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## Appeal Decisions

Hearing held on 11 June 2019

Site visit made on 11 June 2019

**by Diane Lewis BA(Hons) MCD MA LLM MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 July 2019**

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### **Appeal Ref: APP/U2235/C/18/3198221 (Appeal 1)**

#### **Land known as The Willows, Lucks Lane, Chart Sutton, Kent ME17 3FB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ronald Webster against an enforcement notice issued by Maidstone Borough Council.
- The enforcement notice, numbered ENF/16/500656, was issued on 7 March 2018.
- The breach of planning control as alleged in the notice is: Without planning permission, Change of use of land as a residential gypsy site with the stationing of 1 no mobile home, wooden shed, associated hardstanding, track and fencing, which is contrary to both national guidance and the local development policies.
- The requirements of the notice are:
  - i. Cessation of the residential use on the land within the red outline on the attached plan.
  - ii. Removal of all caravans and any other structures and associated paraphernalia in connection with the residential use on land, within the red outline on the attached plan.
  - iii. Removal of hard surfacing under and around and leading to all caravans and structures from the land, within the red outline on the attached plan.
  - iv. Removal from the land all resultant materials from complying with requirement steps (ii) and (iii).
- The period for compliance with the requirements is Three (3) months from the date the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal succeeds in part and permission for that part is granted but otherwise the appeal fails, and the enforcement notice as corrected is upheld as set out below in the Formal Decision.**

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### **Appeal Ref: APP/U2235/W/18/3197529 (Appeal 2)**

#### **The Willows, Lucks Lane, Chart Sutton, Maidstone, Kent ME17 3FB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ronald Webster against the decision of Maidstone Borough Council.
- The application Ref 16/508512/FULL, dated 27 February 2017, was refused by notice dated 22 December 2017.
- The development proposed, as stated on the planning application form, is a twin unit chalet 20 ft x 32 ft to be placed at the rear end of the land/plot.

**Summary of Decision: The appeal is dismissed.**

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## **The Hearing**

1. The appeals for The Willows were heard at a hearing held on the day before a hearing into two appeals on the land to the east known as Horseshoe Paddock<sup>1</sup>. Similar issues were discussed and both hearings were attended by the two appellants, who were represented by the same agent.

## **The Appeals**

### ***Appeal 1: Enforcement notice***

2. The plan attached to the enforcement notice identifies an irregular area of land extending southwards from Lucks Lane to the field boundary with Lambs Cross Farm. The statement of common ground gives the area as about 0.37 hectare. In view of the sizeable area involved I questioned whether the use should be described as a mixed use. It was agreed that all the land had changed to a residential use and from my observations on the site visit I agree with this assessment.
3. The wording of the alleged breach of planning control requires minor corrections to tidy up the description of the use. In this respect the mobile home was confirmed to fall within the statutory definition of a caravan and so in effect the use of the land is a caravan site<sup>2</sup>. The Council confirmed that the wooden shed is the building near to the western boundary. The appellant explained that he had refurbished an existing building there by the addition of new timber cladding. This explanation was consistent with the appearance of the building on the appeal site visit. On a separate point the post code also requires amending. The corrections are able to be made without injustice to the appellant or the local planning authority.

### ***Appeal 2: The development***

4. The description of the development was amended by the appellant in making his appeal to more specifically state "change of use of land to use for the stationing of a mobile home for residential purposes." This description improves on the wording used on the planning application form without changing the nature of the development and I will assess the proposal on the basis of the revised description.
5. The site plan submitted with the application outlines in red the same area of land as shown on the plan attached to the enforcement notice. A block plan showed the position of a mobile home in the south west corner of the site but a site layout plan showing a means of access and other features was not included.
6. The address of the site stated on the decision notice is Horseshoe Paddock, Chart Hill Road, Chart Sutton, Kent ME17 3EZ, which partly reflected the address on the application form. The more appropriate address of The Willows, Lucks Lane, is stated on the appeal form and is the one I shall use.

