



# Delegated Report

## Full Planning Application

**Planning Application No:** 20260180

**Location:** Land South Of White Post Lane, Cobham, Gravesend

**Description:** Change of use of land to form a Gypsy/Traveller site comprising the siting of 1 mobile home, 1 touring caravan, and 1 dayroom.

**Applicant:** Ms P Smith

**Site Visit Date:** Various Visits

### Submitted Documents/Plans

Planning Application Form;  
Drawing No. J005469-DD-01 – Site Location Plan;  
Drawing No. J005469-DD-02 – As Existing Block Plan;  
Drawing No. J005469-DD-03 – Proposed Block Plan;  
Drawing No. J005469-DD-04 – As Proposed Dayroom Plans and Elevations;  
Drawing No. J005469-DD-05 – Fence and Gate Details;  
Drawing No. J005469-DD-06 – Proposed Block Plan In Context; and  
Planning Statement.

### Relevant Planning History

| Reference | Description                                                                                                                    | Decision                              | Decision Date            |
|-----------|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------|
| 20241164  | Change of Use of Land to form a Gypsy/Traveller site comprising the siting of 1 Mobile Home, 1 Touring Caravan, and 1 Dayroom. | Application Refused<br>Appeal Allowed | 26.02.2025<br>14.07.2025 |

### Development Plan

#### Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS17 – Provision of Traveller Sites
- CS18 – Climate Change
- CS19 – Development & Design Principles

#### Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T4 – Development outside the Built-Up Area
- T5 – Access to the Identified Highway Network

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

#### National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

#### Planning Policy for Traveller Sites (PPTS), December 2024 Ministry of Housing, Communities and Local Government

The Planning Policy for Traveller Sites (PPTS) sets out the Government's planning policy for traveller sites. It applies to those Travellers who meet the planning definition set out in annex 1 of the 2024 PPTS, as follows:

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

The 2024 PPTS updated the 2023 planning definition of Gypsies and Travellers to embrace all persons "with a cultural tradition of nomadism or of living in a caravan". In addition the guidance contained in paragraph 2 of the 2023 PPTS Glossary on the considerations to take into account in determining whether an applicant is a gypsy or traveller and meets the planning definition, has been removed. The result of these changes is to acknowledge and ensure that the planning system considers and addresses the needs of all types of travellers.

As with the 2023 PPTS, the government's aim through the 2024 PPTS is to ensure that local planning authorities make their own assessment of need for Traveller sites, and, working collaboratively, prepare fair and effective strategies for addressing that need through the identification and delivery of sites over a reasonable timescale. The government is seeking to increase the number of traveller sites in appropriate locations to improve under provision and enable this community to access education, health and welfare services and employment as is the case with the general population, while having regard to protecting local amenity and local environment. The key paragraphs of the guidance relevant to this proposal are as follows:

Policy B – Planning for Traveller sites

Policy C - Sites in rural areas and the countryside

Policy E – Traveller sites in the Green Belt

Policy H – Determining planning applications for Traveller sites

## Supplementary Planning Guidance and Relevant Evidence

- SPG4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code SPD (2024)
- Gravesham Landscape Character Assessment (2009)
- Gravesham Landscape Capacity and Sensitivity Study (2016)
- Gypsy and Traveller Accommodation Assessment (GTAA) Final Report (2025)
- Gypsy and Traveller Five Year Land Supply Statement (2024)

### **Emerging Local Plan as a Material Consideration**

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

## **Consultations, Publicity and Representations**

### Consultees

#### *External*

#### KCC Heritage

Thank you for your letter consulting us on the above planning application. In this instance I suggest that no archaeological measures are required.

#### KCC Public Rights of Way (PROW)

Public Right of Way NS192 is located to the east of the proposed site and is not affected by the proposals. I enclose a copy of the Public Rights of Way network maps showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks' notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

#### Natural England

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England's statutory advice on these potential impacts is set out below.

#### Designated sites

Further information required - recreational pressure impacts to European Sites (habitats sites)

This development site is within the zone of influence (Zoi) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this Zoi, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects. Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the strategic approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as

amended) and our advice above applies.

#### Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK ([www.gov.uk](http://www.gov.uk)) for more information.

#### Impact Risk Zones for Sites of Special Scientific Interest

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from the Natural England Open Data Geoportal ([arcgis.com](http://arcgis.com)) and to use on MAGIC ([defra.gov.uk](http://defra.gov.uk)) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

Planning and transport authorities: get environmental advice on planning - GOV.UK ([www.gov.uk](http://www.gov.uk)) provides further guidance on when LPAs must consult Natural England on development proposals.

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

#### Network Rail

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.

Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

#### KCC Highways and Transportation

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. However if there are any material highway safety concerns that you consider should be brought to the attention of the Local Highway Authority, then please contact us again with your

specific concerns for consideration.

### Southern Water

#### Proposed SUDS features

If it is the intention of the developer for Southern Water to adopt the proposed SuDS, the system shall be designed and constructed in line with the Design and Construction Guidance [www.water.org.uk/sewerage-sector-guidance-approved-documents/](http://www.water.org.uk/sewerage-sector-guidance-approved-documents/).

No Soakaways should be connected to the public surface water sewer.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption of SuDS will be considered if requested by the developer if they comply with: Design and Construction Guidance (Appendix C), CIRIA guidance and Southern Water SuDS Guidance available here: <https://www.water.org.uk/sewerage-sector-guidance-approved-documents/>

<https://www.ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

<https://www.southernwater.co.uk/media/l4ndl3db/suds-final-080824.pdf>

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991.

