Policy Framework 2024.

Highways and Parking

- 6.13 The proposal would utilise the existing access from White Post Lane which also serves the site to the east. There would be sufficient space within the site to ensure that all vehicles could enter and exit in forward gear. As a result, we consider that the proposal would comply with policy T1 of the Gravesham Local Plan: First Review (1994), which seeks to mitigate the adverse impact of development on the highway network.

Flooding

- 6.14 The site is located within flood zone 1 and furthermore is not at risk of surface water flooding. The following map extract confirms that the site is located within flood zone 1.



Ecology

- 6.15 The site is covered by hardstanding and as this element is retrospective, we consider that the proposal should be exempt from the 10% biodiversity net gain exemption. Furthermore, the site is not designated for its ecological sensitivity and would not have an adverse impact upon protected species.

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

- 6.16 We note that the site lies within 6km of the Ramsar site and SPA and as such a financial contribution of £328.27 is required for each additional pitch on site. This contribution can be made during the application process when requested by the LPA.

Need for Gypsy and Traveller Sites.

- 6.17 The recent appeal decision at the neighbouring site set out in detail the Council's position in terms of need and given this decision was made very recently (July 2025) we consider that the following conclusions in relation to need are relevant and up to date.

'The Council accept it is unable to demonstrate a five year supply of deliverable sites and it acknowledges that the shortfall in both past delivery and future supply is significant. In establishing the likely level of need, the Council rely on the Supply Statement 2024³ which in turn refers to the GTAA 2022⁴. The GTAA, however, pre-dates the changes to the definition of Gypsies and Travellers within the PPTS in both 2023 and 2024. The Council therefore accept there will be a greater need for pitches than those documents set out and further work is being undertaken. At present there is, therefore, significant uncertainty surrounding the level of need in the Borough.'

Given the level of uncertainty, it was agreed in the hearing that the appellant's suggestion of using the 'total pitch requirement' set out in the GTAA as a minimum was reasonable. On this basis the need would be 31 pitches for 2022-2017 and 60 pitches for the period 2022- 2040. In addition to the pitches granted at appeal listed in the Officer's Report, the Council reported a further two pitches have received a resolution to grant from the planning committee. Even accounting for those pitches however, the level of unmet need, which could be greater than reported, remains significant.

The Council accept that there has been a failure of policy in delivering Gypsy and Traveller pitches. This is consistent with the earlier appeal decisions and this has clearly been the case for many years. The 2025 appeal decision reiterates the comments of an earlier Inspector who noted a 'persistent and grave failure to plan for the needs of Gypsies and Travellers in the Borough'. The unmet need can currently only be met through windfall sites coming forward and the CS does not include a criteria-based policy for assessing those. Looking forward, a Regulation 19 consultation is intended for later in the year. However, there is uncertainty at this time as to how the emerging local plan will address the level of need and it remains some way from examination and adoption. Importantly, the Council accepted that there will likely be a need to utilise Green Belt land in the future in order to meet the need.

The need for gypsy and traveller sites together with the persistent failure of policy and the uncertainty of future means to meet the need, carries significant weight in favour of the development.

- 6.18 It is clear therefore from the summary above, that the Council cannot currently demonstrate a five year supply of pitches and that the shortfall is significant. The Council acknowledge that their CS Policy 17 has failed to deliver the pitches required in the Borough and that there is an acceptance that there will likely be a need to utilise Green Belt land in order to meet future need. We consider that this position should provide significant weight in favour of the proposal.

Alternative Sites

- 6.19 When considering the most recent appeal the Inspector stated in relation to alternative sites that:

'The appellant is not aware of any alternatives to residing on the appeal site, and the Council were not able to present any. A lack of alternatives was similarly established under earlier appeal decisions and there is nothing before me to suggest this has changed. For this reason, and in the absence of evidence to the contrary I agree that there is presently no acceptable alternative accommodation available to the appellant. This carries significant weight.'

- 6.20 The applicant and their family do not have any alternative sites available to them, and taking into account the conclusions above it is unlikely that alternatives sites will be forthcoming in the immediate future.

