



Appeal Decisions

Hearing Held on 25 January 2022

Site Visit made on 31 January 2022

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal A Ref: APP/T2215/C/19/3228536

Land at Eebs Stables, Trollingdown Hill, Green Street Green Road, Dartford DA2 6NR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr W Chambers against an enforcement notice issued by Dartford Borough Council.
 - The notice was issued on 12 April 2019.
 - The breach of planning control as alleged in the notice is without planning permission the change of use of the land to form a private Gypsy and Traveller caravan site.
 - The requirements of the notice are to:
 - (i) Discontinue the use of the land edged red on the site plan as a caravan site.
 - (ii) Remove from the land all of the mobile homes/static caravans, touring caravans, vehicles, sheds and all other ancillary structures, domestic goods, services and materials associated with such services, rubbish, hardstandings, concrete bases and all other materials or items associated with the residential use including the parking of vehicles not associated with the use of the paddock.
 - (iii) Reinstate the stable building for the sole function of the stabling of horses, and reinstate the land to a condition suitable for the grazing of horses.
 - The period for compliance with the requirements is: six months.
 - 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. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/T2215/W/19/3228522

Eebs Stables, Downs Farm, Dartford, DA2 6NR

- 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 W Chambers against Dartford Borough Council.
 - The application Ref DA/19/00102/FUL, is dated 23 January 2019, was refused by notice dated 10 April 2019.
 - The development proposed is the change of use of the land for residential purposes with the siting of 3 No. mobile homes, partial conversion of existing stables as a utility room, and ancillary hard standing.
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Decisions

Appeal A APP/T2215/C/19/3228536

1. It is directed that the enforcement notice is corrected by:
 - substituting "171A(1)(a)" with "171A(1)(b)" in paragraph 1;
 - deleting the description of the allegation in paragraph 3 and replacing it with:
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“The continuation of the residential use of the land as a private gypsy and traveller caravan site in breach of Condition 1 of permission ref 17/02024/FUL.”

2. Subject to the corrections, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the residential use of the land as a private gypsy and traveller caravan on the land as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

Appeal B APP/T2215/W/19/3228522

3. The appeal is allowed and planning permission is granted for the change of use of the land for residential purposes with the siting of 3 No. mobile homes, partial conversion of existing stables as a utility room, and ancillary hard standing at Eebs Stables, Downs Farm, Dartford DA2 6NR in accordance with the terms of the application, Ref DA/19/00102/FUL, dated 23 January 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

4. The enforcement notice relates to a roughly rectangular area of land, which contains hardstanding, mobile homes, touring caravans and a stable block at its western end, with the rest of the site being laid to grass and used for associated purposes, such as car parking. The parties confirmed that at the time the notice was issued there were three mobile homes and a touring caravan on the site.
5. Appeal B relates to a smaller application site, which is restricted to the western area, containing the mobile homes, caravans and stable block. The appellant confirmed that the application the subject of Appeal B sought the change of use of the land for residential purposes with the siting of 3 no. mobile homes. I have used this amended description in the banner heading above for clarity.
6. As the mobile homes were already on site and the use had continued following the expiry of the temporary permission, the application sought planning permission for development that has already been carried out. The layout of mobile homes does not reflect that shown on the submitted drawing no. TDA.2239.01. In particular, all three mobile homes are aligned parallel to the access drive and extend into the paddock to the east. The existing stable block appeared to have been partially converted to a dayroom, but not in the manner shown on the submitted layout.
7. There is a lawful equestrian use of the site following the grant of planning permission¹ for the block of stables. At the sitting it was stated that the equestrian use is to continue, although there was no evidence of any horses on the land at the time of my site visit. I am satisfied that the primary use of the land identified in the notice is residential.
8. Since the appeals were lodged, the National Planning Policy Framework (NPPF) has been revised in July 2021 and the parties have had the opportunity to comment on its implications for the case.

¹ Ref 12/01197/FUL and 13/01622/FUL

9. The draft Dartford Local Plan has been submitted to the Planning Inspectorate for examination, in the form of the Pre-Submission (Publication) Dartford Local Plan to 2037 (Pre-submission DLP), which was published in September 2021. The most relevant policy is M12 and a copy has been provided.

