



Appeal Decision

Hearing held on 25 May 2022

Site visit made on 25 May 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/X2220/W/18/3196788

Halfacres, Short Lane, Alkham, Kent CT15 7BZ

- 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 Kelly Beaney against the decision of Dover District Council.
 - The application Ref DOV/17/00271, dated 3 March 2017, was refused by notice dated 11 January 2018.
 - The development proposed was originally described as 'To keep the positioning of mobile home, touring caravan, and erection of day room for permeant residence under my 'Gypsy status' and rights'
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of land for the stationing of a mobile home and touring caravan and the erection of day room at Halfacres, Short Lane, Alkham, Kent CT15 7BZ, in accordance with the terms of the application, Ref: DOV/17/00271, dated 3 March 2017, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Subsequent to the application being refused, a revised version of the National Planning Policy Framework (the Framework) has been published. Similarly, the Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan has been updated with a version to cover the period 2021-2026. The Council and appellant were afforded an opportunity to address these changes.
3. A mobile home has been moved onto the appeal site and is currently occupied by the appellant and his family. Accordingly, the development applied for has commenced but is incomplete. I have therefore referred to the effects the proposal *would* have. Late evidence was submitted shortly before the hearing opened. I accepted this as some was submitted at my request¹ or was otherwise² relevant and brief. Thus, no one was prejudiced by me doing so.

Background

4. The Planning Policy for Traveller Sites (PPTS) sets out the Government's planning policy on this subject and applies when the occupiers of a proposed site would meet the definition of a Gypsy and Traveller for planning purposes.

¹ As per my prehearing note – including pitch supply analysis from the Council and appellant and the Thanet Coast SPA Mitigation Strategy 2012

² Letters from the schools the appellant's children attend and an extract from the updated AONB management plan

5. The intended future occupants of the appeal scheme would be Mr Beaney and his family. The submissions indicate that Mr Beaney, sometimes accompanied by his family, travels for work, and this includes attendance and trading at the traditional fairs. Little documentary evidence has been supplied by the appellant to corroborate this, but letters from interested parties do. Moreover, the Council has not taken an alternative view or suggested the submissions are inconsistent or inaccurate.
6. Accordingly, there is nothing of substance before me to suggest Mr Beaney does not currently travel for economic reasons and thus follow a nomadic habit of life. On balance, I find that he currently meets the definition in the PPTS and consequently the policies within it are relevant to my assessment.

Background and Main Issues

7. The Council's reason for refusal includes an alleged conflict with the Council's spatial strategy of directing development to sites within settlement boundaries, poor accessibility to services and facilities and harm to the AONB. Through the Statement of Common Ground, the Council confirmed that it only wished to defend the latter point after reappraising its case. This was explored at the hearing.
8. The Council explained that Policy DM1 of the Core Strategy³ (CS) states that development will not be permitted on land outside rural settlement confines unless specifically justified by other development plan policies. Policy DM11 of the CS states that development which would generate travel outside rural settlement confines will not be permitted unless justified by other development plan policies. Policy DM7 of the CS relates to the provision of sites for Gypsies and Travellers and does not include criteria preventing pitches from being located in the countryside. This approach is consistent with the PPTS, which also places no general bar on pitches in the countryside. Accordingly, Policy DM7 is an 'other development plan policy' referred to in Policies DM1 and DM11 as potentially permitting development exceptionally outside a rural settlement boundary.
9. Policy DM7 sets out four criteria that are to be used to determine planning applications for Gypsy and Traveller accommodation. In exploring these at the hearing, the Council and appellant agreed that the appeal scheme is positioned to be accessible to the services and facilities in Alkham⁴, and a bus service and school bus provides a link to other services further afield. Similarly, it was agreed that the proposal could be adequately screened, would not reduce the living conditions of neighbours and is not at risk of flooding. As a result, the Council and appellant agreed that the proposal would adhere to Policy DM7 and therefore a conflict with the Council's spatial strategy would not occur. The parties also agreed that policies aimed at promoting sustainable transport had not been offended. After reviewing all the evidence before me and visiting the site, I share these views. Accordingly, the main issue in this appeal is whether the proposal would conserve and enhance the AONB.

