Planning Inspectorate

Appeal Decision

Site visit made on 4 August 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/U2235/W/25/3365827
Plot 1, The Meadows, Lenham Road, Headcorn, Kent TN27 9LG

- 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 R Lee of Gypsy Cooperative against the decision of Maidstone Borough Council.
- The application Ref is 24/501759/FULL.
- The development proposed was originally described as 'two static units, two day rooms (units are retrospective) for G&T use'.

Decision

1. The appeal is allowed and planning permission is granted for change of use of land for the siting of 2no. static caravans, 2no. touring caravans and erection of 2no. day rooms for Gypsy/Traveller use with associated parking (part retrospective) at Plot 1, The Meadows, Lenham Road, Headcorn, Kent TN27 9LG in accordance with the terms of the application, Ref 24/501759/FULL, subject to the attached Schedule of Conditions.

Preliminary Matters

2. The description of development set out in the banner heading above is taken from the application form. However, the Council's decision notice describes the development proposed as 'change of use of land for the siting of 2no. static caravans, 2no. touring caravans and erection of 2no. day rooms for Gypsy/Traveller use with associated parking (part retrospective)'. As this is a more accurate description of the proposed development, I have determined the appeal on this basis and the decision in paragraph 1 above reflects this approach.

3. Two residential caravans and a day room have already been placed on the site. These appear to be consistent with the proposed site plan. I have determined the appeal based on the submitted plans considered by the Council.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site lies in the countryside, forming part of a larger Gypsy and Traveller site. The pitches are at the northern end of an access road with a hedgerow and paddocks separating them from development close to Lenham Road comprising dwellings and a group of Traveller sites. The wider landscape setting has a relatively flat to slightly undulating topography with some woodland belts.

6. The site is within the Low Weald Landscape of Local Value (LLV) where Policy LPRSP9 of the Council's Local Plan Review 2024 (LPR) seeks to conserve and enhance the distinctive landscape character. The LPR indicates that field patterns, many of medieval character, hedgerows, stands of trees, ponds, streams and buildings of character are distinctive landscape features of the LLV.

7. The site also falls within the Headcorn Pasturelands Landscape Character Area identified in the Maidstone Landscape Character Assessment 2012 (LCA) which has a low-lying landscape and many of the same characteristics as the wider LLV. The LCA assesses the character area as being in good condition and with high sensitivity, with the guideline to conserve it, including conserving the largely undeveloped rural landscape.

8. Policy LPRHOU8 of the LPR sets out the criteria to be applied to proposals for Gypsy and Traveller accommodation. It requires development to not result in significant harm to the landscape and rural character, having regard to local landscape character, cumulative effect and existing landscape features, amongst other things.

9. There is a complex history to the appeal site and surrounding area. This includes enforcement appeal decisions and linked appeals in relation to land rear of The Meadows and Plots 6-10 rear of The Meadows[1] where the corrected and varied enforcement notices were upheld. The Council states that there are now unauthorised Gypsy and Traveller sites amongst authorised ones, some of which only have temporary permission. Thus, it is unclear which sites may remain in the longer term.

10. From the information before me, it appears that the site was originally open pasture. It is relatively enclosed by surrounding hedgerows and development, albeit that some of this may be unauthorised or temporary. Landscaping and environmental enhancements are also proposed. However, the introduction of an array of caravans, dayrooms, large areas of hardstanding for the parking and manoeuvring of vehicles and other associated paraphernalia is visually incongruous in this highly sensitive, largely undeveloped rural landscape.

11. Consequently, I conclude that the proposal modestly harms the character and appearance of the area but is not at the significant level of harm set out in Policy LPRHOU8 of the LPR. Thus, it is contrary to Policies LPRSP9 and LPRQD4 of the LPR where they seek to conserve LLVs and require proposals to maintain local distinctiveness but is not contrary to Policy LPRHOU8 of the LPR.

Other Matters

12. Interested parties query whether the occupants have Gypsy or Traveller status. However, similar to the Inspector's findings for an appeal at a site known as Pear Paddock, Policy LPRHOU8 of the LPR does not require a personal demonstration of need or ethnic identity and therefore there is no requirement to identify who is intended to live on the site. This matter could be covered by a condition ensuring that the occupation of the site is restricted to those who meet the definition of Gypsies and Travellers set out in the Planning Policy for Traveller Sites.

[1] Appeal Refs: APP/U2235/C/18/3210854 and APP/U2235/C/18/3210879

13. Concerns have been raised about foul sewage disposal and the arrangements for surface water drainage. A condition requiring the provision and approval of such details could address these matters.

14. There is concern about the cumulative effect of additional Gypsy pitches on the local settled community. Given the relatively small scale of the proposal within a larger Gypsy and Traveller site, the proposal does not cause unacceptable harm in this regard.

Other Considerations

15. The Council's Gypsy, Traveller and Travelling Showperson Accommodation Assessment 2023 (GTAA) identified a significant need for 529 pitches between 2023 and 2040. This included those who meet the planning definition (340 households), undetermined needs where interviews did not take place (122 households) and those who do not meet the planning definition (67 households).

16. Based on the figure in the GTAA of those who meet the planning definition, the Council's Committee Report indicates a supply of 1.2 years. This states that the subsequent change to the government's definition of Gypsies and Travellers and the proportion of those with undetermined needs who now meet the definition means its true supply will be lower than 1.2 years.