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<sup>1</sup> Appeal refs APP/U2235/C/18/3198544; APP/U2235/W/18/3198220

<sup>2</sup> A caravan site means land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed. (Caravan Sites and Control of Development Act 1960 section 29(1) (by way of section 1(4))

### ***Gypsy status***

7. Mr Webster is a Romany Gypsy. He travels with one of his brothers to steam rallies and auto fairs, such as great Dorset Steam Fair at Blandford, where they buy and sell auto-related goods. They travel away for about two months each year. Mr Webster expects to continue travelling in this way to earn a livelihood. There is sufficient information to conclude that Mr Webster has a nomadic way of life and is a gypsy for purposes of applying planning policy<sup>3</sup>.

### **Planning Policy**

8. The Maidstone Borough Local Plan adopted in October 2017 (the Local Plan) forms part of the development plan for the area. An aim of the Local Plan is to balance the reasonable need for lawful accommodation for gypsies and travellers with the responsibility to protect the environment. Policy DM15 sets out criteria to make decisions on proposals for gypsy and traveller accommodation. The appeal site is not within a specially designated area of countryside. Policy SP17 does not permit development proposals in the countryside unless they accord with other policies in the plan and do not result in harm to the character and appearance of the area. These are the two most important Local Plan policies in respect of these appeals.
9. National policy is contained in Planning Policy for Traveller Sites August 2015 (PPTS), which should be read in conjunction with the National Planning Policy Framework.

### **Planning history**

10. The appeal site is part of a larger field extending east to Chart Hill Road. There is no recorded planning history for the Willows site prior to the Appeal 2 planning application in 2017. However, planning permission was granted in January 2012 for a gypsy caravan site (no more than 5 caravans) on adjacent land to the east, known as Little Appleby. A planning condition restricts the use to named occupiers covering three generations. On a strip of land adjacent to Chart Hill Road (now part of the land known as Horseshoe Paddock) planning permissions were granted on appeal in 2000 and 2004 for two gypsy caravan sites as part of mixed use developments. The land has now changed ownership and permission is being sought for a caravan site immediately west of Chart Hill Road (see paragraph 1 above).
11. When the appellant moved onto the land in 2016 there were two buildings present, one on the western boundary and one on the northern boundary. Aerial photographs indicate that from around 2005 the northern part of the site and also subsequently the land along the length of the western boundary were used for a non-residential activity and that hard core and hardsurfacing were laid. However, in the absence of any planning permissions or certificates of lawful use or development this activity and use provide no support for the current use. The baseline position is use of the site as agricultural land.

### **Appeal 1 Ground (a) appeal/deemed planning application and Appeal 2**

12. The developments are very similar and raise the same planning issues. Therefore even though there are separate appeals I will deal with the planning

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<sup>3</sup> Annex 1: Glossary Planning Policy for Traveller Sites August 2015

merits of the caravan site together to avoid undue repetition, drawing out any distinctions as necessary.

### ***Main Issues***

13. The main issues are derived primarily from the relevant policies and are:
- The effect of the development on the character and appearance of the surrounding rural area, with particular regard to local landscape character, cumulative effect and existing landscape features;
  - The existing level of local provision and need for sites; and
  - The availability (or lack) of alternative accommodation for the appellant and his family, taking into account their personal circumstances.
14. Exercising duties under the Human Rights Act 1998 and the Equality Act 2010 will be an integral part of my decision-making.

### ***Character and appearance***

15. The Local Plan recognises that rural sites are likely to be proposed as gypsy and traveller sites because of land availability. Where this is the case the impact of development on the landscape and rural character is regarded as an important factor in respect of the wider objective of protecting the intrinsic character of the countryside.
16. The appeal site is within the Linton Park and Farmlands landscape character area<sup>4</sup> that lies to the south of Maidstone and comprises part of the wider Low Weald landscape. The key characteristics include sparse development with scattered farms and small hamlets, enclosed pasture and dominance of oak trees within pasture and as mature hedgerow trees.
17. Considering Appeal 1, the caravan and enclosed garden are in a relatively unobtrusive position towards the rear of the site. Mature hedgerows along the northern, southern and western boundaries have been retained and provide good enclosure. The access track and refurbished building, largely because of the surface materials and use of timber cladding, have an agricultural appearance and fit in with the surroundings. Even when account is taken of the authorised caravan sites to the east, the caravan, the adjacent private garden, the access, hardstanding and shed are consistent with the prevailing settlement pattern and cause no significant harm to the character and appearance of the surrounding rural area.
18. My strong concern is the size of the site and the amount of land in a residential use as a caravan site. A planning condition was proposed to limit the number of caravans to a static and a touring caravan. However, no conditions were proposed to control the domestic activity and paraphernalia on the northern and central areas of the site and nor would it be reasonable to do so given the description of the development. Such a large residential incursion into this sparsely settled landscape would be detrimental to its landscape character and appearance. The harm would be exacerbated when the cumulative effect is taken into account. The development fails to comply with criterion (ii) of Policy DM15.