Gypsy/traveller status

10. The definition of 'gypsies and travellers' to whom the Government's Planning Policy for Traveller Sites 2015 (PPTS) applies is set out in Annex 1: Glossary. The Council does not dispute the gypsy/traveller status of those occupying the site. Information was provided by the appellant's agent giving personal details for the appellant and his family living on the site, and this was supplemented in oral and written evidence at the hearing. Based on the details, including the regularity and purpose of travel and the stated intention to continue to do so, I have no reason to doubt that the appellant and his family are persons of nomadic habit of life who meet the definition within the PPTS.

Matters concerning the notice

11. The notice alleges a change of use of the land, but the reasons for issuing the notice indicate that the change of use had previously been permitted on a temporary basis for one mobile home², with two subsequent applications³ each gaining permission for one additional mobile home. Thus, the use has continued in breach of condition 1 of the most recent permission (17/02024/FUL), which was agreed to be the operative permission for the site. I am satisfied that I can use my powers to correct the allegation without causing injustice, to reflect that the continued use is in breach of the temporary condition.
12. It follows that the alleged breach of planning control is within paragraph 171A(1)(a) rather than 171A(1)(b) of the 1990 Act and I can correct the notice accordingly.

Appeal A on ground (a) and the deemed application and Appeal B

13. As the appeals are for broadly similar developments and the Council has raised similar concerns in relation to both appeals, I have considered ground (a) of Appeal A and Appeal B together. Although Appeal A relates to a larger site, there is little difference in effects between the two sites. The site is within the Green Belt where the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy E of the Planning Policy for Traveller Sites 2015 (PPTS) states that traveller sites in the Green Belt, whether temporary or permanent, are inappropriate development. The parties agree that the development is inappropriate and I have no reason to disagree. Therefore, having regard to the reasons for issuing the notice and the reasons for refusal, the main issues are as follows:
- The effect of the development on the openness of the Green Belt and Green Belt purposes,
 - The effect of the development on the character and appearance of the area,

² Appeal Ref APP/T/2215/W/3006764

³ Ref 17/00373/FUL and 17/02024/FUL

- Whether the site is a suitable location for the development, having regard to accessibility to local facilities and services,
- The general need for and supply of gypsy and traveller sites in the area,
- The accommodation needs of the appellant and his family and their personal circumstances,
- The weight to be given to other identified considerations,
- Green Belt balance.

Openness of the Green Belt

14. The NPPF states that one of the essential characteristics of the Green Belt is its openness, and its purposes include checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment. Prior to the development taking place, the site contained development limited to that associated with the keeping of horses on the land, namely a stable building with a yard.
15. In spatial terms, the introduction of the mobile homes and other paraphernalia associated with the residential use has resulted in a loss of openness. Visually, the loss of openness is apparent in close views from the access road to the north and in some long distance views. The mobile homes are clustered together on a relatively small area of land and I therefore find the development to be moderately harmful. As the site is at the edge of Dartford it adds to urban sprawl and represents an encroachment into the countryside and therefore conflicts with the related Green Belt purposes.

Character and appearance

16. The appeal sites are located adjacent to the urban edge of Dartford, in an elevated position on a ridge, with land sloping away to towards the south. The site is towards the eastern end of a private access road that skirts the edge of the urban area, with scattered built development along its southern side. Beyond the development, the land to the south, east and west is generally open, with some long views across open fields and patches of woodland or scrub, crossed by the A2 and M25. There is a belt of tree and hedge planting between the access road and the edge of the urban area to the north. The site is within the open countryside and has a rural character, despite the proximity of the built up area to the north.
17. The area is identified in an extract from the Landscape Assessment of Kent (LAK) 2004 as the Dartford and Gravesend Fringes landscape character area. These are identified as pockets of land that have become isolated from the wider countryside to the south by the A2 and are now sandwiched between the urban area and the A2 corridor. The condition of the area as a whole is assessed as being very poor, as it is intensely physically fragmented, and the relationship between landform and landscape elements is obscured by urban development and the transport corridor. However, this is a broad brush study that does not provide a detailed analysis of the site and its landscape setting. Despite the proximity to the urban edge, the site has a rural character and is part of the distinctive open rolling landscape.