17. The Council refers to a Pitch Delivery Assessment (PDA) to assess what proportion of the need could be met on existing sites through intensification or expansion. Based on the figure in the 2025 Pitch Delivery Report of those meeting the planning definition only, the Council states that its current supply is 3.8 years, comprising LPR site allocations, turnover on the two public sites in the borough and a windfall allowance for pitches which will be granted planning permission in the future.

18. Regardless of which supply figure applies, the Council cannot currently demonstrate an up to date five year supply of deliverable Gypsy and Traveller Sites. In these circumstances, as set out in paragraph 28 of the Planning Policy for Traveller Sites, the provisions in paragraph 11(d) of the National Planning Policy Framework (the Framework) apply.

19. It is indicated that the GTAA and the PDA will inform the preparation of a Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD). There have been two targeted call for sites exercises and the DPD was subject to a first stage consultation in early 2023. Although the Council's Officer Report indicates that a further public consultation was expected towards the end of 2024, there is no indication that this took place and the DPD remains at an early stage of preparation. Therefore, it is uncertain when the need for Gypsy and Traveller sites in the borough will be addressed.

20. When I factor in the lack of a five year supply, the current unmet need for pitches and the failure of policy that has led to this situation, the provision of two pitches carries significant weight in favour of the proposed development.

21. Under the public sector equality duty set out in section 149 of the Equality Act 2010, I need to consider how the modest increase in the supply of pitches arising from the proposed development could positively contribute to the advancement of equality and good relations. The Equality Act requires me to have due regard to

eliminating discrimination, advancing equality of opportunity and fostering good relations. As such, the equality implications arising from the development are an important factor in favour of the proposal. Therefore, having regard to the scale of the under supply, I attach substantial weight to this consideration, whilst acknowledging that the Council has a criteria-based policy under which the unmet need can be considered.

Planning Balance

22. The proposed development modestly harms the character and appearance of the area. This conflicts with the Framework where it requires developments to be sympathetic to local character, including the landscape setting. The proposal also conflicts with Policies LPRSP9 and LPRQD4 of the LPR, leading to a conflict with the development plan as a whole. Given the relatively modest scale of the proposal and the nature of its surroundings, I attach moderate weight to this harm.

23. The Council is currently unable to meet the identified accommodation needs of Gypsies and Travellers, and it is uncertain when these needs will be met in the future. Addressing this to a modest degree by permitting two pitches is therefore a contribution to the undersupply and attracts significant weight in favour of the proposed scheme. Approval of the scheme would also help to advance equality, a consideration which I accord substantial weight.

24. Consequently, in this case, the adverse impact on the character and appearance of the area does not significantly and demonstrably outweigh the benefit of providing additional Gypsy and Traveller accommodation, when assessed against the policies in the Framework taken as a whole. It therefore follows that the proposal benefits from the presumption in favour of sustainable development. This is a material consideration of sufficient weight, in this instance, to indicate that planning permission should be granted notwithstanding the conflict with the development plan.

Conditions

25. 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 the relevant tests. In the interests of precision, I have included landscaping, biodiversity enhancement, foul and surface water drainage, lighting details and decentralised and renewable or low carbon energy in the Site Development Scheme condition.

26. I have imposed a condition requiring that the development is carried out in accordance with the approved plans (1) in the interest of certainty.

27. 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.

28. I have included conditions restricting the numbers of caravans (3) and the sizes of vehicles stationed on the site (5) and requiring the removal of all structures, equipment and materials on the cessation of the use (4). I have also imposed conditions limiting temporary structures which may otherwise be permitted

development (6) and requiring details of any further external lighting (8). These are necessary to protect the character and appearance of the area.

29. Only limited details of proposed surfacing, soft landscaping, biodiversity enhancement and surface water drainage have been provided. Therefore, a condition requiring details and implementation of these matters together with foul water treatment, waste disposal, potable water provision, external lighting and low carbon energy (7) is included. This is necessary to protect the character and appearance of the countryside, improve biodiversity, avoid pollution and surface water flooding, ensure suitable living conditions, and reduce carbon emissions.

30. I have not included the Council's suggested condition on the timescale for implementing the development as the proposed use has already begun.

Conclusion

31. The proposed development conflicts with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. Therefore, 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: 1:1250 scale location plan; P1047/1 site plan existing; P1047/4B site plan proposed; P1047/2 units 1&2 existing and proposed; P1047/100 redesign of proposed day room; P1047/10 site plan landscaping & drainage & biodiversity notes; and P1035/150 biodiversity notes.

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) No more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any time, of which no more than two caravans shall be a static caravan/mobile home. The mobile homes shall be positioned on the site as set out on the approved plans.

4) If the lawful use of the site ceases, all caravans, buildings, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.

5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.

6) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission.

7) 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 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

   (i) Within 6 weeks of the date of this decision a Site Development Scheme shall have been submitted for the written approval of the Local Planning Authority. Notwithstanding the details in the approved plans, the Site Development Scheme shall include the following:

      (a) the layout and type of surfacing for the hardstanding and parking areas;

      (b) a scheme of soft landscaping of the site, including the number, size, species and position of all retained and proposed trees, hedges and shrubs, which shall include 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 sizes as detailed in the approved soft landscaping scheme;

      (c) a scheme for the enhancement of biodiversity on the site, including bat tubes, bat boxes and bird boxes;

(d) the means of foul water treatment, surface water drainage, waste disposal and the provision of potable water;

(e) details of any external lighting;

(f) 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 energy requirements of the development; and

(g) a timetable for 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 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.