



Appeal Decision

Hearing held on 5 June 2025

Site visit made on 5 June 2025

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/G5180/W/25/3358392

Jodeen Animal Sanctuary, Sevenoaks Road, Halstead, Kent TN14 7HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Edward O'Driscoll against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/16/05061/RECON1.
 - The application sought planning permission for development described as "Variation of condition 2 of planning permission 16/05061/FULL1 (dated 6 February 2017 for material change of use of land for siting of caravans for residential use for occupation by gypsy travellers with an amenity block, septic tank, hard standing, re-profiling of land and boundary fence) to allow the continued Use and development of the land" without complying with a condition attached to planning permission Ref DC/16/05061/RECON, dated 18 October 2021.
 - The condition in dispute is No 2 which states: "The use hereby permitted shall be for a limited period of 3 years from the date of this decision. At the end of this time the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its former condition in accordance with the scheme of work including the implementation period approved under application reference 16/05061/CONDIT dated 2 October 2018."
 - The reason given for the condition is: "To comply with the requirements of the Planning Policy for Traveller Sites 2015, the National Planning Policy Framework 2019 and Policy 12 of the Bromley Local Plan 2019."
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Decision

1. The appeal is allowed and planning permission is granted for material change of use of land for siting of caravans for residential use for occupation by Gypsy Travellers with a septic tank, hard standing, re-profiling of land and boundary fence at Jodeen Animal Sanctuary, Sevenoaks Road, Halstead, Kent TN14 7HR effective from 19 October 2024 in accordance with application Ref DC/16/05061/RECON1 subject to the following 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, and all other people with a cultural tradition of nomadism or living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 2) There shall be no more than 2 pitches on the site and on each of the 2 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 as amended, shall be stationed at any time, of which only one caravan shall be a static caravan.
- 3) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 4) No commercial activities shall take place on the land, including the storage of materials.
- 5) 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 and the land shall be restored to its former condition in accordance with the scheme of work approved under application Ref 16/05061/CONDIT dated 2 October 2018, within 28 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 site development scheme for all boundary treatments and other means of enclosure, hard and soft landscaping and screen planting (including details of species, plant sizes and proposed numbers and densities) and biodiversity enhancements 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 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.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) The approved site development 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 retained.

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.

Background and Procedural Matters

2. Planning permission for change of use of the appeal site for siting of caravans for residential use for occupation by Gypsy Travellers was initially granted at appeal on 4 December 2017¹. In addition to the material change of use, the description of development in the application subject of that appeal² included operational development comprising an amenity block, septic tank, hard standing, re-profiling of land and boundary fence. Permission was granted retrospectively for a temporary period of three years, but the amenity block was omitted from the description of development permitted because it had not yet been built.

¹ Appeal Ref APP G5180/W/17/3177124

² Application Ref DC/16/05061/FULL1 dated 6 February 2017

3. Following an application under s73 of the Town and Country Planning Act (as amended) (the Act), the Council granted a second permission on 18 October 2021 for a further temporary period of three years³. The development was described on that permission as “Variation of condition 2 of planning permission 16/05061/FULL1 (dated 6 February 2017 for material change of use of land for siting of caravans for residential use for occupation by gypsy travellers with an amenity block, septic tank, hard standing, re-profiling of land and boundary fence) to allow the continued Use and development of the land”.
4. The parties in this appeal agreed at the hearing that the date and reference to the amenity block in that description did not reflect the date of, or description in, the original permission, having been taken instead from the original application form.
5. The application that is the subject of the current appeal⁴ was submitted before the three-year period of the second consent had ended and so was also made under s73 of the Act. The description of development given on the application form is taken from permission Ref 16/05061/RECON and therefore includes the erroneous references.
6. The three-year period allowed under permission Ref 16/05061/RECON ended on 18 October 2024. The current appeal was made after that date, so falls to be considered under s73A of the Act because use of the site continues in breach of a time limited condition. S73A(2)(b) includes a power to grant retrospective permission in these circumstances and s73A(3)(b) makes provision for such a permission to have effect from the end of the time limited period previously allowed.
7. I saw on my site visit that an amenity block has now been built but it lies almost entirely outside the red line boundary before me. This amenity block is the subject of a separate decision⁵ and the parties agree it does not form part of the development to be considered in this appeal. Accordingly, my decision above omits reference to an amenity block in the description of development. I have also omitted any reference to previous applications or dates in the interests of clarity. Any other alleged unauthorised development either within or outside the red line boundary is also beyond my remit in considering this appeal and would be a matter for the Council to investigate.
8. The site address in the banner heading above is taken from the planning application form. It is different from the addresses used on the previous permissions for the site, which do not include the name ‘Jodeen Animal Sanctuary’. The appellant confirmed at the hearing that this is nevertheless how the site is generally referred to and it is his preferred address. Consequently, I have included the name ‘Jodeen Animal Sanctuary’ in the address in my decision.