#### Proposed soakaways

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

No Soakaways should be connected to the public surface water sewer.

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

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

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

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

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

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

#### Condition

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

#### Cess pit proposed

Under the first-time sewerage guidance, the EA expect people to connect to a public sewer if the dwelling is within 30m of our network, this guidance can be found here: General binding rules for small sewage discharges (SSDs) with effect from January 2015 - GOV.UK ([www.gov.uk](http://www.gov.uk))

#### Environment Agency

We have no objection to the proposed development, but we have the following comments to make.

Please refer to the following sections for our full response:

- Section 1: Advice to the Applicant

#### Advice

The Building Regulations 2010 and Government Guidance contained within the PPG for Water Supply, Wastewater and Water Quality (paragraph 020 ID: 34-020-20140306) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Connection to a private sewer that drains to a public sewer
3. Package sewage treatment plant or septic tank
4. Cesspool

Foul drainage should be connected to the main sewer whenever it is feasible to do so. Where this is not possible, under the Environmental Permitting (England and Wales) Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to either comply with General Binding Rules for Small Sewage Discharges or comply with a permit issued by the Environment Agency, additional to any planning permission that may be required. This applies to any discharge to ground, inland freshwaters, coastal waters or relevant territorial waters. Further information about the permitting process can be found at [Septic tanks and sewage treatment plants: what you need to do](#).

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules.

### *Internal*

#### GBC Environmental Protection

The same advice/recommendations is given for this site as for previous applications for similar uses in this location:

As with any residential proposal, we have a responsibility to ensure that the application site is suitable for residential use. In this respect, due to the agricultural use of the site, a contaminated land assessment will be required.

The site is very close to the railway line and in this respect, a noise impact assessment will be needed in order to ensure that noise levels internally within the fixed mobile home and day room are compliant with BS8233:2014. In addition, if the external area is to be used as an amenity/garden area, the external noise levels must also be compliant.

It's noted that drainage is to be dealt with by way of a cesspit. A package sewage treatment plant would be preferable.

To address the above, the following conditions and informatives are recommended.

#### Contaminated Land

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from

the site.

f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

#### Noise Control

Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential use shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.

#### Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

*Officer Comments – The application is retrospective and therefore pre-commencement conditions are not required.*

#### Neighbouring properties

The application was advertised by way of the displaying of a site notice and individual letters sent to 22 surrounding properties with an overall expiry date of 20<sup>th</sup> March 2026. 21 number of comments have been receiving objecting to the development, making the following summarised comments:

- Number of applications
- Confusion on sites – deliberate to cause confusion
- Unsuitable area for this type of development
- Noise and Disturbance
- Loss of trees
- Green Belt
- Impact on Ecology
- Contrary to planning law
- Damage to trees, plants and hedgerows
- No connection to drainage, water or gas
- Flooding
- Light pollution
- Out of keeping with the area
- Injunction on the land



- Loss of wildlife habitats
- Flora/fauna damage
- Road in a mess with tree cuttings and earth mounds left
- Grade 2 Agricultural Land and fields
- Means of enclosure
- Loss of biodiversity
- Cumulative impact
- Highways impact – additional vehicles, increase traffic, commercial vehicles blocking the lane
- Highway Safety
- Walkers, horse riders and cyclists can no longer use the lane
- Burning of materials

It should be noted that the volume of representations received does not weigh in favour or against the planning merits of the scheme.

The Local Government and Social Care Ombudsman in 2023 published their updated '[Not in my back yard: Local people and the planning process.](#)' This report sets out that, *"By making comments on planning applications people can feel they are contributing to decisions being made in their area. However, councils are not able to give weight to some of the common issues raised by objectors, such as the impact on their private rights.*

## Officer's Analysis

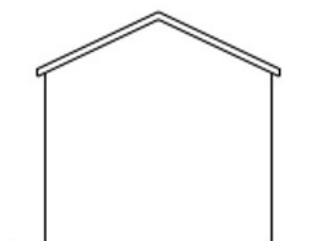
### Proposal

This application seeks retrospective planning permission for the change of use of land to form a Gypsy/Traveller site comprising the siting of 1 mobile home, 1 touring caravan, and 1 dayroom.

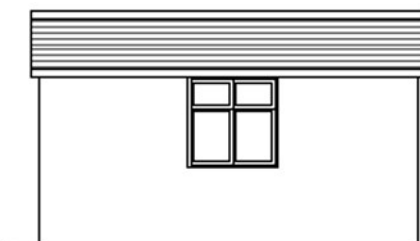
### *Proposed Block Plan*



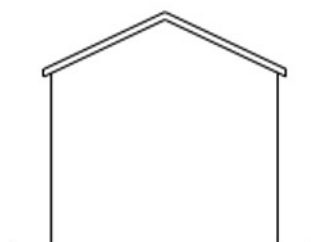
### *Proposed Day Room*



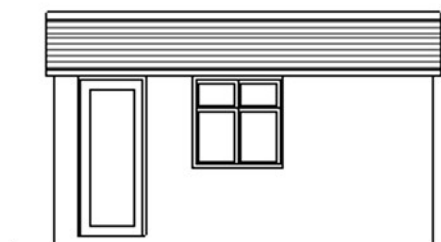
Flank Elevation



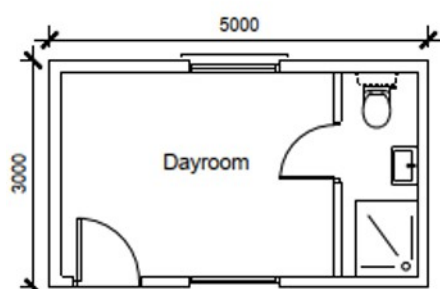
Rear Elevation



Flank Elevation



Front Elevation



Floor Plan



Roof Plan

No plans have been submitted showing the proposed static mobile home, however the following site photo is noted:



### Sites and Surroundings

The application site is located on the southern side of White Post Lane which lies within the Green Belt, within the Meopham Downs Landscape Character Area. It is Grade 2 agricultural land and within a SSSI Impact Risk Zone. The site is also located within the Thames Estuary and Marshes Ramsar buffer zone and a groundwater source protection zone 2. To the east lies the rural settlement of Sole Street. The site is



surrounded by open fields and extensive vegetation which can be seen in the following satellite image. It should be noted this aerial image does not show the 8 pitches to the west which was dismissed on appeal (6003544 Appendix 1) on 10<sup>th</sup> June 2026 and is subject to enforcement action.

#### Satellite Image



#### Background

The application site is a part of a wider site with a fairly extensive planning history which is summarised below

As referenced previously, there is a live enforcement notice that incorporates the application site that was upheld by the Planning Inspectorate (appeal reference APP/K2230/C/23/3328720 – Appendix 2). The requirements of the notice are to:

- (i) Cease the use of the Land for a mixed use of residential and equine purposes;
- (ii) Remove from the Land the unauthorised mobile homes and the touring caravans, including all associated hardstanding and hardcore that has been laid to facilitate the unauthorised use;
- (iii) Remove from the Land and vehicles and paraphernalia associated with the unauthorised use;
- (iv) Demolish and remove from the Land all buildings and structures associated with the unauthorised use;
- (v) Remove from the Land all lighting, CCTV/security cameras associated with the unauthorised use;
- (vi) Remove in its entirety the brick built wall adjacent to the highway known as Whitepost Lane and reinstate the previous wooden fencing and gate, as illustrated on Appendix 1 attached to the notice; and
- (vii) Remove all resultant debris and waste in relation to the performance of the above steps and associated materials from the Land.

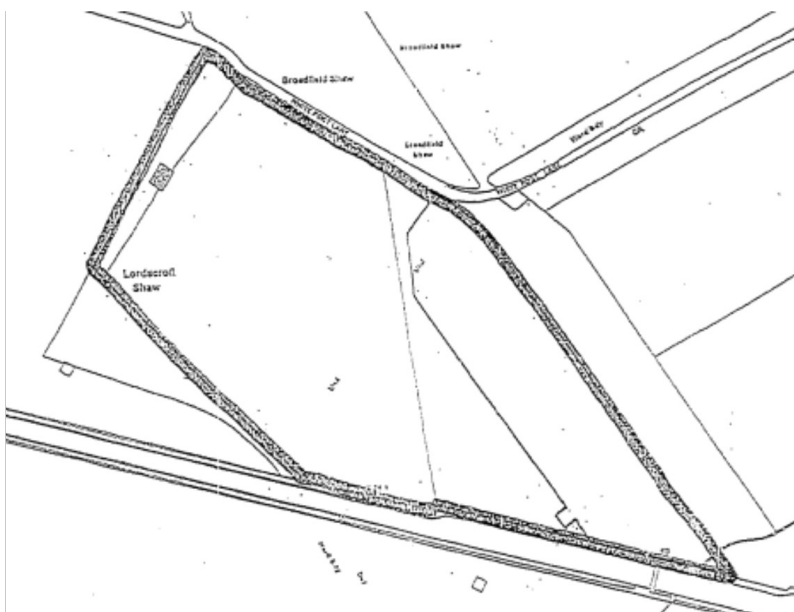
The period of compliance is 12 months (before 11 February 2026) and applies to the site outlined below:



There is also an injunction on the land. This prohibits those named on the injunction and persons unknown to:

- (a) not to use the land for the siting of caravans or mobiles homes;
- (b) not to use the land as a gypsy/travellers' caravan site

The land in question is outlined in back below and includes the application site:



Prior to the applicant moving onto the site the land was used for the grazing of horses and in agricultural use.

There is a lengthy planning history relating to this site and the surrounding area.

In 2024, an application (ref: 20241164) for the development was refused by the Local Planning Authority (LPA). That decision was subsequently appealed, and the appeal (*Appeal APP/K2230/W/25/3363212*) was allowed (See appendix 3). The application and subsequent appeal were intended to relate to the site that is the subject of the current application.

The site was not surveyed correctly by the applicant or picked up by the Inspector during the hearing. As a result, although the intention of the original application was to regularise the development that is now the subject of this application, planning permission was instead granted for the change of use of a different parcel of land to form a Gypsy/Traveller site comprising one mobile home, one touring caravan, and one dayroom. This is illustrated on the site plan below.

*Site Plan for 20241164 and Appeal APP/K2230/W/25/3363212*



It is evident from the officer's site photographs submitted as part of the previous application (Ref. 20241164) that the site forming the subject of the current application is, in fact, the site that was intended to benefit from the earlier planning permission.

Accordingly, the purpose of the current application is to regularise this historic error. Although the appeal decision technically relates to the incorrect parcel of land, it remains a material consideration and forms an important part of the assessment of the current proposal.

### The Main Issues

The main issues in this submission relates to:

- Green Belt (inc Grey Belt)
- Need for and supply of Gypsy sites
- Gypsy and Traveller Status
- Personal Circumstances
- Cumulative Impacts
- Very Special Circumstances
- Character and Appearance
- Effects on Residential Amenity
- Parking and Highway Safety
- Drainage

- Biodiversity Net Gain
- Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff Grant of Temporary Permission
- Human Rights and Equality

### Green Belt

The National Planning Policy Framework (NPPF) (2024) states at Paragraph 142, that Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At Paragraph 153, it is stated that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate. At Paragraph 154 the Government sets out the exceptions to development in the Green Belt not being inappropriate.