Very Special Circumstances

- 6.21 As set out above there is a significant shortfall of Gypsy and Traveller sites within the Borough such that significant weight should be afforded to proposals which make a valuable contribution to meeting this shortfall. This proposal maximises the use of the site whilst ensuring a suitable layout can be delivered. Whilst we acknowledge that the site is located within the Green Belt, this constraint affects a large part of the Borough. It is likely therefore that sites in the Green Belt will need to be brought forward to meet the shortfall in supply.
- 6.22 The site would be occupied by one extended family who have connections to the area. Additional information will be provided which will set out the personal circumstances of the applicant and their need.

7. Conclusion

- 7.1 Planning permission is sought for the change of use of the land to for the stationing of 8 mobile homes for Gypsy and Traveller use, erection of associated day rooms, soft landscaping and laying of hardstanding (part retrospective).
- Gravesham BC cannot currently demonstrate a five year supply of Gypsy and Traveller pitches. This proposal would make a valuable contribution to that existing shortfall.
 - Whilst the proposal would comprise inappropriate development in the Green Belt we consider that there would be sufficient very special circumstances to outweigh the harm.
 - The proposal would not have an adverse impact upon neighbouring amenities in terms of loss of light, outlook and privacy. Furthermore, due to an appropriate design, the proposal would not have an adverse impact upon the amenities of future occupiers.
 - The existing access from White Post Lane to the neighbouring site would be utilised and there would be sufficient space within the site for vehicles to turn and exit in forward gear.
 - The site is located within flood zone 1 and would not result in an increase in flood risk.
 - The proposal would be exempt from the 10% biodiversity net gain requirements and further would not result in an adverse impact upon protected species.
- 7.2 The scheme accords with the NPPF (2024), and Policies CS01, CS02, CS17 and CS19 of the Gravesham Core Strategy. The application should therefore be approved in our view.

Appendix 1

Appeal Decision

Land south of White Post Lane, Cobham,
Gravesend, Kent, DA13 9BS

APP/K2230/W/25/3363212



Appeal Decision

Hearing held on 19 June 2025

Site visit made on 19 June 2025

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th of July 2025

Appeal Ref: APP/K2230/W/25/3363212

Land south of White Post Lane, Cobham, Gravesend, Kent, DA13 9BS

- 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 Mr M Shilling against the decision of Gravesham Borough Council.
 - The application ref is 20241164.
 - The development proposed is change of use of land to form a gypsy/traveller site comprising the siting of 1 mobile home, 1 touring caravan, and 1 dayroom.
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Decision

1. The appeal is allowed and planning permission is granted 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 at Land south of White Post Lane, Cobham, Gravesend, Kent DA13 9BS in accordance with the terms of the application, Ref 20241164 and the conditions set out in the schedule below.

Background and Preliminary Matters

2. The appeal site is part of a wider parcel of land which is the subject of an enforcement notice relating to the stationing of mobile homes for residential use and associated touring caravans. This notice was the subject of an appeal which was dismissed on 11 February 2025 and the notice was upheld with variations ('the 2025 appeal decision')¹. An earlier appeal was dismissed on 28 February 2023, relating to land further west, for the change of use of the land to form a Gypsy and Traveller site of two pitches ('the 2023 appeal decision')².
3. There is also an injunction relating to the land dated 2 July 2009. This prohibits the use of the land for the siting of caravans and mobile homes and; the use of the site as a gypsy or traveller site. This injunction does not, however, prevent the consideration of an application for planning permission, or any subsequent appeal.
4. In light of concerns I had during the site visit, I asked the main parties to comment in writing as to whether the red line boundary of the site location plan encompassed the entirety of the land to which the appeal should relate. Both main parties replied that the appeal should progress based on the plans provided. I have therefore determined the appeal on this basis.