Main Issue

9. The main issue is whether the appeal site is grey belt land and whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

³ Ref DC/16/05061/RECON

⁴ Ref DC/16/05061/RECON1

⁵ Ref 23/00757/FULL3 refused 08/07/2024

Reasons

10. According to Planning Policy for Traveller Sites (PPTS), Traveller sites are inappropriate development in the Green Belt unless the exceptions set out in Chapter 13 of the Framework apply. One of these, at Framework paragraph 155, relates to grey belt land (as defined in the Framework glossary), subject to several tests.
11. The development plan comprises the London Plan 2021 (LP) and Bromley Local Plan 2019 (BLP). LP Policy G2 protects the Green Belt from inappropriate development subject to national planning policy tests. The Policy wording does not elaborate on these tests so remains broadly consistent with the Framework. This is notwithstanding the changes to national Green Belt policy introduced in December 2024, which include the provisions for grey belt. BLP Policy 49 reflects the national Green Belt policy that was in force at the time it was adopted. As that has since changed, Policy 49 is only partly consistent with the Framework. Accordingly, I give full weight to the Framework as a material consideration, significant weight to LP Policy G2 and limited weight to BLP Policy 49.

Whether grey belt land

12. Grey belt is defined as land in the Green Belt that does not strongly contribute to any of purposes (a), (b) or (d) in Framework paragraph 143. These are (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; and (d) to preserve the setting and special character of historic towns. Planning Practice Guidance (PPG) sets out considerations to inform judgements about the strength of contribution areas of land make to these purposes, to which I have had regard.
13. The appeal site lies within a relatively small triangular area of land bounded by the A21 dual carriageway, the London to Sevenoaks railway line and a track that forms part of a Public Right of Way (PROW) linking countryside on either side of these major transport routes. The triangular area slopes down towards the railway and the site is within the lower part of it, parallel to the railway cutting but separated from it by a dense area of vegetation. There is an area of developed land on the other side of and broadly parallel to the railway line, comprising Knockholt station, the station car park, some commercial uses and London Road.
14. The nearest large built-up area is Orpington, which lies to the north-west of the site beyond the A21 and a large golf course. The smaller settlement of Pratt's Bottom is a similar distance away to the south-west on the other side of some woodland.
15. The A road, railway line and PROW are physical features in reasonable proximity that restrict and constrain development within the triangular area of land. This land parcel does not adjoin and is not very near a large built-up area for the reasons noted above, but the existing development and road south of the railway line have an urbanising influence on it. These factors, along with the orientation of the appeal site parallel to the railway, mean development of the site has not resulted in an incongruous pattern of development. It is instead seen as part of an existing 'finger' of development that extends into the Green Belt. I therefore find the appeal site does not make a strong contribution to purpose (a).
16. The appeal site is within a relatively substantial gap between Orpington and the next nearest town of Sevenoaks. However, the site is only a very small part of this

gap. In addition, the proximity of the transport infrastructure and existing development noted above weakens the site's contribution to the purpose of preventing these towns merging. Consequently, development of the site has not resulted in a material loss of visual separation between them. As a result, I find the appeal site does not make a strong contribution to purpose (b).