Paragraph 16 of the PPTS states that: “Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the National Planning Policy Framework apply”.

### Whether the proposal is inappropriate development in the Green Belt?

Paragraph 154 of the NPPF (2024) states that development in the Green Belt is inappropriate unless one of the following exceptions applies

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) *other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
  - i. *mineral extraction;*
  - ii. *engineering operations;*
  - iii. *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
  - iv. *the re-use of buildings provided that the buildings are of permanent and substantial construction;*

- v. *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- vi. *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

Clearly (a), (b), (c), (d), (f) and (h) do not apply in this instance as the proposal is not for agriculture or forestry, appropriate facilities for outdoor sport, outdoor recreation, cemeteries, burial grounds or allotments, extension or alteration of an existing building, is not a replacement building, it is not affordable housing.

Exception (e) allows limited infilling in villages. Neither the NPPF (2024) or the development plan define the terms 'limited', 'infilling' or even what constitutes a 'village'. Because of this, the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

These points are:

- Whether the settlement to which the site relates is a village or not?
- Whether the site is within a village?
- Does the proposal constitute infilling?
- If the proposal does constitute infilling, is the infilling limited?

The adopted Gravesham Local Plan Core Strategy (2014) at 4.2.4, Table 2 and at 4.2.6 sets out a settlement hierarchy with 13 rural settlements inset from the Green Belt and two others (Harvel and Luddesdown) that are 'washed over'. None are specifically identified as 'villages'.

It is stated at 4.2.6 that where the rural settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt.

This settlement hierarchy (Table 2 from the Local Plan Core Strategy) is reproduced below:

|                         |                                                                                 |
|-------------------------|---------------------------------------------------------------------------------|
| First Tier Settlements  | Gravesend/Northfleet/Ebbsfleet, i.e. the urban area                             |
| Second Tier Settlements | Istead Rise, Hook Green Meopham, Higham                                         |
| Third Tier Settlements  | Culverstone Green, Meopham Green, Vigo                                          |
| Fourth Tier Settlements | Cobham, Shorne, Sole Street                                                     |
| Other Settlements       | Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches |

As noted above, there is no definition of a 'village' in either the NPPF (2024) or the development plan. Whilst the boundaries and status of individual rural settlements may be subject to review in the context of the emerging Site Allocations and Development Management Policies DPD, the boundaries shown on the policies map derive directly and are unchanged from those shown on the Gravesham Local Plan First Review proposals map (1994) as villages under now defunct policy V1.

This issue in Gravesham's context has been considered at appeal a number of times, for example the Planning Inspector for an appeal reference no. APP/K2230/W/16/3161653 (see Appendix 4) considered whether Culverstone Green (to the south of the Borough) is a village stated:

*Culverstone Green is defined in the Council's Core Strategy (CS) 2014 as a 3rd tier settlement and it is inset from the Green Belt boundary. Paragraph 4.2.6 of the CS states that where settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built-up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt. From what I have seen and read, it seems to me that Culverstone Green*

*may be regarded as a 'village' for the purposes of this aspect of this appeal.*

Whether or not a proposal would constitute limited infilling in a village for the purposes of Paragraph 154 e), is a question of fact and planning judgment for the decision maker, dependant on an assessment of the position on the ground, as established in *Julian Wood v SSCLG*, Gravesham Borough Council [2015] EWCA Civ 195; and *R (Tate) v Northumberland CC* [2017] EWHC 664 (Admin).

The closest village to the application site is some 500m away to the east and is the fourth tier settlement Sole Street, further to the west of the site some 1,600m away to the west and south of the railway line is the second tier settlement Hook Green. The built form as it relates to Sole Street is some 300m away from the site, with the site and built form at Sallows Shaw separated by woodland and agricultural land.

Whether the site is within a village is a matter for assessment on the ground and having regard to the evidence. Development plan settlement boundaries may not be determinative, especially given these were drawn up some years ago since which time, the settlement of Sole Street may have undergone changes. Taking into consideration the overall settlement characteristics of Sole Street, the location of White Post Lane and in particular the relative main built-up area further east of White Post Lane around Sallows Shaw and Chapelwood Place, together with the limited built form past Two Holly Cottage, it is clear that the site is outside of a village. As such based on various site visits, it is considered this site is very much removed from the settlement of Sole Street.

As the site lies outside the village boundaries the application fails exception (e) and it is not considered to necessary to determine if the proposal is considered 'limited infilling'. However, given the size of the gap, the proximity of neighbouring development and the open nature of the site, it is not considered that the proposal would constitute infilling, albeit the delivery of a single pitch could be considered to be limited in nature.

Exception (g) allows the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. The NPPF (2024) defines previously developed land as:

*Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

Prior to works taking place, the land was in an agricultural use and therefore the site does not fall within the definition of previously developed land; as such the above definition does not apply to this site and the application does not meet exception (g).

In summary the proposal does not meet any of the exceptions listed in paragraph 154 of the NPPF (2024) and is therefore inappropriate development in the Green Belt which is, by definition, harmful.

