

Delegated Report

Planning Application

Planning Application No: 20240600

Location: Land South Of Pear Tree Lane Pear Tree Lane Shorne Gravesend

Description: Change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy / Traveller occupation. Associated hard and soft landscaping.

Applicant: P Cash

Site Visit Date: 7th January 2025

Submitted Documents/Plans

Planning Application Form;
Planning Statement (revised and received 13.01.25);
Drawing No. 2024-PPP028v1-LocBlock – Location and Block Plans;
Drawing No. 2024-PPP028v1-DayRoom – Proposed Day Room;
Drawing No. 2024-PPP028v1-Mobile – Example Mobile Home;
Supporting Information – Site Photographs;
Supporting Information – Medical History;
Supporting Information – Family GP Registrations (4);
Supporting Information – Letter from MP Re: Accident; and
Supporting Information – Nursery School Attendance Record.

Site Description and Surroundings

The application site lies in the Green Belt immediately east of the car park serving the See Ho public house on Pear Tree Lane, Shorne, Kent. As shown on the adopted Gravesham Local Plan Core Strategy Policies Map (September 2014), the boundary between the application site and the public house car park also forms the boundary between the 'inset' rural settlement of Shorne Ridgeway and the 'washed over' Green Belt beyond.

Location of application site in relation to the village boundary



The site is a rectangular area measuring approximately 48m x 28m. Boundary fencing has been erected around the site and there is mature conifer planting along the northern boundary and

vehicular access which is gated. A post and rail fence divides a smaller section to the east and more conifers have been planted along the eastern boundary. The majority of the site has been laid with unbonded surfacing which has been levelled and flattened.

A shipping container and wooden shed has been positioned on site adjoining the western boundary close to the existing vehicular access. This has been on site prior to 2020, as it was highlighted in the officer report on the previous application 20200339. There is no record of planning permission having been granted for the stationing of the shipping container on the land or the formation of the access.

At the time of this officer's site visit, a mobile home has been located on the site and is inhabited by the applicant.

(Site photographs taken 07.01.2025)



Ridgeway Bungalows, lie within the aforementioned inset rural settlement, to the north on the opposite side of Pear Tree Lane from the application site. These are a row of eight modest detached single storey dwellings dating from the inter-war period.

To the west of the See Ho public house and beyond the narrow entrance to Bowesden Lane, also within the inset area, built form varies between single storey bungalows to terraced and detached dwellings of differing ages, size and architectural styles. Development here is denser and characterised by narrower plot widths and less space between properties than found on Pear Tree Lane to the east of the public house. This gives the impression of a substantially built up frontage even where properties benefit from generous well landscaped front garden areas.

Part of the Shorne Ridgeway inset rural settlement (commencing around 130 metres west of

Bowesden Lane) is designated as the Chestnut Green Conservation Area. That part of the inset settlement and land lying to the south of Shorne Ridgeway and west of Bowesden Lane falls within the Kent Downs National Landscape

To the south of the application site and the public house lie four residential properties (Ewhurst, Cartref, Honeymellow Cottage and Chart House) accessed from Bowesden Lane. These all lie within the Green Belt, outside the inset rural settlement of Shorne Ridgeway.

Immediately to the east of the application site, also within the Green Belt, lies a substantial detached property called Fairwinds (Formally known as Shornebury). Whilst this dwelling has been extended and is prominent in the street scene, it is set within a substantial plot and lies approximately 27 metres back from the road.

Sporadic ribbon development continues down Pear Tree Lane to the east and comprises of a number of large detached dwellings set in substantial well landscaped plots. The character of this form of development differs significantly from the more closely grained and substantially built up frontage lying to the west of the See Ho public house, within the inset area of the Shorne Ridgeway rural settlement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20200339	Outline application with some matters reserved for the erection of two dwellings	Refused Appeal Dismissed	29.05.2020 04.03.2021
20120693	Outline application for erection of a detached dwelling and garage.	Refused Appeal Dismissed	07.07.1976 11.09.2015
19900655	Outline application for the erection of 2 no. detached dwellings with garages and formation of associated vehicular access onto a classified road.	Refused Appeal Dismissed	30.10.1990 17.10.1991
19770771	Outline application for the erection of two dwellings	Refused	10.11.1977
19750434	Outline application for the erection of two dwellings	Refused	07.07.1976
19710406	The erection of three detached dwellings	Permission	29.02.1972

Proposal

This application seeks permission for the change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy / Traveller occupation. Associated hard and soft landscaping.

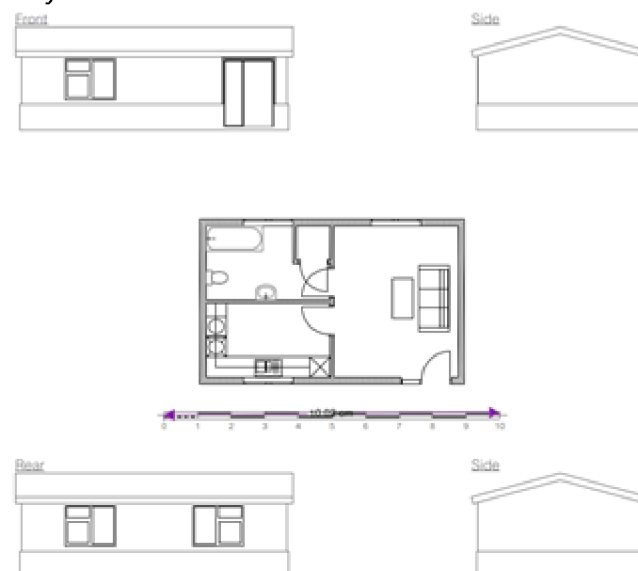
Proposed Block Plan:



Mobile Home Plans and Elevations



Day Room Plans and Elevations



Unit One will be occupied by the applicant, their partner and their two young daughters. The eldest daughter is due to start primary school in September 2025 and it is the intention that they attend a local school.

Unit Two will be occupied by the mother of the applicant's partner, who has ongoing health needs and relies on daily medication and medical care.

The applicant and his family are persons of nomadic habit of life, who have ceased to travel due to their medical and education needs.

The access to the site will remain unchanged. New gates have been erected to the front of the access, which will be addressed later on in the report.

Planning Policy, Development Plan and other Material Considerations

The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;
Saved policies in the Gravesham Local Plan First Review, November 1994;
The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020).

The relevant policies for this proposal are as follows:

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS17 – Provision of Traveller Sites
- CS18 – Climate Change
- CS19 – Design and Development 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 saved policies via the emerging Local Plan.

Other Material Considerations

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- 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 – Protection Green Belt Land
- Section 15 – Conserving and enhancing the natural environment

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

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

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

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

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

Policy B – Planning for Traveller sites
 Policy C - Sites in rural areas and the countryside
 Policy E – Traveller sites in the Green Belt
 Policy H – Determining planning applications for Traveller sites

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code SPD (2024)
- Gravesham Landscape Character Assessment (2009)
- Gravesham Landscape Capacity and Sensitivity Study (202)
- Gypsy and Traveller Accommodation Assessment (GTAA) Final Report (2018)

Consultations and Publicity Responses

Consultees (please note that references to the 2023 NPPF are due to the responses being received prior to the 2024 NPPF being published)

External Consultees

KCC Highways and Transportation

The site will utilise the existing access on Pear Tree Lane and the level of vehicle parking provided

is in accordance with KCC Residential Parking Standards (IGN3) and is therefore acceptable.

Any gates should be positioned a minimum of 5.5m from the edge of the highway, opening inwards. A bound surface is also required for at least the first 5m of the access from the edge of the highway.

Consequently, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

KCC – Public Rights of Way

I can confirm that I do not have any objections to the above planning application at land south of Pear Tree Lane. Public Right of Way Footpath NS158 lays to the north west and NS161 lays to the south west, both of which are unaffected by the application. I enclose a copy of the Public Rights of Way network map 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.

KCC Heritage Conservation

The site lies within an area of multi-period background archaeological potential. However, based on existing Historic Environment Record data for the area and the nature of the proposed development, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

KCC Biodiversity

We advise that additional information is required prior to determination of the planning application regarding Biodiversity Net Gain.

We are satisfied that due to the long term management of the site there is no requirement for details assessing the impact on protected/notable species to be provided.

Biodiversity Net Gain

Under the Environment Act 2021, all planning applications for major development (unless exempt^{1,2}) submitted on or after 12th February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications, unless exempt, submitted on or after the 2nd April 2024.

Having reviewed submitted information, we consider this application to fall under mandatory biodiversity net gain so that mandatory biodiversity net gain of 10% will apply.

No BNG assessment has been provided and any application which is required to achieve a 10% BNG must submit the following information as a minimum³:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
 - a statement to the effect that these activities have been carried out;
 - the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the onsite habitat on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

Photos of the site have demonstrated that the site has recently been cleared of the grassland at the rear of the site

The Town and Country Planning Act 1990, Schedule 7A (paragraphs 6 and 6B) seeks to discourage developers from engaging in site clearance prior to making a planning application. This legislation essentially states that if habitat degradation/loss has occurred on an application site on or after 30 January 2020, *"the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities."*

We advise that the BNG baseline must be based on the site prior to any vegetation clearance within the site.

The BNG assessment must be submitted prior to determination of the planning application.

Kent Fire & Rescue Service

The emergency access requirements for the Fire and Rescue Service under the above Act have been met.

Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Dickens' Country Protection Society

The Society wishes to register an objection to the application on the following grounds:

- a) The Society notes this site has previously been referred to as "Land Adjacent to The See-Ho Public House, Pear Tree Lane
- b) The site is in an area within which Green Belt Policies apply. New residential development would not normally be permitted in the Green Belt. In the Society's view no special circumstances have been put forward to warrant overruling Green Belt policy.
- c) In the Society's view the proposed development would be out of character with the area and would by virtue of the density proposed of the proposed development impact on the openness of the Green Belt
- d) The proposed development is likely to impact adversely on the amenity of the adjoining occupiers
- e) The Society notes this site has previously been the subject of applications for residential development all of which have been refused and subsequent appeals (including a hearing) have been dismissed.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

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) for more information.

