



Appeal Decision

Hearing held on 31 October 2024

Site visits made on 31 October & 1 November 2024

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/U2235/C/24/3340802

**Hawthorn Lodge (aka Land at Rabbit's Cross), Chart Hill Road,
Chart Sutton, Kent ME17 3EX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Ms Nicole Whitney Charlotte against an enforcement notice issued by Maidstone Borough Council.
- The notice was issued on 29 February 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of land to residential for a Gypsy and Traveller family including the stationing of caravans and associated operational works including the laying of hardsurfacing, creation of an entrance by removal of 'Important' Hedgerow and erection of entrance gates and the installation of a septic tank.
- The requirements of the notice are to:
 - a) Permanently cease the use of the land for residential purposes within the red line of the attached plan.
 - b) Permanently remove from the land all mobile homes within the red line of the attached plan.
 - c) Permanently remove the entrance gates and all associated paraphernalia including hard standing, plainings/shingle and any subterranean features such as oil tanks, sewage treatment tanks and utilities from the Land as shown within the red outlined plan attached.
 - d) Permanently remove the hardcore sub-base and to return land to its previous condition/levels by ripping the ground in two directions, re-spreading topsoil over that land to a depth of 150mm (or more where necessary) to fill in any depression and grading, allowing the regeneration of the natural grass sward and hedgerow regeneration.
 - e) Remove all resultant materials, rubbish, paraphernalia, and debris from complying with steps (a) to (d) above, from the Land.
- The periods for compliance with the requirements are 6 months after the notice takes effect for a) to d) above, with a further month for e).
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), & (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.

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below.

Decision

1. It is directed that the enforcement notice is corrected by the substitution of the plan annexed to this decision for the original plan attached to the enforcement notice.

2. Subject to this, 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 material change of use of land to residential for a Gypsy and Traveller family including the stationing of caravans and associated operational works including the laying of hardsurfacing, creation of an entrance by removal of 'Important' Hedgerow and erection of entrance gates and the installation of a septic tank at Hawthorn Lodge, Chart Hill Road, Chart Sutton, Kent ME17 3EX as shown on the plan attached to the notice and subject to the conditions set out in the Schedule below.

The Notice

3. The land shown outlined in red attached to the notice shows a wider area of land than the area occupied by the appellant's residential caravan site, which is clearly the planning unit of the development the notice seeks to attack. The land to either side of the caravan site is not in use as a caravan site; it remains as green fields or paddocks in agricultural use including, it would appear, for the grazing of horses.
4. For this reason, I discussed at the start of the Hearing the possibility of amending the allegation to a mixed use comprising the residential caravan site and agriculture, on the basis that if I was to decide to allow the appeal, then I would in theory be allowing the whole of the red line area to be used as a caravan site.
5. Having considered this in more detail, especially since the caravan site is a separate single planning unit in the central part of the red line plan attached to the notice, I consider it would be best to substitute the plan attached below, which merely shows the planning unit itself, for the notice's original plan.

Reasons

Grounds (b) and (c)

6. Ground (b) is that the matters alleged in the notice have not occurred – as a matter of fact. Ground (c) is that those matters (if they occurred) do not constitute a breach of planning control.
7. The matter contested by the appellant in respect of these grounds is that she argues the hedge was not removed by her and that there were only stumps in the location of the new vehicular access. Alternatively, she argues that even if I was to decide that she had removed part of the frontage hedge, that does not require planning permission – and so reference to this allegation should be removed from the notice.
8. I accept that planning permission is not required to remove an 'important' hedgerow as defined by The Hedgerow Regulations 1997, but nonetheless notice is required to be given to the local planning authority to remove such hedgerows under those Regulations and none was given. The Council's Landscape Officer explained how the hedgerow at the front of the site comprises an 'important' hedgerow and, having inspected it on site, I have no reason to doubt that it is such a hedgerow.
9. The Council provided me with a copy of a photograph taken in May 2019 at the Hearing of the frontage of the site. Although there is a small gap in the

hedge, it is clear that this was only a narrow gap sufficient to access the stile onto the Public Right of Way (PROW KH562), which runs north-eastwards from this point along the border of the development site. From this photo it is clear that there was hedgerow to the left (west) of the telegraph pole on that date.