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<sup>4</sup> Maidstone Landscape Character Assessment (March 2012, amended July 2013)

19. Appeal 2 is different in so far as the description of the development does not include reference to the access track, hardstanding and shed. However, the area of land is the same and realistically the caravan would need to be served by an access track and hardstanding. Private amenity space would need to be provided for the occupants. In all probability the resultant site layout would be very similar. The key point is that the site extends over the same area of land and hence the residential use would cover an unduly large area. Consequently the harm and conflict with Policy DM15 is for the same reasons as with Appeal 1.

*Other criteria of Policy DM15*

20. The site is accessible to local services in Sutton Valence about 2 kilometres or so away. The car is the likely mode of transport rather than the preferred modes stated in the policy but in view of the wording of the criterion this does not prevent policy compliance.
21. There is safe access from the highway for all vehicles using the site on a regular basis and the site is not at risk from flooding.
22. The development of the site has to large extent been carried out and a survey to assess the ecological impact is not necessary. Enhancement measures would be secured through a planning condition.
23. Notwithstanding compliance with these criteria, positive support for the development from Policy DM15 is precluded by reason of the harm to the landscape and rural character of the area. It follows that there is conflict with Policy SP17.

***Local provision and need for sites***

24. This issue, which focuses on local site provision, is set against a backdrop of a generally accepted national and regional need for traveller sites.
25. The need identified in the Local Plan is for provision of 187 permanent Gypsy and Traveller pitches in the borough during the period October 2011 and March 2031. The figure of 187 pitches was derived from a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment dating back to 2012. Sites are allocated under Policies GT 1(1) to GT1(16), which are expected to deliver approximately 41 pitches, as stated in Policy GT 1. The balance is to be made up by pitches already granted permanent planning permission and windfalls or unidentified sites that meet the criteria set out in Policy DM15.
26. A need of 187 permanent pitches is in the development plan adopted in 2017 and is an appropriate basis to consider the current position. A similar view has been taken by Inspectors in previous appeal decisions. The bi-annual caravan count alone is not a reliable source to challenge the figure in the adopted plan. The most appropriate way to update the figure is through an assessment of need through a new Gypsy and Traveller and Travelling Showpeople Accommodation Assessment. This work is due to start later this year as part of the Local Plan review.
27. In terms of supply the most up to date information from the Council is that 173 permanent pitches have been granted planning permission over the period 1 October 2011 to 31 March 2019. This figure includes the category 'permanent' personal permissions, amounting to 25 pitches. A simple comparison with the

187 pitch need through to 2031, indicates substantial progress has been made to date in fulfilling the identified need. When the total need is broken down into 5 year periods, the need for 130 pitches for 2011 to 2021 has been met.