Reasons

10. The submissions before me explain that the appeal site is in the East Kent Downs Landscape Character Area, and this is part of the Chalk Downs

³ Dover District Local Development Framework Core Strategy Adopted February 2010

⁴ Including a public house, village hall, church and playground

Landscape Character Type (LCT). This landscape type is characterised by open dry valleys with grass and meadow land on the steepest slopes. Woodland is often located along the ridges, and this provides the valleys with an enclosed and intimate feel. The composition of these features provides the landscape with a high degree of scenic beauty and character.

11. The appeal site is located just outside the defined boundary of Alkham in the Alkham Valley, which is an area of medium landscape sensitivity. The area around the village exhibits many of the landscape qualities that afford the Chalk Downs LCT its special character. This includes the steep valleys sides, wooded ridges and narrow lanes. Immediately to the south of the appeal site is a steep valley side given over to grass and crossed by Public Footpath ER165, which leads up to a parcel of woodland at the crest of the hill to the south of the appeal site. It is possible to take in views along and across the valley from various points along this footpath. I understand that prior to the appellant moving onto the site, it was a small area of neutral grassland associated with Alkham House but not part of its garden.
12. The appeal site is clearly visible in views from footpath ER165 and therefore it is possible to see the mobile home and associated paraphernalia from high ground. The gap between Alkham House and the edge of the village is too great for the pitch to appear as infilling. This is also the perception when travelling along the track leading to footpath ER177. Moreover, in some views from along footpath ER165 it is possible to see the pitch but not Alkham House. Accordingly, the pitch appears somewhat detached from the village from certain vantage points, and this would be more apparent in the winter months. Mobile homes exposed to views in this way are not commonplace in the area. As a result, the appeal scheme appears in some views from the southwest as a discordant encroachment into the countryside that has eroded the generally well-defined edge of the settlement. In this respect my findings are consistent with a previous Inspector⁵, who concluded that the land east of Short Lane reads as part of the countryside.
13. The presence of the pitch and the associated garden, which is now mowed lawn, has also resulted in the loss of a small natural grassland meadow. Although I understand the site was generally untidy and cluttered prior to it being occupied. Moreover, the appellant has made use of an existing hardstanding which provides some mitigation. Nevertheless, the proposal has eroded a feature (the grassland) that could have positively contributed to the landscape. It has thus harmed the rural character of the AONB by diminishing the natural landscape⁶. This would be contrary to the AONB Management Plan, Policies SD2 and SD3 in particular.
14. However, the pitch is located along the valley floor and therefore does not break the skyline or occupy a prominent elevated position. Moreover, it is inescapably seen in the wider context of Alkham and particularly the modern housing in Short Lane and Glebelands, which is suburban in style and lacks local distinctiveness. The same can be said of the small cul-de-sac of houses directly to the north of the appeal site as well as the housing rising up the opposite side of the valley, which includes a particularly stark modern property partly finished in white render. Within this scene it is possible to see parked

⁵ APP/X2220/W/17/3180321

⁶ s92 of the Countryside and Rights of Way Act 2000 and s99 of the Natural Environment and Rural Communities Act confirm that land can be treated as being 'natural' even if it is the product of human intervention

vehicles, domestic gardens and the general clutter and activity associated with residential occupation such as lighting.