10. It is also clear from the photos contained on page 5 of the Council's officer report that the hedge immediately to the west of this telegraph pole as far as the stile to the PROW had been removed by Monday 8 January 2024, when enforcement officers first visited the site in response to the enforcement complaint on Saturday 6 January. Tellingly, evidence from a local third-party resident at the Hearing confirmed that this length of hedge was there on Friday 5 January but had been removed sometime in the period between when he saw it on that Friday evening and the next time he saw the road frontage at 8.30am on Saturday 6 January.
11. I am therefore confident that it was removed in connection with the unauthorised development attacked by the notice. It was obviously necessary to form a vehicular access into the site to deliver and deposit the mobile home onto it and there was no such vehicular access there previously. The removal of this part of the hedgerow sufficient to create the vehicular access was part and parcel of the unauthorised material change of use and both are therefore caught by its allegation and requirements, which I note do not include replanting a hedge in this location.
12. An entrance to the site was created by the removal of an 'important' hedgerow, so the allegation in the notice is correct and, contrary to the appellant's argument, should not therefore be excised. The appeal on grounds (b) and (c) therefore fails.

Ground (a)

13. Ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.
14. The main issues are as follows:
 - Accessibility of the site to local services
 - Whether the development would dominate the nearest settled community
 - The effect of the development on the landscape and rural character of the area
 - Its effect on ecology in the area, in particular Great Crested Newts
 - The existing level of local provision and the need for traveller sites
 - The personal need for a site by the appellant and her family taking account of their personal circumstances, human rights (including the best interests of the child), protected characteristics and the availability (or lack) of alternative accommodation
15. The Council acknowledge that the appellant is a gypsy/traveller within the definition set out in Annex 1 to Planning Policy for Traveller Sites (PPTS).

Accessibility of the site to local services

16. The site lies 2.5km south of Chart Sutton, which has a village shop, about 3km southwest of Sutton Valence where the appellant's boys attend the primary school, and approximately 4km north of Staplehurst, a designated Rural Service Centre with a Sainsbury's supermarket and many other shops as well as a GP surgery, dentists and other schools. These settlements and their facilities are all well within a 10-minute drive. The nearest bus stop is on the main A229 at Cross-at-Hand, about 1km away down Chart Hill Road, which has no footway and is unlit.
17. So, whilst the site is clearly located in the open countryside outside any settlement boundary and it would be impractical and even dangerous to walk to these facilities especially in the dark, in my judgment local services, in particular school, health and shopping facilities are relatively accessible from the site, if only by the appellant's private car. The proposal therefore complies with criterion 1.b of Policy LPRHOU8 (Gypsy, Traveller and Travelling Showpeople Accommodation) of the Maidstone Local Plan Review 2021-2038 (adopted 20 March 2024 and henceforward referred to as the LPR).

Whether the development would dominate the nearest settled community

18. Pegasus, on behalf of a group of neighbouring residents, argued that this development, cumulatively with the existing gypsy and traveller pitches at Chart View immediately to the northwest and Old Oak Paddocks to the east, contravenes Policy H (specifically paragraph 25) in PPTS. This requires 'that sites in rural areas respect the scale of, and do not dominate, the nearest settled community.' Policy C in the PPTS is similarly framed. In support of this argument Pegasus quoted the remarks of the Inspector who allowed an additional two single unit mobile homes on the Chart View site in 2019. In essence the Inspector stated that whether additional mobile home would dominate the nearest settled community was '*not an unfounded concern*'; and: '*Further growth of the site(s) here could well mean that this relatively sparsely populated area (notably the immediate locality of Rabbits Cross hamlet) would become dominated, to the detriment of its character and community mix.*'¹
19. I am unsure exactly how many traveller pitches or caravans are contained at Old Oak Paddocks but there are a few. At Chart View there are at least six pitches and I note that the 2023 application (23/504000/FULL) for an additional three or four caravans was approved on 31 May 2024, which suggests there is permission for nine or ten pitches in total. There are two dwellings at Rabbit's Cross to the north, two at Little Rabbit's Cross adjacent to the west and two further houses on Elderden Lane as well as Elderden farmhouse at the end of the lane.
20. The appellant argues that it is inappropriate to compare the number of traveller pitches in this immediate vicinity with the number of bricks and mortar dwellings and that the purpose of PPTS Policy H is to avoid small villages or Parishes being dominated by overly large traveller caravan sites and cites the conclusions of the Inspectors in the appeal decisions given to me by her at the Hearing.

¹ APP/U2235/W/19/3223455, allowed 21 October 2019, paragraph 29.