Impact Risk Zones for Sites of Special Scientific Interest

We publish Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs), a GIS-based tool designed for use during the planning application validation process to help local planning authorities to determine if a proposed development is likely to affect a terrestrial SSSI and when to consult Natural England. For more information and to access the SSSI IRZs and user guidance, please visit the Natural England Open Data Geoportal.

Environment Agency

We **object** to the proposed development as submitted because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to groundwater has been provided by the applicant.

Reasons

The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances the planning practice guidance (PPG) (ref ID 34-020-20140306), supported by paragraph 180 of the National Planning Policy Framework (NPPF) advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance no such information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to groundwater arising from the proposed development.

In particular, the submitted application fails to address the following in order to demonstrate that the proposed foul drainage system will be designed and sited such that

- (a) it is not prejudicial to the health of any person
- (b) it will not contaminate any watercourse, underground water or water supply

creating a better place for people and wildlife

(c) there is adequate means of access for emptying work and future maintenance, including future replacement of any drainage field

(d) has failed to show that disposal of foul effluent to ground from the proposed package treatment plant would be effective at this location.

Overcoming our objection

The applicant should provide information to overcome our objection. This information should satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should include:

- A foul drainage assessment justifying why connection to a public sewer isn't possible/practical.
- A foul drainage assessment that demonstrates that the disposal of foul effluent to ground would be effective at this location.

Note to Local Planning Authority

Please be aware that we wish to be re-consulted on this planning application once the required information has been submitted. Please also note that our subsequent advice may concern other important environmental issues.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

Southern Water

Southern Water has examined the supporting documents and can confirm that we have the following comments.

Proposed Disposal to Ground from Package Treatment Plant

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

There is a public sewer located on Pear Tree Lane in very close proximity to the proposed development. Under New Connections Charging it is the responsibility of the developer to provide the sewerage infrastructure up to the point of practical connection, manhole TQ69705301. Should you wish to proceed, the applicant is advised to investigate the feasibility of this connection or examine alternative means of foul sewage disposal in consultation with the appropriate authorities.

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 which are located on Pear Tree Lane to the north of the proposed site.

Shorne Parish Council

Introduction:

The Parish Council has to **OBJECT STRONGLY** to the entirety of this application which seeks to create new dwellings in the Green Belt, on a plot of land which has been subject to five previous Planning Applications and four Appeals (one with two instances of High Court involvement), all respectively Refused and Dismissed.

Planning policy exists to defend the Green Belt from the damage of inappropriate development, including through maintaining openness. The rules apply to everyone equally. No valid new information has been presented that would warrant overturning the many previous decisions that this is simply not a residential plot.

Among other reasons, the proposal is at excessive density for the size of the plot, constituting overdevelopment, and would impact adversely on the amenity of the area and on nearby and neighbouring dwellings. Within that we **OBJECT** particularly to the “Day Room” element which is a permanent structure, which would be visible from the roadway, and which would unnecessarily duplicate facilities anyway available in the static caravans.

History and Planning History:

It should be noted that the name of the plot has been changed for this application. The plot has always previously been known as “Land adjacent to the See Ho public house” reflecting its original ownership and historical use.

A list of previous applications over the past nearly 45 years is shown at Appendix A. In summary, there have been five Applications and four Appeals with one including two High Court hearings.

The planning history is therefore long and complex. We will not reproduce/duplicate the Appeal decisions here however the decisions made and the reasons cited for them have remained consistent throughout, are still valid to date, and should be carried forward as evidence against this present application.

We note that the Applicant has only mentioned the last two Applications (one with incorrect date) and Appeals in Section 3.1 of the Planning Statement. We hope that they were aware of the full history before purchasing the plot.

General Representations:

Outside the Village Envelope, in the Green Belt:

- The piece of land is outside the village envelope and in the Green Belt where new dwellings would not normally be permitted.
- No valid “very special circumstances” have been put forward to justify the present proposal overriding policy designed to protect the character of the Green Belt and rural area.

Area Character:

- The plot is located where the area character changes from settlement to a more open and rural appearance and it is considered important in underlining that distinction and transition.
- Buildings there would reduce the amenity of the overall area and negatively impact the visual appearance and the amenity of neighbouring properties.
- While some of the buildings might presently be hidden behind a tall hedge, there would still be awareness that they were there, and of all activity on and relating to the site.
- The proposal will result in light pollution on a plot that is presently completely dark at night.

Size of the site:

- The site measures only approximately 50m wide by 25m deep, which is very small for the proposed density of use.
- At 1,250 sqm this equals 0.125 hectares (0.31 of an acre). The area has been overstated by the Applicant in the Application form as instead being 0.2 hectares, which is incorrect.

Out of Character Density and Appearance:

- The proposed buildings will be at a higher density, with a large number (five) of separated structural forms, plus associated residential paraphernalia, and potentially take up more of the available space on the plot than is usual for residential dwellings in Pear Tree Lane. Very little green/amenity space will be left.
- The type of dwellings proposed are out of character with both the adjacent settlement and the nearby rural areas.
- A large and excessive area of hardstanding is proposed, with some already in place for which retrospective approval is sought, however the application also refers to levelling and paving of a larger area.

Relationships of the site and proposed site layout:

- Due to the small size of the site, some of the proposed structures will be located very close to the roadway, which could lead to noise and other pollution being experienced, especially in bedrooms.
- The site is similarly immediately adjacent to a busy Public House and its car park, a pre-existing business use, which again is not a good location for residential development. Existing dwellings in the area are set back from the roadway, and have a pavement providing greater separation, whereas there is no pavement on the south side of Pear Tree Lane at the location of the plot.

Design of the proposed buildings:

- The proposal is for two identical large static homes (15m by 6.5m by 3.5m ridge height, each with 3 bedrooms (5 beds). However, one of the buildings is stated to only be for one occupant, so its size appears excessive for that use.
- Both have a full kitchen and living space, and one bathroom although this latter aspect of the layout is poorly designed to be en-suite which prevents other occupants accessing it e.g. during the night or if unwell. The bathrooms could be accessed only from the main area either instead or with “Jack and Jill” doors.
- There is potentially space for a second bathroom/shower room adjacent to the small bedroom.
- The “Day Room” element, which is proposed as a permanent structure, is located very close to the boundaries of the plot and where it will be visible from the street, thereby having negative impact on the street scene. It unnecessarily duplicates facilities anyway available in the static caravans, and is not needed to support the family’s touring caravans as they are only being stored while not in use, so it should be deleted from the plans.
- As can be seen in the photographs below, we also note that the static caravan that was delivered to the site on 17th December 2024 has a different design, and possibly layout, compared to that proposed in the submitted plans.

Omissions from the plans and application deficiencies:

- The plans lack areas for rubbish bin storage, a cycle store and an EV charging point.
- Section 2 (site description) of the Planning Statement is blank.
- We note that according to current information at Land Registry, the Applicant is not (yet anyway) recorded as the registered owner, and this aspect should be clarified. The current Land Registry record partially matches with the first application form that was submitted.
- We also note that on the current application form the applicant has named the plot itself as being his current personal residential address.
- The answers about biodiversity net gain require expert review.

In Front of the Residential Building Line:

- The residential building line here is the frontage of “Shornebury/Fairwinds” (Pear Tree Lane) to the east, the northern boundary fence of “Ewhurst” (Bowesden Lane), the northern side wall of “Cartref” (Bowesden Lane) and then takes a step north to the frontage wall of “Rose Cottage” to the west in Pear Tree Lane.
- The plot under discussion is in front of (north) of that line.
- The historic See Ho building, being commercial and pre-dating all the local residential dwellings, is not a relevant aspect in this residential building line consideration.
- We note that local residents have been refused permission to build structures in front of the residential building line.

Previous use of the site, and structures:

- The Application documents refer to the site as being a “former paddock” but local residents are not aware of horses/livestock ever being kept there and there has not been any previous change of use application made.
- Structures are visible on aerial views, some previous ones seem to have been removed but there appears to be a white structure visible that is a new feature of the site despite there being a current planning application but not permission.

Hedge on Road Frontage and boundaries:

- The existing hedges, which reduce openness, have become very thick and overgrown, reducing the usable space on the plot, and are starting to gap at the bottom. The hedges have swallowed up the ranch fencing seen on the August 2009 Google Streetview, which predates the hedge being planted.
- Consideration should be given to the hedges being replaced if they are still needed and considered appropriate for the site.
- The height and intense colour have a prominent and negative visual appearance and draw attention to the site, which should not be the case.
- We suggest that at most a medium height hedge of mixed native species behind a short fence would be more compatible with the area and more appropriate in this rural location.
- Traveller sites are not usually fully enclosed by high hedges, which would negatively affect the light levels and ambience for persons within the site.
- We note that the Applicant incorrectly answered “No” to the question as to whether there are trees and hedges on the proposed site.
- Whatever hedges and fences there are, local residents will always be aware of the site, and it can be seen on publicly available aerial views.

Driveway Arrangements and Parking, local Parking and Traffic issues:

- The documents suggest that there will still be the one present vehicular entrance to the site however KCC are requiring the surfacing to be bound resin and any gates to be set back by 5.5m from the roadway.
- The site will have 4 parking spaces (stated as being for cars, meaning not larger/commercial vehicles) for a total of 3 adult residents.
- On-site parking should be only for cars/personal private vehicles and not for trade vehicles.
- On-street parking in the area is competitive and a considerable problem, especially when events and functions are held at the See Ho. Any overspill parking from the site would make that aspect worse and cause friction with other local residents.
- Pear Tree Lane is increasingly busy with considerable through traffic that does not always respect the speed restrictions. Traffic levels are likely to increase further due to additional agreed developments in the wider area and future major highway plans.
- Due to the parking issues in combination with traffic issues, entering and exiting the site could be hazardous, particularly for caravans.
- We wrote originally that “It is not clear how large static caravans could be physically installed on the site”. This prediction was proved accurate when traffic chaos resulted from Pear Tree Lane being blocked for several hours on Tuesday 17th December by the applicant’s actions, and which led to the Police being called to attend. At the time, Pear Tree Lane was the signed diversion route in relation to work on other local highways, which compounded the problems.