17. The parties agree the site does not strongly contribute to purpose (d) and I concur. There is no suggestion any of the policies relating to areas or assets in Framework footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development on the appeal site.
18. I recognise the Council is in the process of assessing all Green Belt land in its area against the criteria for grey belt and wishes to wait for that work to conclude. Nevertheless, the assessment is not expected to be published until mid-2026, there are no interim findings before me and there is little else to substantiate the Council's contention that the appeal site performs well against the Green Belt purposes. I therefore give this consideration little weight.
19. For the above reasons, I conclude the appeal site is grey belt land.

Whether inappropriate development in the Green Belt

20. The tests for development on grey belt land at Framework paragraph 155 are that: (a) it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed, which in the context of this appeal means the lack of a five year supply of deliverable traveller sites assessed in line with the PPTS; and (c) the development would be in a sustainable location. The 'Golden Rules' in the fourth test do not apply to traveller sites.
21. There is no dispute that the development satisfies test (c).
22. The Council estimates approximately one third to one half of the area of the Borough is Green Belt. The appeal site is very small relative to that. Development of the site has encroached on the countryside to a degree, but this is fully or partially screened by vegetation from several perspectives and there is scope for further visual mitigation through additional soft landscaping. I am also mindful, as was the Inspector in the 2017 appeal, that traveller sites are not ruled out in rural or semi-rural settings and therefore some impact should be expected. I further note most existing Traveller site allocations in the BLP were 'inset' into areas of Green Belt, and the Council expects future allocations to follow a similar approach.
23. These considerations, along with the site-specific contextual factors set out above, lead me to find that development of the site has not fundamentally undermined the ability of the remaining Green Belt in Bromley to serve its five purposes in a meaningful way. As before, there is no evidence from the emerging Green Belt review to persuade me otherwise.
24. BLP Policy 12 sets out the Council's approach to meeting the identified need for Traveller accommodation. This is primarily through additional provision on allocated Traveller sites, but the Policy also includes criteria against which proposals in other locations should be considered. One of these is compliance with Green Belt policies. Supporting text explains need is identified in the Bromley Traveller Accommodation Assessment (BTAA). The Council confirmed the

document dated November 2016 is the most recent published evidence of need, although work on an update to inform the review of the BLP is underway.

25. The BTAA identified a need in 2016 of between 10 and 14 Traveller pitches, plus a further 6 pitches by 2021, 6 pitches between 2022 and 2026, and 7-8 pitches between 2027 and 2031. Much of the initial unmet need arose from a group of existing Traveller sites where temporary consents had expired. The Council's Traveller Sites Assessment 2016 found additional capacity at these and other unauthorised sites and recommended their allocation to address future need over the life of the BLP.
26. I understand 3 pitches were granted planning permission between 2016 and 2021, and another 4 permanent pitches and one temporary pitch have been granted planning permission since 2022. Details of these consents are not before me and the Council confirmed at the hearing it has not published annual five-year supply updates for Traveller sites. The pitch-delivery target for the next five years is therefore unclear. However, there is clearly a considerable backlog in authorised pitch delivery against the identified need, notwithstanding the practical difficulties in requiring long-standing pitch occupants to apply for planning permission.
27. Moreover, the Council accepted at the hearing that the recent amendment to the PPTS definition of Gypsies and Travellers will almost certainly increase the level of need for pitches in the Borough in its emerging need update. This is an important consideration bearing in mind the BTAA is well over five years old.
28. In this context, I cannot be sure the 12 vacant pitches on the two Council-owned Traveller sites would be sufficient to meet needs in the next five years. In any event, these pitches would not necessarily be suitable for all Travellers in the Borough, given unmet need comes from different groups who may prefer not to share sites with each other for cultural reasons. At the hearing, the Council acknowledged this factor and also accepted the available pitches would not be suitable for the particular needs of the appellant and his family.
29. I recognise an Inspector in 2023 found vacant public pitches were sufficient to meet the policy requirement for a five-year supply of sites in Bromley⁶. However, that Inspector's conclusion was in part based on an expectation that planning applications for tolerated caravans on allocated sites would come forward in due course. There is no pertinent evidence that has occurred since his decision. In April 2025, another Inspector was unable to conclude with any confidence that the Council could demonstrate a five-year supply of Gypsy and Traveller pitches⁷. Like me, that Inspector noted the recent PPTS changes had implications for the 2016 assessment of need in the area.
30. Taking all this together, I find the evidence before me is insufficient to demonstrate a five-year supply of specific Gypsy and Traveller sites and I therefore find there is currently an unmet need for these pitches in the area.
31. Consequently, all the relevant tests at Framework paragraph 155 are satisfied and I conclude the development is not inappropriate in the Green Belt. Accordingly, I find no conflict with LP Policy G2 or BLP Policy 49.