¹ APP/K/2230/C/23/3328720

² APP/K2230/W/20/3271514

Main Issues

5. During the hearing the Council agreed that matters relating to biodiversity could be dealt with by condition. It was also discussed that the effect of the proposal on designated habitat sites was no longer in dispute. As such I have dealt with these as other matters, rather than main issues of the appeal.
6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the landscape character;
 - Whether the site is suitably located to encourage sustainable travel, and;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate

7. Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (the CS) states that development in the Green Belt will be supported where it is compatible with national policies for protecting the Green Belt as well as other policies in the plan. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework establishes that development in the Green Belt is inappropriate unless one of the exceptions it lists applies. Both main parties agree that none of the exceptions listed in paragraph 154 of the Framework apply.
8. The appellant has put forward that the development can instead be considered under paragraph 155, which states that the development of homes, among other things, should not be regarded as inappropriate development where all the criteria listed apply. In respect of criteria a) the main parties agreed the site to be 'grey belt' having regard to the definition in the Framework. I am mindful of the earlier Inspector's conclusion regarding grey belt, however, the Planning Practice Guidance (the PPG) has since been updated and, in light of its detailed guidance on how to assess Green Belt purposes, I am satisfied that the site can now be considered as grey belt. Turning to criteria b), it is agreed and apparent from the evidence that there is a demonstrable unmet need for the type of development proposed and having regard to the associated footnote.
9. Criteria c) of paragraph 155 requires the development to be in a sustainable location, having particular reference to paragraph 110 and 115 of the Framework, and also to paragraph 13 of the Planning Policy for Traveller Sites (the PPTS). An assessment and conclusion on this matter is contained below, and I have found that the site is not in a sustainable location for the reasons set out. Accordingly, the proposal would not comply with criteria c). Part d) does not apply here, as established by the PPTS.
10. In conclusion on this main issue, the proposal would not meet all the criteria of paragraph 155 and would be inappropriate development in the Green Belt.

Openness

11. Openness of the Green Belt has a spatial aspect as well as a visual aspect. The site is in a rural location, clearly separated from the nearby settlements and the appeal site would comprise open grassland and paddocks if it were not occupied by the appellant. The openness of the wider area is established by the predominance of open fields, woodlands and the dispersed pattern of development between settlements. In the vicinity of the appeal site there are a number of low level stables and horse shelters as well as boundary treatments which divide the land. If the site were unoccupied, it would contribute towards the appreciation of openness when travelling along White Post Lane.
12. The proposal would cause a reduction in the spatial aspect of the Green Belt's openness through providing built forms and structures on the site where there would otherwise be open grassland. The residential use of the land would also lead to domestic paraphernalia across the site, including parking areas and outdoor seating areas, and an increase in activity. In terms of their visual effects, the proposed structures would be single storey and, once in the location shown on the proposed plans, visibility from public view points would be very limited given their distance from the highway and nearby public footpath. The proposed landscaping would further limit views of the structures and low level paraphernalia from the surrounding area.
13. Overall for the reasons given, I find there would be a limited adverse impact to the openness of the Green Belt, given the scale and location of the development.

Landscape Character

14. The site lies within the Meopham Downs Landscape Character Area as defined by the Gravesham Landscape Character Assessment 2009 (the GLCA). This sets out that the characteristics of the area include its gently undulating topography with a mixture of arable and pasture farmland and distinctive field patterns. The GLCA acknowledges the presence of horse related activity scattered throughout the landscape.
15. The proposal would result in the loss of the former paddock and grassland, which the GLCA recognises as typical of the landscape character. However, the appeal site is set back notably from the road and is enclosed by the railway line and its tree belts to the south. As a result of its position and enclosure the proposal would be reasonably discrete in views from the surrounding area. Even if some visibility of the structures were to occur, this would be limited to glimpses of the tops of the structures and, given the abundance of other low level structures within the immediate area, the proposal would not appear at odds with the established landscape character. The maturity of the proposed landscaping would add further screening and over time the planting would be capable of amounting to an enhancement to the site, appearing as a continuation of the tree belts and hedgerows nearby. A condition could reasonably be used to control external lighting on the site, given it could otherwise draw undue attention to the development and detract from the rural character.
16. The earlier Inspectors found moderate harm from those respective proposals, however, the location of those developments and the extent of built forms were different to this appeal, particularly as they were closer to the road. I also note the comments of interested parties regarding the trees that have been removed

nearby and the works undertaken for example on White Post Lane. While I observed those works have altered the character of part of White Post Lane and the works are of course regrettable, they are nonetheless outside the scope of the appeal before me and matters relating to enforcement would be for the Council.

17. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on the landscape character. It would comply with policies CS12 and CS19 of the CS, which together seek to conserve the landscape character and integrate development into the surrounding area. Neither do I find conflict with Policy CS18 in respect of this main issue.

Sustainability of the Site's Location

18. The appeal site is located between Sole Street and Meopham which each contain some limited services and facilities, as well as public transport links. However, the site is linked to those settlements only by White Post Lane, which is narrow and unlit. I observed it to be a fairly busy route and it lacks any footpaths or significant verges. As such pedestrians would need to walk in the path of traffic and it would not provide a safe or attractive route for occupiers of the site, particularly with children. Cycling could provide an alternative, but is unlikely to be attractive throughout the year. In line with paragraph 13 of the PPTS, I accept that there may be an inherent use of private vehicles associated with the working and travelling patterns of those occupying the site, however, this would not be the case for those individuals who are not travelling for work and it remains the case that they would be heavily reliant on private vehicles for all day to day needs as a result of the site's location. For these reasons the site's location is not one which could be considered sustainable.
19. These findings are consistent with the earlier appeal decisions, particularly the 2025 appeal decision, which similarly considered the matter in light of paragraphs 110 and 115 of the Framework and paragraph 13 the PPTS. While the 2023 appeal was not specifically dismissed for this reason, the Inspector nonetheless found the site's location to conflict with the Framework insofar as it related to promoting sustainable transport. I have considered the other appeal decisions evidenced by the appellant, however the circumstances of those sites and the proposed uses would appear different to that before me. Overall, there is not convincing evidence which would lead me to reach a different view to the earlier Inspectors on this issue.
20. The site is not in a sustainable location and the proposal would conflict with Policy CS19 of the CS which requires new development to encourage sustainable living and choice, being well connected to services, facilities and public transport, and encouraging sustainable travel. In turn this gives rise to conflict with Policy CS02 insofar as it requires development in rural areas to be compatible with policies in the Plan.

Other Considerations

21. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I address these in turn below.

Need for Gypsy and Traveller Sites

22. The Council accept it is unable to demonstrate a five year supply of deliverable sites and it acknowledges that the shortfall in both past delivery and future supply is significant. In establishing the likely level of need, the Council rely on the Supply Statement 2024³ which in turn refers to the GTAA 2022⁴. The GTAA, however, pre-dates the changes to the definition of Gypsies and Travellers within the PPTS in both 2023 and 2024. The Council therefore accept there will be a greater need for pitches than those documents set out and further work is being undertaken. At present there is, therefore, significant uncertainty surrounding the level of need in the Borough.
23. Given the level of uncertainty, it was agreed in the hearing that the appellant's suggestion of using the 'total pitch requirement' set out in the GTAA as a minimum was reasonable. On this basis the need would be 31 pitches for 2022-2017 and 60 pitches for the period 2022- 2040. In addition to the pitches granted at appeal listed in the Officer's Report, the Council reported a further two pitches have received a resolution to grant from the planning committee. Even accounting for those pitches however, the level of unmet need, which could be greater than reported, remains significant.
24. The Council accept that there has been a failure of policy in delivering Gypsy and Traveller pitches. This is consistent with the earlier appeal decisions and this has clearly been the case for many years. The 2025 appeal decision reiterates the comments of an earlier Inspector who noted a 'persistent and grave failure to plan for the needs of Gypsies and Travellers in the Borough'. The unmet need can currently only be met through windfall sites coming forward and the CS does not include a criteria-based policy for assessing those. Looking forward, a Regulation 19 consultation is intended for later in the year. However, there is uncertainty at this time as to how the emerging local plan will address the level of need and it remains some way from examination and adoption. Importantly, the Council accepted that there will likely be a need to utilise Green Belt land in the future in order to meet the need.
25. The need for gypsy and traveller sites together with the persistent failure of policy and the uncertainty of future means to meet the need, carries significant weight in favour of the development.

Available Alternative Accommodation

26. The appellant is not aware of any alternatives to residing on the appeal site, and the Council were not able to present any. A lack of alternatives was similarly established under earlier appeal decisions and there is nothing before me to suggest this has changed. For this reason, and in the absence of evidence to the contrary I agree that there is presently no acceptable alternative accommodation available to the appellant. This carries significant weight.