Setting of precedents:

- We are concerned, as with the previous applications for this site, about any permission setting an indefensible, damaging precedent for development of front gardens and other plots fronting Pear Tree Lane as that would irrevocably change the nature and ambience of the area.
- Similarly, precedents would also be set for the Borough as a whole.

Utility connections:

- Although planning permission has not been determined, the applicant organised an electricity supply to be installed on 9th December, the required road closure for several days being another inconvenience to local residents.
- While it is permissible to connect electricity to land, the potential use of the supply on such a small plot of this type, and in a situation of there not being any planning permission in place, is a concern for local residents.
- The situation on a potable water supply is unknown.
- The situation on waste water and sewerage is uncertain, the application form refers to a package treatment plant, this would require engineering works for installation.

Other works required, being undertaken:

- Documentation refers to levelling the site and installing further hardstanding.
- We are informed that an 8ft high inner fence is being/has been constructed behind the hedges.

Non-Sustainable location:

- The site is in a non-sustainable location as there are no shops in The Ridgeway area and there are few buses per day.
- Realistically this means a trip by vehicle to the nearest shop in Shorne Village, or there are more shops and a Post Office in Higham, or further afield to supermarkets.
- Similarly, local Primary Schools and Secondary Schools are all either unsafe to walk to (along busy roads without a pavement) or too far away and again vehicle trips are needed.
- This means that residence in Shorne confers no advantages and considerable disadvantages for the stated occupants, being a housewife with a young family and a relatively housebound older person, both of whom would also be isolated from other members of the Travelling community.

Traveller status of the Applicant and family:

- Overall, it is considered that this claim does not stand up to examination. The arguments put forward are weak, and there is concern locally that the mentions of Traveller status may be a subterfuge with the aim to overcome protective planning rules in a way not open to existing residents.
- The Applicant does not mention himself having Traveller status.
- The Applicant states that he has had permanent employment in Chatham in the family firm for eight years, his mother-in-law no longer Travels and his partner is also settled although occasionally takes Traveller associated holidays.
- The family unit appears to be in reality not Travelling but settled. They must currently reside somewhere in the wider area but where they are living presently has not been stated.
- The desire expressed to live in static caravans appears to be aimed at circumventing planning restrictions.
- The family would do just as well in an existing conventional property with parking for the stored touring caravans. We would be pleased to otherwise welcome them to Shorne on that basis.

Traveller site characteristics:

- Just as shortfall of housing targets was disregarded for opportunistic dwelling unit applications being permitted on this plot, the same applies as regards opportunistic Traveller sites.
- Traveller sites are usually larger and in countryside areas having an open feel, with room for expansion and close to other Travellers in a close-knit community rather than in isolation on a physically constrained site adjacent to a standard settlement and close to other settled housing.

Traveller statistics, in Gravesham and the wider area:

- The 2021 Census reported that 71,440 people identified as Travellers (overall 0.12% of the usual resident population of England and Wales).
- However, nearly a quarter (24.2%) of people who so identified lived in the South East compared to 15.6% of the general population.
- Figures by lower tier local authority (LTLA) show that the percentage of all Travellers increases with distance from more built-up areas such as London Boroughs, which have less land available, however the same is true for Gravesham which has a high level of protected Green Belt land compared to LTLA's further out.
- The figure for Gravesham is 0.47% (68th out of 329). The highest in Kent and Medway is 1.44% for Maidstone (2nd/329) with 1.08% for Medway (8th/329) and 1.30% (5th/329) for Swale.
- In the face of such high figures locally we consider the suggestion that Gravesham needs to regardless accommodate a greater number of travellers/sites, as local provision is inadequate, to be demonstrably redundant. There could be an equal argument that Kent and Medway as a whole, and particularly the adjacent boroughs, already host more than the national share. Like housebuilding targets, Traveller numbers should also be shared between LTLA's.
- The figures also show that nearly 80% of Travellers actually live in ordinary housing stock, only 21.6% living in "a caravan or other mobile or temporary structure". Choosing to live in a static caravan is by no means the commonest choice.

Connection to Shorne (or Gravesham), School admission, health services:

- The Applicant and his family do not apparently have any existing links to Shorne or to Gravesham, or a business address within the Borough. The applicant's business operates in the Medway Towns rather than Gravesham.
- While local connection is not a requirement, it remains unclear to local residents as to why this particular plot in Shorne has been chosen, as in reality the family could live anywhere and there are much more suitable locations in the wider area for this kind of proposal.
- Although there may be hope for the children to attend Shorne School when they are old enough, the School is oversubscribed and places are not guaranteed for locally resident children as, among other considerations, distance criteria are applied. This site is 1km from the school as the crow flies.
- Regardless, even with a firm offer of a place (evidence of having applied might be requested), no weight can be given to this aspect of the application as the children will require vehicular transport to the school so could live anywhere and be taken to any school in any area.
- It should be noted that the Appeal for Ref 20200554 was dismissed regardless of children living

on a site as Green Belt status of the land was considered of paramount importance.

- Shorne only has a part-time Doctor's Surgery nowadays, access to the full range of services is also non-sustainable as it requires a vehicular journey to Istead Rise.

Opinions of local residents:

- A considerable number of objections from local residents have been submitted to GBC that are against this application and which demonstrate very high levels of community concern.
- Local opposition has been greatly heightened by the Applicant's recent actions in undertaking engineering works and moving a static caravan onto the site without planning permission.

Summary:

Shorne Parish Council **OBJECTS STRONGLY** to this application as detailed above. We cannot envisage any circumstances whereby this application could be deemed acceptable/permissible, even if the strongest possible Conditions were to be attached.

We strongly urge Gravesham Borough Council to refuse permission. Should there be any element of doubt then the application must be called in to the Regulatory Board for further discussion and final decision.

Internal Consultees

GBC Environmental Protection

There is no objection to this application. The application form advises that the foul sewage will be dealt with by connection to the main sewer – this is fine.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that any external lighting installed is done so carefully so and not to illuminate anything other than the ground within a reasonable distance from the building.

GBC Leisure

No comments to make on the above application from a Leisure Services perspective.

Neighbouring Properties

The application has been advertised by displaying of a site notice and individual neighbour letters sent to 53 properties with an overall consultation period expired of 25th December 2024.

213 responses were received in total. Of these responses;

- 3 comments were duplicates made by the same individuals. In addition, 6 individuals submitted more than one (different) response, totalling to an additional 9 responses;
- 212 Objections to the proposal; and
- 1 in Support of the proposal.

Support Summary

We need more housing in the area. If they can do it by buying a plot and supporting themselves then they should be given a chance. At least start with a 3 year license to keep an eye on the land and if they do not abide by the rules then there are grounds to evict them.

Objections Summary

Design, Character and Impact on the Landscape

- These plans do not suit the village, is totally inappropriate and would not fit in with the existing dwelling or surroundings.

- Eyesore.
- Loss of scenery.
- Out of keeping with the surrounding area.
- The proposal would have an incongruous and urbanising effect on the countryside
- This would spoil the village.
- May set a precedent for other similar applications.
- Other applications for a single dwelling have been rejected whereas this is for 3/4.
- Object to change of land use.
- The recent appeal decision at the site assessed the landscape character of the area in much detail and attributed substantial weight to the harm of the landscape character area.
- The rural environment, woods and park areas have been described as being of 'outstanding natural beauty' and one of my main concerns is that the structure and appearance of the dwelling proposed are inappropriate and incongruous with other homes and buildings in the vicinity.
- It would adversely alter the visual character of the area, leading to a loss of its rural charm/open aspect.
- This proposed Traveller site, with its associated infrastructure and paraphernalia, would further degrade the landscape. The introduction of caravans, fencing, and other features would erode the openness and distinctiveness of this rural setting.
- Paragraph 135(b) of the Framework notes that planning should be "sympathetic to local character and history, including the surrounding built environment and landscape setting". Furthermore, local planning policy CS19 states that any developments should "conserve and enhance the character of the local built, historic and natural area" and "integrate well with the surrounding local area". As confirmed in the previous decision to planning application 20200339, a distinctive characteristic of Pear Tree Lane is the openness of the area and the spaciousness of the properties thereon.
- This new planning proposal shows five structures (2 static homes, 2 touring homes and a day room) on the site, which would be crammed into a small plot. These proposals would therefore clearly diminish the characteristic spaciousness of surrounding properties on the road and such a density of structures should not be approved. There are no similar, established patterns of development in the surrounding area meaning that this proposed development would not integrate well with the rest of the lane.
- There are no other caravan sites in Shorne.
- While I support fair and inclusive housing policies, this proposal is inappropriate for the area, as it does not align with the local development plan and would disrupt the character of the community.
- Overdevelopment of the plot.
- Notwithstanding the Planning Statement, it can equally be argued that the inclusion of five dwellings on a small plot would represent a significant mass and bulk.
- The proposed use (static homes and caravans) would be at odds with surrounding structures and building materials/techniques.
- The amount of vehicular accesses they would require.

Green Belt

- This is Green Belt land.
- Farmland and greenbelt are disappearing under more concrete jungle and traffic.
- The proposal is inappropriate development, the planning statement is silent on very special circumstances and it is not for the council to demonstrate very special circumstances.

Therefore unless the applicant provides additional information it is hard to understand how the very special circumstances criteria would be met.