### Grey Belt

Having concluded the development does not meet any of the exceptions of paragraph 154 of the NPPF, consideration needs to be given to paragraph 155 which discusses grey belt land and states:

*The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a) *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) *There is a demonstrable unmet need for the type of development proposed<sup>56</sup>;*
- c) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d) *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

The definition of 'grey belt land' is set out in the Glossary of the NPPF (2024) and is defined as:

*'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'*

Paragraph 18 of the PPTS is explicit that the Golden Rules do not apply to Traveller sites, such that only criteria (a), (b) and (c) need to be met in this case.

It is important to consider whether the site can be defined as constituting grey belt land by reviewing the various Green Belt purposes and the contribution that the site makes to each of these.

Paragraph 143 of the NPPF (2024) states that the Green Belt serves five purposes:

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

In order to be considered Grey Belt the land must be considered to not strongly contribute to a, b or d above.

In this case the application site, the largest built-up area closest to the application site is the town of Gravesend. As Sole Street is not considered a village, as discussed above, it is not a large built-up area. The site is therefore not contributing to the unrestricted sprawl of large built-up areas. In relation to (b) the land is not close to a town and therefore does not prevent neighbouring towns merging into one another. As Gravesend is not a historic town point (d) does not apply.

Therefore the proposal may be considered to not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. However, in order to fully comply with paragraph 155 parts (b)-(d) also need to be met.

While it is not necessary to consider points (b) – (c) of paragraph 155, in context with Para. 13 of the PPTS, in the recent appeal decision (APP/K2230/W/25/3363212) Appendix 3 which related to part of this site the sustainability of the site was considered by the Inspector. The Inspector allowed the appeal on very special circumstances although the development was contrary to the development plan, she considered sustainability and found that the site would be unsustainable and contrary to (c) of para 155 of the NPPF (2024):

*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...*

*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.*

Further to paragraph 155 of the NPPF (2024), paragraphs 13 and 26 of the PPTS require that traveller sites in the countryside, away from existing settlements should be strictly limited, contribute to sustainability, promote access to local services and reduce the need for long-distance travelling and environmental damage associated with unauthorised encampments. Therefore, further to the assessment of paragraph 155 (c) of the NPPF set out above, the site is not sustainable contrary to paragraphs 13 and 26 of the PPTS.

The proposed development is therefore inappropriate in the Green Belt and introduces development where there was previously none. The proposal impacts on the openness of the Green Belt to the detriment of its purpose contrary to Policy CS02 (LPCS) and Section 13 of the NPPF (2024).

### Need for and supply of Gypsy sites

Accommodation for Gypsies and Travellers is a specific type of accommodation that Councils have a duty to provide under the Housing Act (2004). The guidance in Policy B of the 2024 PPTS requires Local Planning Authorities to set their own target for the number of pitches to be provided in their areas, using a robust evidence base and to identify and update annually a supply of specific deliverable sites to provide 5 years' worth of sites against their locally set targets, and a supply of specific developable sites or broad locations for growth for years 6 to 10 and where possible for years 11-15.

Over the period 2025-2041, the Gravesham Gypsy and Traveller Accommodation Update 2025 ('the GTAU') indicates a need for 57 pitches for households which meet the PPTS definition, and a further 6 pitches for households where it was undetermined whether they would meet the definition. The majority of this need arises in the 5 year period from 2025-2029 where the GTAU indicates a need for 39 pitches for households which meet the PPTS definition, and a further 4 pitches for households where it was

undetermined.

From this it is clear that the council cannot demonstrate a 5 year supply of deliverable pitches. Therefore, there is a significant shortfall in past delivery and future supply. Consequently, there is a demonstrable unmet need for Gypsy and Traveller pitches within the Borough and this should be afforded significant weight.

## **Gypsy and Traveller Status**

In light of both domestic and European Court judgments, the Government amended the planning definition of “Gypsies and Travellers” within the Planning Policy for Traveller Sites (PPTS) to ensure that the accommodation needs of persons with a cultural tradition of nomadism or of living in a caravan are appropriately addressed through national planning policy. The revised definition, set out in Annex 1 of the PPTS (December 2024), states:

*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*

As noted above, the definition includes persons of a nomadic habit of life who have ceased to travel, either temporarily or permanently, due to their own or their dependants’ educational or health needs, or old age. It also includes all other persons with a cultural tradition of nomadism or of living in a caravan. Under the previous version of the PPTS, consideration was required to be given to whether an individual had previously led a nomadic habit of life, the reasons for ceasing to travel, and whether there was an intention to resume travelling in the future. These requirements have been removed from the current version of the PPTS.

For appeal APP/K2230/W/25/3363212 which covers part of this site and is for the same applicants the Inspector concluded that the applicants meet the definition of definition of Gypsies and Travellers set out in the PPTS.

*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 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.*

## **Personal Circumstances**

For the purposes of Article 8 of the Human Rights Act 1998, the concept of private and family life may encompass a person's ability to maintain and express their Gypsy or Traveller cultural identity and way of life. In addition, Section 149 of the Equality Act 2010 requires public authorities, when exercising their functions, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between persons who share a protected characteristic and those who do not. Living and travelling within extended family groups for mutual support and care is an important feature of Gypsy and Traveller culture, and in this case it is asserted that the applicant and their family members work together and share caring responsibilities.

For appeal APP/K2230/W/25/3363212 which covers part of this site and is for the same applicants the Inspector concluded the following on personal circumstances and as per the Inspectors decision the LPA gives moderate weight to the 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 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 8 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.*

#### Cumulative Impacts

The PPTS states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure. In addition, policy CS17 of the Local Plan Core Strategy outlines the criteria to be met in Gypsy and Traveller development.

Dealing first with the whether the proposal is likely to dominate the nearest settled community, it is considered given the nature of this proposal , this would not be the case.