Personal Circumstances

27. The appeal site would be occupied by a single household, comprising the appellant and his partner, and their five children of which one is of adult age. It was agreed in the hearing that, given the information provided with the appeal, the

³ Gravesham Local Plan- Five- Year Gypsy and Traveller Pitch Supply Statement 2024-2019

⁴ Gravesham Borough Council- Gypsy and Traveller Accommodation Assessment (GTAA) November 2022

appellant and his family met the definition of Gypsies and Travellers set out in the PPTS. From the evidence before me I agree with that finding. Article 8⁵ imposes a positive obligation to facilitate the gypsy way of life and, as a minority group, special consideration should be given to their needs and lifestyle.

28. The family travel together in the summer and the appellant sometimes travels separately for extended periods for work. The family have previously resided with family and in Surrey on various informal pitches, however, this is no longer an option for them and the family do not consider bricks and mortar housing as appropriate to their culture.
29. Three of the children attend a school and nursery in a neighbouring Borough. In addition, one child now attends a specialist school in north Kent, for which they have been on the waiting list for a significant period of time following identification of specific health care needs from a young age. I understand that transport is provided by the school to facilitate attendance and securing this school place has provided much relief to the family in helping to address that child's needs.
30. If the appeal were to be dismissed, the family would continue to live with uncertainty and have to reside elsewhere, perhaps on the roadside in the absence of suitable alternatives as discussed above. As a consequence the children would likely need to leave those schools and their education would be disrupted. While it is not apparent that the appellant needs to reside in this particular location to maintain a place at the specialist school, it is nonetheless apparent that that child in particular, as well as the others attending school in Dartford Borough, would benefit from a settled base and the continuity in education which a settled base would provide. A settled base would also provide access to local healthcare which the evidence suggests is necessary for several members of the family including the children.
31. Accordingly, and aside from the best interests of the children, I attach moderate weight to the other personal circumstances as a factor in favour of the proposal.

Best Interests of the Children

32. Where Article 8 rights are those of children, as in this case, they must also be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. In particular, case law identified that, although a primary consideration, the best interests of a child are not a determinative planning issue, but that no consideration must initially be regarded as more important or, in advance of the subsequent assessment of the individual circumstances, be given greater weight.
33. As above, the appeal site would provide a settled base for four children and their best interests therefore need to be carefully considered. Their best interests would be served by a permanent and secure, culturally appropriate home, allowing their education to continue uninterrupted. As above this is even more so for the child with identified special education needs. The merits of the case presented are such that I afford the benefits of the proposal to the best interests of the children significant weight.

Intentional Unauthorised Development

⁵ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998

34. The establishing of a pitch at the appeal site without planning permission amounts to intentional unauthorised development and as such the 2015 Ministerial Statement is relevant⁶. The works have resulted in the clearance of the site, laying of an unmade surface and positioning of a mobile home and touring caravans on the site. No day room has been constructed and some young conifer trees have been planted along the western boundary. Some damage to the verge and trees has occurred around the site access, although I understand that may have occurred in connection with an earlier occupation of the site by other parties. Nonetheless the Council state the appellant was aware of the enforcement notice in early 2024 before moving to the site. Given the scale and nature of the works undertaken, the undertaking of intentional unauthorised development adds moderate weight as a material consideration against the proposal.