- In terms of openness, it is necessary to consider physical and spatial impacts. Whilst the bulk and mass of the proposals may be limited, the spatial implications are still significant and amount to harm.
- The current application is materially different in nature to the outline residential dwellings that came before, but it remains that the development of this site will result in harm to the openness of the Green Belt.
- Multiple inspectors in previous appeals have deemed the site does not meet the definition of limited infilling within a village which the applicant accepts by virtue of their paragraph 6.5.
- The applicant correctly acknowledges the development is inappropriate and this carries significant weight against the proposals. In addition, they acknowledge harm to the openness and harm by reason of encroachment, which further count against the application.
- The applicants do not meet the Planning Policy for Traveller Sites (PPTS 2015) definition of “gypsies and travellers,” as they do not lead nomadic lifestyles which undermines the very basis of the application.
- The proposal, involving significant site alterations such as re-levelling, fencing, and caravans, contravenes Policy CS02 of the Gravesham Local Plan Core Strategy.
- The introduction of caravans, fencing, and associated infrastructure conflicts with the Gravesham Landscape Character Assessment and would set a harmful precedent.
- The presence of other Traveller sites in the area cannot justify encroachment into the Green Belt, nor has it been demonstrated why alternative sites outside the Green Belt have been disregarded.
- It is contended that that the proposals still constitute inappropriate development under paragraph 154 (e) of the NPPF 2024.
- The newly re-issued NPPF does not change the advice in Planning Policy for Traveller Sites 2015, which provides very clear advice at Policy E (paragraph 16)
‘16. 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. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.’ The determination of this application therefore turns on whether there are Very Special Circumstances (VSCs) sufficient to override this clear presumption against inappropriate development and the harm to the overall character and appearance of the area that would result. A number of personal circumstances and a discussion on unmet need are set out in the planning statement as VSCs, the latter issue is set out as the principal justification for approving the proposals. The applicant has referred in their submission to the recent appeal decision dated 5 July 2024 relating to land at Heron Hill Lane, Culverstone (APP/K2230/W/24/3336250) in support of the needs case. Whilst noted, paragraph 29 of that decision clearly states; ‘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. ‘It is for the Council as decision-maker in this case to determine whether the personal circumstances of the applicant and any need are of sufficient weight. This exercise must be undertaken with regard to paragraph 153 of the NPPF 2024 which advises that the VSCs must clearly outweigh (my emphasis) the harm to the Green Belt arising from inappropriateness and any other harm that would result.

- E17 states: Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application.

Heritage

- Village of Shorne has substantial parts designated at conservation areas.
- The land concerned is on the boundary of Chestnut Green conservation area. National policy states the new traveller sites are not appropriate in rural areas and restricted in other protected areas.
- How anyone could say that this proposal is in keeping with the history of the area, the historic appearance of the neighbouring buildings or the local community is completely beyond me.
- I feel that the current proposal doesn't match village history.
- Pear Tree Lane is an asset to Gravesend. The location promotes inspiration and ambition. A true gem surrounded by heritage conservation and listed buildings on a plateau with stunning views in a quiet countryside location, compassionately and well maintained by local residents. To allow this application would be sacrilege.

Amenity

- The plot is too small and could result in illegal occupation of adjoining land.
- In terms of neighbouring amenity there are concerns about privacy loss, noise, and light pollution. Increased vehicle movements and site activities would disturb the peace of this tranquil rural area, contravening NPPF guidelines and Policy CS19, which protect residential amenity.
- The layout and nature of the proposed development suggest that outdoor living activities typical of Traveller sites will cause overlooking and disturb the privacy currently enjoyed by neighbouring residents.
- Elevated noise levels will be detrimental to amenity along with a risk in an increase in light pollution which would further erode the peaceful residential environment.
- This development directly conflicts with the NPPF, which requires developments to ensure a high standard of amenity for both existing and future residents, and with Core Strategy Policy CS19, which safeguards residential amenity, including privacy, daylight, and quiet enjoyment of homes.
- We have lost enjoyment of our family home due to this illegal encampment with total disregard for law or feelings of the neighbours affected. The fact the council has even accepted an application is beyond belief, not in keeping with the surroundings and harming the environment in the process with illegal works.
- This piece of land is wholly unsuitable for the settlement of 4 families
- Concerns that the pubs longstanding, authorised entertainment would result in noise and disturbance to residents at the application site and the fact that the 2023 Framework requires that planning policies and decisions ensure that new development can be integrated effectively with existing businesses and community facilities (including pubs and music venues). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on a new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before development has been completed (all paragraph 187).

- The 2023 Framework also states that planning policies and decision should ensure that developments 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 (paragraph 130).
- It is considered that the applicant has under-assessed the very real issue of noise pollution in the context of the proposed noise-sensitive residential development. The applicant has not provided a requisite noise impact assessment of existing noise-generating uses and their impact upon the proposed development. This must be assessed before a decision can be made.
 - The introduction of new noise-sensitive dwellings adjacent to a popular public house with substantial car park adjacent to the application site could give rise to complaints by future residents to established, lawful noise and activities at the public house. There is no noise assessment that accompanies the planning application to demonstrate how the development can be attenuated to guard occupants against general noise and activity at the public house. The provision of static caravans as dwellings would not provide any means of attenuating the structures from existing, established noise sources.

Biodiversity and Ecology

- I do not believe this application would avoid the need for Biodiversity Net Gain. Even if this does not apply, the terms of paragraph 180d still apply which require all schemes to minimise impacts on and provide net gains for biodiversity. No supporting information appears to be provided to demonstrate how these requirements have been met.
- The application lacks adequate ecological information, leaving potential harm to local biodiversity unassessed. Additionally, the absence of a drainage strategy for foul waste and surface water raises pollution and flooding risks, threatening environmental sustainability. In summary, the proposed development is fundamentally flawed, breaching both local and national planning policies.
- There are concerns about the accompanying infrastructure required to support the waste produced by multiple caravans visiting the site which may lead to environmental harm and the leaching of harmful chemicals into soil and groundwater.
- The proposed development may harm local wildlife habitats and the biodiversity of the area.
- Impact on protected areas and protected species of animals that inhabit this area.
- The parish of Shorne contains SSI's.
- There is a significant omission from the application in that it makes no reference to potential impact on Ecology or Biodiversity including nearby Special Protection Area (SPA) and Ramsar sites and the application also seeks to claim a Biodiversity Net Gain Exemption. No supporting surveys or information have been submitted alongside the application to address ecological/biodiversity impact or back-up the BNG claim. We would comment that the BNG claim and lack of ecological assessment should be addressed prior to any decision being made and if they are not addressed the omissions are sufficient in themselves for planning permission to be withheld.
- The site is located within 6km of the Thames Estuary and Marshes Special Protection Area and Ramsar Sites. The development would in combination with other development, lead to increased recreational pressure on this internationally important and protected area. It is necessary for an Appropriate Assessment under the Habitat Regulations 2017 to be undertaken by the Council as the competent authority (decision-maker) under the Regulations in assessing the current application. The onus is on the applicant to provide appropriate and sufficient information to enable the Appropriate Assessment to be carried out by the competent authority. As currently submitted, it is abundantly clear that there is

insufficient information to inform the required Appropriate Assessment. This view is confirmed by the consultation response from Natural England.

- Vital to the ecology of the area which is close to SSSI, AONB, and Ancient Woodland. The area is noted for supporting bats, great crested newts, hedgehogs and owls to name a few key and valuable species of animals.

Need

- The 2015 Planning policy for traveller sites at Policy E provides specific guidance for sites in the Green Belt. Paragraph 16 states traveller sites in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm to establish very special circumstances.
- The matter of need for the development is the primary justification for this proposal. The applicant refers to the recent appeal decision in Heron Hill Lane, Culverstone (APP/K2230/W/24/3336250) in support of the needs case, which is noted, however it is relevant to note paragraph 29 of that decision which notes:
"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." It is of course a matter for the decision maker to determine whether or not the personal circumstances of the applicant are of significant weight to counter the harm by reason of inappropriate development in this case. It is of course right that the planning balance is undertaken in accordance with the terms of paragraph 153, states 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."
- The applicant has not demonstrated a specific local need for this development within Shorne. Local authorities are required to consider the accommodation needs of Gypsy and Traveller communities; however, this should not come at the expense of inappropriate and unsustainable development in unsuitable locations. If there is an identified need for such sites, it should be met through the allocation of land in accordance with strategic planning policies, ensuring suitable locations are chosen.

Sustainability

- The site's remote location raises sustainability concerns, with a lack of access to services, schools, and public transport, leading to an over-reliance on private vehicles, contrary to both the NPPF and PPTS principles.
- While the site would provide a suitable site for housing having regard to its proximity to services and facilities, the development would harm the landscape character of the area with particular regard to the Shorne Woodlands Landscape Area.
- The site's location raises questions about its suitability for long-term residential use. There is insufficient evidence that the necessary infrastructure (such as water supply, drainage, and waste disposal) is in place or can be implemented without causing environmental harm.
- The services in and around the area of the proposed site are awful. Any additional occupancy will put further strain on the already lacklustre resources. We have extremely regular unplanned power cuts, low water pressure and dire internet connectivity and little to

no phone service. Until the bare minimum is available to residents already living on the south end of Pear Tree Lane/The Ridgeway roads no more pressures should be imposed.

Highways and Transport

- Increase in traffic on a busy narrow road with poor visibility and few passing places.
- No pavements for pedestrians.
- When there are problems with the A2 Pear Tree Lane becomes blocked.
- There have been several road accidents in recent months in the local area already.
- It would make the roads dangerous.
- The traffic count along Pear Tree Lane is already high and cars speed up and down there all the time when I am jogging.
- This would worsen existing on road parking in this area of road.
- Lack of turning points for large vehicles in this area.
- The absence of a Transport Assessment further undermines the application, failing to comply with national and local transport policies.
- Although the site has an existing access, the proposed development will intensify vehicular movements and pose a material safety risk to both road users and pedestrians.
- Concerns with the adequacy of access arrangements, particularly for emergency vehicles.
- Insufficient parking facilities.
- Concerns whether there would be a horse and trap and whether this would be used within the village. I have witnessed cars speeding past horses, with the horses becoming spooked. Where will they park their trap or guest vehicles and where would horses be kept if they have them.
- I already have to go to the pub to ask customers to move their cars blocking my drive, would I be expected to go on their site to ask them if it is their vehicle blocking my drive.
- Access to drive is needed due to family personal needs.
- Paragraph 89 of the National Planning Policy Framework (the "Framework") states that any developments must be 'sensitive to its surroundings and do not have an unacceptable impact on local roads'. Touring caravans regularly coming in and out of the site will be dangerous for other road users given how narrow the road is and the poor visibility for oncoming traffic. Approving this development would certainly increase the risk of accidents, therefore having an unacceptable impact on safety on the local roads. The proposal is contrary to the principle set out in paragraph 89 of the Framework.
- Traffic is a huge problem already. When the See-Ho pub is busy, residents struggle to park and access and egress are dangerous.
- There is no footpath and walking around parked cars is dangerous.
- Permanent parking will make it difficult for emergency services to access Pear Tree and Bowsden Lane.
- The site does not have sustainable transport links with essential service and does not meet adopted design standards and so the proposed development conflicts with policies CS01, CS11 and CS19 of Gravesham Local Plan Core Strategy.