28. The Monitoring Report of 2018 stated that at 1 April 2018 the Council can demonstrate 5.2 years' worth of deliverable pitches, a position that was accepted in appeal decisions<sup>5</sup>. The Council considers that as of 1 April 2019 there is a 7.7 years supply of pitches, made up of 17 pitches on allocated sites, 6 pitches from turnover on public sites and 20 windfall sites. The Local Plan advocates that where sites are available in the rolling 5 years supply they should be developed in preference to granting consent on unidentified sites.
29. However, to be included in the 5 years supply sites should be deliverable, which the PPTS defines as being available now, offer a suitable location for development and be achievable with a realistic prospect of delivery within the 5 year period<sup>6</sup>. The sites from turnover and windfalls are derived from a projection forward of past trends and therefore are not within the PPTS definition of deliverable. That being so a 5 years supply has not been demonstrated.
30. Overall, the picture is somewhat inconclusive. The high number of authorised pitches coming forward and delivered on windfall sites at this stage in the plan period indicates that the need may well be higher than identified in the Local Plan. The discussion at the hearing indicated that one reason may be immigration. Moreover, the lack of a demonstrated five years supply is a factor that supports additional windfall sites coming forward now, such as the Willows. Having said that, because of the heavy reliance on windfalls/unidentified pitches to meet need, an approach accepted in the Local Plan, it would be difficult for the local planning authority to identify a five years supply against the locally set target. This interpretation appears to be reflected in a recent appeal decision where the inspector concluded that the Council has arrangements in place for the required future supply of sites and therefore was able to demonstrate a five years supply<sup>7</sup>.
31. In conclusion and on balance local provision and need for sites provides moderate weight in support of the development.

### ***Alternative accommodation and personal circumstances***

32. The appellant previously lived on two public gypsy caravan sites. Before moving to the Willows he rented a pitch at a private site in the Maidstone area but left when the pitch was required for the owner's family. He moved to the Willows with his wife in the summer of 2016, having strong ties with the land owner for many years. No children are present.
33. The two public sites in Maidstone borough are not able to offer a pitch at the current time, although the work on the Local Plan found that turnover amounted to about 1 or 2 pitches a year. However, it appears that there is a lot of uncertainty over the ability to secure a pitch due to the allocation process. The probability of Mr Webster gaining a pitch is low.

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<sup>5</sup> Appendix H to the Council's statement paragraph 25 Appeal ref APP/U2235/W/18/3199316

<sup>6</sup> PPTS paragraph 10 footnote 4

<sup>7</sup> Appendix H to the Council's statement paragraph 25

34. The sites allocated in the Local Plan are all privately owned. The Council did not challenge the appellant's view that they are unlikely to become available to gypsies or travellers from outside the owner's family, even though non-personal permissions have been granted<sup>8</sup>. Mr Webster said he is not able to afford to buy a parcel of land of his own. Therefore he would be reliant on finding another pitch to rent if he is unable to stay at the Willows. An alternative would be a roadside existence which would cause personal hardship to Mr and Mrs Webster and as a general rule results in environmental harm, disharmony and is costly in resources.
35. A settled base allows for stability in medical care, although no particularly serious health issues are involved at the present time. I am however mindful that if the appeal is not successful the residents would face the prospect of losing their home, which would be a serious interference with their human rights under Article 8 the right to respect for the home, private and family life.
36. The lack of available alternative sites counts in favour of the development.

### **Balance and Conclusions**

#### *Appeal 1*

37. The deemed application fails to comply with Policies DM15 and SP17 of the Local Plan, by reason of harm to local landscape character and the appearance of the countryside. The need in the area is not so pressing that an exception to the Local Plan policies is justified. PPTS endorses the use of locally specific criteria to assess proposals on unallocated sites. Traveller sites in rural areas are anticipated but policy in PPTS is that new sites in open countryside away from settlements or outside areas allocated in the development plan should be strictly limited. Even when need is weighed together with the lack of available alternative sites and individual circumstances the balance is against the development.
38. As an alternative to refusing planning permission, the provisions of section 177(1)(a) of the 1990 Act are very relevant. Planning permission may be granted for the matters stated in the notice as constituting the breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates.
39. The main factor identified in respect of landscape harm is the extent of the residential site. The caravan, private garden, track, parking area and shed all occupy a much smaller part of the land and cause little harm. When considered cumulatively with the authorised caravan development nearby a degree of separation, openness and traditional agricultural land use, such as pasture or grazing land, are important factors to maintain. Restricting a permission to part of the land would avoid the residential use extending across much of the larger block of land. The siting of the caravan at the back of the site has an advantage of minimising the visual effect of a structure that does not respect the local vernacular identified in the Maidstone Landscape Character Assessment.
40. Planning conditions would be the appropriate mechanism to control the number of caravans and external lighting, and to secure a landscaping scheme and proposals to enhance biodiversity. When combined with a limitation on the area

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<sup>8</sup> Council's Monitoring Report 2018 paragraph 4.36

permitted as a caravan site, the development would not result in significant harm to the landscape and rural character of the area. As such there is compliance with Policies DM15 and SP17 of the Local Plan. Compliance with the local criteria overcomes the PPTS caution over new sites in open countryside. The need for permanent pitches in the borough, facilitating the gypsy way of life and the lack of an alternative site for the appellant are considerations in support of permission. Consequently, the overall planning balance changes. The caravan site is in accordance with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate that permission should not be granted on a smaller site area. The appeal on ground (a) succeeds in part.

