



Appeal Decision

Site visit made on 19 August 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2025

Appeal Ref: APP/U2235/W/25/3367233

Unit 1, Plot 3, The Meadows, Lenham Road, Headcorn, Maidstone, 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 A Howard against the decision of Maidstone Borough Council.
 - The application Ref is 24/502320/FULL.
 - The development is 2 static units, 1 day room, and parking for 2 touring caravans with associated parking, all for G&T use.
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Decision

1. The appeal is allowed and planning permission is granted for 2 static units, 1 day room, and parking for 2 touring caravans with associated parking, all for G&T use at Unit 1, Plot 3, The Meadows, Lenham Road, Headcorn, Maidstone, Kent TN27 9LG in accordance with the terms of the application, Ref 24/502320/FULL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted retrospectively, and I saw during my site visit that the appeal site was being used as described. I have therefore considered the appeal on a retrospective basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is occupied by a gypsy and traveller pitch consisting of two static caravans, a day room and parking for two touring caravans as well as hardstanding for general car parking. From the evidence submitted, it appears that temporary planning permission has previously been granted for this site. This has now expired and a subsequent appeal¹ against an enforcement notice on the site was dismissed in March 2023. However, some pitches on the wider site were granted planning permission as part of this appeal, including land known as plots 4 and 5, next to the appeal site.
5. The appeal site is located within the Low Weald Landscape of Local Value (LLV) and is within the Headcorn Pasturelands Landscape Character Area (LCA) as identified within the Maidstone Landscape Character Assessment (2012). This LCA is characterised by low lying landscape with enclosed pasture and sparse

¹ APP/U2235/C/18/3210854 (the previous enforcement appeal)

development with scattered farms and small hamlets and was assessed as good and having a high sensitivity to change.

6. Policy LPRHOU8 (1)(c) of the Maidstone Borough Council Local Plan Review 2021-2038 (the LPR) 2024 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. Whilst the Council consider that the development results in harm to the intrinsic character and appearance of the countryside and therefore would not accord with this criteria of Policy LPRHOU8, no objections have been raised with regard to any other part of this policy. Therefore, I will only consider the development against this section of the policy.
7. In the previous enforcement appeal, it was found that the development has a poor site layout and has resulted in a significant and harmful change in landscape character. The Inspector also concluded that the harm to the visual amenity of the area is moderate and localised and that the recent intensification of use has placed greater pressure on the land parcel and the ability to successfully integrate the caravan site into its surroundings.
8. However, the appeal site is now located alongside pitches which have been granted permanent planning permission and therefore the character of the area has significantly changed. The development on the appeal site is viewed alongside these approved pitches, which are both adjacent to and opposite the appeal site, and the stationing of caravans is not uncommonly seen across the countryside, particularly in this location, where there are a number of authorised pitches. Whilst the development does result in some level of urbanisation of the site, due to its setting and the limited scale of development, I do not consider that any detracting from the character and appearance of the rural area is to an unacceptable level and its presence does not place greater pressure on the ability to successfully integrate into its surroundings.
9. As identified by the previous Inspector, visual impacts are localised due to the relatively flat topography of the area and the presence of vegetation. Views of the appeal site are limited to those entering the wider site itself, known as The Meadows, and those using nearby public footpaths, although this is largely interrupted by tree and hedgerow cover. Therefore, the development has a limited impact on the surrounding Headcorn Pasturelands LCA and the Low Weald LLV.
10. Furthermore, the appellant has provided details of soft landscaping enhancements on the appeal site, including hedging on the boundaries, new trees and grass areas to replace existing hardstanding, to mitigate the impact of the development on the surrounding countryside that was identified by the Inspector in the previous enforcement appeal. This would negate any harm to the visual amenity and the landscape character of the area. These enhancements could be secured by condition and are in accordance with Policy LPRHOU8 (1)(c)(iv) and (v) of the LPR which states that additional planting should be used to supplement existing landscaping and prominent boundary treatments should be screened/softened by existing and/or proposed landscaping.
11. It is noted that, as highlighted by the Council, a temporary permission² was granted at appeal for the provision of two mobile homes and day rooms also on

² APP/U2235/W/18/3199316 (Ash Gardens, Lenham Road, Headcorn TN27 9LG)

Lenham Road. Policy LPRHOU8 (1)(c)(ii) states that particular regard should be had to the cumulative effect on the landscape impact arising as a result of the development in combination with existing lawful caravans. However, due to the temporary nature of this particular neighbouring site and its limited scale, I do not consider that the cumulative impact of the appeal development along with this neighbouring development would result in unacceptable harm to the landscape or the character and appearance of the countryside in this location.