Drainage

- The proposal lacks critical information regarding foul waste and surface water drainage strategies. Given the scale of the development, it is essential to demonstrate a comprehensive approach to managing wastewater to avoid pollution and flooding risks. Without a proper drainage strategy, there is a high risk of environmental harm, particularly in a rural location where infrastructure is already under pressure.

Infrastructure

- The infrastructure in this area cannot cope and local resources are already in crisis with GP's, hospitals and schools.
- Insufficient access to safe utilities such as water, electricity, and sewage systems, potentially leading to environmental hazards.

Community and Social Impact, Impact on businesses and other concerns

- The council will have nothing but trouble to deal with if this is permitted.
- Community and social impact.
- It would make conditions unsafe for kids that currently enjoy the area.
- Excessive noise and pollution.
- The fact that work has started including installation of utilities shows a lack of consideration and a breach of planning control.
- A static home and a caravan is already on the side and hardstanding area has been completed.
- Impact on the value of properties in the area.
- Safety would be compromised.
- I hope I can rely on the council and planning enforcement to take the necessary action to ensure all work on site is stopped and the static home and two caravans are removed from site.
- My client respectfully asks that once the committee report has been published, the opportunity for further representations be provided.
- Diminish the business of the pub next door which provides a service to the community, employment; and has historic precedent. Too many pubs are going out of business.
- Situation is having an impact on my mental health and sleep.
- A previous application, to build a house on the site was refused. We would not object to one dwelling in keeping with others in the Lane.
- The land will be mistreated, fly tipping of rubbish, misuse of local facilities.
- Other sites would be more appropriate.
- This proposal will just be an 'open invitation' to other gypsies to come to our village with their caravans and cause all the associated problems which we have seen elsewhere.
- Crime rates going up.
- The police would not be effective in dealing with any issues.
- I would no longer feel like I would like to visit the village for safety reasons.
- It would affect local businesses such as the See-Ho, the Rose and Crown, the local hairdressers, café and shop.
- Do not wish to have a site on my doorstep along with the issues that come with it.
- I would however not object to another use of the land. For example: a village shop (independent or chain), leisure centre for village community (tennis court, bowls centre ect...), or even a small bungalow to allow a new homeowner in the area.
- We already have issues with littering, noise from the pub, antisocial behaviour, crime, motorbikes and quads speeding and people playing music outside. This application will make things much worse.
- Increase in rubbish would lead to vermin.
- For the local councillors presiding over this at the committee that all these objections will necessitate - I implore you to make the right decision. The local community trust you to make decisions to prevent unsuitable money making proposals like this that can ruin a local area.

- If permission were granted, what would be the procedure to prevent even further density occupation, bearing in mind the inclusion in the application for touring caravans.
- Clearly the very special circumstances set out in the NPPF and the Department for Communities and Local Government Policy for Travellers Sites have not been met, and this application for change of use should not be granted in response to this planning application. Given the clear guidelines set out in the NPPF and the Department for Communities and Local Government Policy for Travellers Sites, it is quite likely that any decision to approve this application would be successfully challengeable under Judicial Review.
- The introduction of a traveller site could lead to tension due to stark differences in land use, appearance, and lifestyle.
- Inconsistencies in Planning Decisions. To approve this application would undermine the council's decision making process.
- I would no longer visit the See-Ho if this application is approved.
- The site will end up with many more caravans and probably horses & dogs running free.
- Contrary to policy.
- There are no details confirming the likely quantity of day visitors expected. Where are the vehicles going to park if they cannot fit onto the land. How will this be monitored and where will they be moved onto. There needs to be serious regulations applied if this request is to be approved and considering the applicant has already flouted rules by placing caravans on the land without permission I do not expect conditions to be met, which is why the application needs to be rejected.
- Concerns regarding unauthorised expansion on the site as has happened at other sites in the country.
- If this is passed I cannot see what GBC could refuse in the future.
- This site is far more suitable for 1 or 2 houses seeing as the village is crying out for suitable accommodation for younger people.
- It would be better to allow the See Ho public house to extend their car park.

Local Ward Councillors were also consulted, and all three councillors objected with the following summarised comments;

- Contravenes the Council's policy to protect the green belt
- Overdevelopment and inappropriate development of a site in land classified as green belt
- In appropriate use
- Highways concerns
- Encroachment on the green belt
- No test for very special circumstances
- Not in keeping with the area.
- No indication of basic utilities for the site
- Support the objection letter from Shorne Parish Council

Planning Analysis and Head of Planning Comments

Background

The most recent application on this site was under planning application reference 20200339 for the Outline application with some matters reserved for the erection of two dwellings. This application was refused by the Local Authority for the following reasons;

1. *The site is within the Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent*

of urban areas and the present extent of any village. National Planning Policy Framework Section 9 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The development will not preserve the openness of the Green Belt through construction of 2 dwellings associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in National Planning Policy Framework (2019) Section 9 (Protecting Green Belt Land), and Policy CS02 (Scale and Distribution of Development) of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).

- 2. The application site lies within the locally designated Shone Woodlands landscape area, where planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. The proposed development, if permitted, would be harmful to the landscape character when compared to the existing site. The harm from the redevelopment of the site in this instance would be derived from the bulk and massing of the dwellings, the associated hardstanding, lighting, car parking and residential paraphernalia. The application is therefore contrary to Policies CS12 and CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).*
- 3. The site lies in the designated countryside outside the confines of the urban areas and rural settlements. The proposal comprises of residential development in the countryside, being within an unsustainable location and contrary to Policies CS01 and CS02 of Gravesham Local Plan Core Strategy (September 2014) and paragraph 79 of the National Planning Policy Framework (2019).*
- 4. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 175 and 176 of the National Planning Policy Framework (2019).*

The application was dismissed at appeal (See appendix 1)

The Main Issues

The main issues in this submission relates to:

- Green Belt
- Grey Belt
- Need for and supply of Gypsy sites
- Gypsy and Traveller Status
- Personal Circumstances
- Cumulative Impacts
- 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 Act

Green Belt

The 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.

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) (g) 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. With regard to the development not being previously developed land this approach was accepted by the Inspector for the most recent appeal decision on the site (20200339). whilst the site has been cleared of vegetation it is not considered to meet the NPPF definition of Previously Development Land which states the following.

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.

None of the works that have occurred on site are lawful and the above definition does not apply to this application.

Consideration therefore needs to be given as to whether the development falls under (e).

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 Shorne Ridgeway is a village
- If Shorne Ridgeway is a village, where its boundary lies relative to the application site
- Whether the proposal subject to this application can be considered 'limited'; and
- Whether the proposal constitutes 'Infilling'

Whether Shorne Ridgeway is a 'village'

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 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
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Source: Settlement Hierarchy Technical Paper December 2009

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 has been recently considered at appeal where the Planning Inspector (APP/K2230/W/16/3161653) (see appendix2) considered whether Culverstone Green is a village and the Inspector 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.

As paragraph 150 of the NPPF (2024) only allows 'villages' to be excluded from the Green Belt by way of an inset designation and all of the above rural settlements are inset, it is accepted that they must by definition be treated as villages for the purposes of the application of planning policy.

As Shorne Ridgeway is a village, where does its boundary lie relative to the application site?

As Shorne Ridgeway is considered for the purposes of this application to be a village, the question arises what are its boundaries are on the ground and whether the application site lies within those boundaries. In this context it will be noted that the Court of Appeal case (Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)) (appendix 4) is relevant and the appeal decision for 20200339 (appendix 1) which both relate to this site.

20200339 was an outline application for the erection of two dwellings adjacent to See-Ho Public House Shorne located within the Green Belt.

In quashing the original decision, the Court did not make a planning judgement as to where the boundary of Shorne might lie, instead concluding that the original appeal Planning Inspector had misdirected himself, in accepting the Green Belt/inset boundary as being the edge of the village (as defined within the development plan) after he had already noted the built development continuing to the east. As such the decision-maker must consider as a matter of fact on the ground if the site is within in the village and the village boundary may be different from the boundary of the rural settlement inset from the Green Belt.

A site visit was undertaken in January 2025 and the conclusions are based on the facts on the ground.

Whilst the application site is outside the identified adopted inset rural settlement boundary, paragraph 4.2.6 of the Local Plan Core Strategy accepts that these boundaries do not necessarily represent their full extent. Rather, they are intended to relate to the coherent and established built up area where policy accepts infilling would not adversely affect local character or identity or impact on the openness of the Green Belt.

In this respect, it is considered that as per the 2020 appeal decision () (appendix 1) there has been no material changes on the ground and there still remains a clear distinction between the more built up areas of Shorne Ridgeway and the looser development to the east which is quite rightly washed over by Green Belt policy and where the Council considers it important to maintain openness as a key characteristic of the Green Belt.

Whilst properties in Pear Tree Lane may have been replaced, altered and/or extended in the intervening period (such as Fairwinds) and this may have had a limited impact on openness, any permissions granted would have accorded with national Green Belt policy on preserving openness and ensuring that development did not conflict with the purposes of including land in the Green Belt. It is considered that the effect of any changes has not been so great as to constitute 'exceptional circumstances' sufficient to warrant a change to the Green Belt/inset boundary or to what may be considered to constitute the 'village' since the determine of appeal APP/K2230/W/20/3258951 (Appendix 1) in 2020.