18. The mobile homes are substantial structures that have inevitably resulted in the site having a more developed appearance. They are screened from some public viewpoints due to the topography, vegetation and existing built form. However, they are apparent in close views from the private access road and also in longer views from Darenth Country Park to the south-east and from Trolling Down Hill to the south, where there are views across the allotments from the main road. In the prominent location on the ridge, where the well-defined urban edge is generally screened by trees and vegetation, the mobile homes consolidate the scattered development on the south side of the access road. The mobile homes represent a small and intensively developed site that consolidates the intermittent pattern of development and results in a more suburban appearance.
19. There are several recently planted laurel hedges within the site, including along the frontage with the access road and between the mobile homes. There is a conifer hedge separating the mobile homes and adjacent paddock from the larger field to the south. These hedges provide some screening but due to the slope and the substantial size and elevation of the mobile homes, they are nonetheless apparent in views from the surrounding area. The appellant's landscape consultant indicated that a more appropriate landscape planting scheme could be developed, based on native species. A well designed scheme could better integrate the development with existing landscape features, such as the hedgerow to the east of the site, and would assist in screening the development from long distance views, thereby creating a better defined boundary to the urban area. However, this would not entirely mitigate the harm that is caused by the encroachment of development into a hitherto open area of countryside.
20. Although appropriate planting would mitigate the impact to some extent, the development would still be moderately harmful to the character and appearance of the area. It would therefore be in conflict with Dartford Development Policies Plan 2017 (DPP) Policies DP2, DP10 and DP22 and Dartford Core Strategy 2011 (CS) Policies CS13 and CS20, insofar as they seek to ensure that development responds to, reinforces and enhances positive aspects of the locality.

Suitable location

21. CS Policy CS20 sets out that in identifying sites to meet the agreed requirement for traveller pitches, the Council will take into account, amongst other considerations, the accessibility of a proposed location to educational, health and community facilities and public transport. DPP Policy DP10 sets out criteria that proposals for gypsy and traveller pitches need to meet. This includes the requirement to be located close to a range of services and facilities. Paragraph 13 of the PPTS requires that traveller sites are sustainable economically, socially and environmentally, and sets out a number of considerations that flow from that requirement. In particular, local planning authorities should ensure that their policies promote access to appropriate health facilities, ensure children can attend school on a regular basis, and provide a settled base that reduces the need for long distance travelling.
22. The appellant has provided a table indicating the distance and approximate journey times to local facilities, including schools, shop, health services and public transport. This indicates that they are all within a 10 minute drive from

the site, while the secondary school and bus stop are 12 minutes' walk away. All could be reached by cycling within 13 minutes. However, despite the proximity of the site to Fleetdown Primary School, as there is no pedestrian link to the site it is nearly 30 minutes' walk away. I recognise that the access drive is unlit and does not have a footway, however it only serves a small number of properties and it is not unusual for access roads in the countryside to be unlit. While it is likely that most trips are taken by car, the occupiers are an extended family and there is likely to be an element of car shared trips.

23. Moreover, as set out above, the PPTS and the relevant development plan policies do not specifically refer to avoiding reliance on the private car. The NPPF in paragraph 108 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Therefore, despite the Council's concerns, and having regard to the recent appeal decision⁴ for a new house in the locality, I am satisfied that the site is a suitable location for the development, having regard to accessibility to a range of services and facilities. It therefore accords with CS Policy CS20 and DPP Policy DP10, insofar as they seek to ensure that gypsy and traveller sites are well located in relation to a range of services and facilities. It is also not in conflict with the guidance in the PPTS and the NPPF.

The general need for and supply of gypsy and traveller sites in the area

24. Paragraph 4a of the PPTS sets out the Government's aim in respect of traveller sites that local planning authorities should make their own assessment of need for the purposes of planning. Paragraph 10 sets out the requirement for local plans to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set target. CS Policy CS20 states that the Council will work with Kent authorities to agree a sub-regional distribution of traveller pitches, and sets out criteria that will be taken into account in identifying sites to meet an agreed requirement, and the Council will produce an Implementation Strategy for the delivery of the sites.
25. DPP Policy DP10 states that Dartford will maintain a five year supply, with deliverable land to meet identified requirements for traveller pitches. Continuing provision to meet future need will be made through determining applications and through following the actions set out in the Implementation Strategy to confirm additional site availability. However, I was advised at the hearing that so far no sites have been allocated for gypsy and traveller plots in the Borough.
26. The Council has produced a Gypsy and Traveller Accommodation Assessment (GTAA) in October 2019. It sets out a need for 70 pitches over the period to 2035. The reasoned justification to Policy M12 in the draft DLP sets out that 48 of those pitches were identified as being needed in the five years from 2019 to 2026. Since the GTAA was published, 18 additional pitches have gained planning permission, while the need to 2026 is 52 pitches. As a result, the number of pitches required to meet needs from 2021 to 2026 is reduced to 34 pitches. I understand this to be the latest position, although the requirement will presumably increase as five years is now to 2027.
27. The draft DLP sets out the approach to the supply of gypsy and traveller sites, whereby the 34 pitches by 2026 will be provided through intensifying