Whether Very Special Circumstances Exist

35. The proposal has been found to be inappropriate development in the Green Belt and harmful to openness. The Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness. I also give considerable weight to the harm arising from the site's location which does not encourage sustainable means of travel, given there are no alternatives to private vehicle use, and have given moderate weight to the intentional unauthorised development of the site.
36. I have had regard to Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. This affords the right to respect for private and family life, including the traditions and culture associated with the gypsy way of life. It is a qualified right, and interference may be justified where that is lawful and in the public interest. Dismissing this appeal would likely interfere with the appellant and his family's rights under Article 8 in that they have no other lawful accommodation available to them. In addition, gypsies share the protected characteristic of race for the purposes of the Public Sector Equality Duty under s149 of the Equality Act 2010, which sets out the requirement to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.
37. Overall, and in acknowledging the policies of the PPTS and in considering the requirement to advance equality and with the best interests of the children at the forefront of my considerations, I find that other considerations collectively would clearly outweigh the harm to the Green Belt and the other harms resulting from the proposal. Consequently, very special circumstances exist to justify the proposal, in line with the provisions of the Framework.
38. I have considered whether a temporary planning permission for a period of 3 years would be appropriate to reduce the harms identified to that period. However, there is no certainty that the policy position would have changed by the end of that period, or that other alternatives would become available to the appellant. Moreover, a temporary permission would not provide long term stability for the occupants, several of which would remain of school age. In any case, a permanent personal permission would be acceptable based on the planning balance. I have not therefore considered a temporary permission further.

⁶ Green Belt Protection and Intentional Unauthorised Development 2015

Other Matters

Designated Habitat Sites

39. The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area comprises wetland and supports important numbers of wintering, waterbirds and migrating birds. There has been a decline in the numbers of birds using these sites in recent years and studies show this could be in part due to people using the estuary and marshes for recreation. Without mitigation, increased visitor numbers associated with new residential development would be likely to have harmful effects on the integrity of the SPA as a result of increased disturbance to wildlife. The appeal site is within 6km of the designated site, within the area where residents have been found to visit the sites for recreation. There is therefore a pathway for the development to have effects on the qualifying features of the designated site and a likely significant effect, either alone or in combination, cannot be ruled out.
40. The Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy 2014 (SAMMS) adopts a strategic approach to mitigation. It uses a tariff based approach to secure contributions from development to fund a range of mitigation measures, including wardening, interpretation and signage, posting of rangers and a 'dog project' among others relating to habitat management and access management, to off-set the effects of increased visitors to the sites. Based on the evidence I have no strong reason to doubt that a contribution to those measures would be effective in mitigating the effects of the proposed development.
41. The appellant has made a payment to the Council of £337.49 as part of a SAMMS Contribution Agreement. The agreement sets out the terms of the payment and its purpose and the Council provided assurances in the hearing that the contribution is transferred to Birdwise North Kent for spending for the required purpose. Given these circumstances I am satisfied, as the competent authority for the benefit of the Habitat Regulations, that the mitigation would allow the adverse effects of the development to be reduced to a de minimis level. The proposal would accord with Policy CS12 of the CS which requires protection of sites designated for their biodiversity value.

Effects on Biodiversity

42. CS Policy CS12 requires no net loss of biodiversity, and opportunities to enhance, restore, re-create and maintain habitats will be sought. Once implemented in full, the proposed site layout would allow ample space for the inclusion of biodiversity enhancements including native planting. The Council accept this could be adequately secured by condition and I agree with that view. While I am aware of matters relating to the removal of trees on White Post Lane, those are outside the appeal site and beyond the scope of this appeal.

Presumption in Favour of Sustainable Development

43. The PPTS makes clear, at paragraph 28, that if a local planning authority cannot demonstrate an up to date 5 year supply of deliverable sites, the provisions of paragraph 11d) of the Framework will apply. In the course of this decision it has been established that the policies in the Framework which protect the Green Belt do not provide a strong reason for refusing the development proposed. In turning

to part ii, for the reasons set out in the balancing exercise above and in having regard to the policies in the Framework as a whole and the key policies listed, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. Accordingly the proposal therefore also benefits from the presumption in favour of sustainable development set out in the Framework. This assessment accords with Policy CS01 of the CS which reiterates the provisions of the Framework.