The proposals involves the retention of one static caravan, one space for touring caravan, together with erection of one day room and hardstanding. It would inevitably extend built development to the site.

The collective presence of the mobile home, touring caravan, day room and associated domestic paraphernalia would result in additional cumulative effect in terms of their impact on the wider landscape.

Due to the limited nature of the proposal, the proposal and future occupants would not place undue pressure on local infrastructure. With for example, local utilities and highway infrastructure having suitable capacity to meet the demand generated by this proposal.

The resulting cumulative effect on the countryside would conflict with the objectives of Policy CS12 (Green Infrastructure), CS17 (Traveller Sites) and CS19 (Development and Design principles) of the Local Plan Core Strategy which together seeks to conserve and enhance the natural environment.

### Very Special Circumstances

The applicant contends that very special circumstances exist by reason of the significant unmet need for Gypsy and Traveller accommodation within Gravesham, the Council's acknowledged inability to demonstrate a five-year supply of deliverable pitches, the absence of suitable alternative accommodation, the personal and welfare needs of the occupiers, and the best interests of the children. It is argued that these considerations, when taken together, clearly outweigh the harm to the Green Belt and any other identified harm.

Significant weight is afforded to appeal decision APP/K2230/W/25/3363212 attached at Appendix 3, which granted planning permission for a single Gypsy/Traveller pitch on land adjoining the application site. In allowing the appeal, the Inspector concluded that the very special circumstances advanced by the appellant clearly outweighed the identified harm to the Green Belt and other harm, thereby justifying inappropriate development within the Green Belt.

The appeal permission was intended to authorise development that now forms part of the development subject to the current application. However, it subsequently became apparent that the appeal decision related to an incorrect parcel of land and did not correspond with the area on which the development was actually carried out. Although the development has since been undertaken retrospectively, neither party identified the discrepancy at the time of the appeal. Subsequent investigation confirmed that the appeal site boundary did not align with the land intended to be authorised by the appeal decision. Notwithstanding the site boundary discrepancy, the Inspector's findings in relation to the personal circumstances of the occupiers, the identified accommodation need, the best interests of the children and the overall planning balance remain material considerations in the determination of the current application. Whilst the appeal decision does not grant permission for the land the subject of this application, the reasoning and conclusions reached by the Inspector are nevertheless capable of attracting substantial weight where the material circumstances remain largely unchanged.

For completeness, the Inspector concluded as follows:

*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 section 149 of the Equality Act 2010, which requires decision-makers to have due regard to the need to eliminate discrimination and advance equality of opportunity.*

*37. Overall, and having regard to the policies of the PPTS, the requirement to advance equality of opportunity and the best interests of the children as a primary consideration, I find that the other considerations collectively 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 accordance with the Framework.*

*38. I have considered whether a temporary planning permission for a period of three 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 whom would remain of school age. In any event, a permanent personal permission would be acceptable based on the planning balance and I have therefore not considered a temporary permission further.*

The circumstances of the current application remain materially similar to those considered by the Inspector, including the identified unmet need for Gypsy and Traveller accommodation, the lack of a five-year supply of pitches, the personal circumstances of the occupiers and the best interests of the children. These matters are therefore afforded significant weight in the assessment of whether very special circumstances exist in the present case.

### Character and Appearance

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.

The Council's Stage 2 Green Belt Study describes parcel SS4, within which the application site lies, as '*The area to the northeast of the settlement of Sole Street comprises an orchard, woodland, large house and grounds, and other dwellings interspersed by tree cover. These do not have much urbanising influence, so the area is largely open and is not contained by urbanising development. Round Street defines the north eastern edge of the settlement of Sole Street and this creates distinction between the settlement edge and the Green Belt land in this area.*'. It states that the '*land contains the characteristics of open countryside and it has a strong relationship with the surrounding countryside*'. The development of this land which has already commenced demonstrates how damaging the proposal is to the surrounding countryside. It is completely at odds with its surroundings and is widely visible from many public vantage points. The site was previously open save for some post and rail fencing and horse shelters however it is now dominated by hard landscaping and residential structures/paraphernalia.

Policy CS12 of the Gravesham Core Strategy 2014 states that the 'overall landscape character and valued landscapes will be conserved, restored and enhanced. The greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting. Proposals will take account of the Kent Downs Area of Outstanding Natural Beauty Management Plan, the Gravesham Landscape Character Assessment, and the Cluster Studies where relevant'.

The site is not within a National Landscape (formerly Area of Outstanding Natural Beauty) however it is in close proximity to the Kent Downs. It is within the Meopham Downs Landscape Character Area which is described as having the following key characteristics:

- Gently undulating topography with a mixture of arable and pasture farmland
- Neat pattern of small square fields in the south
- Broader irregular shaped fields to the north
- Narrow lanes and roads lined with hedgerows
- Three large settlements located along A227 running east and west
- Traditional architecture surrounding village greens provide local vernacular

It states that there is a presence of horse related activity scattered throughout the landscape and the dominant land use is agricultural with a mixture of grazed pasture and arable use. Field shapes to the north are more irregular but the boundaries are distinctly formed by native hedgerows with hedgerow trees. The condition of the landscape is considered good with the north (where the application site is situated) being a higher quality. The strength of character and visibility are moderate providing a moderate sensitivity overall. The key guidelines are to conserve and reinforce the agricultural land use.

The proposal introduces an alien feature into the landscape that neither conserves or reinforces the agricultural land use. There are clear views across the area and this is also the case with the application site. The proposed development will therefore detract from the character and appearance of the landscape and is contrary to the guidance within the Gravesham Landscape Character Assessment, Policy CS12 and CS19 of the Local Plan Core Strategy that seek to ensure that new development conserves the overall landscape character.