It is worth taking into account the view of the Inspectorate in considering whether or not the application site should be excluded from the Green Belt at the time of the Public Local Inquiry into the Gravesham Local Plan First Review (1992) remains of relevance in this respect. The national policy context of this plan was PPG2 and Shorne Ridgeway (along with all the other inset settlements) were treated as 'villages'. The relevant inspectors comments were as follows:

Inspector's Comments

8.56 The objection site lies immediately east of See Ho public house and at one time was in the ownership of the brewery. It is now in separate ownership. In 1962¹ planning permission was granted for the erection of two dwellings on the land but this was never implemented. More recent applications for housing development have been refused.

8.57 Comments by Inspectors following section 78 appeals on the objection site and on land to the rear of Rose Cottage suggest that they regarded the public house as forming the terminal point of the built confines of the village and that existing housing in Bowesden Lane was more loose-knit and not within the built up area of the village. I concur with this view although the three properties in Bowesden Lane, Cartrel, Honeymellow Cottage and Ranigani have a similar plot size to others within the built confines. However to include them within the village boundary would serve no useful purpose as it would give the impression that Bowesden Lane was part of the solidly built up area which it is not. Housing there is very low density with the dwellings merging into the landscape as part of the countryside similar to those to the east of the public house in Pear Tree Lane where they extend for a considerable distance towards the A226. To include this type of loose-knit development within a village boundary would make a mockery of the exercise and encourage ribbon development. If the objection site was to be included within the village boundary the dwelling Ewhurst in Bowesden Lane would also have to be included. This property has a large curtilage which would then come under pressure for development. As far as Ridgeway Bungalows are concerned I accept that their plot size and urban appearance justify their inclusion.

8.58 After studying the evidence submitted and viewing the objection site and its surroundings I reach the conclusion that the village boundary shown on the Proposals Map has been correctly drawn and that areas outside it are properly located in the Green Belt.

Inspector's Recommendation

8.59 I RECOMMEND no change to the village boundary for Shorne Ridgeway in respect of this objection.

Source: Report of Public Local Inquiry into Objections and Representations made to the Gravesham Local Plan First Review (1992).

It is noted that in dismissing the previous appeals in relation to this site in 1976, 1991, 2015 and 2020 all four Inspectors concurred with the above view that the 'village' comprised what is effectively shown as the inset area on the adopted Policies Map and that the application site and properties to the east and south lay outside it.

It is therefore concluded that the designated rural settlement boundary shown on the adopted policies map remains justifiable on the ground and that the application site lies beyond it within the Green Belt. The proposal is therefore considered to be 'inappropriate' development in the Green Belt.

As such the designated rural settlement boundary shown on the adopted policies map clearly reflects the discernible village as evident on the ground and that the application site lies beyond it, within the Green Belt. The proposal is therefore considered to be 'inappropriate' development in the Green Belt and does not form part of the village known as Shorne Ridgeway.

Whether the proposal subject of the application can be considered 'limited'.

Whilst the development is considered to not lie within a village, because the proposal only comprises of use of the land for two pitches it can be considered to be 'limited'.

Whether the proposal constitutes 'infilling'.

Again, whilst the development is considered to not lie within a village, it is, in the interests of thoroughness, necessary to consider if the proposal constitutes infilling. Neither the NPPF (2024) nor the development plan currently defines the term 'infilling'. However it is accepted the generally agreed definition of infilling is as follows:

The development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage.

The Inspector for the 2020 appeal decision (appendix 1) concluded that the development of two dwellings on this site would not meet the definition of limited infilling and concluded the following within the appeal decision.

I conclude on this issue that, in accordance with what I saw on the ground, the appeal site does not lie within the settlement of Shorne Ridgeway. The proposed development cannot therefore be considered an exception to the construction of new buildings to be regarded as inappropriate development as provided in paragraph 145(e) of the Framework, i.e. limited infilling in villages. Nor would the proposed development amount to infilling. It cannot therefore be considered the exception as described in paragraph 145(e).

In summary the proposal does not constitute infilling under the terms of paragraph 154 (e) of the NPPF (2024) and there have been no significant material changes on the ground to warrant the boundary of the village changing.

It is therefore considered that the proposal represents '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 of paragraph 155 needs to be considered 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:

- 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;*
- 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:

“Grey belt: 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.”

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.

Gravesham’s Stage 2 Study shows the site as lying within parcel (SR4) which makes relatively limited contribution to purpose 2 (preventing towns from merging) and a relatively significant contribution to purpose 3 (preventing encroachment into the countryside which is not relevant in determining grey belt). The release of this parcel for development was assessed as having a moderate harm on the Green Belt.

As set out above, the site does not strongly contribute to Green Belt purposes (a), (b) or (d) in respect of paragraph 143 of the NPPF. Whilst it has been found that it contributes to purpose (c) encroachment, this does not need to be considered within the definition of Grey Belt.

The proposed development would be contained within the existing boundaries of the site and is well screened from public vantage points by mature evergreen hedging and would not be visually prominent within wider views of the landscape. Views of the site would be extremely limited from persons passing the site.

As such the proposed development does not contribute to the purposes of (a), (b) and (d) of paragraph 143 of the NPPF. In addition, the proposed would not affect area of assets in foot note 7 of the NPPF (Other than Green Belt). The development is considered to be on grey belt land .

Whilst the use of the land would be spread across the site and with hardstanding covering the majority of the site and associated domestic features would intensify the use of the site and the spatial and visual impacts of the proposed development would result in a small loss of Green Belt openness. However, the development would utilise grey belt land and would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across Gravesham. Therefore, the proposal would comply with criterion (a) of Framework paragraph 155.

(B) There is a demonstrable unmet need for the type of development proposed

Need for and Supply of Gypsy Traveller sites

Accommodation for Gypsies and Travellers is a specific type of accommodation that Councils have a duty to provide under the Housing Act (2004). The guidance in Policy B of the 2024 PPTS requires Local Planning Authorities to set their own target for the number of pitches to be provided in their areas, using a robust evidence base and to identify and update annually a supply of specific

deliverable sites to provide 5 years' worth of sites against their locally set targets, and a supply of specific developable sites or broad locations for growth for years 6 to 10 and where possible for years 11 -15.

The identified need for new Gypsy and Traveller pitches in the borough is derived from the Gypsy and Traveller Accommodation Assessment (GTAA) 2022. This GTAA updates and assesses need for pitches in the Borough, over the period 1 April 2022 – 31 March 2040, taking account of the proposed occupants of new pitches permitted since 2017. This covers the remaining 6 years of the Local Plan Core Strategy plan period (2022 – 28) and will inform the evidence base for the emerging Local Plan period (2025 – 2040).

The Council is aware that the need identified in the 2022 GTAA does not take account of the updated planning definition of Gypsies and Travellers in the 2023 or 2024 PPTS as it pre-dates these changes. It is acknowledged that the need therefore within the Borough, will be greater than the need for pitches for Gypsies and Travellers that solely met the pre-2023 PPTS definition. The Council is currently in the process of understanding the implications of the revised 2024 PPTS definition, and is engaging with the consultants who undertook the 2022 GTAA on the matter.

A summary of pitch need over the plan period 2022 – 2040 is set out below in Table 1. This shows that there is a need to provide 20 pitches between the period 2022 to 2028 for those Traveller households who met the 205 planning definition.

Table 1 Gypsy and Traveller pitch need April 2022 – 2040.

Households that meet the planning definition (pre-Dec 2023 definition)	2022 - 2027	2027-2028	2028 - 2040	2022 - 2040
Total	19	1	20	40
Annual requirement	3.8	1	1.66	2.22

For completeness Table 2, below, details the need broken down into 5 year period, taking into consideration the needs of those Traveller families who did not meet the planning definition, or where it was undetermined whether or not they met the definition. From this it is clear that the need for new pitches is likely to increase.

Table 2 Gypsy and Traveller pitch needs April 2022 – 31 March 2040

Period 1 April – 31 March	Pitch Need Meet the Planning Definition (PPTS 2015)	Pitch Need Non-Planning Definition (PPTS 2015)	Pitch Need Undetermined whether they meet the Planning definition or not	Overall Pitch Requirement
2022 - 2027	19	12	0	31
2028	1	0	0	1
2028 - 2032	4	4	1	9
2032 – 2037	10	1	1	12
2037 -2040	6	1	0	7
TOTAL	40	18	2	60

An extract from table 6 of the Five year Gypsy and Traveller Pitch Supply Statement 2024 -2029 illustrates the overall 5 year housing land requirement for the period April 2024 – March 2029 for

those traveller households who met the 2015 planning definition and the overall traveller household need (i.e. those that did not meet the pre-2023 definition).

Table 3 Pitch Needs April 2024 – March 2029

	Scenario 1: Pitch Need Meet the Planning Definition (PPTS 2015)	Scenario 2: Overall Pitch Requirement
Outstanding need (April 2022 – March 2024) + 5 year land requirement (April 2024 – March 2029)	20.8 pitches (7.6 + 13.2)	33.8 pitches (12.4 + 21.4)
5 Year Annual Pitch Requirement	4.16 pitches	6.76 pitches

Since April 2024, planning permission has been granted on appeal for 4 pitches and there are outstanding appeals for an additional 3 pitches, all within the Green Belt.

From this it is clear that in March 2024, the council could not demonstrate a 5 year supply of deliverable pitches. Therefore, there is a significant shortfall in past delivery and future supply. Consequently, for the purposes of criterion (b) of Framework paragraph 155, there is a demonstrable unmet need for Gypsy and Traveller pitches within the Borough.

Gypsy and Traveller Status

The planning definition of ‘gypsies & travellers’ as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

As noted above, the definition includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants’, health or education needs or old age. To determine whether an applicant falls within the definition, the PPTS advises that regard should be had to;

- a) whether they had previously led a nomadic habit of life;
- b) the reasons for ceasing their nomadic habit of life; and
- c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.