15. In this context, the mobile home, and the other paraphernalia in the pitch, such as the touring caravan and extended hardstanding, does not appear strident. This is especially so as the pitch is located immediately next to a large garage within the garden of Alkham House, the massing of which is greater than the mobile home. The mobile home also has a dark roof and muted colour pallet to the walls which helps to soften the visual impact. The provision of a day room would not result in the pitch appearing any more strident as it would be a modest structure that could likewise be finished in muted materials as per Policy SD9 of the AONB Management Plan.
16. In addition, the pitch is generally well screened in medium distance views along Short Lane, Footpath ER177 (beyond Alkham House), and Alkham Valley Road. There is also ample scope to strengthen the hedge planting along the southern boundary with natural hedgerow species. This would enhance a positive feature in the landscape and would be effective reasonably quickly given the modest height of the mobile home, touring caravan and day room. The mobile home is also sited to be side on to the view from the south, thereby reducing its prominence. As a result, the presence of the pitch is, and can be, softened.
17. Thus, for the reasons outlined above, the negative impact of the proposal on the landscape would be modest overall. However, this would not result in a proposal that conserves and enhances the natural beauty of the AONB contrary to the expectations of s85 of the Countryside and Rights of Way Act 2000. The proposal would therefore result in a conflict with Policies DM15 and DM16, of the CS, which seek to prevent harm to the countryside and the AONB.

Other Harm

18. The siting and occupation of a mobile home at the appeal site, and thus the establishment of a pitch with the paraphernalia involved, amounts to intentional unauthorised development because it has taken place without the prior grant of planning permission and in the probable knowledge that permission was required. As such, the 2015 ministerial statement is relevant⁷.
19. As already explained, the site was apparently neutral grassland before the appellant established his pitch. The Council's Landscape Officer suggested that it could have been suitable habitat for reptiles and should therefore be surveyed. This matter was discussed at the hearing and both the appellant and Council agreed that the site was unlikely to have supported protected species prior to, or after, occupation. This view was informed by nearby surveys connected with other development schemes and the previous use of the site to store paraphernalia connected to the occupation of Alkham House. As a result, the evidence before me suggests the unauthorised development did not have a significant impact on protected species or their supporting habitat.
20. That said, the establishment of the pitch prevented biodiversity surveys from being undertaken prior to occupation to confirm the presence or otherwise of protected species. It has also eroded the neutral grassland in the site through the extension of hardstanding and the establishment of a garden. Fencing has also been erected. That said, the physical works are modest, apparently

⁷ Green Belt Protection and Intentional Unauthorised Development 2015

making use of existing services and areas of hardstanding. Moreover, little damage was done to other landscape features such as hedgerows or trees.

21. Thus, the works overall were modest and were required to establish a home at a point in time when there were mitigating circumstances, which is a point I will return to. As such, the development would be easy to reverse. Accordingly, the undertaking of intentional unauthorised development adds only limited additional weight as a material consideration against the proposal.

Other Considerations

The general need and supply of pitches

22. The PPTS states that local planning authorities should set pitch targets to address the likely accommodation needs of travellers in their area that have PPTS status. It also states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set target.
23. Policy LA1 of the Land Allocations Local Plan 2015 sets a target of 17 pitches for the period 2013 – 2017 with an aim to allocate these through a land allocations plan. This figure was based on a Gypsy, Travellers and Travelling Showpeople Assessment completed in 2014. The Council confirmed at the hearing that this figure is now out of date given the findings of a subsequent Gypsy and Traveller Accommodation Assessment (GTAA) in 2018, updated in 2020. This later study considered the period 2020 – 2040 and identified a requirement for a 'cultural need' of 26 pitches and a 'PPTS need' for 16 pitches. The latter results in an annualised requirement of around 0.8 pitches.
24. The later study has not been tested through an examination. Moreover, there are several indicators that suggest it has underestimated the need, including the number of extant retrospective applications currently awaiting determination, which could place the immediate unmet need above that identified in the GTAA. And that all recent pitches have been for those meeting the PPTS definition rather than derived from a cultural need. It is also unclear whether net in-migration was correctly factored in given the increase in permissions for Irish Travellers. This therefore casts doubt on the Council's current needs figure derived from the GTAA, which itself is not a locally set target as it is not formally adopted as part of the development plan.
25. In respect of supply, the Council suggest that, based on data collected in 2021, there could be 21 pitches comprised of five vacant pitches and 16 granted planning permission. Again, there is some doubt over this as two of the vacant pitches are now seemingly occupied and it's unclear whether the additional mobile homes permitted at The Meadows site constitute new pitches, or simply additional capacity within a pitch.
26. As things stand, and based on the evidence before me, it's difficult to be entirely satisfied that the Council's figures regarding pitch need and supply are accurate. However, there was general agreement at the hearing between the Council and appellant that the Council are probably able to demonstrate a five-year supply of pitches. As a result, the proposal does not gain significant weight on account of the Council being unable to demonstrate an up-to-date five-year supply of deliverable sites. Similarly, the recent ability to

