



Appeal Decision

Site visit made on 31 March 2025

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/U2235/W/25/3360441

Fairway, Church Hill, Boughton Monchelsea, Kent, ME17 4BU

- 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 Victor Borg against the decision of Maidstone Borough Council.
 - The application Ref is 24/504358/FULL.
 - The development proposed is Change of use of Land for the stationing of 6no. additional static caravans, relocation of 1 no. Existing mobile home, retention of 1no. mobile home and erection of 1no. dayroom (following demolition of current) with associated access, parking and landscaping. Demolition of existing stables and existing day room.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of Land for the stationing of 6no. additional static caravans, relocation of 1 no. Existing mobile home, retention of 1no. mobile home and erection of 1no. dayroom (following demolition of current) with associated access, parking and landscaping. Demolition of existing stables and existing day room. at Fairway, Boughton Monchelsea, ME17 4BU in accordance with the terms of the application, Ref 24/504358/FULL, and the plans submitted with it], subject to the conditions in the attached schedule.

Main Issues

2. The main issues in the consideration of this appeal are:
 - the effect of the development on the character and appearance of the area; and
 - whether the development would provide acceptable living conditions for future occupiers, with particular reference to private amenity space

Reasons

Character and appearance

3. Policy LPRHOU8 sets out in part (c) that planning permission will be granted for pitches where the development would not result in significant harm to the landscape and rural character of the area, having particular regard to local landscape character and the landscape impact arising as a result of the development in combination with existing lawful caravans.
4. Maidstone's Landscape Character Assessment (LCA) was published in 2012 and amended in 2013 and within the Boughton Monchelsea to Chart Sutton Plateau landscape character area. The LCA notes that this landscape is in Very Poor condition and of Very Low sensitivity, with guidelines to Improve.

5. The site forms part of a row of Gypsy and Traveller sites, which are all bound by close boarded fencing and vegetation and sited along Church Hill. The site is screened by significant vegetation.
6. It has been put to me that the introduction of a further 6 caravans, with a total of 8 on the site would be unduly cramped having a detrimental impact on the character and appearance of the area. However, within Church Hill are a number of Gypsy and Traveller sites which contain a range of outbuilding which extend beyond the frontage of the site and the proposal would follow a similar pattern to a number of the other sites. As such there would be only limited harm to the character of the area arising from the intensification of the site.
7. In conclusion, the proposed development would result in limited harm to the character and appearance of the area. The proposal would not conflict with policy LPRSP9 or policy LPRHOU8 which requires development to not result in significant harm to the rural character and appearance of the area.
8. The proposal, would not enhance the character of the area and as such would result in a limited conflict with policies LPRSP15 and LPRQD4 which together, as part of principles of good design, require development to respond positively to and where possible enhance the character of the area and local distinctiveness.
9. The proposal would not conflict with policy RH1 of the Boughton Monchelsea Neighbourhood Plan 2021 which requires new development to demonstrate how they respond positively to the established local character, including rural character and topography, and sit comfortably alongside existing development respecting the privacy, wellbeing and quality of life of any existing residents. The proposal would not be out of keeping with the established local character and would sit comfortably alongside existing development, noting the existence of other similar development.

Appropriate on site facilities

10. Policy LPRHOU8 provides criteria for the determination of planning applications. It does not provide any specific guidance on the level of amenity space required per pitch. Paragraph 26 of the PPTS requires sites to be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, and to promote opportunities for healthy lifestyles such as ensuring adequate landscaping and play areas for children.
11. The proposed block plan includes the provision of an amenity building and a dedicated area of amenity space. Whilst this area may be smaller than the size suggested within the supporting text to Policy LPRQD7, these standards refer to requirements for houses and the proposal before me is for the siting of mobile homes, and therefore I do not consider that this policy is directly relevant to the consideration of this appeal. The shared amenity space would provide adequate space for sitting out or a grassed area with play equipment for the children. It would also be of an adequate size for the drying of washing.

12. In terms of the privacy of the space provided, it is screened from the road and if the pitches were to be occupied by family groups or persons known to one another, as suggested by the appellant, than the reliance on shared amenity space is not considered undesirable. Given the overall size of the site there are other areas shown on the block plan which are undeveloped and could be utilised as small private garden areas or areas of landscaping.
13. Furthermore, the appeal site is located in a rural area and as such the occupiers of the site would have access to a wider range of open spaces and as part of an active rural lifestyle have the opportunity to enjoy the wider benefits of the countryside.
14. In conclusion, the site would provide sufficient space to meet the needs of future occupiers, in terms of amenity space in accordance with policy LPRHOU8 of the LP and paragraph 26 of the PPTS.