⁴ Appeal Ref APP/T2215/W/18/3213421

development on existing authorised and tolerated sites, allocating land for additional pitches at Tennis Courts and Salinas, actively seeking to identify deliverable non-Green Belt sites within Ebbsfleet Garden City, and determining planning applications expeditiously.

28. The appellant questioned the availability of land at Tennis Courts and Salinas, which are privately owned sites. The Council was not able to confirm that a potential site had been identified at Ebbsfleet Garden City, which is under the jurisdiction of Ebbsfleet Development Corporation (EDC), and the Council was unable to clarify whether provision would be made by 2026. It would not be appropriate in these appeal decisions to conclude in any detail on matters that are being considered through the examination of the DLP. It is clear however that there is currently an unmet need for sites in the Borough.
29. The Council envisages in the Local Development Scheme July 2021 that the Local Plan will be subject to examination by the third quarter of 2022, and adopted by mid-2023. However, it was acknowledged that there was likely to be some slippage.
30. There is a publicly owned 12 pitch gypsy and traveller site in the District at Claywood Lane, Bean. It has a waiting list which is regularly reviewed. Although the appellant is not currently on the waiting list, it seems unlikely that space will become available that would accommodate the three pitches required by the appellant and his family in the foreseeable future. The Council did not identify any alternative sites for the appellant to move onto.
31. The appellant argued that there has been a failure of policy, as the authority has persistently failed to put policies or other measures in place to meet the accommodation needs of travellers. The parties agreed that the Council has never allocated land for gypsy and traveller pitches. There has been a long-standing unmet need for sites, since the requirement for Councils to ensure a supply of sites was first introduced in Circular 1/94.
32. Paragraph 27 of the PPTS makes clear that if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision. However, an exception is where the development is on Green Belt Land. It is for the decision maker to attribute weight. The lack of a five year supply warrants significant weight in the light of the appreciable deficit in supply and the Council's persistent under delivery. The shortfall is unlikely to be remedied until the new Local Plan is in place, estimated to be within the next 2-3 years. I also note that the open countryside in the Borough is designated as Green Belt, and therefore it is unlikely that unallocated sites will come forward that are not in the Green Belt.

Accommodation needs and personal circumstances

33. The appellant moved onto the site with his family due to the lack of any alternative accommodation. The first mobile home is now occupied by him and his daughter. The second and third mobile homes and the touring caravan are occupied by his other children and their spouses. Two of his children now have their own children who are also living on site. Some of them attend local nurseries and primary school.

34. The family has previously lived in bricks and mortar but this did not suit them and was detrimental to their health. The health and wellbeing of the occupiers has improved since moving onto the site, and having a settled base has allowed them to receive ongoing healthcare and for educational needs to be identified and met. It would be in the best interests of the children to remain on the site with their families, which is a primary consideration.
35. If the appeals are unsuccessful and they have to leave the site, this would mean they would either have to live on the roadside or in bricks and mortar. Both options would be harmful to their health, while a roadside existence would make it difficult to access ongoing education and healthcare and would not be a safe place to live with young children. The extended family would like to be able to stay together, which would be difficult if they have to leave the site. The family has been looking for sites over a considerable period of time, and neither the Council nor the appellant are aware of any vacant sites that would be available to them.

Other considerations

36. I heard that the appellant and his family are living in peaceful coexistence with the local community, as evidenced by a petition in support of the original 2014 application, which therefore accords with the objective set out in paragraph 13 a) of the PPTS. Paragraph 25 however advises that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. I therefore give this consideration limited weight.
37. At least part of the site is previously developed land, as it is within the curtilage of the stable building. As the use extends beyond this area into a part of the site that is open and previously undeveloped, I give this consideration limited weight.
38. The site has a lawful use for equestrian purposes, which could involve a horse lorry being parked on the site, and a caravan could be sited there if it was in use for a purpose that is ancillary to the equestrian use. Paraphernalia associated with the keeping of horses could also be brought onto the land. I give these considerations limited weight, as the use for residential purposes is over a larger area and involves large structures on the site, as well as the increased levels of activity associated with the number of caravans on the site. Furthermore, the appellant indicated that the equestrian use would continue so that a horse lorry could be parked on the site if there is a continuing equestrian use.
39. A local concern was expressed that if the appeals are allowed, it could set a precedent for similar sites. However, each case is considered on its own merits based on its particular circumstances at that time, and in the Green Belt would have to demonstrate very special circumstances.

Green Belt Balance

40. The development is inappropriate and is therefore harmful to the Green Belt by definition. There is also moderate harm to openness and the purposes of

including land in the Green Belt. I give substantial weight to the Green Belt harm. There is also moderate harm to the character and appearance of the area.

41. To be weighed against the harm is the unmet need for gypsy and traveller sites and the failure to provide for them through allocations, to which I give significant weight. I also give significant weight to the likelihood that allocations or future planning applications on unallocated sites will involve designated Green Belt land, with the exception of land in the EDC area. I give moderate weight to the personal circumstances of the extended family unit and their wish to remain on the site together. I give significant weight to the best interests of the children, whose needs are best met through staying on the site with their family and being able to remain in their educational settings. I give limited weight to the use of previously developed land and that the appellant has a peaceful coexistence with the local community. Taken together, these considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the development, so as to comprise very special circumstances. I therefore find that a grant of permanent permission is not justified.
42. However, it is necessary to consider whether a temporary or personal planning permission would be appropriate. The Planning Practice Guidance (PPG) advises temporary permissions may be appropriate where it is expected that the planning circumstances will change in a particular way at the end of that period. It will rarely be justifiable to grant a second temporary permission, and further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.
43. In granting the temporary permission in 2015, the Inspector considered that a period of three years was likely to allow the Council to complete its assessment of other possible sites and for opportunities to be pursued, and for appropriate efforts to be made by the appellant to avoid homelessness. The Council has established the level of need, and has a draft DLP policy seeking to make provision to meet the identified need. It is likely that a new local plan will be in place within the next 2-3 years and therefore the planning circumstances will have changed at the end of a three year temporary period. I consider this to be a case where a further temporary permission is justifiable.
44. If planning permission were to be refused, the outcome would be that the appellant and their family would lose their home. This would represent a serious interference with the family's right to respect for private and family life and the home. In addition, the children's education would be likely to be adversely affected. A personal permission would ensure that the site is available for the family in view of the best interests of the children and the benefits of having a stable base for education and health care needs. In view of the particular circumstances of the case, I consider that this is an exceptional occasion where granting planning permission for development that would not normally be permitted on the site could be justified, because of who would benefit from the permission.
45. If I grant planning permission for a temporary period of three years it would avoid the family becoming homeless. This would be a proportionate approach to the legitimate aim of protecting the environment, and granting a personal

permission for a limited period would have no greater impact on the appellant and their family than would be necessary to address the wider public interest.

46. As the harm to the Green Belt would therefore be temporary, the personal circumstances of the appellant and other considerations are sufficient to clearly outweigh the harm to the Green Belt and the other harms. Taking account of the positive obligation to facilitate the gypsy way of life, there are very special circumstances to justify a personal permission. As such, the development complies with the development plan when read as a whole, and is not in conflict with the NPPF. I conclude that the appeal on ground (a) and Appeal B should succeed, and personal planning should be granted, subject to appropriate conditions.

Conditions

47. A schedule of conditions has been provided in the Statement of Common Ground, which I have considered in the light of the advice in the PPG. The parties have stated that the conditions should apply to both appeals. Allowing the ground (a) appeal results in a new planning permission, as the development granted in the original permission is no longer authorised, and the conditions attached to it no longer apply, except insofar as they require the restoration of the site after the cessation of the use.
48. A personal condition is required for the reasons set out above, and it is not therefore necessary to restrict the occupation by gypsies or travellers. A temporary condition was discussed at the hearing. The appellant requested five years on the grounds that alternative sites were unlikely to have been provided before that. However, I consider that three years is appropriate in view of the timetable for the adoption of the DLP and for there to be a realistic prospect that by the end of the period the circumstances will have changed.
49. Since the grant of planning permission will be for the use of the land as a residential caravan site, it is necessary to control the maximum number and type of caravan. It was agreed at the hearing that at the time the notice was served there were three mobile homes and a touring caravan on the site. Appeal B sought permission for the use of the land with the siting of three mobile homes. A touring caravan which could be used for travelling could be stationed on the land for purposes ancillary to the residential use of the site, and it is not therefore unreasonable to limit the number of caravans to 3 mobile homes and 1 touring caravan, given the constraints of the site.
50. It is appropriate to require details of landscaping. Although temporary permission is being granted, an appropriate landscaping scheme would assist in mitigating the impact on the rural character and the Green Belt, whilst bringing ecological benefits. There are laurel and conifer hedges currently within and adjacent to the site, which could be replaced with more appropriate native species. This should form part of a condition that requires submission of a site development scheme (SDS). As the development has already commenced, this should be worded in such a way that unless details are submitted and approved by the Council, and works carried out, to an agreed timescale, then the use must cease.
51. As the development has already been carried out, there is no need for a condition listing the approved drawings in relation to Appeal B. However, the site layout does not reflect that shown on the drawing that accompanied the

application. The SDS condition should therefore include the site layout, drainage, lighting and waste storage in the interests of visual amenity and to ensure that the site is adequately drained. Conditions restricting commercial uses and the parking of commercial vehicles (except those associated with the lawful equestrian use) are necessary to protect the rural character. The Council has suggested a condition removing various permitted development rights. As there is already hardstanding and areas of decking around the mobile homes the removal of permitted development rights for them is not justified. It would be appropriate however to remove permitted development rights for means of enclosure, in the interests of the rural character of the area. The parties suggested a condition requiring the stable block to be returned to equestrian use at the end of the temporary period. However, I consider that the actions required in condition 2 are sufficient to ensure that the use ceases and the land is restored to its previous condition.

Conclusions

52. For the reasons given above, I conclude that Appeal A succeeds on ground (a) and Appeal B should be allowed. I shall grant planning permission for the use as described in the notice as corrected. The appeal on ground (g) does not therefore fall to be considered.

N Thomas

INSPECTOR

APPEARANCES:

For the appellant:

Timothy Jones

Dr Simon Ruston

Rhodri Crandon

William Chambers

Kelly Chambers

For the Local Planning Authority:

Matthew Apperly

Neill Whittaker

Interested persons:

Councillor Rosanna Currans

HEARING DOCUMENTS

DOCUMENTS SUBMITTED DURING THE HEARING

Document 1 – Circular 1/94

Document 2 – ODPM Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites (Office of the Deputy Prime Minister)

Document 2 – Planning Policy for Traveller Sites 2012 Department for Communities and Local Government

Document 3 – Updated personal details of site occupiers

Document 4 – Dartford Borough Council Local Development Scheme July 2021

APPEAL A AND APPEAL B: SCHEDULE OF CONDITIONS

1. The use hereby permitted shall be carried on only by Mr W Chambers senior, Scarlett Chambers senior, Ellimay Williams, William Chambers junior, Courtney Chambers, Ebony Boswell, Tommylee Boswell and their resident dependants, and shall be for a limited period being the period of three years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
2. When the site ceases to be occupied by those named in Condition 1 above, or at the end of three years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
3. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the 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 and notwithstanding the details submitted with application ref DA/19/00102/FUL, details of: the site layout, the means of foul and surface water drainage of the site, landscape planting, facilities for the storage and collection of refuse and waste; and details of any external lighting, shall have been submitted for the written approval of the local planning authority and the said details shall include a timetable for their implementation;
 - (ii) Within 11 months of the date of this decision the details to be submitted in (i) shall have been approved by the local planning authority or, if the local planning authority refuse to approve the details, 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 details shall have been approved by the Secretary of State.
 - (iv) The approved details shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved details specified in this condition, those details 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. No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than three shall be a static caravan or mobile home.

5. No commercial activities shall take place on the land, including the storage of materials.
6. No vehicles over 3.5 tonnes, other than in connection with the pre-existing equestrian use of the site, shall be stationed, stored or parked on the site.
7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no new walls, fences or other means of enclosure shall be erected on the site at any time.