### Effects on Residential Amenity

Government guidance in paragraph 135 of the NPPF (2024) state that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings and land. These core principles are in line with provisions of Policy CS19 of the Local Plan Core Strategy, which requires proposals to safeguard residential amenity, including privacy, daylight and sunlight.

No plans have been provided to demonstrate whether the static caravan will provide a decent standard of accommodation for future occupiers however, the size of the caravan is similar to others in the Borough which offer sufficient levels of accommodation. The layout within the site is spacious and future occupants of the proposed mobile home would be provided with a decent outdoor amenity space.

In terms of neighbouring amenity, there is no residential accommodation within close proximity. The nearest residential dwelling is approx. 430m away. There is an unauthorised traveller site to the west which is approx. 130m away and is subject to enforcement action. Due to the distances involved there will be no detrimental impact to any neighbouring dwellings in terms of loss of outlook, daylight, sunlight or privacy.

Owing to the nature and scale of development, vehicular movements to and from the site are unlikely to significantly impact on the occupants of properties along White Post Lane in terms of noise and disturbance however a condition is recommended if any permission is forthcoming to ensure noise does not become a nuisance. No overriding residential amenity issues are considered to be raised in the application.

Therefore residential amenity of the future occupiers of the site would comply with requirements in policy CS19 of the Local Plan Core Strategy and paragraph 135f of the National Planning Policy Framework 2024.

### Parking and Highway Safety

The site and pitch would make use of the existing access from White Post Lane and there is adequate hard surface space available within the plot for parking of vehicles associated with the pitches proposed, and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.

Government guidance in the revised NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impact of the development is severe and cannot be mitigated by off-site improvement to the transport network. The level of additional vehicle movements to and from the site resulting from this proposal is not likely to lead to a significant increase in traffic generation, unacceptable intensification of use of the local road network or raise any overriding highway safety issues.

Overall, on this basis, it is considered that the impact upon highway capacity would be acceptable. 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.

## Drainage

Policy CS19 (LPCS) requires development to not pose an unacceptable risk or harm to the environment, including the quality of ground waters. This is reflected within the NPPF at paragraph 187 (e) which requires new development to not have an adverse impact ground water conditions. Further guidance is provided by Planning Practice Guidance at Paragraph: 020 Reference ID: 34-020-20140306 which is clear that non mains drainage (Septic tanks) are only acceptable if demonstrated by the applicant that discharging into a public sewer is not feasible and states the following:

*Septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010. Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.*

For this proposal to be acceptable in relation to ground water it will need to comply with the above requirements.

The Environment Agency has commented and raised no objections but provided advice to the applicant, which can added as an informative. As such, the proposed development accords with Policy CS19 of the Gravesham Core Strategy 2014 and paragraph 187 (e) of the National Planning Policy Framework 2024.

## Biodiversity Net Gain

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The biodiversity net gain condition is that the development may not be begun unless:

- (a) A biodiversity gain plan has been submitted to the planning authority, and
- (b) The planning authority has approved the plan

In this case, the application is located on a site where there is no biodiversity, and the removal is retrospective to this application. Therefore, in this circumstance, the application is exempt from biodiversity net gain requirement.

## Ecology

In terms of ecology Policy CS12 (LPCS) states that there will be no net loss of biodiversity in the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought. This is reinforced by paragraph 187 of the NPPF (2024). Through the clearing of the land, a significant amount of biodiversity has been lost on site and no attempt has been made to mitigate against this. Without a detailed ecological report it is not possible to assess the extent of loss. A condition can be imposed for ecological

enhancements, precautionary works method statement and sensitive lighting. Therefore, subject to the suggested conditions, the proposed development accords with Policy CS12 (LPCS) and paragraph 187 of the NPPF (2024).

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

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out.

Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on Gypsy and Traveller accommodation. Developers/applicants will need to pay £350.16 per pitch provided within 6km of the Ramsar site and SPA. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. Having undertaken an appropriate assessment it has been concluded that the payment of this tariff, would offset any recreational impacts to the SPA. The applicants have submitted a contribution by agreeing to transfer the money from 20241164 to this application which has been actioned.

As such, the development accords with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

#### Grant of Temporary Permission

The PPTS states that a temporary planning permission may be appropriate where it is expected that planning circumstances will change in a particular way at the end of the period. As indicated to above, there is a process in place for addressing identified need for Traveller sites in the District, which may involve the release of Green Belt land, in the absence of any suitable sites coming forward in the urban area and rural settlements inset from the Green belt, and in the event a case for exceptional circumstances can be demonstrated. Whilst it is recognised that there has been policy failure to date, in so far as a replacement Local Plan has not yet been adopted, the Council published a Local Development Scheme on 24 February 2025, which sets out that a Regulation 19 consultation will be undertaken in the Summer of 2025, with the emerging Local Plan submitted for examination in December 2025. The Regulation 19 document will address the lack of land supply for both Travellers and traditional forms of housing.

The Inspector for the appeal in paragraph 38 stated that;

*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.*

Taking the Inspector's conclusions into account, the Local Authority have no reason to disagree with this stance and therefore temporary permission in this circumstance would not be appropriate.