21. But the conclusions of the Inspectors in those appeals were based on the particular circumstances of those cases and there is little explanation in PPTS Policy H of exactly what is meant by 'dominate' and by 'the nearest settled community' in the above quoted wording of paragraph 25, which also states that 'local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements.'
22. There can be no doubt that the number of traveller pitches numerically dominates the number of brick and mortar dwellings at Rabbit's Cross, and it would seem likely that the number of individual traveller families would far exceed the seven families that live in nearby houses. I see no reason why an assessment of whether gypsy and traveller sites/pitches dominate the nearest settled community should exclude a hamlet like Rabbit's Cross because its residents are just as capable of feeling 'dominated' as the residents of, say, Staplehurst, Chart Sutton or the local parish as a whole could be by traveller numbers exceeding the populations of those settlements.
23. The whole thrust of government planning policy for travellers, as expressed in PPTS, is to ensure fair and equal treatment for them in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community, including by reducing tensions between settled and traveller communities and promoting peaceful and integrated co-existence. It seems to me that the adjacent caravan sites at Chart View (where the number of pitches are increasing) and Old Oak Paddocks already numerically dominate – in terms of the numbers of families and dwellings – the settled community of Rabbit's Cross.
24. The appeal development now infills part of the land between those two caravan sites (which are mainly enclosed by high close boarded fences, albeit the appeal site is not) and almost abuts the garden of Little Rabbits Cross Barn, the dwelling immediately to the west, such that the owner/occupier of that dwelling would feel likely to be almost surrounded by traveller pitches. Although there is no reason why all the current travellers living in the immediate vicinity, including the appellant and her family, and the members of the settled community should not live peaceably together, it is understandable if the latter feel that they are dominated by their traveller neighbours. To the extent that they do, and particularly in terms of infilling the physical gap between the two existing larger traveller sites, I consider the proposed development to be contrary to PPTS Policies C and H.

Landscape and Rural Character

25. In terms of the development's effect on the landscape and rural character of the area, there is no doubt that the loss of 'important' hedgerow to create the vehicular access to the site has resulted in a degree of harm, in terms of the physical diminution of the hedge along Elderden Lane and the visual effect of being able to see the mobile home, hardstanding, parked cars and residential paraphernalia from the road frontage and the adjoining public footpath (PROW KH562). That and the use of an agricultural field as a residential caravan site causes harm, which detracts from the intrinsic beauty of the countryside in this location. I understand that harm also arises from external lights on the mobile home and on the gates at the access.
26. But this cannot realistically be called 'significant harm to the rural character and appearance of the area' (my underlining) as set out in subsection 2 of

Policy LPRSP9 (Development in the Countryside) of the LPR. Nor in my opinion can it be said to 'result in significant harm to the landscape and rural character of the area' as expressed in subsection 1.c of Policy LPRHOU8, even combined with the cumulative effect of the adjacent caravan sites to the east and northwest.

27. However, it cannot be said to conserve and enhance the Low Weald, within which the site lies, as a landscape of local value as per subsection 7 of Policy LPR2P9 because it has resulted in the loss of some thick native hedgerow which is a typical landscape feature of the area. Nor can it be said that the development has taken account of the *Maidstone Borough Landscape Character Guidelines Supplementary Planning Document 2012* and the *Supplement of 2013*, because the development harms the Beult Valley Landscape Character Area within which it sits, albeit not significantly. Consequently, it fails to comply with Policy LPRSP9 and with subsection b of Policy LPRSP14(A).

Ecology- Great Crested Newts

28. The Council did not indicate for some reason that is unclear, that the potential impact on Great Crested Newts (GCNs), a European protected species, was a reason for issuing the notice. However, it had previously refused the last recent planning application on the site² for reasons which included the lack of survey information for GCNs in respect of the four nearby ponds, given that this immediate area is an amber risk zone for their likely location.
29. This means that the appellant should have been aware of, or taken steps to make herself aware of, the fact that the development may impact on this important protected species. But she did not, since no surveys for GCNs were carried out before the unauthorised works took place. Mr Woods's bold statement at the Hearing that there is no evidence of GCN DNA in the local ponds does not appear to be evidenced by any survey work. That is contrary to Policy LPRHOU8 1.f which states that planning permission will be granted for gypsy and traveller accommodation if 'the ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.'
30. So, there is no way of knowing if the development has led to GCNs being killed or whether the loss of the frontage hedgerow has harmed the movement and habitat of any local GCN population between the four local ponds. I accept that there was always a small gap in the frontage hedge to facilitate access onto the PROW, but that gap has been considerably widened in order to create a vehicular access, which will have discouraged the movement of any GCNs in this area. I also accept that a new native hedge along the western boundary of the site, which could be made a requirement of a condition, may help to mitigate the loss of the frontage hedge in this respect. But it is likely that harm to any GCNs in the locality may well have occurred and I am unconvinced that such a new hedge (which would take some time to grow and mature)³ would entirely mitigate the loss of the original important frontage hedgerow in this respect.