12. Paragraph 26 of the Planning Policy for Traveller Sites 2024 (PPTS) states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan, ensuring that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. However, due to the limited scale of the development, I do not consider that it is an overdevelopment of the existing site as a whole or that the cumulative impact, dominates the nearest settled community within Headcorn, which is some distance from the appeal site.
13. The Council indicate that further significantly harmful unauthorised development has occurred on the wider site since the previous enforcement appeal. However, details of this have not been provided and, as it does not relate to the appeal site before me, has little bearing on my consideration of this appeal.
14. Therefore, for the reasons above, the development would not result in unacceptable harm to the character and appearance of the surrounding area and would not conflict with Policies LPRS9, LPRQD4 and LPRHOU8 of the LPR. These policies seek to ensure 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. Furthermore, development in the countryside, outside of settlement boundaries, should not result in significant harm to the rural character and appearance of the area with the impact on the appearance and character of the landscape being appropriately mitigated.

Other Matters

15. I note that a third party representation has raised concerns in relation to flooding in the fields surrounding the appeal site and the lack of drainage on the appeal site itself. However, I have no evidence before me to suggest that the appeal site or the surrounding area is at risk of flooding and, nevertheless, a condition can be imposed to ensure that the necessary foul and surface water drainage is provided on the site.

Conditions

16. A condition relating to the standard time period for commencement of the development is not necessary as the development is retrospective in nature. However, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision.
17. The permission will be a full, not temporary, permission, because I have concluded that the development is acceptable on its planning merits. The permission will run with the land and there is no necessity to make the permission personal to the current occupiers. The occupation of the site should be restricted to Gypsies and Travellers because, in this instance, development in the countryside has been

permitted due to its accordance with Policy LPRHOU8 of the LPR which relates to gypsy, traveller and travelling show people accommodation.

18. A condition specifying the number and type of caravans on the site is to protect the character and appearance of the area. Caravans will be restricted to two static caravans and two touring caravans, reflecting the description of the development. A condition restricting the type of vehicles to be stationed, stored or parked on the site has also been imposed to protect the character and appearance of the countryside from the parking of overly large vehicles.
19. A site development scheme is necessary to secure acceptable details of the foul and surface water drainage, existing and proposed landscaping and biodiversity of the site. Such details are required with a view to ensuring the site is soft landscaped with biodiversity improvements to enhance the environment and protect the character and appearance of the countryside and, in respect of site drainage, to protect public health and the water environment.
20. The condition is worded to ensure that the required details are submitted, approved and carried out so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively. 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.
21. Details regarding the site layout including hardstanding and parking areas are not necessary as these matters are detailed on the submitted plans. Details pertaining to external lighting are also not necessary as drawing no. P1051/10 states that there is no existing lighting on the site and no intention to provide it. Details of a decentralised and renewable or low-carbon source of energy scheme is also not necessary as the Council have not indicated that this is a requirement supported by policy within the development plan.
22. Lastly, paragraph 55 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Such a condition was suggested by the Council to prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and in the interests of residential amenity. However, I am not convinced that this provides the clear justification necessary to do so. Therefore, it has not been sufficiently demonstrated that there is 'clear justification' for the removal of permitted development rights as set out in the Framework. As such, a condition in this regard is not considered to be necessary and has not been imposed.

Conclusion

23. For the reasons given above the appeal is allowed.

E Grierson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing nos P1051/1, P1051/2, P1051/10 and P1035/150.
- 2) 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.
- 3) No more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than two shall be astatic caravan/mobile home) shall be stationed on the land at any time. These shall be positioned on the site as set out on the submitted drawings.
- 4) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site at any time.
- 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 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, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the local planning authority. The Scheme shall include:
 - a) details of existing and proposed landscaping (see condition 6 and 7).
 - b) details of measures to enhance biodiversity at the site (see condition 8).
 - c) the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal (see condition 9). and,
 - d) a timetable for implementation of the approved scheme including a) to c) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
 - ii. Within 11 months of the date of this decision the Scheme shall have been approved by the local planning authority or, if 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 and thereafter maintained and retained as approved.
- 6) The landscaping required by condition 5 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The detailed landscaping drawings shall include:

- a) 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;
 - b) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) with new hedging at approximately 45cm spacing in a double staggered row, with 30cm between rows and consisting of 70% Hazel, 15% Hawthorn, 10% Spindle, 5% Holly;
 - c) a timetable of implementation of the approved scheme; and
 - d) a five year landscape management plan (only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).
- 7) All approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.
- 8) The enhancement of biodiversity on the site, required by condition 5 shall include the installation of a minimum of one bat tube on the approved static caravans and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details by the end of a two-month period following approval and all these features shall be maintained as such thereafter.
- 9) The details of foul and surface water drainage required by condition 8 shall include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

END OF SCHEDULE