⁶ Refs APP/G5180/C/21/3282991-3 & APP/G5180/W/21/3282990 dated 27 April 2023

⁷ Ref APP/G5180/C/24/3339726 dated 29 April 2025

Other Matters

32. The site is within a Site of Importance for Nature Conservation (SINC) of Borough-level significance. There is little before me about the reasons for the SINC's designation or to show the effect the development has had on it. The Council raised no concern with the effect of the development on the SINC when it made its decision. Given the appeal site has been occupied by Travellers since 2016, it is likely the ecological characteristics in that part of the SINC could have changed. However, there is scope to provide compensatory biodiversity enhancements on the site, which could be secured by condition.
33. I recognise the development has somewhat changed the semi-rural character of the area. That said, the scale of the development is not so great as to dominate the nearest settled community. Subject to soft landscaping and limitations on vehicles and commercial activity secured by condition, I am satisfied the effect of the development on the character and appearance of the surrounding countryside is acceptable.
34. There is no pertinent evidence to substantiate the suggestion that the appellant and his family have obstructed or otherwise discouraged pedestrians from using the PROW. Nor am I persuaded that the development has had an unacceptable impact on highway safety: this matter was considered in the previous decisions affecting the site and there are no materially different circumstances to lead me to another conclusion in this appeal.
35. Even if more information about the appellant's search for alternative accommodation were before me, this would have little bearing on my conclusion on the main issue, which is based on my assessment of the tests in national policy.
36. The issue of impact on property values has been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

37. I have considered the conditions put forward by the parties and have amended the wording where necessary in the interests of clarity and simplicity.
38. A condition is necessary to limit occupation to Gypsies and Travellers, as defined in the PPTS, because my finding that the development is not inappropriate in the Green Belt depends on the current unmet need for this type of development. Conditions to restrict the number of caravans and size of vehicles and to preclude commercial activities are necessary to limit the visual impact of the development.
39. A condition requiring approval of and compliance with a site development scheme is necessary to secure appropriate boundary treatments and landscaping to soften the appearance of the development, and to secure biodiversity enhancements for the reasons given above. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the site development scheme before the development takes place. This will ensure the development can be enforced against if the requirements are not met.

Conclusion

40. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green Director Green Planning Studio

Edward O'Driscoll Appellant

John O'Driscoll Appellant's brother

FOR THE LOCAL PLANNING AUTHORITY:

David Bord Principal Planner

Gill Slater Senior Planner

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

DOC1 Finalised witness statement of Mr Edward O'Driscoll

DOC2 Finalised witness statement of Mr John O'Driscoll

DOC3 Updated list of suggested planning conditions, dated 10 June 2025