² 22/501658/FULL refused 20 July 2022 for: Change of use of land to use as a residential caravan site for 2 Gypsy families each with 2no. caravans of which no more than one would be a static mobile home together with erection of two amenity buildings, laying of hardstanding and formation of new access.

³ Even a Practicality Brown hedge (a brand of 'instant' hedge)

Need and Existing Level of Provision of Traveller Sites

31. The Council acknowledges that it only has a 1.2-year supply of gypsy and traveller pitches. The updated Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) published in September 2023 outlines a demand for 340 pitches between 2023 and 2040, although this GTAA underestimates an already large need because it relied on the pre-Lisa Smith⁴ definition of gypsies and travellers in the previous PPTS, which was found by the court in the *Lisa Smith* case to be discriminatory. The realistic need in Maidstone is clearly huge, possibly as high as 529 pitches, and so the realistic level of supply is well under 1 year.
32. The Council has chosen to update gypsy and traveller policy through a Gypsy, Traveller and Travelling Showpeople DPD, rather than as part of the LPR. But this is yet to go out to first stage consultation and is not due to be adopted until late 2025 at the very earliest. In conclusion, there is no 5YHLS of traveller pitches and a serious pressing need, which is very unlikely to be met in the near future.

The Appellant's Personal Circumstances

33. A Statement of Personal Circumstances was given to me at the Hearing, which I had not previously seen as it had been turned away by the PINS case officer since it had been submitted out of time. But I accepted it because the appellant's personal circumstances are obviously relevant to the consideration of this appeal.
34. She is a single mother with 4 children under the age of thirteen. Her two boys attend Sutton Valence Primary School. They are doing well at the school since they became pupils in January, and I have no doubt that their continued attendance at this school would be beneficial to their welfare. Conversely, if permission was to be refused for this development, the appellant has no other alternative pitch to live on, nor did the Council suggest that it had an alternative pitch to offer her on any public-run gypsy and traveller site.
35. As such, if I refuse to grant planning permission for the development, it would appear that the appellant and her young family may have to revert to a roadside existence, with all the hardship and inconvenience this would involve, including potential enforcement issues that the Council may have to address. Such an existence would undoubtedly not be in the best interests of her and her children, both in terms of their education and their health.

Planning Balance

36. The development, combined with other traveller pitches at Rabbit's Cross, cumulatively results in a dominating effect on the local settled community, at least numerically and in terms of neighbours feeling being so dominated, contrary to PPTS Policies C and H. There is some harm to the local landscape and rural character of the area, which detracts from the intrinsic beauty of the countryside in this location and as such the proposal conflicts with Policy LPRSP9 and with Policy LPRSP14(A), as well as with the National Planning Policy Framework and PPTS. Additionally, there may well have been damage to the local GCN population contrary to Policy LPRHOU8, which may not be capable of full remediation.

⁴ *Smith v SSLUHC & Ors* [2022] EWCA Civ 1391

37. Balanced against this harm is the lack of any alternative site for the appellant (a recognised gypsy) and her family to move to in Maidstone Borough, the huge need in the area and the less than 1 year supply of pitches combined with the lack of an imminent policy or strategy to deliver any new pitches. The welfare of the appellant's children is paramount and there is no doubt that being compelled to move from the site would not be in their best interests.
38. I have carefully considered, given the above harm, whether a temporary permission would be reasonable in the circumstances, in order to allow the Council time to put in a strategy to deliver the new pitches required in the Borough and in light of PPTS paragraph 27 which states that failure of a local planning authority to demonstrate an up-to-date 5 year supply of deliverable traveller sites should be a material consideration when considering applications for the grant of a temporary planning permission.
39. However, given the huge extent of the need, and realistically the fact that many of the new sites and pitches required would have to be located in the countryside outside of settlement boundaries, I am unconvinced that this site would be unsuitable – even on a permanent basis – given the personal circumstances of the appellant and her family, even taking into account its added contribution to dominating the settled community at Rabbit's Cross. That does not of course mean that any further additional caravan sites or pitches would be acceptable on this site, or on adjacent or nearby land in this area: I am only considering the balance in this particular case.
40. In summary, the proposal conflicts with the development plan, but these other considerations indicate that the development should nonetheless be permitted. For these reasons I conclude that permanent planning permission should be granted for this development, and the ground (a) appeal succeeds accordingly.

Conditions

41. The Council suggested nine conditions should be attached to any planning permission if I decided to grant it. All of them are necessary for the reasons attached to the conditions in the Schedule below, although I gave slightly amended the wording of some of them to make them clearer.
42. The removal of permitted development rights in Condition 4 should relate to Part 2 of the GPDO, not Part 4 which relates to temporary buildings – this was agreed at the Hearing. The Site Development Scheme condition, Condition 5 below, stated a 6-week period but I consider a 3-month period would be more reasonable, as is customary for such conditions – the Council confirmed at the Hearing that it had no issue with such a 3-month period.

Conclusion

43. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the use as described in the notice, as corrected by the new red line plan below. The appeal on ground (g) does not therefore fall to be considered.

Nick Fagan

INSPECTOR

Schedule of Conditions

1) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

2) 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/mobile home) shall be stationed on the land at any time.

Reason: To safeguard the character and appearance of the countryside.

3) If the lawful use of the site ceases, all caravans, structures, equipment, and materials brought onto the land for the purposes hereby permitted including hardstandings and any buildings or structures shall be removed within three months from the date of the use ceasing.

Reason: To safeguard the character and appearance of the countryside.

4) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land and no commercial or business activities shall take place on the land including the storage of materials.

Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside; and in the interests of residential amenity.

5) Notwithstanding the provisions of Schedule 2 Part 2 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 gates, fences, walls, other means of enclosure shall be stationed on the land or other means of access formed to the adjacent highway other than those expressly authorised by this permission (as shown on the plans approved under Condition 6 below).

Reason: To prevent inappropriate development and safeguard the amenity, character, and appearance of the countryside, and in the interests of residential amenity.

6) The use hereby permitted shall cease and the building, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of the failure to meet any one of the requirements set out in (i) and (iv) below:

i) Within 3 months of the date of this decision a Site Development Scheme,

hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:

- a) the layout of the site including the siting of the mobile home, any day room, and touring caravan and the means of enclosure and boundary treatment.
- b) extent of existing hardstanding and parking areas.
- c) the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal. These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).
- d) existing external lighting on the boundary of and within the site. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors.
- e) details of landscaping, including all existing trees and hedgerows; and details of the number, size, species, maturity, spacing and position of any proposed native trees and soft landscaping enhancements around the perimeter of the site, using indigenous species.
- f) details of the measures to enhance biodiversity at the site through the provision within the site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors.
- g) a timetable for implementation of the scheme including a) to f) with all details implemented in accordance with the agreed timetable. Details agreed under f) above shall be retained on site in perpetuity.

ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if 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 and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded, and to ensure a satisfactory appearance to the development and in the interests of residential amenity.

7) The landscaping required by condition 6 (i) (e) shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The detailed landscaping drawings shall include:

a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.

b) specifically, the retention and landscape reinforcement of the existing landscape features along the southern and western boundaries with native hedge and tree species.

c) a planting specification, implementation details and a ten [10] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

8) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within ten years from planting die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

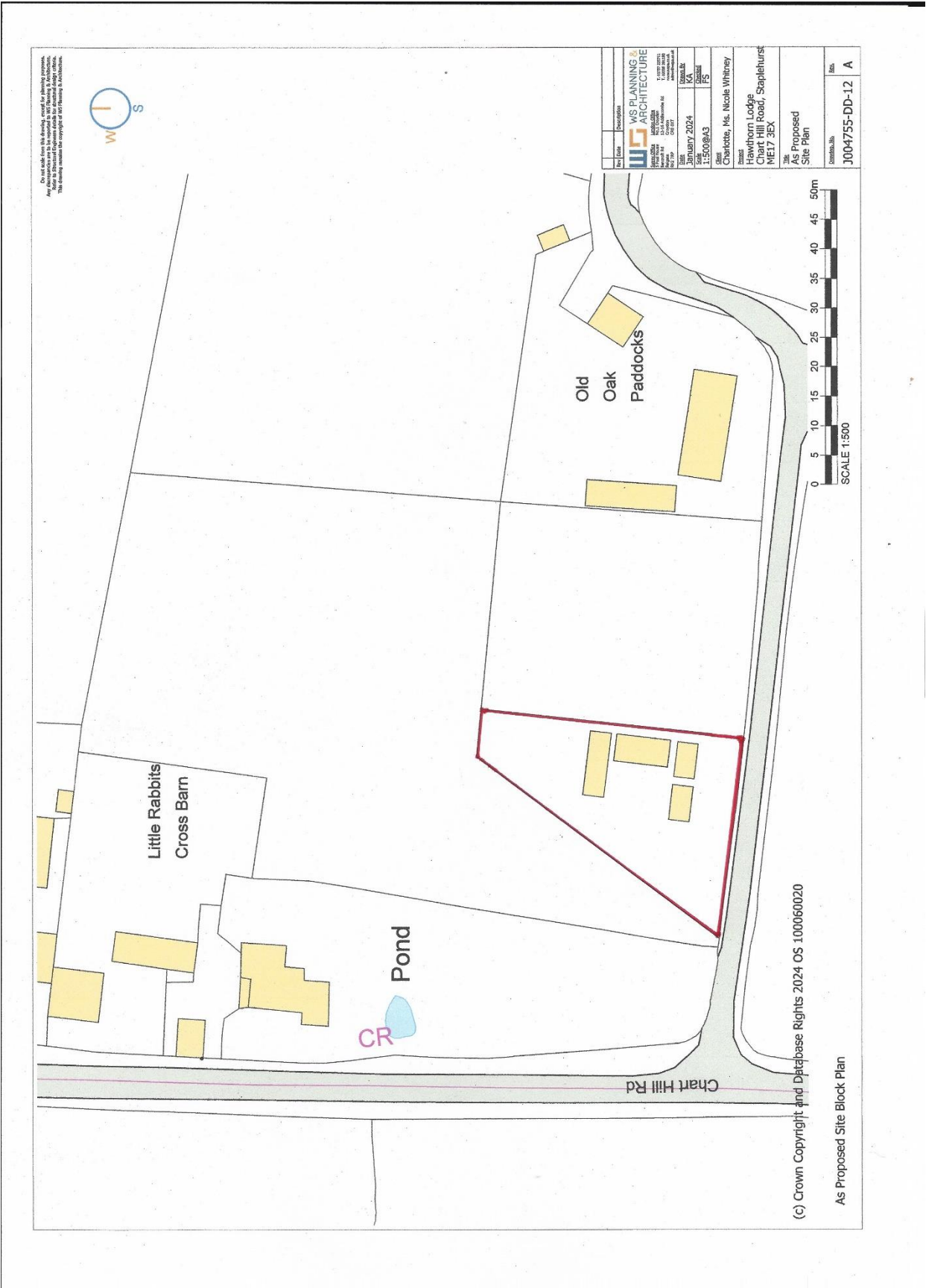
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

9) No additional external lighting shall be installed unless full details of any such lighting have first been submitted to, and approved in writing by, the local planning authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

End of Conditions

Amended Red Line Plan of the Land attacked by the Notice



APPEARANCES

FOR THE APPELLANT:

- Alan Masters, Barrister
- Brian Woods, Managing Director of WSPA, agent
- Nicole Charlotte, appellant (accompanied by her 4 children, given that week was half-term week)

FOR THE LOCAL PLANNING AUTHORITY:

- Sue King, Maidstone BC Enforcement Team leader
- Peter de Villiers, Maidstone BC Enforcement
- Benjamin Barrett, Maidstone BC Landscape Officer

INTERESTED PARTIES:

- Robert Sagrott, local resident
- Michael Ruddock, Pegasus Group, representing a group of local residents

DOCUMENTS PROVIDED AT THE HEARING

1. 3 recent appeal decisions cited by the appellant in the Borough:
APP/U2235/C/19/3243809, 3219674/3242701 & 3210851/3212986/et al
2. Recent appeal decision cited by the Council re Chart View:
APP/U2235/W/19/3223455
3. A4 print of colour photo of hedge at frontage of the site, dated May 2019
4. Pack of front page and relevant text and policies in Local Plan Review 2021-2038
5. Planning decision notice on application on this site, LPA Ref 22/501658/FULL dated 20 July 2022
6. Statement of appellant's Personal Circumstances dated October 2024