demonstrate a five-year supply of pitches means the evidence before me does not demonstrate that a policy failure is currently occurring.

The accommodation needs of the future occupants

27. The applicant was forced to leave his previous pitch at Ewell Minnis after an application for a lawful development certificate to regularise it was refused. This in turn led to a family feud that precipitated a hasty departure. The applicant was able to purchase the appeal site, which was land that belonged to a relation. He and his family are technically homeless until such time as they can occupy an authorised pitch. The appellant advised me at the hearing that he is not aware of any other suitable pitches that he and his family could move to, and he owns no other land. If the appeal is refused, then they would likely need to revert to life on the roadside because conventional 'bricks and mortar' accommodation is not an appropriate alternative given a lifetime spent in mobile homes.
28. The Council did not direct me to any pitches available on Council run sites. The recently approved pitches are also problematic as they are on privately owned land. The Council were unable to advise whether they would be/are available to the appellant and his family. It is likely that these small private pitches would be offered to relatives or associates of the landowners, which would exclude Mr Beaney. Other pitches, such as those newly approved at The Meadows, are not suitable for Romany Gypsies because the pitches are small, there is no day room, and the touring caravans are stored communally. Moreover, The Meadows is apparently occupied by a single extended family of Irish Travellers, which could result in Mr Beaney and his family feeling out of place in that small community. As a result, I am not satisfied that there is currently a suitable and available alternative.
29. At the hearing the Council's emerging future strategy for pitch provision was discussed. At this stage, the intention is to rely on extending existing pitches alongside a criteria-based policy for windfall sites. It is not for me to judge the soundness of such an approach as part of a planning appeal, as this would be left to an examining Inspector. However, it is unclear what measures could be put in place to ensure Mr Beaney would be sold, or permitted to occupy, pitches on extended private sites, especially if he is unrelated or unconnected to existing occupants. Given what I heard at the hearing, the indications are that this would be unlikely. As a result, I am not satisfied matters relating to alternative pitch provision would change significantly within a reasonable period (up to five years) to justify a temporary permission.
30. As a result, the occupants of the appeal site are in acute need of permanent accommodation. The appeal scheme would meet their accommodation needs and provide a permanent base from which to pursue a nomadic lifestyle. I afford this matter significant weight.

Personal circumstances

31. The Council does not dispute that the current occupants of the appeal site are part of an ethnic minority (Romany Gypsies) and thus have the protected characteristic of race under s149(7) of the Equality Act 2010. In such circumstances, s149(1) of the Act requires due regard to be had to the need to, amongst other matters, advance equality of opportunity between persons who

- share a relevant protected characteristic and those who do not. This includes minimising the disadvantages connected to that characteristic.
32. The nomadic habit of life of the occupants of the pitch is linked to their culture. However, without a settled base it is difficult for them to balance their traditional way of life with the practical realities of modern living. Facilitating this balance is an important part of achieving the social sustainability sought by Paragraph 13 of the PPTS, as is the close proximity of the appeal site to the established settled community at Alkham, as this fosters interaction. Moreover, the apparent unavailability of suitable vacant sites also indicates inequality in housing opportunities, as this is not generally something experienced to the same extent by non-travellers.
33. Thus, the equality implications weigh in favour of permitting the pitch in this instance because dismissing the appeal would perpetuate the disadvantages currently being endured by the occupants of the appeal site in finding a settled base from which to live.
34. Moreover, Article 3(1) of the United Nations Convention on the Rights of the Child states that the best interests of a child shall be a primary consideration. This means no other consideration, including the impact on the AONB, is more important.
35. There are two children in this instance and their best interests need to be carefully considered. If the appeal is dismissed, then it is likely the family would need to leave the area in search of accommodation. Thus, the appellant's children would need to leave their schools. It is not unusual for children to move schools, but in this instance both are settled in schools that facilitate a traveling way of life. Moreover, the appellant's eldest child has been able to attend a local grammar school after passing an entrance exam. I was advised at the hearing that this is quite remarkable given the educational disadvantages usually experienced by Travellers. Moving schools would therefore curtail a very promising education. In any event, if the appellant must resort to living in temporary locations on the roadside, then the children's education would be seriously disrupted and could be intermittent.
36. In addition, living an uncertain roadside existence would not support the children's welfare and development. Instead, an enduring settled base would generally support the children's welfare by, for example, affording them a sense of security and continuity and enabling them to attend clubs, make friends and generally establish themselves in a local community. Thus, their best interests would be served by establishing a permanent settled base now so there is certainty over where they will live and/or go to school.

Planning Policy for Traveller Sites

37. The proposal would promote some of the matters outlined in Paragraph 26 of the PPTS, as it has reused untidy land, would be well planned with soft landscaping, would provide space for children to have a healthy lifestyle with space to play, and the site would not be enclosed by hard landscaping in a way that isolates the occupants from the rest of the community. In addition, the appeal site is not where the PPTS (Paragraph 25) states that development should be strictly controlled, because it is not in open countryside away from a settlement, it adjoins Alkham, and there are no allocations in the development

plan that should be considered in the first instance. These matters carry further moderate weight in favour of the proposal.

Other Matters

38. The Council and appellant confirmed that the pitch is in Flood Zone 1, which is the area at the lowest risk of fluvial flooding. However, the track along which the site is accessed adjoins a ditch. Kent County Council's Flood and Water Management Team (KCC) has confirmed that this is categorised by the Environment Agency as an area of 'high risk' from surface water flooding. The point was not discussed in detail in the Council's delegated report and therefore it was addressed at the hearing, in part because the revised Framework engages a sequential test when a site is at risk of flooding from any source.
39. A flood event would prevent dry access and egress into the site from Short Lane. However, the Council and appellant advised me that the appeal site is outside the area recorded as being at risk of surface water flooding⁸ and that measures could be designed to prevent surface water leaving the site as recommended by KCC. For these reasons the Council and appellant were satisfied a sequential test and/or Flood Risk Assessment is not required.
40. I was also advised that the ditch has been managed in recent years and this has prevented instances of flooding. I have no reason to doubt this. Additionally, I have not seen any objection from the Council's Emergency Planning Department or the Environment Agency. KCC noted the absence of a Flood Risk Assessment but did not formally object to the proposal on this basis. Given the factors above, I am satisfied, based on the evidence before me, that the appeal scheme should not be prevented on flood risk grounds.
41. The Council has referred to an appeal decision⁹ at another site in the area. In that instance the Inspector found significant harm to the AONB and the other considerations at the time were different. As a result, circumstances between that case and the one before me are dissimilar and consequently there is no inconsistency between my findings and those of the other Inspector. Similarly, the set of circumstances before me are such that a generalised precedent would not be set from allowing the scheme.
42. The proposal would involve very few vehicle movements along an established public highway and would be located sufficiently far away from neighbours. As a result, there would be no adverse impact on living conditions and therefore no interference with the Article 8 Human Rights of neighbours. I have seen nothing of substance to demonstrate that the proposal would prejudice highway safety. The Local Highway Authority has not objected and there appears to be adequate visibility at the Short Lane/Alkham Valley Road junction. The emerging Local Plan is not at a stage of preparation where it can be afforded meaningful weight.
43. The site is identified as being within the 'impact risk zone' of Alkham, Lydden and Swingfield Woods Site of Special Scientific Interest. However, considering the small scale and nature of the proposal, along with its distance from the designated site, there would be no harmful effect in this regard.

⁸ I was not presented with a plan, but I understand the area at risk is principally the field to the north of the appeal site, within which water from the ditch exits

⁹ APP/X2220/C/18/3199973

44. The appeal site is located within an area of the district where residential development has the potential to have a significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) through increased recreational disturbance caused by additional residential development. Hence, an appropriate assessment, in accordance with the Habitat Regulations¹⁰, is required. This needs to consider the implications of the proposal on the SPA in view of the conservation objectives, which can be summarised as maintaining and enhancing the SPA's contribution towards achieving the aims of the Wild Birds Directive by supporting breeding and non-breeding bird species.
45. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012. It states that housing developments in excess of 14 dwellings are required to provide a financial contribution towards the delivery of a suite of mitigation measures outlined in the Strategy, which includes monitoring and wardening.
46. The Strategy seems to suggest that it would not be cost effective to seek contributions from smaller schemes. Therefore, it is unclear how in combination effects from schemes falling below the 14-home threshold would be mitigated. Larger schemes cannot be expected to mitigate more than their own impacts. That said, the Council confirmed that there is currently sufficient funds to pay for the mitigation outlined in the strategy. This package of mitigation is ten years old though. As a result, there is some uncertainty as to whether the in-combination effects from small residential schemes can be, or have been, mitigated.
47. Nevertheless, Mr Beaney has only ever lived in Ewells Minis with his father and then latterly on unauthorised sites in the area. As a result, if the permission was subject to a condition limiting occupation to him and his family, then there would be no increased impact from recreational disturbance on the SPA, especially as the approval of the new pitch would not free up any other accommodation. Accordingly, the proposal would not adversely affect the integrity of the SPA through increase recreational disturbance, and therefore its condition would not deteriorate because of the proposal.

Planning Balance

48. The Council has previously suggested that the 'tilted balance' in Paragraph 11d(ii) of the Framework is relevant on account of it being unable to demonstrate a five-year supply of housing land. However, this is not the case because footnote 8 to Paragraph 11 of the Framework is not relevant if the pitches would be occupied by those meeting the PPTS definition (and this is secured by condition). This is because footnote 27 to Paragraph 62 of the Framework states that the PPTS sets out how the housing needs of those covered by the PPTS definition should be assessed. Footnote 38 to Paragraph 74 of the Framework also establishes that a five-year supply of deliverable sites for Travellers should be assessed separately. Thus, it follows that a shortfall in the supply of general housing land does not trigger the provisions of Paragraph 11d)¹¹.

¹⁰ See Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

¹¹ Furthermore, the PPTS does not state that the absence of a five-year supply of Traveller sites, although required by Paragraph 10 of PPTS, triggers the provisions of Paragraph 11d) or renders the policies most important for determining the appeal out of date.

49. The proposal has resulted in some intentional unauthorised development, and I afford this limited weight as a matter against the proposal. More significantly, the proposal would also result in some modest harm to the character and appearance of the landscape and in so doing would fail to conserve or enhance the AONB. This would be contrary to the development plan. The Framework states that great weight should be given to conserving and enhancing the AONB.
50. Balanced against this there are several points in favour of the proposal. The occupants are in acute accommodation need and the proposal would meet the best interests of two children. There are also other personal circumstances weighing in favour of the proposal, such as the equality implications and the way the site has been sensitively laid out. In this instance, these matters cumulatively carry weight of a high order.
51. Thus, the specific circumstances of the case demonstrate that the benefits of the proposal would outweigh its adverse impacts. This is a material consideration that indicates the proposal should be determined otherwise than in accordance with the development plan.

