
Appeal Decision

Site visit made on 12 November 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/U2235/W/24/3338929

Five Oak Stables, Stilebridge Lane, Linton, Kent ME17 4DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr William Lee against the decision of Maidstone Borough Council.
 - The application Ref is 23/504249/FULL.
 - The development proposed is change of use of land to 4(No) plots for Gypsy and Traveller Use, including siting of 8(No)static Mobile homes and the erection of 4(no) brick built day rooms, with associated access track and parking.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to 4(No) plots for Gypsy and Traveller Use, including siting of 8(No)static Mobile homes and the erection of 4(no) brick built day rooms, with associated access track and parking at Five Oak Stables, Stilebridge Lane, Linton ME17 4DE in accordance with the terms of the application, Ref 23/504249/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's decision notice refers to policies from the Council's Local Plan (2017). However, this has been replaced by policies of its Local Plan Review (LPR) (2024). Accordingly, I have referred to these replacement policies in my decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

Policy Background

4. Policy LPRSS1 of the Council's LPR sets out the spatial strategy for the Borough and Policy LPRSP9 applies to development proposals in the Countryside. These say, amongst other things, that development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan, and they will not result in harm to the character and appearance of the area. Policy LPRSP15 identifies principles of good design for all developments, whilst Policy LPRQD4 relates specifically to design principles that must be met by development in the countryside to achieve high quality design.

5. Policy LPRHOU8 of the LPR relates specifically to Gypsy, Traveller and Travelling Showpeople accommodation including those on unallocated sites in the countryside. It says, amongst other things, that planning permission for Gypsy and Traveller accommodation will be granted if the development would not result in significant harm to the landscape and rural character of the area. It then lists several sub-criteria by which the scheme should have regard to, including, amongst other things, the local landscape character, cumulative effects, and existing landscape features.

Character and appearance

6. The appeal site lies to the south of Stilebridge Lane (the Lane) and the north of the River Beult, near the junction of the A229. It lies within the Beult Valley Character Area (CA) within the Maidstone Landscape Character Assessment (LCA). This CA follows the river and includes pastoral land, historic bridges, ancient standard oaks, and thick native hedgerows over a relatively flat topography. The characteristics of the landscape within the LCA create a strong sense of place. The LCA identifies the CA as being of high sensitivity to change and seeks to *conserve and restore* features that contribute to its landscape character. This advice is also reflected in the Council's Landscape Capacity Study: Sensitivity Assessment (LCSSA).
7. There is a distinct difference in character between the north and south sides of the Lane. The north is dominated by large open arable fields. The south side is characterised by smaller open parcels of land interspersed between groups of developments including equine activities, houses and gypsy and traveller sites.
8. The appeal site is an open parcel of land bordered by a mixture of solid timber boarded fencing, tall coniferous trees and post and rail fencing. These boundaries and the relationship to the other developments along the southern side of the Lane, are such that the appeal site contributes little to the key features within the LCA.
9. The proposal would include static mobile homes, utility buildings and formal surfacing for the access and parking. In addition, the visible manifestations associated with the intensification of the site as part of its residential occupation, would include internal and external lighting, and domestic accoutrements.
10. The proposal would be seen in localised views to varying degrees, including from the Lane and the public footpath to the south and from the A229. Where seen, it would be viewed within the context of other groups of developments along the Lane, including caravans.
11. The proposal would further erode the verdant character and natural beauty associated with the open gaps between developments on the southern side of the Lane. This urbanisation of the open undeveloped land within the site would considerably alter the site's rural characteristics. In this regard, it would be at odds with the guidance in the LCA and LCSSA, which seek amongst other things, to conserve the rural skyline in views out of valleys. It would also be at odds with paragraph 180 of the National Planning Policy Framework (2023) (the Framework), which recognises the intrinsic natural beauty of the countryside.

12. Nonetheless, open parcels of land would still remain on the southern side of the Lane and given the other developments along it, the proposal would not appear an entirely incongruous site in its form, scale or countryside location. Indeed, the LPR specifically acknowledges that gypsy and traveller sites will be in rural areas because of land availability, and this is reflected in the criteria of Policy LPRHOU8 and the threshold of significant harm to landscape and rural character.
13. The northern side of the Lane would retain its open undeveloped qualities. The existing landscape features would also provide some screening from the Lane, which could be supplemented with additional native planting. Moreover, in my view, the appeal site contributes little to the landscape character of the LCA. As such, and having regard to the relationship to the other developments on the southern side of the Lane, as a matter of planning judgement, the proposal would not amount to significant harm to the landscape and rural character of the area in the context of Policy HOU8 of the LPR. Instead, I find that the level of harm would be moderate to high in this instance.
14. To conclude on this main issue, as the proposal would not generate a significant degree of harm to the character and appearance of the countryside, I find that the proposal would accord with the requirements of Policy LPRHOU8 of the LPR, in so far as it relates to this main issue. Moreover, as Policy LPRHOU8 of the LPR is the decisive policy in the LPR in this main issue, whilst I accept that there would be harm, I do not find conflict with Policies LPRSS1, LPRSP9, LPRSP15 and LPRQD4 of the Council's LPR, when taken together and in so far as they relate to this main issue.

Other Matters

15. The other criteria in Policy LPRHOU8 relate, amongst other things, to access to services and facilities, highways, flood risk and ecology considerations. I have also had regard to all the other matters raised by local interested parties, including the nature of the existing road network, the impact of increased traffic movements associated with the proposed development and drainage and flooding matters. However, there is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in that regard. Moreover, the site is within easy reach of services and facilities, due to the short distances despite a reliance on cars. Accordingly, I have no reason to reach a different conclusion to the Council in relation to the other criteria in Policy LPRHOU8.
16. Although not stipulated as a reason for refusal, the Council indicate that future occupiers would not have adequate or practical outdoor amenity provision or levels of privacy between caravans. In this regard, the Council refer to Policy LPRQD7 of the LPR. However, the standards within this policy relate to new houses and flats not gypsy and caravan sites and I do not therefore consider the scheme to fall to be assessed against this policy. In my experience, the proposed layout and the relationship between plots, caravans, day rooms and the amenity areas are consistent with other gypsy and traveller sites and would not give rise to unacceptable living conditions for future occupiers.
17. The Planning Policy for Traveller Sites (PPTS) requires local authorities to set pitch targets and to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against this

target. The Council's Gypsy, Traveller, and Travelling Showpeople Accommodation Assessment (GTAA) (2023) outlines a need for 340 pitches between 2023 and 2040, with 205 pitches required within the period 2023 and 2027. Moreover, the Council has confirmed that it can only demonstrate a 1.2 years' worth of deliverable pitches as of the 1st April 2023 and has provided no substantive evidence of how this substantial shortfall will be addressed.

18. In these circumstances, the absence of a five-year supply of sites carries significant weight as a matter in favour of the proposal in line with Policy H of the PPTS. Accordingly, even if I had found significant harm in the main issue this would be outweighed by the benefits arising from the contribution to the local need in this instance.

Conditions

19. I have adapted the Council's suggested conditions where necessary and in the interests of precision and brevity. In addition to the standard time limit condition (1), I have imposed a condition (2) specifying the relevant drawings and documents and to require that the development is carried out in accordance with them as this provides certainty.
20. I have included a condition which restricts the occupation to Gypsies and Travellers (3) so as to ensure that the site meets the long term needs of the gypsy and traveller community. To limit the effect of the development on the character and appearance of the countryside I have imposed a condition to limit the number of caravans (4 and 6). A condition requiring the restoration of the site if the use ceases (5) and restricting temporary buildings (7) are necessary in the interest of the visual impacts of the proposal.
21. I have adapted the Council's conditions 7 to 13 in the interests of brevity into two conditions (8 and 9) to require a site development scheme and to ensure that the details are submitted prior to bringing a caravan on site. The site development scheme includes details of hard surfacing materials, drainage, landscaping, means of enclosure if any, biodiversity, and lighting. Whilst noting the detailed specifications laid out in the Council's suggested conditions, I do not find it necessary to be as prescriptive. In this regard, it is a matter for the Council to decide whether the site development scheme submitted to discharge the condition is acceptable. Conditions 8 and 9 are necessary in the interests of the visual impacts, biodiversity and to ensure appropriate drainage.

Conclusion

22. The proposal would accord with the development plan when read as a whole and I find there to be no material considerations, that would indicate that the decision should be taken other than in accordance with that plan.
23. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Application Form; Site Location Plan; Proposed Day Rooms Floor Plan and Elevations; Proposed Mobile Homes Floor Plan and Elevations; Proposed Site Layout; Design and Access Statement and Transport Statement.
- 3) 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.
- 4) No more than 8 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended shall be stationed on the land at any time. The mobile homes shall be positioned on the site as set out on the submitted drawings.
- 5) 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 buildings shall be removed within two months from the date of the use ceasing.
- 6) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.
- 7) Notwithstanding the provisions of Schedule 2 Part 4 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 temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).
- 8) Prior to any caravan being brought onto the site the following details (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation:
 - Hard surfacing materials;
 - A scheme for the means of foul and surface water drainage of the site;
 - Proposed tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities and details of existing tree, hedge and shrub planting to be retained and any other means of enclosure;
 - Biodiversity enhancement measures; and
 - Proposed external lighting on the boundary of and within the site.

The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be maintained. Any trees or other plants which within a period of 5 years from planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 9) 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 scheme approved under Condition 8 of this permission.

End of schedule