41. Planning conditions. I have considered the planning conditions put forward by the Council against the tests set out in the Framework. Conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
42. The caravan site has been found acceptable for a gypsy and traveller accommodation, fulfilling the criteria in Policy DM15. The acceptability of the development does not rely on the personal circumstances of the appellant. For these reasons occupation should be restricted to gypsies and travellers as defined in Annex 1 to PPTS but there is no necessity to make the permission personal to the appellant.
43. Retention of the land as a single pitch and a limit on the number of caravans are necessary to ensure the development is sympathetic to local character and appearance. Allowance for a touring caravan as well as a static caravan is reasonable to enable the occupiers to follow a nomadic habit of life.
44. In order to secure a good standard of development and to protect local character a condition is required to resolve and confirm the details of the site development, including a landscaping scheme, external lighting, fencing, site drainage and biodiversity enhancements.
45. In view of the quiet countryside location a condition precluding commercial activities and the parking/stationing of vehicles over 3.5 tonnes on the site is justified.

### *Appeal 2*

46. My conclusions on Appeal 2 reflect those on Appeal 1 for the site as a whole. The proposal fails to comply with Policies DM15 and SP17 of the Local Plan, by reason of harm to local landscape character and the appearance of the countryside. The need in the area is not so pressing that an exception to the Local Plan policies is justified by the current position on local provision and need for sites. Policy in PPTS does not weigh in favour of the development. All matters considered, the balance is against the proposal.
47. In view of my intention to grant permission for a pitch on a smaller area the appellant will not face the prospect of losing his home. That being so, a refusal of planning permission on his section 78 appeal is proportionate and necessary in the public interest.

### **Appeal 1: requirements of the notice**

48. Section 180 of the 1990 Act provides that where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission. In this case, the appeal will be allowed in part subject to planning conditions. If the requirements of the notice were to be varied to exclude that part of the development for which conditional planning permission is being granted, then this could give rise to two inconsistent permissions, the conditional one being granted and an unconditional one deemed to have been granted under section 173(11) as a result of the variation cutting down the requirements. To avoid this possibility the requirements of the notice will not be varied and reliance will be placed on section 180 to mitigate the effect of the notice so far as it is inconsistent with the permission.

### **Appeal 1: ground (g)**

49. The compliance period is three months. As a result of a planning permission for the pitch being granted through the deemed planning application the appellant should not need to find an alternative site. In these circumstances the compliance period is reasonable and the appeal on this ground does not succeed.

## **Conclusions**

### **Appeal 1**

50. For the reasons given above the appeal should succeed in part only, and I will grant planning permission for the matter the subject of the enforcement notice on part of the land, but otherwise I will uphold the notice with corrections and refuse to grant planning permission on the other part of the land. The requirements of the upheld notice will cease to have effect, so far as inconsistent with the permission which I will grant, by virtue of section 180 of the Act.

### **Appeal 2**

51. For the reasons given above the appeal should be dismissed. There is no violation of the appellant's human rights, whether applying Article 8 or Article 1 of the First Protocol.

## **DECISIONS**

### **Appeal ref APP/U2335/C/18/3198221**

52. It is directed that the enforcement notice is corrected:
- in paragraph 2 by (i) the substitution of ME17 3FB as the post code, and (ii) after the corrected post code the addition of "shown outlined in red on the attached plan";
  - in paragraph 3 by the deletion of the description of the alleged breach of planning control and the substitution of: "Without planning permission, the material change in the use of the land to use as a caravan site with the stationing of one caravan for residential purposes and the use

facilitated by the refurbishment of a wooden shed, the laying of hardstanding and a track and the erection of fencing.”