#### Human Rights and Equality

Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. The Council in the exercise of its statutory functions must have due regard to the Public Sector Equality Duty (PSED) contained in the Section 149 of the Equality Act 2010. The Act imposes a duty on all public authorities to have due regard to the need to;

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this act.
- Advance equality of opportunity between persons who share a relevant protected characteristics and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Gypsies and Travellers have a protected status under the Equalities Act 2010 by virtue of having a relevant protected characteristics. The Council is therefore duty bound to consider decisions that have a disproportionate adverse impact on a protected characteristics, even if this impacts may be unintentional. This may involve an understanding of the practical impact on individuals affected by the decision. Regards should be had to the effect of mitigation taken to reduce any adverse impact. PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors.

In addition, the Council needs to consider its duties under the Human Rights Act, in particular Article 8 and Article 1 of the First Protocol to the Convention of Human Rights which states that a person is entitled to the right to respect from family and private life and the peaceful enjoyments of their property. Any action of the Council needs to be proportionate in the balance of public and private rights.

Article 8 of the European Convention on Human Rights is a qualified right requiring a balance between the rights of the individual and the wider public interest. Having considered the identified harms arising from the development against the significant unmet need for Gypsy and Traveller accommodation, the personal circumstances of the occupiers, the best interests of the children and the Council's duties under the Equality Act 2010, it is concluded that the grant of planning permission would represent a proportionate interference with any competing rights and would be compatible with the Human Rights Act 1998.

Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

### Overall Planning Balance

The proposal constitutes inappropriate development within the Green Belt and, by definition, causes harm to the Green Belt. In addition to definitional harm, the development has resulted in a loss of openness through the siting of a dayroom, hardstanding and associated domestic paraphernalia. Substantial weight must therefore be afforded to Green Belt harm in accordance with paragraph 153 of the NPPF (2024).

Additional harm arises from the site's unsustainable location. Future occupiers would remain heavily reliant upon private vehicles to access day-to-day services, facilities, employment opportunities and public transport, a matter previously identified by the Planning Inspector in appeal reference APP/K2230/W/25/3363212. Moderate weight is also afforded to the fact that the development was

undertaken without the benefit of planning permission.

Against this, significant weight is afforded to the substantial unmet need for Gypsy and Traveller accommodation within Gravesham and the Council's inability to demonstrate a five-year supply of deliverable traveller pitches. The proposal would contribute towards addressing an identified accommodation need and provide a lawful pitch for a household that meets the planning definition of a Gypsy and Traveller as set out within Annex 1 of the PPTS (2024).

Significant weight is also afforded to the appeal decision APP/K2230/W/25/3363212. Whilst that decision related to an incorrectly plotted parcel of land, the Inspector's findings regarding the accommodation needs of the occupiers, the shortage of traveller sites, the best interests of the children, the personal circumstances of the family and the overall planning balance remain highly material considerations. The current proposal seeks to regularise what was intended to be authorised by the appeal decision and the material planning circumstances have not changed in any significant respect.

Moderate weight is afforded to the personal circumstances of the occupiers, including their cultural needs as Gypsies and Travellers, the educational needs of the children, healthcare considerations and the benefits arising from the provision of a settled base. Significant weight is further afforded to the best interests of the children as a primary consideration and to the Council's duties under the Public Sector Equality Duty and Article 8 of the Human Rights Act 1998.

The proposal is not considered to result in unacceptable impacts upon highway safety, residential amenity, ecology, drainage or local infrastructure, subject to the recommended conditions. Furthermore, the development would not dominate the nearest settled community nor place undue pressure upon local services.

Taking all matters together, it is considered that the identified benefits of the proposal, namely the provision of a traveller pitch to meet an acknowledged unmet need, the personal circumstances of the occupiers, the welfare and educational interests of the children, the Public Sector Equality Duty considerations, and the significant weight attributable to the findings of the recent appeal decision, clearly outweigh the harm to the Green Belt and the other identified harms. Very special circumstances therefore exist which justify the grant of planning permission.

## **Conclusion**

The proposed development constitutes inappropriate development within the Green Belt and results in definitional harm together with additional harm to openness. The site is also located in an unsustainable rural location where future occupiers would be reliant upon private vehicles. These matters weigh substantially against the proposal.

However, the Council is unable to demonstrate a five-year supply of deliverable Gypsy and Traveller pitches and there is an identified and significant unmet need for traveller accommodation within the Borough. The occupiers meet the planning definition of Gypsies and Travellers, and substantial weight must be given to the shortage of available sites, the personal circumstances of the family, the best interests of the children, the Public Sector Equality Duty and Article 8 considerations.

Significant weight is also afforded to the Planning Inspector's findings in appeal APP/K2230/W/25/3363212, which considered materially identical circumstances and concluded that very special circumstances existed. Although the appeal decision related to an incorrectly identified parcel of land, the underlying planning and personal circumstances remain substantially unchanged and the Inspector's conclusions remain a highly material consideration.

On balance, it is considered that the combined weight of these considerations clearly outweighs the harm to the Green Belt and all other identified harms. Very special circumstances therefore exist. Accordingly, planning permission is recommended for approval, subject to the conditions set out in the decision notice.

## Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

|                      |                |                     |                            |
|----------------------|----------------|---------------------|----------------------------|
| <b>Case Officer:</b> | Ms Amanda Cue  | <b>Team Leader:</b> | Richard Hart               |
| <b>Signed:</b>       | <i>A Cue</i>   | <b>Signed:</b>      | <i>R Hart</i>              |
| <b>Dated:</b>        | 15th July 2026 | <b>Dated:</b>       | 15 <sup>th</sup> July 2026 |

## List of Appendices

**Appendix 1 - (6003544)**

**Appendix 2 – (APP/K2230/C/23/3328720)**

**Appendix 3 – (APP/K2230/W/25/3363212)**

**Appendix 4 – (APP/K2230/W/16/3161653)**