
Appeal Decision

Site visit made on 19 May 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025

Appeal Ref: APP/U2235/W/25/3361969

Plumtree Park, Pye Corner, Ulcombe, Maidstone, Kent ME17 1EF

- 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 Mrs S Stacey against the decision of Maidstone Borough Council.
 - The application Ref is 24/503940/FULL.
 - The development proposed is the provision of 2no. additional Gypsy/Traveller pitches.
-

Decision

1. The appeal is allowed and planning permission is granted for the provision of 2no. additional Gypsy/Traveller pitches at Plumtree Park, Pye Corner, Ulcombe, Maidstone, Kent ME17 1EF in accordance with the terms of the application, Ref 24/503940/FULL, subject to the attached Schedule of Conditions.

Preliminary Matter

2. The development has already been carried out as shown on the submitted plans and I have considered the proposal on this basis.

Main Issue

3. The main issue in this appeal is whether the proposed development provides acceptable living conditions for the occupants of the site, with particular regard to the provision of external amenity space.

Reasons

4. The appeal site comprises an existing Gypsy site in the countryside that was allowed on appeal in 2016¹. It lies between an orchard and a field, both of which are within the appellant's control. The original permission was for seven Gypsy pitches and included a central play area. In the decision on the original proposal, the Inspector considered that a condition requiring the children's play areas to be retained for the life of the development was necessary in the interests of residential amenity.
5. The appeal proposal does not include the play area approved as part of the original permission and the proposed block plan does not identify a replacement space for this. However, as part of the site visit it was possible to see the orchard behind the existing mobile homes. This includes a large area of grassland, accessible through a gap in the fence between pitches 5 and 6. In addition, there is a sizeable grassed area to the south of the access road which includes football goal posts. Therefore, there are substantial undeveloped, grassed areas within the

¹ Appeal Ref: APP/U2235/W/15/3053100 'the original permission/proposal'

appellant's control close to and accessible from the mobile homes which could be utilised as play space.

6. The appeal scheme includes two additional pitches compared to the original proposal, with the mobile homes spread further west within the site. Although this results in a linear layout of static caravans, the structures are well spaced with sufficient room around them to enable their occupants to sit outside. As such, the proposed development does not appear cramped and provides acceptable outdoor space for the occupiers of the pitches.
7. Therefore, the scheme functions well, promotes health and wellbeing and provides a high standard of amenity for users, as required by the National Planning Policy Framework (the Framework). It also provides a good quality external environment, including appropriately sized, convenient and well-functioning external spaces in accordance with the National Design Guide.
8. The Council refers to its Preferred Approaches Consultation version of its Gypsy, Traveller and Travelling Showpeople Plan October 2024 (emerging plan). Notwithstanding that this carries little weight as it is at an early stage of production, the proposal provides appropriate pitch sizes and there is sufficient green space in accordance with the principles outlined in the emerging plan.
9. Consequently, I conclude that the proposed development provides acceptable living conditions for the occupants of the site, with particular regard to the provision of external amenity space. It complies with Policy LPRSP15 of the Council's Local Plan Review 2024 which seeks to ensure adequate residential amenities for future occupiers and requires layouts that are accessible to all, amongst other things.

Other Matters

10. It is not a family-owned Gypsy site which would grow organically as the family expands. However, it is an existing lawful Gypsy site which can only be occupied by those who meet the planning definition of Gypsies and Travellers in the Planning Policy for Traveller Sites.
11. The proposal adds built form onto an established Gypsy site, but it is well screened from public view by existing boundary planting and fences. Conditions will ensure that the existing boundary planting is retained and that this is augmented by new soft landscaping. As such, the proposal does not harm the character and appearance of the countryside and Low Weald landscape.
12. The Parish Council is concerned about the cumulative effect of additional Gypsy pitches on the local settled community. Given the relatively small scale of the proposal within an established Gypsy site, the proposal does not cause unacceptable harm in this regard.
13. There are also concerns that there is no access to public transport and the nearest facilities are some distance away. However, given the proposal is for only two additional pitches on an existing lawful Gypsy site, the location is acceptable in this instance.

Conditions

14. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the

Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with these documents.

15. I have imposed a condition requiring that the development is carried out in accordance with the approved plans (1) in the interest of certainty.
16. A condition restricting the occupation of the site to Gypsies and Travellers (2) is necessary as it is in an area where the stationing of mobile homes and caravans is not normally permitted.
17. I have included conditions restricting the numbers of pitches and caravans (3), the sizes of vehicles stationed on the site (5) and commercial activities on the land (6). I have also imposed a condition requiring the removal of all structures, equipment and materials on the cessation of the use (4) and one requiring details of any further external lighting (8). These are necessary to protect the character and appearance of the area.
18. A condition requiring details and implementation of biodiversity enhancement, foul water drainage and waste disposal measures, soft landscaping, external lighting and low carbon energy (7) is required to improve biodiversity, avoid pollution, protect the character and appearance of the countryside and reduce carbon emissions.
19. I have not imposed the Council's suggested condition of removing permitted development rights for temporary buildings or structures under Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This is because the site boundaries are limited to the access and area occupied by the caravans, and it is not necessary to place further restrictions on the provision of temporary structures above those included in condition 3.

Conclusion

20. For the reasons given above the appeal should be allowed.

A Wright

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall be carried out in accordance with the following approved plans: 24/3850; 24/3851A; 24/3852; and 24/3855.
- 2) The site shall not be occupied by anyone other than persons meeting the definition of Gypsies and Travellers set out in Annex 1: Glossary to the Planning Policy for Traveller sites dated December 2024 or any subsequent amendment.
- 3) There shall be no more than 9 pitches on the site, and on each of the 9 pitches hereby approved no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time, of which only 1 caravan on each pitch shall be a static caravan.
- 4) If the lawful use of the site ceases, all caravans, buildings, structures, equipment and materials brought onto the land for the purposes hereby approved including hardstandings and buildings shall be removed within two months from the date of the use ceasing.
- 5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.
- 6) No commercial activities shall take place on the land, including the storage of vehicles or materials or livery use.
- 7) The use hereby approved shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (a) to (d) below:
 - (a) Within 3 months of the date of this decision a Site Development Scheme shall have been submitted for the written approval of the local planning authority. The Site Development Scheme shall include the following:
 - (i) a scheme for the enhancement of biodiversity on the site;
 - (ii) the means of sewage and foul water drainage treatment and waste disposal, including where any system will discharge to;
 - (iii) a scheme of soft landscaping of the site, including the location, species and size of all retained and proposed trees, hedges and shrubs which shall include the retention of the existing boundary planting, an implementation programme and a management plan. Any trees, hedges or shrubs which fail to establish or which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species and size as detailed in the approved soft landscaping scheme;
 - (iv) details of any external lighting;
 - (v) details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development; and

(vi) a timetable for implementation.

- (b) If within 11 months of the date of this decision the local planning authority refuse to approve the Site Development 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.
- (c) If an appeal is made in pursuance of (b) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.
- (d) The approved Site Development Scheme shall have been carried out and completed in accordance with the approved timetable for implementation.

Upon implementation of the approved Site Development Scheme specified in this condition, that Scheme shall thereafter be retained and 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.

- 8) Notwithstanding the details approved pursuant to condition 7 of this permission, no further external lighting, whether temporary or permanent, shall be placed within the site unless details shall have previously been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.