It should also be noted that the Planning Inspectorate’s guidance for what is usually required to validate appeals relating to Gypsy and Traveller sites, includes the provision of family background and travel for work purposes details over a period of 10 years before the date of the application. In the interests of ensuring compliance with the revised definition of a Gypsy or Traveller, it is necessary that a Gypsy/Traveller applicant can demonstrate they travel from place to place for economic reasons, as confirmed in the High Court decision *R v South Hams DC ex parte Gibb* (1995) Q.B. 158 (as subsequently defined in Planning Policy for Traveller Sites (PPTS) 2024).

The Planning Statement supporting the application states the applicant who would occupy mobile

one with their two young daughters who are both below the age of 5. The eldest of the two will be starting primary school in September 2025 and it is hoped she will attend a local school to the site.

The family are registered with a GP surgery in the local area. The children have no specific health needs.

The applicant has worked for a business with their dad and uncle for 8 years. The company is based in Chatham and carries out work across the Medway Towns.

Mobile 2 will be occupied by the mother of the applicant's partner.

The application has sufficiently demonstrated the intended occupants of the proposed pitches and meet the definition of gypsies and travellers as defined in Planning Policy for Travellers Sites, December 2024.

Personal circumstances

The application comprises two pitches with two associated pitches for touring caravans to facilitate the nomadic way of life for the applicant and his immediate family members on a permanent basis. Together with a day room. The application is accompanied by a Planning Statement and Statement of Need, setting out the case for the applicant. The Planning Statement explains that granting permission on the site would provide a secure base for the applicant and his immediate family members, whilst enabling the applicant's daughter to attend a local primary school and the mother of the applicant's partner can maintain consistency with her medical treatment. It is noted that medical records have been provided to substantiate the severity of the health conditions.

The Statement of Need also explains the applicant wishes to relocate from the previous site following the loss of several close family members in a car accident, that happened only 200 metres from where he temporarily resided on an authorised pitch in Maidstone. When the applicant's cousin lost her life on the same pitch, the applicant felt that they could not longer live there and sought other land to move to. The applicant is not able to back to the Maidstone site for both personal and planning reasons. No other lawful pitches appear to be available to the applicant within Maidstone or Gravesham. The applicant therefore purchased this current site and submitted the application to make it lawful.

The applicant's partner does not travel for work and is a full time parent and remains on the site to care for the children. The partner does travel for events such as Appelby and Stown on the Wold for cultural reasons, and continues to live culturally as a traveller.

The mother of the applicant's partner has ceased travelling due to health reasons, of which evidenced has been submitted with the application to support this. There is evidence to support that the family are registered at a local Surgery.

The eldest child of the applicant currently attends a local nursery and is due to start primary school in September 2025.

The applicant wishes for his family to have a more settled base to receive medical and educational support.

In light of the above, a settled base will improve access to education and health services and sufficient supporting evidence has been provided with the application, as such the need of the applicant and his family has been met.

Cumulative Impacts

The PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside, 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 minimal number of pitches involved in this proposal, this would not be the case.

The proposals involves the creation of two pitches for static caravans, and two associated pitches for touring caravans, together with erection of one day rooms and hardstanding. It would inevitably extend built development to the site, however as shown on the proposed plan, they are located on the previously developed part of the site. The proposed mobile homes would have the appearance of bungalows and would be relatively inconspicuous in this valued rural landscape.

The collective presence of the mobile homes, touring caravans, day rooms and associated domestic paraphernalia would result in additional cumulative effect in terms of their impact on the countryside and surrounding valued landscape. Much of the impact would be mitigated by the established boundary vegetation, and the access gates would obscure views directly to the front. Therefore, the site would only be visible from the surrounding properties adjacent to the site.

On this issue, considering this proposal is for two pitches, it would not dominate the nearest settled community, however it would extend development into the previously undeveloped parts of the site. Considering the curtilages of the adjacent property and public house, the proposal is not considered to have an adverse impact on the valued landscape. The resulting cumulative effect on the countryside and valued landscape would not conflict with the objectives of Policy CS12 (Green Infrastructure), CS17 (Traveller Sites) and CS19 (Development and Design principles) of the Local Plan Core Strategy and paragraph 187 of the National Planning Policy Framework (NPPF) 2024, which together seeks to conserve and enhance the natural environment.

(C)The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

The site is located in Shorne Ridgeway with residential properties located to the north of the site, with the See-Ho Public House to the east. The site is served by good access with local amenities within close proximity to the site and sustainability of residential use of this site was considered in the 2020 appeal where the Inspector concluded the following:

For this site sustainability has been recently considered by the Inspectorate (appeal: APP/K2230/W/20/3258951 which was for outline permission for two dwellings and is a material consideration for this appeal. Within the appeal the Inspector concluded:

Shorne Ridgeway falls within the lowest tier, as an other settlement. Its services and facilities are limited and appear to be centred around the public house. However, there are 2 settlements close to the appeal site, Higham and Shorne, which are classified as second tier and fourth tier settlements, respectively. I saw that these provide a range of facilities and services including post office, convenience shops, public houses, churches, surgeries, pharmacy, greengrocer, take-aways, and hairdressers.

The inspector went on to note that the distance to Higham may be more than many consider walkable. More significantly, the lanes leading to both these better serviced settlements are largely unlit, are hilly, relatively narrow and without footways. As such future occupiers are more likely to rely on cars.

The Inspector went on to make the following observation.

However, both Higham and Shorne are served by buses that stop in Shorne Ridgeway, with the 416 and 417 continuing to Gravesend, which is connected to national rail, and by a new service 311 running since the last appeal which runs from Meopham to Lower Higham. While I suspect that the frequency of these services may be limited, neither party has provided me with timetables for them. There is no evidence to suggest that the bus services through Shorne Ridgeway do not provide a suitable alternative to private transport for future occupiers of the development to reach services and facilities.

The inspector concluded at paragraph 41 that the site is sustainable and also recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

I find no conflict from the proposal with CS policies CS01 and CS02, nor with paragraph 103 of the Framework which seeks to actively manage patterns of growth in support of promoting sustainable transport, but which also recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. While the suitability of the site for housing and the accordance of the proposal in this regard with the development plan is acknowledged, this is a neutral factor that does not weigh in support of the proposal.

Taking into account that the Inspector has concluded that the site is sustainable for housing, and that in the intervening period there have been no significant changes in relation the sustainability of a site, it would then logically follow that the site is sustainable for a traveller site. Paragraph 8 of the PPTS states that planning applications for traveller sites should be assessed and determined in accordance with presumption in favour of sustainable development. In this instance, the site lies a short drive from local settlements that offer a variety of local services, including retail.

Whilst there is limited amenity within walking distance of the site the Inspectorate has already considered this and concluded that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Within the context of the sites rural location and taking into account the relevant appeal decisions the proposed development is considered to meet the requirements of paragraph 110 and 115 of the NPPF (2024) and Policies CS01, CS02 and CS17 (LPCS) 2014.

(D) Where applicable the development proposed meets the 'Golden Rules requirements set out Paragraphs 156-157

The proposed development is not major development, and therefore the requirement the above criteria is not applicable to this proposal.

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 site is within the Shorne Woodland Landscape Character Area where the pertinent key characteristics are undulating topography with Chestnut coppice woodland, strong sense of enclosure, traditional village greens and varied building style and age. The Gravesham Landscape Character Assessment states that these key landscape characteristics should be conserved and reinforced.

Mobile

Day Room



The visual impact of the proposed development would be largely experienced in its local context, and the development would be clearly identifiable as a caravan site and which would represent a major change to the character and appearance of the application site. A greater part of the site than was previously devoid of built structures would be occupied by the static and mobile caravans and a day room, and would take on the appearance of a permanent residential development.

Due to the extensive and tall boundary hedging and access gates, the development would not be highly visible from Pear Tree Lane.

Rather than reinforce and conserve the key landscape characteristics of the valued landscape, the development would impinge on the visual amenity of the locality, by extending built development to parts of the site where none currently exists. However, the visual impact would not be viewed from Pear Tree Lane owing to the screening provided by the tree belt along the site boundaries. In addition, there is built development surrounding the site as shown in the following image:

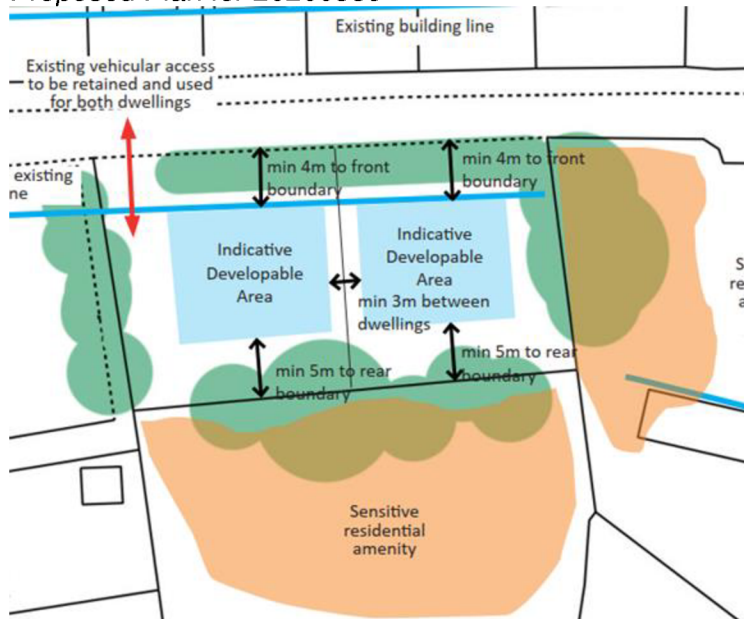


The previous refused application for *outline application with some matters reserved for the erection of two dwellings*, under planning reference 20200339 was dismissed at appeal (Appeal Decision Notice APP/K2230/W/20/3258951) with the Inspector stating in paragraph 29 that *the combination of undulating landform and tree cover bringing an enclosed character to the landscape*. The Inspector went on to say in paragraph 30 that *Given that the site is surrounded by plots containing buildings and it does not contain woodland, its development for housing, including the paraphernalia of residential occupation, would not undermine the contribution of woodland to the distinctiveness of the area as described by the LCA*.