Conditions

52. As the development has already commenced it is unnecessary to impose a condition in this regard. However, in the interests of certainty it is still necessary to impose a plans condition confirming the site area and because the day room is yet to be implemented. A condition requiring a 'site development scheme' is necessary in respect of other matters in the interests of minimising the impact on the character and appearance of the area and from flooding and to enhance biodiversity. The condition is drafted to ensure there is a sanction if any of the requirements are not met.
53. The proposal is acceptable due to the personal circumstances of the intended occupiers. Therefore, it is necessary to impose a personal permission. It is also necessary to restrict occupation to those meeting the PPTS definition.
54. As only one pitch has been justified, it is necessary to confirm this. It is necessary in the interests of safeguarding the character and appearance of the area and the living conditions of neighbours to limit the size of vehicles and the extent of external lighting, and to prevent commercial activity. For the same reasons it is necessary for a site development scheme to be submitted for approval that addresses the landscaping, boundary treatment and drainage of the site and for the landscaping to be protected.

Conclusion

55. The proposal would not adhere to the development plan but in this instance, there are other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has succeeded.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mrs A Heine
Mr Kelly Beaney

Heine Planning Consultancy
Appellant

FOR THE LOCAL PLANNING AUTHORITY

Mr Vic Hester BA DIPUPI MRTPI

Dover District Council

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Additional representation in support of the proposal
2. Email from the Council dated 26 May confirming that it does not wish to make any further comments on the above or the other evidence submitted by the appellant outlined in footnotes 1 and 2 of this decision letter

Schedule of Conditions

- 1) Subject to the other conditions, the development hereby permitted shall be carried out in accordance with the following approved plans:
 - The 'Streetwise' site plan at a scale of 1:1250; and
 - In so far as it relates to the day room only, drawings EMA-2017-054-02 (elevations and floor plan) and EMA-2017-054-01 (Site block plan)
- 2) The site/mobile home hereby permitted shall not be occupied or used other than by the following:

Mr Kelly Beaney and/or Mrs Kerrie Beaney, and their resident dependents.

When the land ceases to be occupied by those named above, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed within six months of the use ceasing and the land shall be restored in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of Planning Policy for Traveller Sites (revised version published August 2015) or any subsequent modified or replacement definition.
- 4) There shall be no more than one pitch within the site. On the pitch hereby approved no more than two caravans shall be stationed at any one time, of which no more than one shall be a mobile home or a static caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. Only one caravan shall be occupied as a primary residential use and the other caravan used as ancillary accommodation to the primary residential use.
- 5) No more than one commercial vehicle of not more than 3.5 tonnes shall be stationed, stored or parked on the site and no commercial activities, including burning, shall take place on the land, including the storage of materials, plant or waste.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment, hard standings, and materials brought onto the land for the purposes of such use shall be removed and the land restored, in accordance with a scheme approved by the Council, within 28 days of the date of 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 submitted details, a Site Development Scheme, hereafter referred to as the 'Scheme', for:
 - (a) external lighting;
 - (b) all boundary treatments and all other means of enclosure;

- (c) hard and soft landscaping for the entire red line site area and screen planting including details of species, plant sizes and proposed numbers and planting densities;
- (d) the external finishing materials of the day room and the external colour(s) that any mobile home is permitted to be;
- (e) the management, maintenance and drainage of foul and surface water.
- (f) the position, siting and orientation of where the caravans shall be stationed.
- (g) biodiversity enhancements
- (h) the timetable for implementing all the above.

shall have been submitted for the written approval of the Local Planning Authority and the said Scheme shall include a timetable for implementation.

- 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 scheme specified in this condition, that scheme shall thereafter be retained as approved.

- 7) Any trees or plants put in place in accordance with condition 6) above which within a period of 5 years from their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation
- 8) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority as part of the Site Development Scheme.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional hard standings or boundary treatment shall be erected, constructed or laid out other than those expressly authorised by this permission unless having first been submitted to and approved in writing by the local planning authority.

End of Schedule