Conditions

44. To provide certainty to the parties, a condition is necessary to list the approved plans. A condition is also necessary to specify the number of pitches and caravans for the same reason.
45. The proposal is acceptable in part due to the personal circumstances of the appellant. However, noting the failure of the Council to provide pitches to meet its needs and the weight which those factors attract, I have not found it necessary to impose a personal condition as the site could, in due course, contribute towards meeting the remaining unmet need in the Borough. With this in mind, it is therefore necessary to impose a condition to restrict occupation to Gypsies and Travellers who meet the definition to ensure it would contribute to that purpose.
46. To ensure suitable living conditions and in the interests of preventing localised flooding, details of foul and surface water drainage for the site are necessary. To meet the policy requirement relating to biodiversity, a scheme of ecological works and enhancements is also necessary. I have, however, adapted the Council's wording to ensure the condition is proportionate to the development before me.
47. For reasons of visual amenity and to preserve the landscape character, details of soft landscaping and its maintenance, as well as details of materials for the dayroom and external lighting, and a restriction on the use of commercial vehicles on the site, are necessary. I have removed the requirement insofar as it relates to hard surfacing since those areas are defined on the approved plans and have little, if any, visibility from the surrounding area.
48. While the site adjoins a railway line to the rear, there is not substantive evidence to suggest a noise impact assessment would meet the test of necessity or reasonableness, given it would relate to insulation to a mobile home. Neither is there evidence to suggest a restriction on generators is necessary, given the distance to nearby properties. I have not conditioned the removal of permitted development rights for boundary treatments as I do not have details of the circumstances to justify such an approach, as set out in the PPG.
49. Given the location of the access and the remit of the appellant's control, I have not conditioned visibility splays and it has not been demonstrated that they would be necessary as a result of the proposal. The site would contain ample space for the parking and turning of vehicles and for storage of refuse and it would not meet the test of necessity to maintain those areas by condition. Given the imposition of a condition restricting occupancy on the site, a condition restricting the use of the dayroom is not considered necessary.
50. I note the appellant's comments at the hearing, that the conditions could be consolidated. However for ease of reference I have kept them separate. Neither

have I included tailpieces to the conditions relating to the consequences of non-compliance, since that would be a matter for the Council.

Conclusion

51. The proposal would conflict with the development plan. However, there are material considerations of sufficient weight which indicate that the decision should be made other than in accordance with it. The appeal is therefore allowed and planning permission granted.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos J005012-DD-01, J005012-DD-02, J005012-DD-03, J005012-DD-04.
- 2) 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 2024, or its equivalent replacement in national policy.
- 3) There shall be no more than 1 pitch on the site and the pitch shall contain no more than two caravans each meeting the definition of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, and of which only 1 caravan shall be a static caravan.
- 4) Prior to the installation of the dayroom or its commencement above the damp proof course, details of its external finishes and materials shall be submitted to and approved in writing by the Local Planning Authority. The dayroom shall be constructed only in accordance with the approved details.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 6) Within 3 months of the date of this decision, details of a strategy to deal with foul water drainage on the site shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented in full within a period of 2 months following their approval, and the site shall be maintained in accordance with those details thereafter.
- 7) Within 3 months of the date of this decision, details of a strategy for surface water drainage on the site shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented in full within a period of 2 months following their approval, and the site shall be maintained in accordance with those details thereafter.
- 8) Within 3 months of the date of this decision, details of ecological enhancements for the site shall be submitted to the Local Planning Authority for approval in writing. Other than where they fall under the conditions relating to soft landscaping, the approved details shall be implemented in full within a period of 2 months following their approval and shall be so maintained.
- 9) Notwithstanding the approved plans, within 3 months from the date of this decision, details of soft landscaping for the site shall be submitted to the Local Planning Authority. This shall include but not be limited to native planting to the site boundaries. The planting shall be carried out in full no later than 12 months following its approval in writing.
- 10) Any trees or plants forming the approved soft landscaping details, which die, are damaged, removed or become diseased within five years from their planting, shall be replaced with a species of a similar size and species in the next available planting season.
- 11) No external lighting shall be installed to the site unless details have first been submitted to and approved in writing by the Local Planning Authority. Those details shall include levels of illumination, position and hours of use. External

lighting shall be installed and retained only in accordance with the details approved.

End of Schedule

APPEARANCES

FOR THE APPELLANT:

Brian Woods	Agent- WS Planning and Architecture
Michael Shilling	Appellant
Phyllis Smith	Partner of the Appellant

FOR THE COUNCIL:

Mr Shazard Ghani	Service Manager, Planning
Mr Richard Hart	Team Leader, Development Management
Mrs Sikdeep Coyle	Enforcement Team Leader