Other Matters

15. The Maidstone Revised Gypsy and Traveller Accommodation Assessment July 2024, confirms that there is a need for 342 pitches for households that meet the 2023 PPTS definition and 122 pitches for undetermined households. Of these that would be a need to deliver 207 pitches by 2027. The Council have therefore confirmed that they have a 5 year supply of only 1.2 years.
16. The Council intends to identify new pitches through a separate Gypsy and Traveller and Travelling Showpeople DPD. The Council have already undertaken two calls for sites, one in March 2022 and one in March 2023. The appellant's evidence indicates that further consultation anticipated in Spring 2024 did not take place. However the revised Local Development Scheme indicates that the DPD will be submitted for examination in Spring 2027, with an anticipated adoption date of January 2028.
17. This means that unmet need can only be met through windfall sites coming forward or through the extant allocations which have been carried over from the previous Local Plan 2017 and will deliver 22 pitches, but with no possibility of securing a further supply of plan led sites until the adoption of the DPD.
18. Under the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010, I need to consider how the modest increase in the supply of sites arising from the development could positively contribute to the advancement of equality and good relations, with s149 placing an onus on public authorities to avoid discrimination and being proactive in promoting equality. The equality implications arising from the development are, as such, an important factor in favour of the proposal. As such I consider that need for Gypsy and Traveller sites carries considerable weight.
19. Therefore, having regard to the scale of the under supply, I attach considerable weight to this consideration, whilst acknowledging that the Council has a criteria based policy under which the unmet need can be considered.

Planning Balance

20. The Council is currently unable to meet the identified accommodation needs of gypsies and travellers and I have given considerable weight to this undersupply. Addressing this to a modest degree by permitting six pitches is therefore a contribution to the undersupply and attracts weight accordingly.
21. I have given limited weight to the harm I have identified to the character and appearance of the area. Of the material considerations, the general need for gypsy and traveller sites and the uncertainty about any future provision given the current status of the DPD, in this instance, outweigh the harm I have identified to the character and appearance of the area.

Conditions

22. The Council has suggested 13 conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is carried out in accordance with the approved plan to provide certainty.
23. To limit the visual impact the number of caravans and the size of vehicles to be kept at the site are to be restricted. For similar reasons details of landscaping and any external lighting are also required to be submitted, agreed and implemented. In order to ensure appropriate foul and surface water drainage is provided on the site details are also required.
24. I have also found it necessary to impose a condition requiring the submission of details of the ecological and biodiversity enhancements.
25. I have not imposed a condition requiring the removal of the caravans if the use of the site ceases, as the use of the land for the siting of caravans has been given on a permanent basis. I have also not imposed a condition restricting permitted development rights as I have not been provided with sufficient justification to set out why this is necessary. For similar reasons I have not required 10% of total annual energy requirements to be provided by decentralised and renewable or low carbon energy sources as it is unclear how this would be calculated given the site may not be occupied fully at all times of the year.
26. I have also not imposed a number of the councils suggested conditions which duplicate the matters set out within the council's suggested condition 06, the level of detail set out is a matter for the Council to consider and communicate with the appellant as part of any application to discharge their conditions and it is unnecessary duplication for this information to be subject to separate conditions.

Conclusion

27. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it.
28. For the reasons given above the appeal should be allowed.

G Pannell

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 drawing nos LS.0068.001 Existing Plan; LS.0068.002 Proposed Plan; LS.0068.003 Proposed Day Room Plan.
- 3) 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.
- 4) 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.
- 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 56 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 a scheme to include:

- a detailed site layout showing the areas of hardstanding to be removed, detailed of what hardstanding is being replaced by and a timetable for this work to be completed;
- Details of the permeable construction of retained hardstanding areas and measures to deal with surface water run off within the site boundaries;
- Details of existing landscaping including trees, hedgerows and blocks of landscaping;
- Details of proposed landscaping, including details of the number, size, species, maturity, spacing and position of proposed trees;
- A landscape management plan
- Details of measures to enhance the ecology at the site;
- The means of foul and surface water drainage of the site;
- Details of any external lighting, both existing and proposed. The scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme.

(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.

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 maintained/retained/remain in use.

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.

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