53. The appeal is allowed insofar as it relates to the land shown hatched black on Plan 1 annexed to this decision and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for a material change in the use of the land to use as a caravan site with the stationing of one caravan for residential purposes, facilitated by the refurbishment of a wooden shed, the laying of hardstanding and a track and the erection of fencing, subject to the following conditions:

- 1) The caravan site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 2) There shall be no more than one pitch on the land, located in the area shown hatched black on the plan annexed to this decision and on the pitch hereby approved no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than one shall be a static caravan) shall be stationed on the site at any time.
- 3) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of that use shall be removed within 3 months of the date of a failure to meet any one of the requirements set out in i) to iv) below:
  - i) Within 3 months of the date of this decision a site development scheme shall have been submitted for the written approval of the local planning authority. The scheme shall include the internal layout of the caravan site, including the siting of the static caravan, areas of hardstanding, parking and amenity space and means of access; the position and surface materials of the access track; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; the trees and hedges to be retained; new tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; the position, height and materials of boundary treatment and a timetable for implementation of the scheme.
  - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) At the same time as the site development scheme required by condition 3 above is submitted to the local planning authority there shall be submitted a schedule of maintenance of the proposed planting. The schedule of maintenance shall be for a period of 5 years, beginning on the date of the completion of the final phase of planting as required by condition 3. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
  - 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the area shown hatched black on Plan 1 annexed to this decision.
  - 6) No commercial activities shall take place on the land, including the storage of materials.
54. The appeal is dismissed in respect of the remaining part of the land namely the land shown edged red outside the black hatching on Plan 1 annexed to this decision and the enforcement notice is upheld as corrected. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended in respect of the land shown edged red outside the black hatching on Plan 1 annexed to this decision.

**Appeal ref APP/U2335/W/18/3197529**

55. The appeal is dismissed.

*Diane Lewis*

Inspector

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                                |                                                      |
|--------------------------------|------------------------------------------------------|
| Mr Philip Brown BA(Hons) MRTPI | Managing Director of Philip Brown Associates Limited |
| Mr Ronald Webster              | The appellant                                        |
| Mrs Janet Webster              |                                                      |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|               |                                             |
|---------------|---------------------------------------------|
| Mr Jon Barnes | Planning Officer, Maidstone Borough Council |
|---------------|---------------------------------------------|

### **INTERESTED PERSONS:**

|                   |                            |
|-------------------|----------------------------|
| Mr Terry Hickmott | Owner of Horseshoe Paddock |
| Ms Donna Smith    | Owner of Horseshoe Paddock |

## **DOCUMENTS submitted at the hearing**

- 1 Letters of notification of the hearing
- 2 Signed statement of common ground
- 3 Plan of proposed siting of mobile home planning application ref 16/508512
- 4 Count of Traveller Caravans January 2019: last seven counts
- 5 Appeal decisions refs APP/U2235/A/00/1042929 and APP/U2235/C/00/1043714 & 1043715 dated 15 November 2000 and plans
- 6 Appeal decision ref APP/U2235/A/03/1135320 dated 16 August 2004 dated 16 August 2004 and plans
- 7 Planning permission ref MA/11/0675 dated 26 January 2012 and plan
- 8 Extract from Maidstone Landscape Character Assessment
- 9 Appeal decision ref APP/U2235/A/08/2063378 dated 29 July 2008 land at Rabbits Cross, Chart Hill Road, Maidstone
- 10 5 years supply of Gypsy and Traveller pitches at 1 April 2019
- 11 Aerial photographs of appeal site 2003/4, 2005/6, 2012, 2015 and around 2016
- 12 Extract from Maidstone Borough Local Plan 2017 Policy GT1 Gypsy and Traveller site allocations.

Note: Documents 5 to 12 were provided at the hearing on 12 June.



## Plan

This is Plan 1 referred to in my decision dated: 08 July 2019

**by Diane Lewis BA(Hons) MCD MA LLM MRTPI**

**Land at: The Willows, Lucks Lane, Chart Sutton, Kent ME17 3FB**

**Reference: APP/U2235/C/18/3198221**

Scale:

