



Appeal Decision

Hearing held on 4 March 2025

Site visit made on 4 March 2025

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/U2235/W/24/3351226

Rosewood Farm, Scragged Oak Road, Detling, MAIDSTONE, Kent, ME14 3HL

- 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 Jimmy Hickmott against the decision of Maidstone Borough Council.
 - The application reference is 23/503262/FULL.
 - The development proposed is the change of use of land to a mixed use for agriculture (existing) and as a residential caravan site for two gypsy families with a total of 4 caravans including 2 static caravans/mobile homes. The stationing of one storage container, laying of hard standing and creation of new access. The erection of post and rail fencing.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to a mixed use for agriculture (existing) and as a residential caravan site for two gypsy families with a total of 3 static caravans. The stationing of one storage container, laying of hard standing and creation of new access. The erection of post and rail fencing at Rosewood Farm, Scragged Oak Road, Detling, Maidstone, Kent ME14 3HL in accordance with the terms of the application, Ref 23/503262/FULL, and the plans submitted with it, subject to the conditions set out in Schedule 1.

Preliminary Matters

2. The description of development in the final bullet point above is taken from the application form, and refers to four caravans. The parties agreed at the hearing that the development could be limited to three caravans, as this is what the plans show, would reflect the living arrangements already in place at the site, and as fewer caravans would be likely to reduce any harm to the character and appearance of the area or to the adjacent ancient woodland. As there is no dispute on the matter, the amendment does not result in a substantially different application and I do not consider that it would cause unlawful procedural unfairness to anyone involved in the appeal, I have considered the appeal on the basis of three static caravans only.
3. The caravans are already present at the site and the appellant and his family are resident there. The change of use applied for has already been partially carried out, so that any planning permission would be granted on a part retrospective basis.
4. A local plan review was in progress at the time of the Council's decision. The decision notice on the application consequently cites both (then) current and anticipated development plan policies. The Maidstone Borough Local Plan Review (2021-2038) (the LPR) was subsequently adopted, replacing the Maidstone Borough Local Plan (2017).

5. The Council's decision notice identifies conflict with the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015), which draws upon the Maidstone Landscape Character Assessment (2012). However, any specific conflict with either document has not been adequately explained. Thus, I have not considered these documents further in this decision.

Main Issues

6. The main issues are:
 - Whether the site would be a suitable location for the proposal, having regard to its effect on the character and appearance of the area with particular regard to the effect on the Kent Downs National Landscape; and
 - Whether there would be unacceptable effects on ancient woodland.

Reasons

Character and appearance

7. The appeal site lies within the Kent Downs National Landscape (formerly Area of Outstanding Natural Beauty or AONB), outside any settlement boundary set by the LPR, and is consequently in the countryside for planning policy purposes. Policy LPRSP9 sets out that development in the countryside will not be permitted unless it accords with other policies in the plan and will not result in harm to the rural character and appearance of the area. It states that great weight will be given to the conservation and enhancement of the AONB.
8. Policy LPRHOU8 is a criteria-based policy for Gypsy, Traveller and Travelling Showpeople Accommodation. Criterion 1c) of the policy states 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 sets out that any impact on these aspects will be assessed with particular regard to local landscape character, cumulative effect and existing landscape features.
9. The National Planning Policy Framework (2024) (the Framework) states that National Landscapes have the highest status of protection in relation to landscape and scenic beauty issues. The Planning Policy for Traveller Sites (December 2024) (PPTS) sets out that the scale of Traveller sites in rural or semi-rural settings should not dominate the nearest settled community, and that new Traveller site development should be very strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan.
10. The Kent Downs AONB Landscape Character Assessment (KDLCA) Update 2020 was revised and published in 2023. It states that the Kent Downs is partially characterised by a strongly rural and peaceful feel, and a sense of isolation from settlements nearby. Other key characteristics include gently rolling chalk plateaux interspersed with steep dry valleys, large blocks of woodland and a relatively sparsely settled area with a network of narrow enclosed lanes.
11. The appeal site lies in rolling countryside with open fields to both sides and Newlands Wood, an area of ancient woodland, behind it. The wider area comprises significant parcels of woodland and open fields interspersed by narrow lanes. The

area consequently has a highly rural appearance, and reflects several key characteristics set out within the KDLCA.

12. The description of the development currently applied for is generally the same as the development which was granted permission by two appeal decisions concerning the site in 2019 (APP/U2235/C/18/3196793 and APP/U2235/W/18/3200492). It was confirmed at the hearing that the current scheme and that previously permitted are broadly similar. Changes carried out at the site since the 2019 appeals include the planting of new hedgerow along the first east-west boundary within the site and its side boundaries.
13. The previous decisions identified significant harm to countryside and AONB interests to result from the scheme. These concerns centred around the prominence and visual incongruity of particular elements of the development. Specific concerns included that the rendered walls and felt tiled pitched roof of a mobile home within the central area gave rise to the appearance of a single storey dwelling; and that a close-boarded fence, hardstanding, dog pens, vehicles and stacks of timber and hardcore were considered to be prominent and/or incongruous.
14. Taking these elements in turn, the mobile home lying within the central area at the time of my visit retains a grey/green tiled pitched roof but has been partially weatherboarded in grey, so that rendering is only visible on the lower sections of the external walls. The home retains the appearance of a dwelling, although planting at the site now partially screens the home and the close-boarded fence in terms of visibility from the road. Hardstanding within the area adjacent to the woodland is now not especially visible from the road due to the presence of intervening structures and vegetation. Equipment and supplies within the area adjacent to the woodland may still be glimpsed from the road.
15. The visibility of aspects of the site from the road has consequently reduced somewhat since the 2019 appeal decisions. Nevertheless, those decisions found that “NPPF advice regarding the countryside is clear that it is the intrinsic character and beauty that should be protected, and the landscape and scenic beauty of AONBs...I take these qualities to be largely independent of what roadside or other public views are available, and to relate to protection of the nature of the land in itself”. I concur with that interpretation of the Framework provisions, which remain within its latest revision.
16. The domestic appearance of the mobile home numbered one on the plan and the industrial appearance of the nearby storage container appear incongruous within the rural setting. The associated access, parked vehicles and domestic paraphernalia compound this urbanising and domesticating effect. The cumulative appearance of these aspects of the development has a significantly harmful effect on the rural and undeveloped character and appearance of the National Landscape, conflicting with key characteristics identified within the KDLCA.
17. An appeal decision (APP/U2235/W/20/3259339) of 3 May 2023 concerning a proposed change of use of land to use as a residential caravan site for one Traveller family at a nearby site at Detling Hill was submitted during the hearing by the appellant. That site contained an existing barn in respect of which planning permission for conversion and extension to residential use was considered to be extant. The site also adjoined an existing property. The Inspector found that the

proposal should be seen “in the context of the residential environment of the adjacent property....together with The Barn”. The Inspector concluded that the appeal site and a mobile home on it were “hardly apparent in the landscape setting” and that the proposal would not lead to “a more intrusive use of the site in visual terms”.

18. The Inspector at the other site was consequently comparing a fallback position, in terms of existing and allowed development, against that proposed. He found that the appeal scheme would not be more visually intrusive than the fallback. In the current case there is no fallback position, and no adjacent residential development has been identified. The circumstances of the other appeal are consequently materially dissimilar from those in the current case, so that the other decision attracts only minimal weight in support of this appeal.
19. As a result of the above considerations, the site would not be a suitable location for the application, having regard to its effect on the character and appearance of the area. The application results in significant harm to the landscape and rural character of the area, where the conservation and enhancement of these matters attracts great weight, as set out above. Thus, it results in substantial conflict with Policy LPRHOU8, which is fully consistent with the PPTS and the Framework, and the provisions of which are set out above. Further conflict exists with Policy LPRSS1, which states that at such locations protection will be given to the rural character of the borough, and that the Kent Downs National Landscape will be conserved and enhanced. Additional conflict exists with Policy LPRSP9, the aims of which are set out above. Additional conflict exists with Policy LPRSP15, which states that proposals should respond positively to, and where possible enhance, the local or natural character of the area. Further conflict exists with Policy LPRQD4, which sets out that proposals in the countryside will be permitted where the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.
20. Policies LPRSP9 and LPRSP15 state that proposals should take account of the Kent Downs AONB Management Plan, which provides supplementary guidance to local and national planning policies. Additional conflict exists with the aims of the plan to conserve and enhance the local qualities and distinctiveness of the National Landscape.
21. Further conflict exists with paragraphs 135 and 187 of the Framework, which seek to recognise the intrinsic character and beauty of the countryside and to ensure that developments will function well and add to the overall quality of the area.

Ancient woodland and biodiversity

22. Newlands Wood forms the backdrop to the site. Ancient woodland such as this is classified by the Framework as irreplaceable habitat. Standing advice from Natural England and the Forestry Commission states that development proposals should include a buffer zone of at least 15 metres from the boundary of ancient woodlands to avoid root damage. The advice states that such a buffer zone should consist of semi-natural habitats such as woodland and/or a mix of scrub, grassland, heathland and wetland, in order to create habitat with local and appropriate native species.

23. The application block plan shows a buffer zone adjacent to the majority of the site's boundary with the ancient woodland. However, it does not fully depict a buffer zone where the woodland meets the site's western perimeter. An Arboricultural Constraints Plan within the Tree Survey indicates a complete buffer zone, so that such a zone should be provided in accordance with that plan rather than the application's block plan, in the event of a grant of permission.
24. Whilst the area is currently in partial use for storage, it is free of built form and could accommodate a suitable planting scheme, if other elements of the development are acceptable on this main issue. The application relates to a change of use for a small area which would be subject to only small-scale development. In this case, important matters which may affect the ancient woodland such as planting of the buffer zone, light pollution, drainage and habitat provision could be acceptably controlled by condition in accordance with the Standing Advice.
25. The block plan shows a short section of laurel hedgerow, which is generally already present at the site, at the edge of a grassed area. The Council's ecologist advises that laurels are highly invasive plants, particularly adjacent to woodlands. The laurel hedgerow could consequently seed into the ancient woodland and establish itself, outcompeting native flora and threatening the habitat. Whilst the laurel hedgerow would not lie within the buffer zone, it is present in close proximity to the woodland, so that there is potential for the plant to establish there. On the evidence before me I consider it to be most likely that the existing and any remaining proposed laurel planting at the site would cause harm to the ancient woodland in this regard. Conditions to secure a landscaping scheme at the site could ensure that the laurel hedgerow is removed where necessary, and hence would acceptably overcome the identified harm.
26. The application consequently results in no unacceptable effects on ancient woodland. It therefore complies with Policy LPRSP15, which requires proposals to protect and enhance any on-site biodiversity features. As the application is partially retrospective and space for the proposed buffer is undeveloped it is likely to provide some existing biodiversity benefits, so that the policy has applicability to the application. Further compliance exists with Policy LPRSP14A, which requires proposals to enhance and extend habitats including ancient woodland. Additional compliance exists with the Framework's provisions in respect of ancient woodland.

Other considerations

Need and supply

27. The Council published a Gypsy and Traveller Accommodation Assessment Interim Report (GTAAIR) in January 2023, which identified a total need (for all gypsy and traveller households) for 604 Traveller pitches over the period 2019-2040. An updated GTAA was published in September 2023. It identifies a need for 340 pitches (for people meeting the definition of gypsies and travellers at that time) in Maidstone from 2023-2040. The highest proportion (205) of these were needed over the earliest years of the period, to 2027. The Council's view at the date of the hearing was that its total need was 529 pitches over the period 2023-2040. The Council states that the need for pitches over the plan period to 2037 is likely to be significant.

28. The appellant considers that the Council's assessment does not take account of the definition of gypsies and travellers included in the PPTS of December 2024, and that the GTAAIR figure of 604 pitches more accurately reflects the situation.
29. Given the date of the Council's most recent assessment, it is unlikely to have taken the definition of Travellers contained in the most recent PPTS into account. There is minimal substantive evidence to suggest that the Council's assessment may be too low. Nevertheless, both figures, whether for 604 or 529 pitches, provide no reason for me to disagree with the view of the Examining Inspector for the LPR that "clearly, there is a significant (and potentially unparalleled) housing need in Maidstone Borough for gypsies and traveller households, both nomadic and settled, who seek appropriate pitch provision".
30. The Council considers that there is evidence of an unmet need for gypsy and traveller pitches in the borough. There is only limited evidence to suggest the extent of this need relative to the Traveller population. Unmet need can indicate an immediate and pressing need for Traveller sites. This in turn can be expected to result in issues such as unauthorised encampments, environmental damage, lack of access to health care, education, fresh water, sanitation and washing facilities, and in community tensions. Whilst dismissal of the appeal would potentially contribute to such a need and therefore, potentially, to such harms, the evidence does not indicate the extent of any unmet need in the borough. The matter consequently adds moderate weight in favour of a grant of permission.
31. The Council is unable to provide a supply of specific deliverable sites for Travellers sufficient to provide five years' worth of sites against locally set targets, stating at the hearing that its current supply of such sites is 1.2 years.
32. As set out in Policy LPRSS1, the Council is currently working on a Gypsy and Traveller Development Plan Document (the DPD), which would contain policies or allocations in order to bring forward Traveller sites. This has recently undergone Regulation 18 consultation. The results of this had not been compiled at the time of the hearing and the Council expects the DPD to be adopted by the end of 2026. The document is consequently at an early stage, so that its contents are uncertain. The DPD is likely to be adopted within the period of any potential temporary permission, and may provide a suitable site for the appellant and his family within the timescale of any such provision.
33. The application would, nevertheless, secure accommodation immediately for the family in a borough where there is a substantial shortfall in the supply of Traveller sites, with the date of potential adoption of the DPD uncertain at this stage.

Alternative sites

34. There are two public Traveller sites in the borough, both of which are managed by Kent County Council. There are also some small allocated sites in private ownership. There is some dispute between the parties over whether there is availability on any of these sites. Nevertheless, there is minimal evidence on the matter, and it is common ground between the parties that any vacant sites may not be suitable, available and acceptable to the appellant.

Personal Circumstances

35. All intended occupiers are currently living at the appeal site. Every member of the family is registered with a local GP surgery, which is usually accessed by car.
36. One of the children who would occupy the site has health conditions which require regular appointments locally. Evidence was read at the hearing regarding the considerable effects of these conditions on both the child and the family as a whole. A grant of permission would provide a stable base from which the child in question could access healthcare and education, and would avoid the exacerbation of the conditions described through uncertainty over accommodation. This benefit to the child's health attracts moderate weight in favour of the proposal.
37. The appellant's mother has health conditions which require regular attendance at her doctor. The appellant's wife takes her to these appointments by car. Whilst I acknowledge the challenges presented by these conditions, it appears possible for the support described to be provided in the absence of a shared base and hence the consideration attracts minimal weight in favour of the proposal.
38. One of the three children who would live at the site is currently enrolled at primary school and one at secondary school, where they are considering remaining for further education. The children have settled well and have acceptable attendance. It is anticipated that all the children will attend secondary school. One child is serving an apprenticeship locally.
39. No alternative, available and affordable site has been identified, and it is clear that conventional housing would be unacceptable. As a result, dismissal of the appeal and hence the need to move would be likely to render the children homeless, resulting in disruption to their home lives and education, which could be particularly acute given the reasonable likelihood that the family would have to resort to roadside camping. There are no local educational services for Traveller children which may provide support in such a scenario, and enrolment and sustained attendance at school is likely to be difficult for children if they have no fixed address or need to move between a series of temporary or unauthorised sites.
40. The appeal site provides a stable base from which the children may access their existing educational provision, and which would not give rise to the above issues. This is particularly important in view of the needs of one of the children and the positive contribution which stable accommodation and continuity of education is likely to make to those needs. As a result of the above matters, educational considerations attract moderate weight in favour of a grant of permission.

Other Considerations

41. Three children currently occupy the site, which has ample space for children's play. The scheme would consequently promote opportunities for healthy lifestyles, complying with the PPTS in this regard. The scale of these benefits would be minimal because the application plans do not designate specific areas for children's play so that their longer-term availability may be uncertain, and due to the small number of children who would live at the site.
42. The application is supported by a number of letters from local residents, and the appellant has evidently established good relations with neighbours and integrated into the local community. Compliance consequently exists with the PPTS provision

to promote peaceful and integrated co-existence between Traveller sites and the local community.

43. The appellant has established a small aquaponics and fish-breeding business adjacent to the site. It is submitted that the latter requires an on-site presence to safeguard high-value fish from harm and theft. However, it was stated at the hearing that such issues have not occurred to date, and the Council indicated that a recent appeal decision at the site had concluded that the business did not require an on-site presence. Thus, in view of the minimal evidence before me on the matter, the consideration does not attract weight in favour of a grant of permission.
44. Two other appeal decisions are submitted by the appellant. These are APP/L3245/A/14/2215836 and APP/J0405/C/13/2193582. It is suggested that these provide support for the appeal scheme's location with regard to transport effects or access to services. As these are not concerns I have in respect of this scheme, the decisions do not add potential weight in favour of a grant of permission.

Framework Paragraph 11d)

45. As the Council cannot demonstrate a five-year supply of deliverable Traveller sites, the policies which are most important for determining the application are rendered out-of-date, in accordance with paragraph 11d) of the Framework. Permission should consequently be granted unless, firstly, the application of policies (referred to in Framework footnote 7) that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
46. The appeal site lies in the Kent Downs National Landscape and, in accordance with paragraph 189 of the Framework, the conservation and enhancement of this landscape and its scenic beauty attracts great weight. I have found above that the development results in significant harm to the landscape and rural character of the area. The outcome of my assessment against the footnote 7 Framework policies consequently provides a strong reason for refusing the development proposed. As a result, the proposal does not benefit from the presumption in favour of sustainable development. This forms a consideration to be weighed in the final planning balance.

Planning Balance

47. The application results in significant harm to the landscape and rural character of the area, where the conservation and enhancement of these matters attracts great weight. It consequently gives rise to substantial conflict with development plan policies which seek to protect the character and appearance of the area. This harm carries significant weight against a grant of planning permission.
48. Furthermore, the proposal does not benefit from the presumption in favour of sustainable development, and hence the outcome of the paragraph 11d) process indicates that permanent permission should be refused.
49. In favour of the appeal, I have found that the Council has an immediate shortage and no five-year supply of Traveller sites, and that there are no suitable and available alternative sites. Unmet need in the borough, the benefits to a child occupant's health and educational considerations each carry moderate weight, with minimal weight attaching to the benefits to the appellant's mother's health, the other

local appeal decision, community integration considerations, the promotion of opportunities for healthy lifestyles and the provision of accommodation. Whilst the application complies with development plan policies concerning biodiversity, any benefits in this regard are not quantified, so that the consideration carries minimal weight. Overall, I attach moderate weight to the considerations in favour of a grant of permanent permission.

50. On balance I am satisfied that the harm which would be caused by the development outweighs the other considerations to the extent that permanent planning permission should not be granted. However, it is also necessary to consider whether a time-limited permission could be granted.
51. There is a pressing case to do so in order that the children have a secure and stable upbringing and education. Granting a time-limited permission would also mean that the harm caused by the use to the appearance of the National Landscape comes to an end in the foreseeable future, and would give the Council a period in which to increase its supply of land for Traveller sites.
52. As the Council anticipates that the DPD will be adopted by the end of 2026, there is a realistic prospect that by the end of a temporary permission period the circumstances in respect of unmet need and the supply of deliverable sites will have changed. In this case a period of four years would avoid homelessness thus creating a stable base for the children, would allow for the child with health conditions to complete their education, and for any delays in the timescales of the DPD not to render the family homeless. On this basis I consider that a four-year temporary permission would be reasonable in this instance.
53. I have had regard to the rights of the appellant under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life and home, including the best interests of the children. It is a qualified right, and interference may be justified where that is lawful and in the public interest. The concept of proportionality is crucial.
54. Dismissing the appeal or granting a time-limited permission would interfere with the appellant's rights under Article 8, since the consequence might be that the family is rendered homeless at some point. However, the interference would be in accordance with the law and in pursuance of the protection of the character and appearance of the countryside, which is a well-established and legitimate aim.
55. Given the circumstances overall, I find that a grant of personal and time-limited permission would be proportionate and necessary. It would protect the appearance of this rural area in posterity and the best interests of the children now. It would avoid a violation of the appellant's rights to a private and family life and home. The protection of the public interest cannot be achieved by means that result in less interference with the appellant's rights under Article 8.
56. As the appellant's personal circumstances are determinative, it is necessary and proportionate to permit the development on a personal and time-limited basis to eliminate discrimination against and advance equality of opportunity for the appellant and his family, and to foster good relations between them and the settled community.

Conditions

57. The plans condition is necessary in order to create certainty for all parties regarding, in particular, provision of the buffer zone, the number of caravans permitted and the removal of the laurel hedgerow shown on the block plan from the scheme. The condition requires compliance with the Standing Advice on ancient woodland, with the parties' agreement, to ensure that the buffer is acceptable.
58. As only three pitches and caravans are justified it is necessary to secure these matters by condition in the interests of certainty.
59. The scheme is acceptable for a temporary period, partly because of the personal circumstances of its occupants, so that a personal and temporary condition detailing this is necessary.
60. A condition is imposed to restrict the size of vehicles to be kept at the site in order to limit the scheme's visual impact.
61. Condition 6 is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms due to the site's sensitive location, and in order to ensure acceptable living conditions for the site's occupants. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place.
62. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition; or if the details are not approved by the local planning authority or the Secretary of State on appeal; or if the details are approved but not implemented in accordance with an approved timetable.
63. Condition 6 allows a period of 3 months for submission of the scheme and 3 months for the cessation of the use and exit from the site in the event of non-compliance, in order to balance the appellant's personal circumstances considerations with control of the application's visual and environmental effects within the temporary period for which permission is granted.
64. Conditions 7-12 regarding landscaping, biodiversity, drainage and lighting are necessary so that the use does not cause harm to the area's sensitive designations and to ensure the development responds positively to the natural character of the area, in accordance with Policy LPRSP15.
65. I have added the requirement to omit laurel hedgerow from the scheme to Condition 7 in view of the potential for the species to cause harm to the adjacent ancient woodland, as discussed above.
66. Condition 13 is imposed to ensure that the site is restored after the use due to the temporary nature of the permission.
67. The Council's suggested landscaping condition required the agreement of a timetable for implementation of the approved scheme, and a five-year landscape management plan. However, as condition 6 requires the submission, approval and implementation of a timetable, it is unnecessary to impose any additional such requirement. Furthermore, condition 6 requires the maintenance of the approved

scheme. In view of the short duration of the permission, it would be unreasonable to require an additional landscape management plan.

68. A suggested condition would restrict the site's occupancy to Gypsies and Travellers. However, in this case the justification for granting permission rests, in part, on the personal circumstances of the appellant, so that a personal condition is necessary. The requested occupancy condition is consequently unnecessary.
69. I have not imposed a suggested condition which sought to restrict the future exercise of permitted development rights arising from Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the scheme would not fall into any of the temporary buildings and uses categories set out by this part of the Order.
70. The suggested biodiversity condition required a bat tube to be installed on one of the mobile homes. However, these are generally located within building walls and there is an absence of built form at the site. How a bat tube could be installed at the site has consequently not been demonstrated. Thus, I have omitted this requirement from the condition. Furthermore, implementation and maintenance clauses for the installation of the bat and bird boxes would replicate provisions within condition 6 and are therefore unnecessary.

Conclusion

71. In view of the above matters, the material considerations would clearly outweigh the temporary harm arising from a limited period of occupation and there is a clear rationale to justify the grant of a further temporary permission to the appellant and his family.
72. For these reasons, I conclude that the appeal should be allowed and planning permission should be granted subject to temporary and personal conditions, and to other conditions as set out in Schedule 1 below.

C Beeby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Philip Brown	Agent on behalf of the appellant
Jimmy Hickmott	Appellant
Rebecca Hickmott	Appellant's wife
Julie Hickmott	Appellant's mother

FOR THE LOCAL PLANNING AUTHORITY:

Francis Amekor	Senior Planning Officer
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DOCUMENTS

Council's suggested conditions
Appeal Decision APP/U2235/W/20/3259339

Schedule 1

- 1) The development hereby permitted shall be carried out in accordance with drawing nos 23/3570A (Block Plan), 23/3571 (Mobile 1), 23/3572 (Mobiles 2 & 3), 23/3573 (Storage Unit), Site Layout Plan (1:500) and Rosewood Farm Detling Location Plan, except:
 - i) In respect of the buffer zone shown on plan 23/3570A (Block Plan). The creation of the buffer zone shall instead be carried out in accordance with the Arboricultural Constraints Plan CAS/2023/181 within the Cantia Arboricultural Services Tree Survey Schedule and Plan dated July 2023 and with Natural England and the Forestry Commission's "Ancient woodland, ancient trees and veteran trees: advice for making planning decisions" of January 2022 (or equivalent guidance if replaced).
 - ii) In respect of the laurel hedging shown on plan 23/3570A (Block Plan).
- 2) No more than three 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.
- 3) The caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) shall be sited in accordance with plan no. 23/3570A (Block Plan).
- 4) The use hereby permitted shall be carried on only by Jimmy and/or Rebecca Hickmott and their resident dependants, and/or Julie Hickmott and shall be for a limited period of four years from the date of this decision, or the period during which the site is occupied by them, whichever is the shorter.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 6) 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 3 months 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 a scheme for:
 - the siting and materials of hardstanding, access roads, parking and amenity areas;
 - the means of foul and surface water drainage of the site;
 - the provision of potable water and waste disposal;
 - external lighting on the boundary of and within the site;
 - tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities;
 - details of measures to enhance biodiversity at the site; and
 - the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use, or the site is occupied by those permitted to do so, as appropriate;shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii) If within 11 months of the date of this decision the local planning authority refuses to approve the scheme or fails 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 maintained.

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.

- 7) The landscaping required by condition 6 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) (or equivalent guidance if replaced). The detailed landscaping drawings shall include:
 - i) 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.
 - ii) Only non-plastic guards shall be used for any new trees and hedgerows, and no sycamore trees or laurel hedgerow shall be planted.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the timetable required by condition 6; and any trees or plants which die, are removed or become seriously damaged or diseased before the use ceases shall be replaced in the next planting season with others of similar size and species.
- 9) The enhancement of biodiversity at the site required by condition 6 shall include the installation of ready-made bird and bat boxes on the site. These shall be implemented in accordance with the approved details.
- 10) The details of foul and surface water drainage required by condition 6 shall include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided shall also specify exact locations on site plus any pertinent information as to where each system will discharge to.
- 11) The details of existing lighting required by condition 6 shall:
 - i) Show that the existing lighting is in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (including any subsequent revisions or equivalent guidance if replaced) with reference to environmental zone E1;
 - ii) Include a layout plan with beam orientation;
 - iii) Include a schedule of light equipment proposed (luminaire type, mounting height, aiming angles and luminaire profiles); and
 - iv) Include an ISO lux plan showing light spill.
- 12) Any future external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - i) Be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01,

- dated 2021 (including any subsequent revisions or equivalent guidance if replaced) with reference to environmental zone E1;
- ii) Include a layout plan with beam orientation;
- iii) Include a schedule of light equipment proposed (luminaire type, mounting height, aiming angles and luminaire profiles); and
- iv) Include an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme.

- 13) When the site ceases to be occupied by those named in condition 4 or at the end of four years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored in accordance with the site restoration scheme approved under condition 6.

End of Schedule 1