However, the Inspector did state in paragraph 31 that *two dwellings of modest footprints would place development which is more typical of the tight-grained, built-up sections within the settlement of Shorne Ridgeway on a site clearly belonging to the looser-grained, more rural character of development beyond the settlement.*

Whilst the Inspector's comments are accepted, this proposal was for two detached bungalows of larger footprint and of more permanence than the current proposal, as can be seen from the following proposed block plan from the previous application;

Proposed Plan for 20200339



The two mobiles and tourer caravans are not permanent structures, with only the day room being permanent on site, which has a considerably smaller footprint than the previously proposed dwellings.

Taking all the above into account, including the previous reasons for refusal and Inspector comments, it is considered that the permanent structure of the day room would not result in a form of development that would undermine the more 'looser-grained more rural character of development' as mentioned within the Inspector's comments. As such, it is not considered that the development would be at odds with the prevailing layout of the area and would not impinge on rural character.

Overall, in terms of visual impact, the proposal would not represent a discordant feature in the countryside, as it would not be highly visible from public vantage points and would not sprawl into the local valued landscape. As such, the proposal would not result in urban sprawl or impinge on the rural character of the area. It would be in accordance with the guidance within the Gravesham Landscape Character Assessment, Policy CS02 and CS19 of the Local Plan Core Strategy that seek to ensure that new development conserves the overall landscape character.

Effect on Residential amenity

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

The proposed mobile homes are large and would provide a decent standard of accommodation for future occupiers. The layout within the site is spacious, and future occupants of the proposed mobile homes would be provided with a decent outdoor amenity space. The relationship between the existing and proposed mobile homes would be such that there would be no unacceptable overlooking or overbearing issues from the proposed layout, therefore residential amenity of the existing occupiers would comply with requirements in policy CS19 of the Local Plan Core Strategy.

The application site is in a predominantly residential area with private residential dwellings to the north, east, south and south west. The See-Ho Public House and car park is directly to the west of the site. Given the nature of the area and the separation distances between the proposed gypsy and traveller development and residential properties, it is not considered the creation of additional pitches here would result in any unacceptable unneighbourly impacts on the occupiers of the properties on Pear Tree Lane and Bowesden Lane.

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 Pear Tree Lane in terms of noise and disturbance. No overriding residential amenity issues are considered to be raised in the application.

If the application were to be supported, conditions could be added to mitigate any noise impacts and the use of generators on the site.

Given the above considerations, it is concluded the proposal would secure acceptable residential amenity for the occupants of the proposed mobile homes, and no harm is identified to the residential amenity of occupiers of residential dwellings on Pear Tree Lane. The proposal complies with policy CS19 of the Local Plan Core Strategy and paragraph 135 of the National Planning Policy Framework 2024, which seek protection of residential amenities for the occupiers of buildings and land.

Parking and highway safety

The site and pitches would make use of the existing access from Pear Tree Lane, in the north western corner of the site and there is adequate hard surface space available within the plot for parking of vehicles associated with the two 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.

Within the previous application (Appendix 1)), the Local Authority found no issue with highways and parking against the provision of two dwellings on the site, and the Inspector for the appeal did not make reference to any highways or parking issues within the appeal decision. Therefore, this position would not alter.

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 been consulted and have objected to the proposal on the grounds the proposed development involves the use of non-mains drainage system and the application has provided no supporting information on how the use of non-mains drainage will not adversely impact groundwater.

In particular, the submitted application fails to address the following concerns from the Environment Agency on the proposed non-mains drainage.

(a) it is not prejudicial to the health of any person

(b) it will not contaminate any watercourse, underground water or water supply

(c) there is adequate means of access for emptying work and future maintenance, including future replacement of any drainage field

(d) has failed to show that disposal of foul effluent to ground from the proposed package treatment plant would be effective at this location.

Without the above information it cannot be established if the risk to controlled waters has been addressed and if mitigation measures are required.

A recent appeal decision APP/Y3615/W/20/3260351 (Appendix 3) for a traveller site in the Inspector concluded the following in the absence of details on the non-mains water drainage.

I must be satisfied that foul water drainage is acceptable for the proposal, and at the site location. I have considered the facts and circumstances of the case, and whether I could impose the suitably worded condition, which requires details of how the system would meet the general binding rules or qualifies for a permit. However, given the uncertainties described above and based on the evidence, including the EA objection, I do not consider that the condition is capable or reasonable of overcoming the concerns.

For these reasons, I conclude that in the absence of sufficient evidence to the contrary, I cannot be certain there would not be an unacceptable risk, or that the existing water courses would not be adversely affected by water pollution at the site through a non-mains foul drainage system, and whether the method of discharge would be acceptable for the proposal. Thus, it would be in conflict with paragraphs 174 and 180 of the Framework.

The Inspector is clear in their reasoning that the information is fundamental and due to the risk to ground water pollution it cannot be conditioned and should have been submitted as part of the application.

In the absence of any supporting information (which cannot be conditioned) on the use of non-mains drainage the proposed provides an unacceptable risk to ground water conditions and is contrary to Policy CS19 (LPCS) and paragraph 187 (e) and 198 of the NPPF (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.

KCC Biodiversity's comments state that they were not of the opinion that the removal of biodiversity from the site was retrospective. However, the condition of the site has been monitored through previous applications, and the area of development has been devoid of biodiversity prior to the submission of the application.

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.

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 £328.27 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. The applicants have not paid towards the mitigation.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts 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.

The application site is considered to be a suitable location for the type of development proposed, in view of it being on Grey Belt land and within a sustainable location. The supporting information has also sufficiently demonstrated there are special personal circumstances to warrant the grant of planning permission on temporary basis.

However, in the absence of any supporting information (which cannot be conditioned) on the use of non-mains drainage, as well as not providing the appropriate SAMMS payment, the proposed provides an unacceptable risk to ground water conditions and impact on migrating birds.

For the reason of lack of appropriate drainage to serve the site and lack of payment towards bird mitigation, it is not considered there is reasonable justification for granting temporary permission for this proposal.

Human Rights and Equality Act:

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

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

Gypsies and Travellers have a protected status under the Equalities Act 201. By virtue of having a relevant protected characteristics. The Council is therefore duty bound to consider decisions that have a disproportionate adverse impact on a protected characteristics, even if this impacts may be unintentional. This may involve an understanding of the practical impact on individuals affected by the decision. Regards should be had to the effect of mitigation taken to reduce any adverse impact. PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors.

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

In this case, whilst evidence has been put forward regarding the ethnicity of the intended occupants of the proposed accommodation to demonstrate they meet the planning definition of 'gypsies & travellers' as set out in the PPTS. No verifiable information has been put forward to demonstrate refusing this application would interfere with right to respect private and family life of the applicant, including their traditional nomadic way of life.

Article 8 of the European Convention of Human Rights is a qualified right requiring a balance between the rights of the individual and public rights, which include the objective of planning policies to avoid an unacceptable risk to ground water conditions by not providing adequate drainage to the serve the site/development. Information is fundamental and due to the risk to ground water pollution it cannot be conditioned and should have been submitted as part of the application. The protection of ground water from pollution are legitimate aims in the wider public interest, which can only be adequately safeguarded in this case by refusing planning permission. In addition, the application fails the appropriate assessment, as such the harm to local wildlife at the Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) also must be taken into consideration. The harm from this application is unacceptable, as such the Ramsar and SPA can only be safeguarded by refusing planning permission.

In the absence of this information to support the application to address the potential harm identified, any potential interference with the applicant's human rights is therefore considered proportionate and necessary in the wider public interest.

Overall planning balance:

It is acknowledged the under supply of traveller pitches and lack of suitable sites in the Borough to meet the needs of those meeting the planning definition of 'gypsies & travellers' in the district, and whilst the Council has a duty to provide for all housing needs, the burden of demonstrating very special circumstances exist to warrant a positive decision rest on applicant. In this instance, verifiable information has been put forward to sufficiently demonstrate the intended occupants of the proposed pitches meet the planning definition of 'gypsies & travellers' as set out in the PPTS.

The application site is considered to be a suitable location for the type of development proposed, in view of it being on Grey Belt land and within a sustainable location. The supporting information has also sufficiently demonstrated there are special personal circumstances to warrant the grant of planning permission. These matters must be significant weight.

However, in the absence of any supporting information (which cannot be conditioned) on the use of non-mains drainage, as well as the application not succeeding the appropriate assessment screening, as the appropriate mitigate has not been secured via a SAMMS payment, the proposed provides an unacceptable risk to ground water conditions and impact on migrating birds.

Therefore, whilst the lack of traveller site in the Borough is a material planning consideration, this is not in itself sufficient to outweigh the harm that would arise from permitting this development.

In compliance with the Human Rights and Public Sector Equality Duty (PSED) contained in the Section 149 of the Equality Act 2010, due consideration has been given to personal circumstances of the applicant, including the best interest of the children that will live on the site. In the absence of any supporting information (which cannot be conditioned) on the use of non-mains drainage the proposed provides an unacceptable risk to ground water conditions, together with no contribution to bird mitigation, to outweigh the degree of harm that would arise from allowing this application.

Refusing the application will undoubtedly interfere with the applicant's and their family's Human Rights, however this must be considered in light of the wider public interest. In these terms greater weight due to the nature of the harm caused by this proposal, has to be given to the wider public

interest.

Recommendation

The recommendation is to refuse this application.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	17 th January 2025	Dated:	17th January 2025

See draft Decision

Appendices

- 1.20200339 – Appeal Decision APP/K2230/W/20/3258951
2. 20160136 – Appeal Decision APP/K2230/W/16/3161653
3. 20/P/00052 Appeal Decision APP/Y3615/W/20/3260351
4. Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin))